



## **Agenda Report 2014-07-14-03**

Date: July 2, 2014

To: John Kovash, Mayor  
Members, West Linn City Council

From: Peter Spir, Planning Department

Through: Chris Kerr, Community Development Director CK  
Chris Jordan, City Manager *CJ*

Subject: Annexation of 2.126 acres of land at 21328 Bland Circle.

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### **Purpose:**

The owners of property at 23128 Bland Circle are requesting annexation to the City of West Linn.

The City of West Linn has a concurrent two-step process for consideration of annexation requests. Step 1 will include a hearing to consider the land use aspects of the annexation request. Step 2 is a policy decision. The Council may, in its discretion, pass a resolution placing an annexation request on a ballot before the voters, as required by the City Charter. An annexation to the City is not effective unless it is approved by a majority vote among the City's electorate.

### **Question(s) for Council:**

Step 1: Land Use Decision

1. Does the application for 21328 Bland Circle meet the criteria in CDC Chapter 81 for annexation of the property?

Step 2: Policy Decision

2. Does the City Council want to adopt Resolution 2014-10 to place the annexation for 21328 Bland Circle on the November 4, 2014, ballot?

### **Public Hearing Required:**

Yes, but a hearing is only required for the Step 1: Land Use Decision.

**Background and Discussion:****Step 1: Land Use Decision**

The subject property, occupied by a large house, is located at 23128 Bland Circle. The property is located a third of a mile within the Urban Growth Boundary (UGB) and City limits. The neighborhood is substantially built out with single family homes. Both properties to the east and west were recently approved for subdivisions and are in the process of development. The City's Bland Water Reservoir lies to the north of the property. If annexed, the property is proposed to have a zoning designation of R-7 consistent with the surrounding zoning. The property has been included in all of the City's adopted long-range facility and capital improvement plans. All necessary utilities are available to serve the property. The approval criteria for annexations are contained in CDC Chapter 81, Boundary Changes. The Staff Report for this project is attached discussing all of the land use criteria. Staff finds that the application meets all of the criteria.

**Step 2: Policy Decision**

This property is an "island" not annexed to the City, as such; annexation to the City would promote the timely, orderly, and economic provision of public facilities and services. The City's water, sewer, surface water, transportation system plans anticipated annexation of this area and can accommodate serving this property.

In 2006, the City Council adopted Policies Discouraging Destruction of Natural Resources and Significant Trees. The applicant has confirmed that there have not been modifications to the trees or other natural resources on the site. Staff has used site visits and aerial photographs to confirm that no trees have been removed since the application was submitted. Also, the property owner confirms that no trees have been removed. No other modifications to natural resources are noted.

**Budget Impact:**

Annexation would bring this property, which has utilized many City facilities for years, onto the City's tax rolls and make it subject to all fees and assessments.

**Council Options:****Step 1: Land Use Decision**

1. Approve the annexation application.
2. Deny the annexation application and end consideration of this property for annexation.

**Step 2: Policy Decision**

1. Adopt Resolution 2014-9 placing the annexation of 23128 Bland Circle on the November 4, 2014 ballot.

2. Decline to adopt Resolution 2014-9 ending consideration of this property for annexation.

**Staff Recommendation:**

Step 1: Land Use Decision

Staff recommends the City Council approve the annexation application.

Step 2: Policy Decision

Staff recommends the City Council adopt Resolution 2014-9 placing the annexation of 2.126 acres of real property at 23128 Bland Circle before the voters on the November 4, 2014 ballot.

**Potential Motions:**

Step 1: Land Use Decision

I move to approve the annexation of 2.126 acres of real property at 23128 Bland Circle (Land Use Case Number: ANX-14-03).

Step 2: Policy Decision

I move to adopt Resolution 2014-9 placing the annexation of 23128 Bland Circle on the November 4, 2014, ballot.

