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June 5, 2015

Historic Review Board
Jim Mattis, Board Member
Jon McLoughlin, Board Member
Samantha Higbee, Board Member
Christine Lewis, Board Member
James Manning, Board Member
Adam Petersen, Board Member
Chris Sherland, Board Member
City of West Linn Planning Department
Attn: Megan Thornton
22500 Salamo Road #1000
West Linn, OR 97068

Re: Property Located at 1344 14th Street, West Linn

Dear Board Members:

This firm represents Lonny and Kristine Webb, who own the property located at 1344 14th Street, West Linn. The purpose of this letter is to provide testimony, evidence and argument relevant to the matters that are coming before you on June 9, 2015 in File No. 14-02 and ZC 14-02. As noticed, the June 9, 2015 hearing is for the purposes of considering the removal of the historic designation from the property and the design of the garage and rear dormers. However, the most significant issue is whether the Webb's have the right to have the historic designation removed from their property. If the Board agrees with the Webb's position on that issue, the design review element of the hearing is not required. This submission addresses only the Webbs' requests that all local historic designations be removed from their property. The Webbs are separately submitting material related to the design review application.

I. Factual Background

The Webbs purchased their property in September, 2010. They were unaware that it was within a designated historic district or had any other historic designation. Indeed, local historic designations are not reported on title reports. On November 5, 2010, the City sent a letter to the property explaining that the property was within the Willamette Historic District. The letter did not ask the Webbs whether they consented to retain a local historic designation on their property.

The Webbs now understand that beginning in 2012, or earlier, the City began a process to amend parts of it development code, including the historic resource regulations and maps. Apparently,

in March 2013, the City mailed notice to property owners within the Historic District advising them of hearings related to the proposed amendments. City records reflect that a notice was mailed to 1344 14th Street, which is the subject property and is within the district boundaries. The Webbs did not reside at that property when the notice was mailed and had not resided there for some time. They resided at 1294 14th Street, which is not within the district boundaries. The Webbs never received any notice of the hearings before they were conducted and before the amendments were approved. In July 2013, the Webbs moved into the house at 1344 14th Street; in August 2013, then received written notice that the amendments were adopted.

The Webbs began a remodel project in the summer/fall of 2013. They had a series of communications with staff about aspects of the project and how the project was impacted by the City's application of the historic resource regulations. On November 7, 2013, the Webbs sent the City a written demand pursuant to ORS 197.772(3) that the City remove any historic designation from their property.

On November 20, 2013, the City sent a response to the Webbs stating that the City's process for removal of historic designations under ORS 197.772(3) was detailed in the Community Development Code (CDC") Section 25.100. The City further advised the Webbs that their request would only be approved if their property met all of the criteria for removal in CDC §25.100. As we will explain in more detail, that was not a correct statement. CDC §25.100 has two elements. One required proof of an owner objection and the other proof that the property no longer meets the criteria for designation as a historic resource. Under ORS 197.772 if the historic designation was imposed on the property, the City is required to remove it. There are no other elements. The City was not allowed to add requirements to ORS 197.772(3) through its code.

In its November 20, 2014 letter, the City went on to advise the Webbs:

> Based upon what you said in your email, you would need to demonstrate that Ms. Bernert did not have knowledge of this designation and objected at the time. In addition, in August 2013, the City adopted new code language for the historic district and new boundaries for the district. You were sent public hearing and Measure 56 notices for these changes and did not object to the designation at that point. (Emphasis added).

The City also advised the Webbs that they could also complete a Development Review application to seek approval of the remodeling they were doing to their property even if it remained a historic resource. On May 22, 2014, the Webbs filed a development review application with the City. The Webbs' application stated that their primary request was to have any historic designation removed and secondarily sought review of the design issues.

On October 21, 2014, the Board considered the Webbs' removal request under CDC §25.100 and recommended that it be denied. We understand that the Board accepted staff's conclusion that the Webbs did not provide proof that the owner of the property in 1983, when the historic district was created, objected, on the record, to the property's inclusion. Staff also concluded that, in

2013, it sent a notice of the hearings related to the adoption of new regulations and of a revised map to the property owners, and the Webbs did not object on the record. The Board did not consider or make any separate decision on the Webbs' demand that the historic designation be removed pursuant to ORS 197.772(3).

The City scheduled a hearing before City council on May 11, 2015, for the purpose of considering the Board's recommendation. That date was also the date set for City Council to consider the Webbs' appeal of the Board's denial of their design review application. Prior to May 11, 2015, the Webbs at the suggestion of the assistant city attorney requested that the matter be remanded to the Board. The Council granted that request.

II. Issues Presented

As mentioned above, based upon information the Webbs received from the City in November 2014, the Webbs believed that they were required to file an application for removal under CDC §25.100, even though they were seeking removal under ORS 197.772(3). Consequently, there are two requests for removal pending. The City cannot decide a request or demand under ORS 197.772(3) applying CDC §25.100 because the elements are not the same.

CDC §25.100 has two elements that must be met before an owner can remove a historic designation from a property. Under CDC §25.100(B), the applicant for removal must establish that the owner at the time the historic district was created objected, on the record, to inclusion in the district. As written, even if an owner establishes that the owner at the time of the designation objected, they still must address six factors set forth in CDC §25.100(A). The factors generally involve an examination of the contributions of the original owners, the architecture and the age of the structure. Under ORS 197.772(3) an owner has the right to have a historic designation removed if it was imposed by the local government. There are no other elements to consider. Thus, CDC §25.100 is not consistent with ORS 197.772.

It appears from the May 29, 2015 Staff report that Staff is revising the position the City took in its November 20, 2014 letter. Staff concludes that both provisions require that an owner demonstrate that at the time of the designation, the owner of the property objected on the record. According to Staff, if the Board finds that the owner objected at the time the Webb property was included in the historic district, ORS 197.772(3) requires that the Board recommend removal even if the elements in CDC §25.100(A) do not support removal. The core issue then is what an owner must establish to have the right to require the City to remove all local historic designations under ORS 197.772. If the Webbs establish that they have the right to remove the designations under ORS 197.772, there is no need to consider removal under CDC §25.100.

As we will explain more fully below, we agree with part of Staff's conclusion. If the Board finds that the inclusion of the Webbs' property in the historic designation was imposed in 1983, we believe that the Board is required to recommend that the Webbs' property be removed from the historic district regardless of whether the elements in CDC §25.100(A) can be satisfied. We do not agree that to establish that the historic designation was impose under ORS 197.772(3) the Webbs must produce proof that in 1983, the owner of the property formally objected, on the

record, to the inclusion of their property in the historic district. Moreover, we do not agree that the City can impose a different standard that the state law. In other words, if the state law is interpreted to not require proof that the owner formally objected on the record in 1983, the City cannot deny the Webbs' request by asserting that under CDC §25.100(B) proof of a formal objection, on the record, is required. In other words, the City cannot have a different standard for determining whether a local designation was imposed.

III. Status of Any Historic Designations Currently on the Property

The analysis of the critical issue of whether the historic designation was imposed under ORS 197.772(3) is somewhat more complicated because it is not clear what position the City is taking on when the current historic designation was placed on the property. In a June 4, 2014 letter to the Webbs, an associate planner addressed, among other issues, the submission requirement in CDC §25.050(C)(5) stating that the Webbs had to provide documentation that the property owner objected, on the record, at the time of designation. The associate planner stated that in 2012-13, the City repealed and replaced the historic district regulations in Chapter 25. She indicated that as part of that action, there was also a map amendment to adopt a revised historic boundary to the City's zoning map. The planner went on to note that notice of the amendments was issued and the City did not receive any objections during this process. The logical and reasonable implication of that communication is that the current, and only, designation was placed on the property in 2012-2013 and that any prior designation was repealed.