**Attachments:**

1. Staff Report
2. Resolution 2014-9



CITY OF  
**West Linn**

22500 Salamo Road  
West Linn, OR 97068

**STAFF REPORT  
FOR THE CITY COUNCIL**

**FILE NUMBER:** ANX-14-03

**HEARING DATE:** July 14, 2014

**REQUEST:** Annexation of 2.125 acres at 23128 Bland Circle

**APPROVAL  
CRITERIA:** Community Development Code (CDC) Chapter 81

**STAFF REPORT  
PREPARED BY:** Peter Spir, Associate Planner

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Community Development Director's Initials \_\_\_\_\_

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## GENERAL INFORMATION

- OWNERS:** Laurie and John Coppedge
- APPLICANT:** Laurie and John Coppedge
- SITE LOCATION:** 23128 Bland Circle
- DESCRIPTION:** The site is identified as Assessor's Map 21E35B tax lot 500. It is a single lot of record, northwest of the Bland Circle and Tannler Drive intersection.
- SITE SIZE:** 2.125 acres (91,874 square feet)
- PROPOSED ZONING (CITY):** R-7 (Single family residential detached and attached, 7,000 square foot minimum lot size)
- COUNTY ZONING:** FU-10 (Future Urbanizable 10 acre district (County))
- COMPREHENSIVE PLAN DESIGNATION:** Low Density Residential
- PUBLIC NOTICE:** Notice was mailed to all property owners within 100 feet, as well as other interested parties, on June 23, 2014 to satisfy the 20 day notice. All annexation notice requirements were fulfilled.