In later staff reports, the same planner discussed both the creation of the historic district in the 1980s and the revisions completed in 2013. The planner concluded that staff did not find that the previous or current owners objected, on the record, at the time of the designation, either to the original designation of the historic district in the 1980s or, in 2013. See, Staff Report dated September 16, 2014, Staff Report dated October 21, 2014 and Staff Report dated November 19, 2014. In its reports, Staff is less clear on the status of the original designation in 1983, and the effect of the legislative process in 2013. The text used in the staff reports suggests that had the Webbs objected in 2013, the new district map could not have included the Webb property. We believe that is the correct conclusion, Indeed if the Webbs' objection in 2013 would not have had any impact on whether or not the City could place a historic designation on their property, there would have been no reason for Staff to expressly include in the staff report the fact that the Webbs did not object to the proposed action.

We agree with Staff that in 2013, the City had to notify the Webbs of the proposed historic designations that would have affected their property. We believe that ORS 197.772 applied to that process and the Webbs had the right to keep any local historic designation off their property. As we will discuss below, for more than one reason, we disagree that in that process the Webbs were required to formally object on the record to keep the designation off their property. We believe that before the City could impose any local historic designation on the Webbs' property after they acquired it, the City had to obtain affirmative consent from the Webbs.

IV. Under ORS 197.772 the City was required to seek the Webbs' consent after they became the owner and only with affirmative consent could the City designate the Webb property as a historic resource.

The first issue to address is whether when the Webbs acquired their property they acquired it with the prior historic designation attached to it. In other words, did the prior designation survive the transfer of the property? When ORS 197.772 is construed in light of its purpose and with the relevant legislative history, we believe the answer is that any prior historic designation did not transfer with the property when the Webbs acquired it. ORS 197.772 was enacted to protect property owners from having local historic designations imposed upon their property.

The statute recites:

> (1) Notwithstanding any other provision of law, a local government shall allow a property owner to refuse to consent to any form of historic property designation at any point during the designation process. Such refusal to consent shall remove the property from any consideration for historic property designation under ORS 358.480 to 358.545 or other law except for consideration or nomination to the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.).
>
> (2) No permit for demolition or modification of property removed from consideration for historic property designation under subsection (1) of this section shall be issued during the 120-day period following the date of the property owner's refusal to consent.
>
> (3) A local government shall allow a property owner to remove from the property a historic property designation that was imposed on the property by the local government.

A fair reading of the entire statute reveals that the intent was to eliminate nonconsensual local designations. ORS 197.772(1) expressly requires that before placing a local designation on a property, the local government must seek consent and gives the owner the unfettered right to withhold consent. Thus, a local government under ORS 197.772(1) cannot place a local historic designation on private property because the owner fails to object. An owner may remain silent and prevent the designation because remaining silent is withholding consent.

The statutory text does not expressly state what happens to an existing historic designation when a property is conveyed, but the legislative history provides valuable insight. In May and June 1995, the bill that became ORS 197.772 was being considered in committees. Representative Milne proposed amendments, one of which related to owner consent and the other to removal rights. One question that arose was whether, if an owner consented to a designation at one time, that same owner could later remove the designation. Representative Milne indicated that it was

not her intent. That discussion led to a further discussion over whether a local designation would survive property transfers.

Representative Ross introduced additional text and indicated that under her proposed additions, if an owner acquired property with a designation, the person bought the designation. Representative Johnston raised a significant concern that if Representative Ross's amendments passed, it would put a cloud on title of all the designated properties and title companies would have to include in the analysis of title the fact that the property owner's rights to the property are impinged:

> "REP. JOHNSTON: If Rep. Ross's amendment were to pass, it would put a cloud on the title of all the properties. The title companies would have to include in their analysis of the title that the property owner's rights to the property are impinged."

After further discussion, Representative Strobeck moved to add language to Representative Ross's amendment to state that if a property was designated historic <u>with the concurrence of the owner</u>, it would remain designated upon one or more transfers:

> "MOTION: REP. STROBECK moves to further amend Rep. Ross's motion: at the end of line 3 add 'with the concurrence of the property owner'."

The relevant text of the proposed amendment that came out of those discussions read:

> (4) If a local government, <u>with the concurrence of the property owner</u>, designated property as historic property, the property shall continue to be so designated upon the property's transfer to one or more subsequent owners.

The only reason the legislative committee proposed the above amendment was that they knew that as it was originally proposed, the bill that became ORS 197.772 did not allow local governments to retain historic designations on properties if they were transferred after the initial designation. The committee proposed that the consensual and only consensual designation would survive a transfer of the property. Ultimately, before ORS 197.772 was approved by the full legislature, the Conference Committee removed the entire amendment that allowed local designations to survive transfer. A copy of the Conference Committee Report is enclosed as Exhibit A.

The only supportable interpretation of that action is that the legislature decided that under ORS 197.772 even consensual designations do not survive transfers of the property. Consequently, after the adoption of ORS 197.772, local governments were required to seek consent from all owners of property before placing a historic designation on it. If a property changed hands, local government had to seek consent from the new owner and that owner could withhold consent. If the local government failed to obtain consent from the owner, any designation, even the

continuation of a prior designation, would thus be imposed and the owner could simply request that it be removed under ORS 197.772(3).

V. Under ORS 197.772(1) the Webbs were not required to object on the record to the designation. The City was required to obtain consent and the Webbs' failure to consent precluded any designation.

According the staff, the initial imposition of the historic designation on the Webbs' property occurred in 1983, when the historic district was created. The Webbs acquired the property in 2010, and there was no information in the preliminary title report to advise them that their property was in the historic district or subject to restrictive regulations. As discussed above, the legislature removed the provision that would have resulted in designations surviving transfers, thus, showing the intent that designations would not survive transfers. Consequently, the 1983 designation did not run with the land and burden the Webbs. The City was required by ORS 197.772(1) to seek the Webbs' consent to retain that designation on the property. The City never specifically sought consent from the Webbs.

The City cannot rely upon the process it undertook in 2013 to satisfy the requirement in ORS 197.772(1). As discussed earlier, staff suggested that the Webbs had the ability to prevent the any designation from being placed on their property in 2013. It is not clear whether staff made such a statement because it understood that the prior designation did not survive the transfer to the Webbs, or because it believed that the repeal of the prior regulations required the City to comply with ORS 197.772. It is clear though, that staff indicated that an objection by the Webbs would have allowed the Webbs to eliminate any local designation.

Whether one accepts Staff's statement that the prior historic regulations and maps were repealed, or whether one concludes that the 1983 designation did not survive that transfer, ORS 197.772(1) required the City to obtain affirmative consent. ORS 197.772(1) does not impose on the property owner any obligation to object. It clearly places the obligation on local government to obtain consent. The City does not claim that the Webbs consent to the new designation in 2013. Rather, the City only claims that the Webbs did not object on the record. The City cannot rely upon the Webbs' failure to respond to the notices in 2013 to establish consent. The City cannot even claim that the Webbs actually received notice of the proposed designation in 2013. All the City can state is that it sent the notice to the address of the subject property. During that period the Webbs resided at 1294 14th Street and that was the address used on all City records that called for an address. Whether or not the Webbs received notice is irrelevant though, because they had the right to remain silent and in doing so, withheld consent to any historic designation being placed on their property

The text the legislature used in ORS 197.772(1) does not permit the City to claim that the Webbs' silence qualifies as giving consent. ORS 197.772(1) states that the owner may <u>withhold</u> consent at any time. The term withhold qualifies the term consent. It means that before a city can place a historic designation on a property the owner must take affirmative action to allow that designation; the owner must affirmatively give consent. Under the plain text, if the owner

remains silent or, in other words, withholds consent, the statute prohibits the city from placing any designation on the property.

As we discussed ORS 197.772(1) requires a city to obtain affirmative consent before placing a historic designation on private property. The legislature expressed a clear intent that purely local designations, unlike national designations, do not survive property transfers. Thus, when a locally designated property transfers, to continue to designate property as a local historic resource, the city must obtain the consent of the new owner. The owner is not required to affirmatively object to the designation remaining on the property. It follows then, if the city retains the designation without affirmative consent, the designation is imposed on the property.

VI. Because any designation placed on the Webbs' property in 2013 has to be deemed to have been imposed, the Webbs have the right to have it removed under ORS 197.772(3).

ORS 197.772(3) provides property owners with protection in case a local government does not comply with ORS 197.772(1). If a local government fails to seek consent from an owner, or fails to honor the owner's right to withhold consent, ORS 197.772(3) gives the owner the right to have the designation removed. The text plainly states that a local government shall allow a property owner to remove from the property a historic property designation that was imposed on the property by the local government. If a property owner withholds their consent, a designation is imposed.

In this matter, the Webbs acquired property that had previously been designated as a historic resource. That designation did not survive the transfer. If the City desired to continue to have any historic designation on the Webb property, the City was obligated by ORS 197.772(1) to obtain their affirmative consent. The City has not claimed that between September 2010 and the date the regulations and map were amended in 2013, it ever sought consent to retain the prior historic designation. There can be no argument that the Webbs consented to continuing the prior designation.

Moreover, the only action that the City took that could be construed as an attempt to comply with ORS 197.772 was to send a notice to the property related to the 2013 revisions. As discussed above, the City was not authorized to deem the Webbs silence as consent to any new designations in 2013. As a consequence, the new designation that resulted from the 2013 actions was imposed by the City. Under the unambiguous text of ORS 197.772(3) the City shall remove the historic designation.

VII. Even if one assumes for argument sake that the original 1983 designation survived the transfer to the Webbs, and survived the 2013 repeal of the historic regulations, the Webbs had the right to remove the designation under ORS 197.772(3).

The staff report for the June 9, 2015 hearing assumes that purely local historic designations survive the transfer of the affected property. It does not appear that Staff evaluated the

legislative history to ORS 197.772. If Staff evaluated any legislative history, that evaluation is not described in the staff report.

Staff simply proceeds as if all local designations run with the property and obligate future owners, many of whom, acquire property with no notice whatsoever of any prior historic designation. We have demonstrated above that the legislative history contains a clear indication that the legislature did not want purely local historic designations to burden new owners. In May 1995, the at least one member of the committee drafting the Act felt that it was necessary to include an amendment that made local designations survive transfer and later the legislature declined to include that proposed provision.

Nevertheless, even if we accept the proposition that local designations survive transfers, the Webbs have the right to have the 1983 designation removed under ORS 197.772(3). That statute gives a property owner the right to have a local historic designation removed if it was imposed on their property. Staff asserts that regardless of whether the removal request is under ORS 197.772(3) or CDC §25.100, to have a designation removed, an owner must prove that the owner at the time of the designation objected on the record. We disagree with that position.

CDC §25.100 states that to have a property removed from a historic district, the property owner at the time of the designation must have objected, on the record, to inclusion in the district. CDC §25.100 does not expressly place the burden of proving that the owner objected on the requesting owner. Furthermore, that is not the text used in ORS 197.772(3). The statute states that a local government shall allow a property owner to remove a historic property designation that was imposed by the local government. The statutory text does not require a property owner to prove that the owner at the time of the imposition objected on the record. The distinction should not impact the outcome of this matter, because Staff agrees that if the Webbs have the right to remove the designation under ORS 197.772, CDC §25.100 does not give the City any right to continue to designate their property as a historic resource.

In its November 20, 2014 letter the City explained that its position that the Webbs must prove that the owner at the time of the designation objected, on the record, to inclusion in the district, was consistent with the decision in *Demlow v. City of Hillsboro*, 39 Or LUBA 307 (2001). The City went on to advise the Webbs that they would have to demonstrate that the owner in 1983, Ms. Bernert, "did not have knowledge of this designation and objected at the time." That statement makes no sense and helps demonstrate the shortcoming in LUBA's decision. How can an owner who has no knowledge of the designation object on the record? The City's statement, if accepted, establishes a standard that cannot be met. A person must have knowledge that something is going to occur before they can object to it.

LUBA never examined the critical issue of whether an owner at the time of a local designation had actual knowledge of the proposed designation and a meaningful opportunity to object. LUBA analysis assumed that the owner had knowledge and began by looking at the dictionary definition of the term "imposed." The first definition LUBA recited was to "give or bestow (as a name or title) authoritatively or officially"; "to cause to be burdened"; "to make, frame or apply (as a charge, tax, obligation, rule penalty) as compulsory, obligatory or enforceable. Then

LUBA went to secondary definitions that included "taking unwanted advantage of." From that exercise, LUBA incorrectly concluded that the majority of meanings supported the petitioner's argument that imposed involved doing something over the objection of another. LUBA's conclusion assumes that the person who is being imposed upon had a chance to object.

LUBA was correct to the extent that there are cases where a burden is deemed imposed only if it is over an objection of another party. But, that situation all would have to include specific notice to the other party and some opportunity to raise an objection. If the process leading up to something being imposed involved specific notice and some ability to object, the lack of an objection could signify that the designation or obligation was not imposed. However, there are instances where there is no ability to object. A perfect example is contained within the primary definition that LUBA set forth in *Demlow*: taxes. Federal, state and local taxes are imposed. There is no room to legitimately debate that notion. Yet, there is no requirement that every tax payer object every year to paying taxes for those to be imposed. Even under the secondary definitions that LUBA stated and apparently relied more heavily upon, there are examples of impositions where that could be no objection. LUBA included in the definition of imposed to encroach or infringe upon. As an example, if one neighbor went on vacation and came home two weeks later to find a fence built several feet over the property line that would be an encroachment imposed upon the vacationing neighbor. But, under LUBA's reasoning, because the vacationing owner did not object before the fence was imposed, it really was not imposed. It cannot be the case that the only time a burden is deemed to be imposed is when the party being burdened formally objected on the record. LUBA simply did not fully analyze the statutory text looking at the proper context.

In this case, the City records show that the historic district was first created in 1983 when the City adopted its comprehensive plan. A copy of Ordinance 1128 and excerpts of the work papers referred to therein is attached as Exhibit B. That was done as a legislative act. The City has been unable to produce any records that show that notice of that action was given to the owner of the Webb property. The record documents contain the text of the ordinance adopting the comprehensive plan, but no documents that reveal how notice of any of the proceedings was given. Since the action was legislative, the Webbs conclude that there was no individual notice and that the only notice would have been through publication.