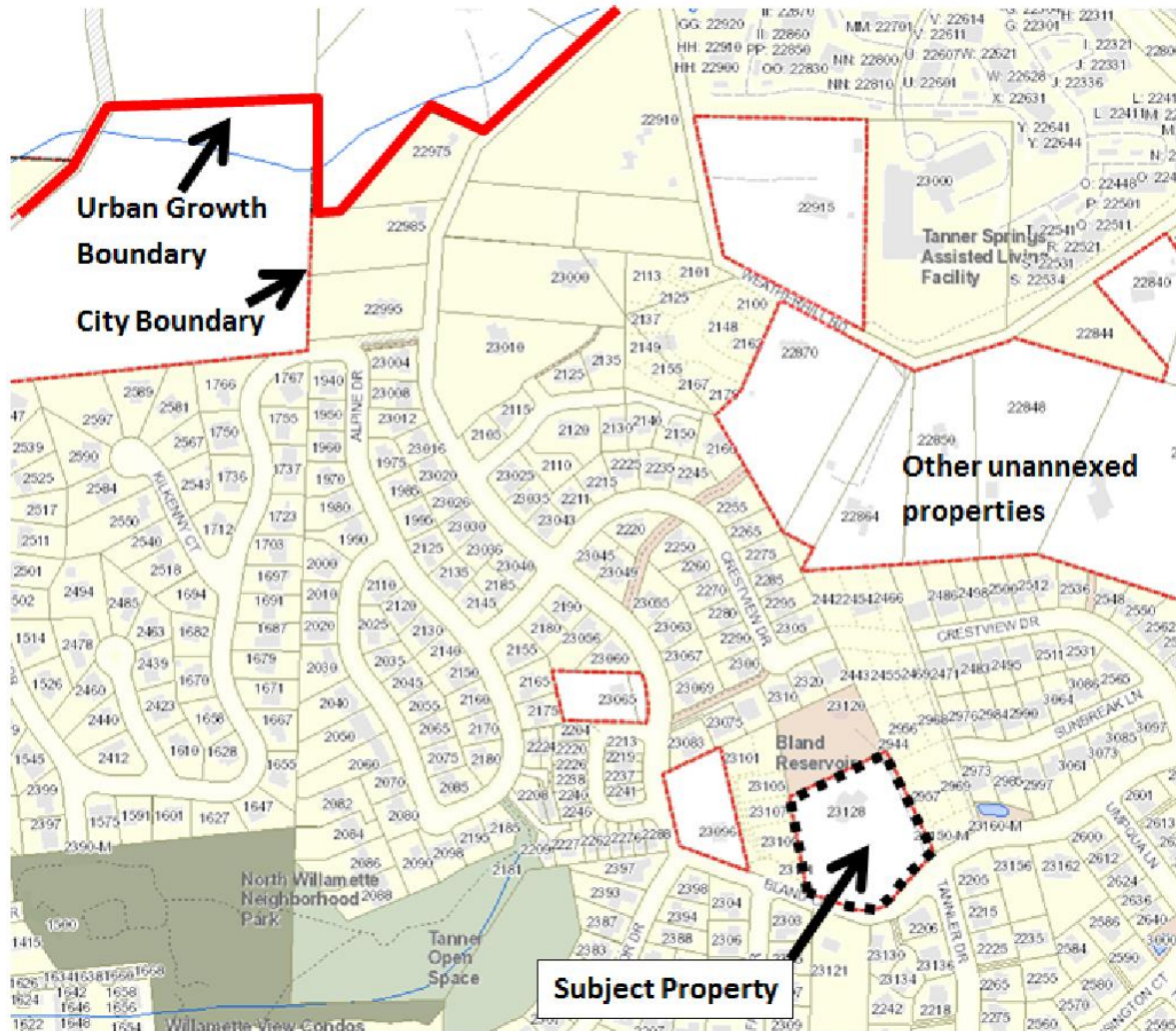
## EXECUTIVE SUMMARY

This is a hearing to review the land use aspect of an annexation request of the property located at 23128 Bland Circle. If annexed, the property is proposed to have a zoning designation of R-7. The applicable approval criteria are located in Community Development Code (CDC) Chapter 81, which refer to the Metro Code, West Linn Municipal Code, and Oregon Revised Statutes. The property is one of several that form an "island" surrounded by the City. It is located within the Urban Growth Boundary, is suitable for development, and can be serviced with utilities.