Indeed, the documents that the Webbs received from the City reflect that in 1986, the City adopted amendments to the comprehensive plan. That was essentially the same process in which the City engaged in 1983. The documents include proof that the notice used in those proceedings was publication through the local newspaper. Examples of the notices issued for the 1986 legislative hearing are included as Exhibit C. The notice is small, and not easy to locate. The only logical extension is that in 1983, when the City was going through a similar legislative process, it employed the same publication notice. The evidence available establishes that there was no individual notice to the property owner in the proposed historic district.[1]

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[1] The March 20, 1986 Planning Commission Minutes reflect that even in instances where individual notice was required, property owners within the notice area were not receiving the required notice.

Staff appears to rely upon the fact that although there was no individual notice, some citizens in West Linn became aware of the legislative proceedings and attended some or all of the public hearings. Staff's recitation of the minimal evidence of what occurred at the hearings is misleading. Staff recites that at the November 2, 1983 hearing it appears that 35 people testified and that 288 people signed a petition opposing the rezoning of property wholly unrelated to the historic district. Staff did not offer any evidence of the number of people who were aware of the proposed historic district and testified on it. It is important to consider that the legislative actions being considered involved the adoption of a comprehensive plan and the adoption of a new development code both of which addressed numerous issues affecting citizens. Nothing in the evidence cited by Staff indicates that the owners of property within the proposed historic district actually received notice and had sufficient information upon which to testify. More importantly, Staff did not present any evidence that Ms. Bernert received notice.

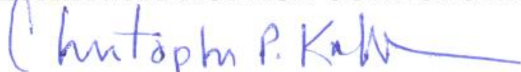
Based upon the evidence in the record, the Board must find that Ms. Bernert did not receive individual notice that her property would be included. Because the evidence establishes that she was not given notice of the proposed designation, she was not given any meaningful opportunity to object to the inclusion of their property. According to her sons, Ms. Bernert was born in 1903. Thus, in 1983, she would have already been 80 years old. It is reasonable to conclude that Ms. Bernert was not scouring the paper looking for small notices with tiny print that did not reveal anything specific about her property. Specific to the Webb property, the City has not provided any proof that Ms. Bernert was given any meaningful notice and opportunity to object in any manner.

Before the City can rely upon the lack of a formal objection on the records in 1983, the City must prove that it provided meaningful notice and some opportunity for Ms. Bernert to object before her property was included within the newly created historic district. The City cannot maintain the position that a designation is not imposed in situations where the City places a designation on private property in a process where the owner has no knowledge of the designation. That would require an owner to object to an act of which they had no knowledge. Not only is that an unreasonable position, it is not lawful. The owners were not afforded procedural due process before the City imposed restrictions on their property.

Thank you for your consideration.

Very truly yours,

HATHAWAY KOBACK CONNORS LLP



Christopher P. Koback

CPK/pl
Enclosures

68th OREGON LEGISLATIVE ASSEMBLY - 1995 Regular Session
STAFF MEASURE SUMMARY CARRIER:
Conference e Committee

MEASURE: SB 588 CP
Sen. Johnson; Rep. Lewis and Milne
☒ Revenue Impact ☒ Fiscal Impact

Action:	**Recommend that the Senate concur in the House amendments dated May 22 and that the bill be amended as follows and repassed**
Vote:	6-0
	Yeas: Sen. Yih, Sen. Adams, Rep. Lewis, Rep. Milne, Rep. Lehman, Chair Sen. Johnson
	Nays:
	Exc.:
Prepared By:	Karen Quigley, Committee Counsel
Meeting Dates:	June 3, 1995 (Conference Committee; Work Session)

WHAT THE BILL DOES:

Adds some definitions to the statutes related to classification of historic property. Makes some technical amendments, such as changing "handicapped" to "disabled." Also deletes "county" before "governing body," because these statutes apply to all local governments. Extends the date for property owners to apply for special tax assessment status. (If SB 588A becomes effective 90 days after sine die, new applications would be accepted for less than two years. The bill now provides for seven years.)

Restores sunsetted sections related to application for classification and assessment as historic property; makes revisions to other sections of historic property statutes to conform with restored sections.

Provides timelines and procedures to apply for classification making property eligible for special tax assessment.

Establishes an Historic Assessment Review Committee consisting of three members appointed by the State Historic Preservation Officer. The members represent particular interests and serve four year terms.

Requires local government to allow for property owner refusal to consent to any form of historic property designation with very limited exceptions for property listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, under consideration for or determined to be eligible for listing in the National Register of Historic Places or classified under ORS 358.475 to 358.545 before July 1, 1997.

Allows local government to permit historic property designation to be transferred to one or more subsequent owners with property owner's concurrence.

Requires local government to get property owner's permission to "delist."

Allows property owner to remove property from a designation imposed by local government.

Adds a temporary delay before demolishing an historic property that requires a permit for demolition or substantial modification to allow time to see if some party wishes to "buy out" the owner.

Requires the State Historic Preservation Officer to report to revenue interim committee on the implementation and effects of this Act upon the historic property special assessment program. The report is due no later than September 30, 1998.

This summary has not been adopted or officially endorsed by action of the committee.

ISSUES DISCUSSED: (in original Senate hearings on bill)
HB 2124 (1993)
Owner consent provisions.
Preservation plans for new applications, but avoid fiscal burden of making existing program participants file plans.
Federal listings.
Burdens that might be anticipated if state program decertified.

CONFERENCE COMMITTEE AMENDMENTS:
Requires local government to permit property owner to decline designation at any point in the designation process.

Provides that no permit for demolition or modification of property removed from consideration for historic property designation shall be issued during the 120-day period following property owner's refusal to consent.

Allows commercial buildings that make significant investments for purposes of energy conservation, seismic and American Disabilities Act upgrade to be eligible for a second 15 year special assessment. Defines terms related to this issue and allows for rulemaking to provide minimum amount of investment and improvements in the renovation plan for the plan to be approved.

Deletes House amendments that would have permitted a local government to remove a historic property designation only with the concurrence of the property owner and that would have permitted a designated property to continue to be so designated when transferred to one or more subsequent owners.

Deletes House amendment that specified single family residential as only property ineligible for another 15 year special assessment period.

BACKGROUND: This bill was introduced as an attempt to fix some problems that might have been inadvertently created by HB 2124 (1993).

This summary has not been adopted or officially endorsed by action of the committee.
LCO Form - 1995 Session

ORDINANCE NO. 1128

AN ORDINANCE ADOPTING THE WEST LINN COMPREHENSIVE PLAN.

WHEREAS, the City of West Linn has prepared the West Linn Comprehensive Plan composed of land use goals, objectives, policies, implementation strategies, and land use planning maps, which Comprehensive Plan is justified and supported by extensive findings, inventories, analysis, and evaluation, and

WHEREAS, said Comprehensive Plan was developed as a result of intensive study and evaluation by the City and were reviewed and commented upon by the citizens of the City of West Linn and representatives of effected public agencies and other interested persons at numerous public meetings before the West Linn City Council, West Linn Planning Commission, and the West Linn Comprehensive Plan Committee,

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LINN AS FOLLOWS:

Section 1. The West Linn Comprehensive Plan is hereby adopted as required by ORS 197.175. The text of the West Linn Comprehensive Plan is attached hereto as Exhibit "A" and incorporated herein by reference.