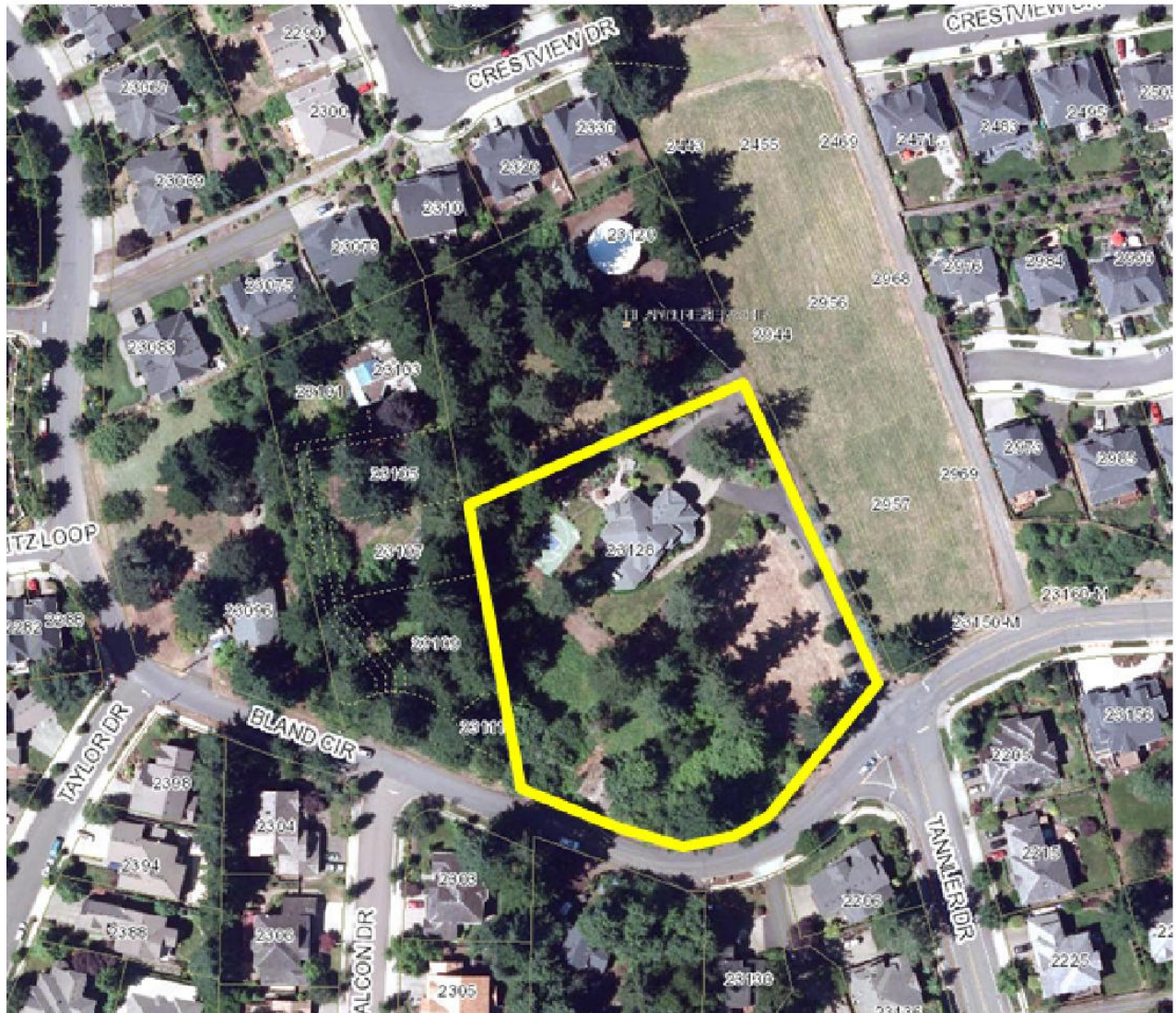
## BACKGROUND

Site Conditions: The area to be annexed, outlined in red below, comprises 2.125 acres. The property is a single tax lot of record owned by Laurie and John Coppedge. The property is a third of a mile within the UGB and the City limits. In addition to the large existing home, there is also a small accessory structure at the south west corner of the property near Bland Circle. The

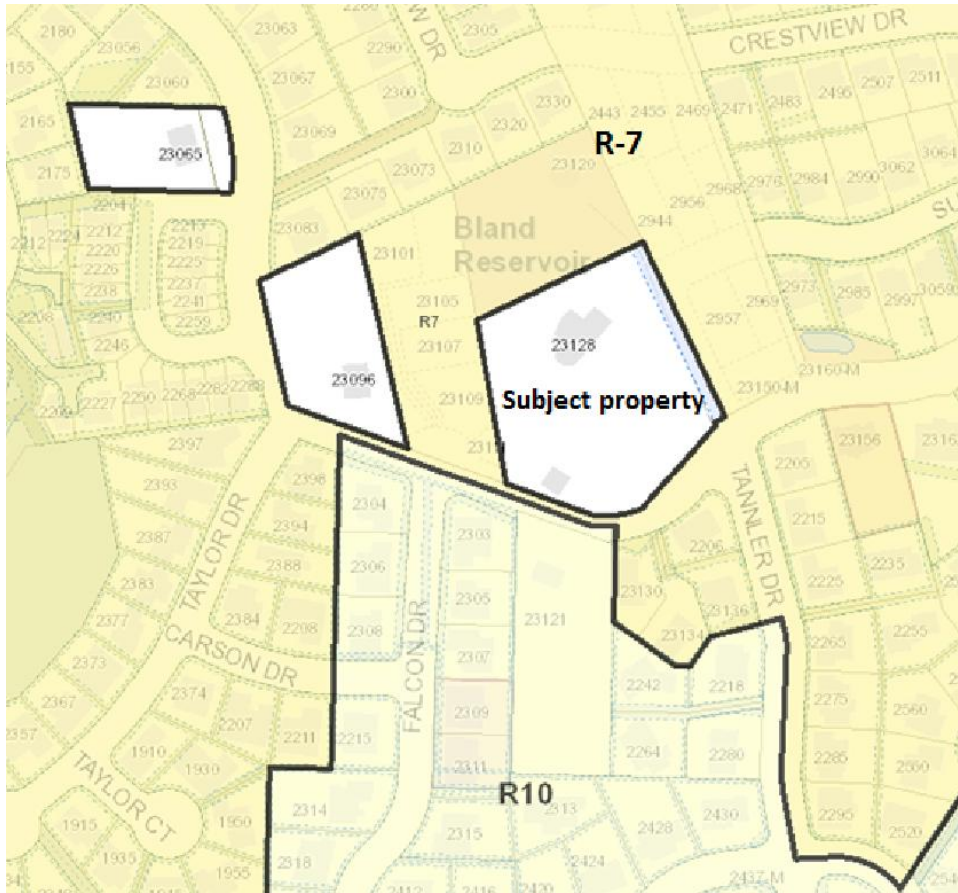
surrounding neighborhood is substantially built out with single family homes at urban densities. The properties to the immediate east and west have been approved for subdivisions with R-7 densities. The City's Bland Water Reservoir is to the immediate north of the property.