Section 2. From the effective date of this ordinance, the West Linn Comprehensive Plan shall serve as the land use policy for the City and shall govern the exercise of the zoning and planning responsibilities of the City thereafter.

Section 3. The West Linn Comprehensive Plan is adopted based upon the findings of fact, inventory and analysis, data base and evaluation contained in the following inventories, working papers and studies:

(1) Comprehensive Plan Inventories for Statewide Land Use Planning Goals 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15.

(2) Comprehensive Water Systems Plan, September, 1982.

(3) Population and Housing Trends Study, April, 1983.

(4) Storm Drainage Master Plan, October, 1983.

(5) West Linn Park and Recreation Master Plan, November, 1978.

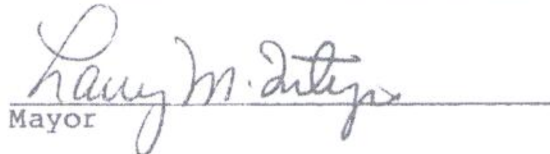
(6) Fire/Policy Facilities Study, September, 1981.

The aforesaid inventories, working papers and studies are contained in Exhibit "B" attached hereto and incorporated by reference. The information contained in Exhibit "B" is adopted only as justification for the adoption of the West Linn Comprehensive Plan and shall not govern the exercise of the planning and zoning responsibilities of the City of West Linn.

Section 4. Certified copies of the West Linn Comprehensive Plan shall be filed with the City Recorder, Clackamas County, the Metropolitan Service District, and the Land Conservation and Development Commission of the State of Oregon.

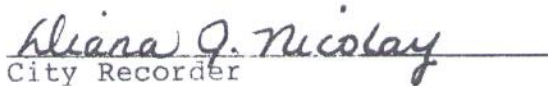
Section 5. This ordinance shall be effective the 15th day of December, 1983.

THIS ORDINANCE IS ADOPTED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR THIS 14th DAY OF December, 1983.



Mayor

ATTEST:



City Recorder

-2 of 2 ORDINANCE 1128

in the Zoning Ordinance. The following sentence added to the Goal Statement sub-paragraph 4, of the Economic Base Element is adopted and will help to strenghten that policy: "In part, this may be accomplished by home occupations or cottage industries that do not alter the residential appearance or adversely effect the quiet, clean, neat, and safe nature of residential properties."

(41) The Planning Commission considered the staff suggestion that aggregate removal be recommended as a conditional use in residential areas. Approval of the conditional use permit would, in part, be based upon a specific excavation and restoration plan. The Commission recommended that aggregate removal not be permitted in residential areas. The City Council accepted the Planning Commission recommendation.

(42) An addition to <u>Objective #1, Housing Supply and Choice</u>, page 37, policy #5 as follows, is adopted.

"5. Mobile homes are too often not accepted in a community when at present they offer an opportunity for many people to own their own shelter. Because of the necessity of manuevering and parking mobile homes on approximately level ground, West Linn offers very few potential locations for them. Specific standards requiring landscaping, screening, paved driveways, skirting of units, requirement of attractive storage structures for each space, and other things which will make mobile homes attractive and functional places, shall be adopted in the City Ordinances."

(43) The Planning Commission considered the area zoned as Neighborhood Commercial on Cornwall between Warwick and Landcaster. It was decided to specifically designate the appropriate portion of this area on the Comprehensive Plan Map. The Commission recommended that the Comprehensive Plan Map have a "Convenience Commercial" designation placed along the west side of Cornwall Street between Warwick and Landcaster for a depth of one-hundred (100) feet. The City Council adopted this recommendation on the Comprehensive Plan Map.

HISTORICAL ITEMS

(44) Based upon the proposal for historic preservation by the Willamette Neighborhood groups and the recommendation of the Planning Commission, the following is adopted to the Comprehensive Plan Map, and to page 76 of the plan text.

Designate on the Comprehensive Plan Map the area they inscribe as an Historic District: 7th Avenue, from 12th Street, to 14th Street; 14th Street, from 7th Avenue to 6th Avenue; 6th Avenue, from 14th Street, to 15th Street; 15th Street from 6th Avenue to 5th Avenue; 5th Avenue from 15th Street to 14th Street; 14th Street, from 5th Avenue to the City boundary in the Tualatin River; the Tualatin River City Boundary, from 14th Street to 12th Street; 12th Street, from the City Boundary in the Tualatin River to 7th Avenue. The objective would be to preserve existing old homes and buildings and encourage the design of new building to be visually compatible with those that were built near the turn of the century. The neighborhood group has worked out sufficient details for administrating the historic district until more specific criteria can be developed and studied. The following should be placed on page 76 of the Comprehensive Plan.

Objective #8, Willamette Historic District and Historic Theme Area

In response to Objective #7, above, the Willamette Neighborhood Groups have proposed and the Planning Commission and City Council have approved a Willamette Historic District. The initial Historic District consists of all properties bounding upon and included within the streets and the area described as follows:

7th Avenue, from 12th Street to 14th Street; 14th Street, from 7th Avenue to 6th Avenue; 6th Avenue to 14th to 15th Street; 15th from 6th Avenue to 5th Avenue; 5th Avenue from 15th Street to 14th Street; 14th Street, from 5th Avenue to the City boundary in the Tualatin River; the Tualatin River City boundary, from 14th Street to 12th Street; 12th Street, from the City boundary in the Tualatin River to 7th Avenue.

A Willamette Historic Theme is also established for the Willamette Neighborhoods. The Historic Theme areas may be designated in the Zoning Ordinance as determined by the City Council. Theme areas should originate next to the Historical District and then extend in any direction or distance deemed acceptable by the City Council.

Planning Concepts

The primary purpose of the Willamette Historic District is to preserve the dwellings which, because of their age are significant in local history. Also the Historical District is intended to maintain the setting of these old buildings so that structures of modern architectural design are not

1048
Exhibit 1
32 of 43

built near or amoung them. Presently there are vacant lots within this district. New construction will be permitted, provided in the Design Review Committee's judgement, the architectural appearance is in keeping with the architectural period the Historical buildings represent.

The purpose of the Willamette Historic Theme is to provide a means by which areas outside the Historic District may be influenced by the same or similar architectural objectives through the Design Review process.

The Zoning Ordinance shall reflect the detailed design criteria that further studies accepted by the City Council may recommend. The following guidelines shall serve as the foundation for Design Review criteria:

(1) Building Height — This is determined by the building height restrictions in the underlying zoning. However, heights compatible with surrounding structures are to be encouraged. On a street or in an area which is predominatly single-family structures, a height of two stories is encouraged. On some streets or in some areas, a variety of building heights is appropriate.

(2) Relationship of Siting: In addition to the zoning requirements, the relationship of a new building to the street, and to the open spaces between buildings, should be visually and environmentally compatible with the Historic Area.

(3) Proportion of Building Facade: The relationship of the height to the width of new structures should be compatible and consistent with the architectural character of the Historic Area.

(4) Facade: Many buildings in the area have wide eaves, decorative trim, bays, and porches; in contrast, monotonous flat planes, such as those present on several of the newer homes and businesses in the district, tend to detract from the

overall aesthetics of the neighborhood. For this reason, new structures are encouraged to incorporate the use of wide eaves, decorative trim, bays, porches, etc.

(5) Building Material: Building materials chosen for new structures should be compatible with the materials used by the historical structures. Wood siding may relate better to existing structures in the area than commonly used textured plywood or asbestos shakes. The scale and type of materials for new structures should relate to the scale and type of materials used by the historic structures within the district.

(6) Relationship of Roof Form: Predominant roof forms along a street or in an area should influence the type of roof to be allowed on a new structure on that street or in that area. The roof shapes of a new structure must be considered in the over-all evaluation of that structure, particularily in relation to existing roof shapes.

(7) Relationship of Landscaping: Landscaping for new construction should include plantings fronting the street, including street trees where appropriate. Existing trees are to be retained whenever possible.

Signs and commercial lighting should be visually compatible with the architectural character of the Historic District.

Policies

1. The City will continue to provide a means for neighborhood and land owner involvement in decisions relating to regulatory and physical change which may effect the Willamette Historical District or Willamette Theme Area.

2. The City will strive to preserve the historic and aesthetic character of the Willamette Historical District.

3. The City will encourage expansion in the use of design features of the architectural period reflected by the historical buildings within the district to adjoining areas of Willamette by means of the Willamette Theme designation.

4. The City will accommodate continuing growth within the Historic District, and the theme areas by means of the Design Review process to insure the compatibility of new structures to the historic buildings.

(45) A correction is needed in the introductory paragraph of Objective #7, Historic Areas / Sites, on page 75. Contrary to the current statement West Linn does have a nationally registered historic site. The following change is adopted: The Willamette River Locks are registered in the national list of historic places. While no other registered historic...

(46) The following revision is adopted as the replacement for the section titled Long Range Planning - Future Comprehensive Plan Review, page 9.

October 11, 1978
Revised June 11, 1980
West Linn Comprehensive Plan
City Council Amendments
Attachment A

Long Range Planning - Future Comprehensive Plan Review

The CPRC will meet in September of each year to review how well the plan is working and to determine what minor revisions are necessary to improve the plan's usability. After consideration of neighborhood group or individual citizen recommendations that may be submitted, the Committee may recommend specific changes to the plan, or they may recommend that certain portions of the plan require a more detailed review and update. The Committee is not required to revise the Comprehensive Plan unless they believe it requires such change. An annual report from the CPRC will be submitted to the Planning Commission at its January meeting. The CPRC shall assume a review role in the Plan Amendment process outlined in the next section as well.

Plan Amendment Procedures

In addition to plan amendment recommendations that may result from the annual review of the CPRC, private citizens may wish to request amendments to the Land Use Map or other stated policies of the plan. In those circumstances, the following procedure will be followed.

Private party requests to amend the Land Use Map will be heard by the Planning Commission semi-annually in April and October of each year. These private initiatives will be evaluated based on the following criteria:

1. The request is in conformance with the Comprehensive Plan goals, objectives, and policies,

2. There is a public need for the change or that the change can be demonstrated to be in the interest of the present and future community,

3. If there is a public need or that the change is in the community's interest, that the change is best accommodated by the specific request, and

4. The change will not adversely effect the health, safety, and welfare of the community.

If the CPRC determines that these criteria have been met, they will recommend revision to the Land Use Map, to the Planning Commission.

If a private party wishes to revise a stated objective, policy or standard within the Comprehensive Plan, the request for such change must be made to the CPRC at its September annual review meeting. The CPRC will review the request along with its general review of the total plan. The recommendation formulated by the CPRC will be included along with their annual report to the Planning Commission in January.

The Planning Commission shall review the recommendation of the CPRC and other information or testimony it receives and shall then make and forward a recommendation to the City Council.

In all circumstances, the Planning Commission and City Council will hear plan amendment requests in a public hearing format, legally noticed in accordance with the Oregon Revised Statutes and the City of West Linn requirements for a public hearing. A final decision on any plan amendment request will normally be rendered by the City Council within 180 days of the date of the Planning Commission's first hearing.

<u>Five Year Plan Review</u>

In order to ensure that the Comprehensive Plan continues to reflect the long term trends within the City, the CPRC will undertake a complete and systematic review of the Comprehensive Plan every five years. Neighborhood associations, the Planning Commission and the City Council will be involved in this review.

1048
Exhibit 1
36 of 43

Short Range Planning Process

The Planning Commission and City Council will continue to discharge the duties outlined in City Ordinances and in compliance with the adopted Comprehensive Plan. The major change in the short range planning process will occur through the involvement of local neighborhood groups. These groups will be provided the opportunity to respond to the Comprehensive Plan Review Committee, the Planning Commission and the City Council concerning specific planning related matters of interest to them. In addition, these groups can play an important advisory role to the City's budgeting process by identifying neighborhood needs and priorities.

City of West Linn

1900 PORTLAND AVENUE
WEST LINN, OREGON 97068
PHONE (503) 656-4261

TO: WEST LINN PLANNING COMMISSION

FROM: WEST LINN PLANNING STAFF

DATE: APRIL 9, 1986
(HEARING DATES: APRIL 21, 1986, PLANNING COMMISSION
MAY 14, 1986, CITY COUNCIL

SUBJECT: PROPOSED COMMUNITY DEVELOPMENT CODE AMENDMENTS

(NOTE: Additions are underlined, Deletions are [bracketed].)

PROPOSAL #1:

Revise the Willamette Historice District Boundary, removing most 7th Avenue Commercial Properties from the District.

COMPREHENSIVE PLAN AMENDMENTS

Insert District Map (Exhibit A) on Page 50, renumber subsequent pages accordingly.

COMPREHENSIVE PLAN AND ZONING MAPS

Amend the Comprehensive Plan Map and Zoning Map to reflect the boundary adjustment identified on Exhibit A.

COMPREHENSIVE PLAN INVENTORIES

Delete District Map on Page 56 and renumber subsequent pages accordingly.

PROPOSAL #2:

Change required sideyard setbacks in R-7.5 Zone from 7-1/2 feet to 5 feet.

Section 12.070(5)(b) amend as follows:

b. for an interior side yard, 5 [7-1/2] feet.

PROPOSAL #3:

Change detached single-family residences from a "Conditional" to an "Outright" use in the R-4.5 Zone.

Section 14.030 add before #1 the following and renumber accordingly:

"1. Single-family detached residential unit."

Section 14.060(1), delete the following:
[1. Single-family detached residential unit.]

PROPOSAL #4:

Clarify allowable uses in Neighborhood Commercial Zone and Define "Nursery" uses.

Section 18.060(6) Amend the following:

"6. Nursery. [Garden store and nursery supply]

Section 02.030 (page 02-28) Add the Following:

NURSERY: The propagation of trees, shrubs, vines or flowering plants for transplanting, sale, or for grafting or budding; planting of seeds or cuttings; grafting and budding one variety on another; spraying and dusting of plants to control insects and diseases, and buying and selling the above plant stock at wholesale or retail. Seasonal labor may be employed. The term "nursery" comtemplates the sale of products of the nursery. The conduct of a nursery business presumes parking places for customers, the keeping of sales records, and quarters for these functions. However, the use does not include the business of manufacturing and selling products composed of raw materials purchased off the premises. Plant related products manufactured elsewhere may be resold on the premises.

PROPOSAL #5:

Change parking standards for most commercial uses. The attached Exhibit B compares parking standards throughout the Portland Metropolitan Area. West Linn's existing standards are based on Gross Floor Area (G.F.A.) rather than Gross Leasable Area (G.L.A.). Our existing standards require more parking spaces than required for comparable buildings in other communities. This creates confusion for developers and designers and discourages new commercial investment in the City.

Section 46.080(C)(1-6) amend as follows:

1. Restaurants: Eating and drinking establishments

Use	Standard
(a) Cafe, Diner, Taverns Bars, Lounges	1 space for every 100 square feet of gross leasable [floor] area. (Ord.1172;9/85)
2. General Retail Store except as provided below.	1 space for every 200 square feet leasable [floor] area, [plus 1 space for each 2 employees].
3. Retail-Bulky (i.e., automobiles, furniture, appliances such as stoves, refrigerators, etc.)	1 space for every 600 square feet of gross leasable [floor] area, [plus 1 space for each 2 employees].
4. Service and Repair Shops (not directly attached or associated with furniture, appliance or automobile retail sales).	1 space for every 500 square feet of gross leasable [floor] area, [plus 1 space for each 2 employees].

5.	Professional offices, banks and savings and loans.	1 space for every 300 [400] square feet of gross leasable [floor] area [plus 1 space for each 2 employees].
6.	Medical/Dental Clinics.	1 space for every 200 square feet of gross leasable [floor] area.

PROPOSAL #6:

Change certain sections of the "sign code" (Chapter 52) relating to service stations, real estate signs, development signs and signs in newly annexed areas.

Section 52.300(C) and Section 52.400(E) amend to read as follows:

"C. Multi-family Development [or Subdivision] signs.

Section 52.300(G) and 52.400(I) amend to read as follows:

G. Temporary Development or Construction Signs

1. Temporary signs denoting the architect, engineer, contractor, land division or development shall be limited to thirty-two (32) square feet in area per sign.

2. Any portion of the land division or development signs denoting the listing realtor or agency shall be limited to six (6) square feet in area.

3[2] Only two (2) such signs shall be permitted on the premises.

4[3] Shall not be artificially illuminated.

5. Shall not exceed nine (9) feet in height above the natural ground level.

6[4] Shall be removed upon completion of the project.

7[5] Shall not require City Approval.

Section 52.300(H)(4) Amend to read as follows:

"4. Shall be limited from one (1) to five (5) signs as approved by the Planning Director [Commission].

Section 52.400(A)(2)(3)&(6) Amend to read as follows:

"2. Only one (1) free-standing identity sign shall be permitted upon the premises, limited to thirty-two (32) [twenty-eight (28)] square feet in area and may include a directory."

"3. Only automobile service stations may have one (1) additional free-standing changeable copy sign for the single purpose of advertising the price of fuel, limited to eighteen (18) [twelve (12)] square feet in area, and one changeable promotion flatwall sign, limited to eighteen (18) square feet in area. This does not authorize "readerboards"."

"6. Free-standing [identity] signs shall not exceed seven (7) feet in height."

Add the following Section:

52.500 Newly Annexed Land: All signs on land annexed to the City of West Linn shall comply with the relevant provisions of the sign ordinance within 30 days of the completion of the annexation.

Section 52.400(A)(2) Add the following:

"An additional free-standing menu board may be permitted for drive-thru businesses, limited to sixteen (16) square feet in area."

Section 52.400(B)(4) Amend to read as follows:

"4. Shall contain only the name of the center or complex, **or name or logo of tenants**, and may include directory."

Section 52.400(L)(1). Add the following:

Signs for parcels of land in excess of two acres may advertise sale, rental or lease, provided they do not exceed twenty four (24) square feet in area and are set back from the public right-of-way a minimum of sixty (60) feet.

Add after Section 52.400(L)(5) and renumber accordingly the following:

"6. Shall not exceed nine (9) feet in height above the natural ground level, except for real estate signs or parcels in excess to two (2) acres, in which case, shall not exceed a height of twelve (12) feet."

PROPOSAL #7:

Clarify sidewalk improvement obligations on double frontage lots.

Section 92.010(6) Add the following:

In the case of double frontage lots, provision of sidewalks along the frontage not used for access shall be the responsibility of the developer. Providing front and side yard sidewalks shall be the responsibility of the landowner at the time of request for a building permit is received. Additionally, deed restrictions and CC&R's shall reflect that sidewalks are to be installed prior to occupancy and it is the responsibility of the lot or homeowner to provide the sidewalk, except as required above for double frontage lots.

WILLAMETTE HISTORIC DISTRICT

EXHIBIT "A"

7th Ave

6th Ave

5th Ave

4th Ave

14th St

13th St

12th St

Tualatin Ave

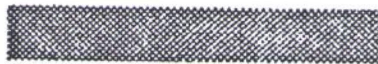
TUALATIN RIVER

Willamette Park

LEGEND

PRIMARY STRUCTURES

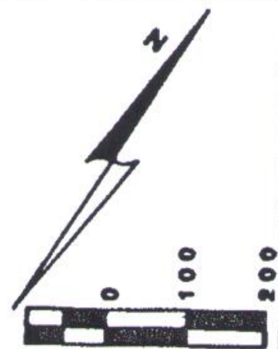
SECONDARY STRUCTURES



BOUNDARY

ADOPTED SEPT. 11, 1985

PROPOSED BOUNDARY



Dec. 1985

EXHIBIT "B"

Table

Parking Space Factor Comparisons

Location	General Office	Medical/ Dental Office	Banks/ Saving & Loan	Retail/ Service	Restaurant/ Tavern	Place of Assembly	Comment
City of Tualatin	3.50	5.50	5.30	4.00*	10.00	-	*Shopping Ctr.<100,000sf
Tualatin Core Area	3.50	5.00	4.50	3.85	5.00	2.00	Has parking district
Vancouver, WA							
downtown	1.00	1.00	1.00	1.00	1.00	1.00	Has parking district
other commercial	2.50	6.66	2.50	2.85	5.00	-	
Lake Oswego	3.30	5.00	2.50	3.30	13.33	-	
Salem	.40-.80	2.40	2.00	2.60	1.80	-	Has parking district
Milwaukie	2.86	3.64	2.86	5.71	5.71	16.66	
Hillsboro	2.50	5.00	2.50	4.00	6.67	-	
West Linn	2.50gfa	5.00gfa	2.50gfa	5.00*gfa	10.00gfa	-	*Add 1 sp. per 2 employees
Beaverton	3.33	5.00	2.00	3.33-5.00	10.00	-	
Tigard	2.86	5.00	2.00	2.50	20.00*	-	*Add 1 sp. per 2 employees
Greshman	3.33	5.00	3.33	5.00	10.00	-	
Oregon City	3.33	3.33	3.33	5.00	5.00	-	
Wilsonville	4.00	4.00	4.00	5.00	5.00	-	
Portland							
general commercial	1.43	1.43	10.00*	2.00	10.00*	-	*Per 1,000sf patron service area
new garages	-	-	1.50	1.00	-	-	
s. waterfront	1.45-2.00	-	-	1.50	5.00	-	
Washington County	3.33	3.33	3.33	2.50	10.00	-	
Multnomah County	3.33	5.00	3.33	5.00	10.00	16.66	
Clackamas County	3.33	3.33	3.33	3.33	10.00	-	
(mode)	(3.33)	(5.00)	(3.33)	(5.00)	(10.00)	(16.66)	
ITE Study '85[1]	3.00	-	-	3.50-5.50	-	-	Rec. for Suburban Locations
ULI Study '83[2]	3.00	-	-	3.80-4.00*	10.00-20.00**	-	*for shopping centers <400,000sf **for shopping centers <100,000sf

[1] "Parking Requirements for Local Zoning Ordinances," ITE Journal, September 1985
[2] "Shared Parking," ULI 1983

F# SPCFACT.PTF

COPY OF NOTICE TO
BE POSTED HERE

PUBLIC NOTICES

CITY OF WEST LINN
PLANNING COMMISSION MEETING
PUBLIC HEARING NOTICE
File No. CU-86-02/SUB-86-07

The West Linn Planning Commission, at its regular meeting of April 21, 1986, starting at 8:00 P.M. in the Council Chambers of City Hall, will hold a public hearing on the request of Dan Fowler and Mark Foley of Abernathy Development for Conditional Use and Tentative Plan Approval of "Fowler's Oak View Estates". Applicant proposes a 25-Lot subdivision near Exeter Street and Sunset Avenue. The "Conditional Use" requested will allow single-family development in the "duplex residential" (R-4.5) zone.

The subject property is located between Southslope Drive and Exeter Street, also known as Tax Lot(s) 900 and 1000, Assessor's Map 2-1E-36AC, and Tax Lot 10000, Assessor's Map 2-1E-36AB.

All relevant materials and information pertaining to the proposed amendments may be obtained and reviewed at City Hall, 4900 Portland Avenue, West Linn, Oregon (phone 656-4211).

This hearing will be conducted in accordance with the provisions of Section 99.170 of the Community Development Code, adopted December 14, 1983, Ordinance No. 1129.

Patricia A. Rich
Planning Commission Secretary
Publish West Linn Tidings, April 9, 1986

AFFIDAVIT OF PUBLICATION

STATE OF OREGON,
COUNTY OF CLACKAMAS,—ss.

I, Tom K. Decker, being first duly sworn, depose and say that I am the Publisher of the West Linn Tidings, a newspaper of general circulation as defined in sections 193.010, 193.020, Oregon Revised Statutes, and published in Lake Oswego, in the aforesaid county and state; that the City of West Linn Planning Comm. CU 86-02/SUB 86-07 a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for one successive and consecutive issue in the following issues:
April 9, 1986

Tom K. Decker
(Signed)

Subscribed and sworn to before me this 11th, day of April 19 86

Eileen V. Nelson
Notary Public for Oregon

(My commission expires 3/4/87)

STATEMENT

Lake Oswego
Review
—635-8811—
P.O. Box 548, Lake Oswego, Oregon 97034

1986 APR 15 AM 9:43

City of West Linn
4900 Portland Ave.
West Linn, OR 97068

CITY OF WEST LINN

ALL ACCOUNTS DUE AND PAYABLE BY THE 10th OF MONTH
DETACH AND RETURN THIS STUB WITH YOUR REMITTANCE.

DATE	DESCRIPTION	CHARGES	✓	CREDITS	BALANCE
	BALANCE FORWARDED				3607
4/2 4/9	Plan. Comm- MISC 86-06	61 80			978;
4/9	Plan. Comm. CU86-02/SUB-07	2060			1184
4/9	Plan. Comm. etc. ZC86-4 SUB86-3	2703			1455

FORM NO. SP540NCR

STANDARD ACCOUNTING SYSTEMS (12-84)

1½% Charge Monthly on Past Due Accounts. 21% Annual Percentage Rate

Lake Oswego
Review

PLEASE PAY LAST AMOUNT

CITY OF WEST LINN

PLANNING COMMISSION MEETING

CITY COUNCIL MEETING

PUBLIC HEARING NOTICE

The West Linn Planning Commission, at its regular meeting of December 16, 1985, starting at 8:00 P.M. in the Council Chambers of City Hall, and the West Linn City Council, at its regular meeting of January 8, 1986, starting at 8:00 P.M. in the Council Chambers of City Hall, will hold public hearings to consider amendments to the Community Development Code.

Proposed amendments include: amending setback requirements in the Willamette Historic District to reflect adopted design standards; adding language including "satellite disks" under the provisions of accessory structures; and adding a section specifying street naming criteria.

All relevant materials and information pertaining to the proposed amendments may be obtained and reviewed at City Hall, 4900 Portland Avenue, West Linn, Oregon (phone 656-4211). Public oral or written testimony is invited. These hearings will be conducted in accordance with the provisions of Section 98.120 of the Community Development Code, Adopted December 14, 1983, Ordinance No. 1129.

PATRICIA A. RICH
Planning Commission Secretary

(Publish - West Linn Tidings, December 11, 1985
Enterprise Courier, December 13, 1985)

12-9-85
KS

COPY OF NOTICE TO
BE POSTED HERE

PUBLIC NOTICES

CITY OF WEST LINN
PLANNING COMMISSION MEETING
CITY COUNCIL MEETING
PUBLIC HEARING NOTICE

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Patricia A. Rich
Planning commission Secretary
Publish West Linn Tidings, Dec. 11, 1985.

AFFIDAVIT OF PUBLICATION

STATE OF OREGON,
COUNTY OF CLACKAMAS,—ss.

I, Tom K. Decker, being first duly sworn, depose and say that I am the Publisher of the West Linn Tidings, a newspaper of general circulation as defined in sections 193.010, 193.020, Oregon Revised Statutes, and published in Lake Oswego, in the aforesaid county and state; that the City of West Linn Planning Commission - Community Dev. Code a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for one successive and consecutive issue in the following issues:

December 11, 1985

[signature]
(Signed)

Subscribed and sworn to before me this 13th, day of December 19 85

[signature: Eileen V. Nilson]
Notary Public for Oregon

(My commission expires 3/4/87)

STATEMENT

Lake Oswego Review 635-8811

P.O. Box 548, Lake Oswego, Oregon 97034

City of West Linn
4900 Portland Ave.
West Linn, Or 97068

ALL ACCOUNTS DUE AND PAYABLE BY THE 10TH OF MONTH
DETACH AND RETURN THIS STUB WITH YOUR REMITTANCE.

Burroughs Form N226 No Carbon Required PRINTED IN U.S. AMERICA

DATE	DESCRIPTION	CHARGES	✓	CREDITS	BALANCE
	PREVIOUS BALANCE				135 18
12/5/85	Pd ck #34497			51 49	83 69
12/11	Tidings 14½" @ 5.15	74 68			158 37
12/12/85	Pd ck #34596			135 18	23 19
12/11	Notice - Community Dev. Code	21 88			45 07

1¾% Charge Monthly on Past Due Accounts. 21% Annual Percentage Rate $1.00 Min. Past Due Chg.

Lake Oswego Review

PLEASE PAY LAST AMOUNT IN THIS COLUMN

Exhibit C
Page 3 of 4

The Enterprise
Courier
Clackamas County's Daily Newspaper
10th and Main Street Oregon City, Oregon 97045
Phone 503-656-1911

Date December 18, 1985

Sold to

City of West Linn
4900 Portland Ave
West Linn, Ore
97068

Legal #7677 656-4261 $26.00

Legal #7677

Public Hearing Notice

December 13, 1985

$26.00