**Topography:** The property has an average slope of 10 percent from its high point of 530 feet at the north or rear of the property down to Bland Circle which has an elevation of 500 feet. The property is home to a stand of trees, predominantly conifers, several of which are likely to be classified as significant. These site conditions are not expected to represent an impediment to development.



**Zoning:** The property has a Comprehensive Plan designation of Low Density Residential and, if annexed, the property could receive an R-7 zoning district designation. The R-7 zone is a single-family residential detached and attached district with a 7,000 square foot minimum lot size. This zone is consistent with R-7 zoning to the north, east, south and west and the pattern of nearby residential development. There is R-10 zoning to the southwest. The properties to the west and east were both recently approved for subdivisions.



**Utilities:** In accordance with City Master Plans, the area can be served by water, sanitary sewer, and storm water. The owner or developer is financially and technically responsible for construction of the connections.

**Public comments:**

No public comments have been received to date.

**RECOMMENDATION**

Staff recommends approval of the Step 1 Land Use Decision by approving the annexation application for 23128 Bland Circle, and, if annexed, designate the property R-7, single family residential.

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**ADDENDUM  
APPLICABLE REGULATIONS AND ASSOCIATED FINDINGS**

**OREGON REVISED STATUTES**

***222.111 Authority and procedure for annexation.***

*(1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.*

**Finding 1: The property is appropriate for annexation since it is within the Metro Urban Growth Boundary and is an “island” that is surrounded by the City. It is adjacent to incorporated properties and right-of-way. The criterion is met.**

**METRO CODE**

***3.09.040 Requirements for Petitions***

*A. A petition for a boundary change must contain the following information:*

...

*4. For boundary changes under ORS 198.855(3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.*

**Finding 2: This annexation application was initiated pursuant to ORS 222.125. The applicant submitted statements of consent to the annexation signed by all of the owners and electors within the property proposed to be annexed. The criterion is met.**

***3.09.045 EXPEDITED DECISIONS***

*A. The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.*

*B. The expedited process must provide for a minimum of 20 days' notice prior to the date set for decision to all necessary parties and other persons entitled to notice by the laws of the city or Metro. The notice shall state that the petition is subject to the expedited process unless a necessary party gives written notice of its objection to the boundary change.*

*C. At least seven days prior to the date of decision the city or Metro shall make available to the public a report that includes the following information:*

1. *The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;*
2. *Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and*
3. *The proposed effective date of the boundary change.*

*D. To approve a boundary change through an expedited process, the city shall...*

**Finding 3: The subject property can be considered an expedited annexation since 100% of the property owners and electors have provided written consent regarding the annexation (Johnny and Laurie Coppedge). These signatures have been reviewed and validated by the County Assessor's Office. Notice and the information required in Subsection (C) will be made as required. The criteria are met.**

## **COMMUNITY DEVELOPMENT CODE**

### **CHAPTER 81, BOUNDARY CHANGES**

#### ***81.050 APPROVAL CRITERIA***

*A. The City Council shall approve or deny a boundary change proposal based on findings and conclusions addressing the following criteria:*

1. *If an annexation, the proposal complies with the requirements of Municipal Code Section 2.920(1); and*
2. *For all boundary changes, the proposal complies with the criteria of Metro Code Section 3.09.050(d) and, if applicable, (e).*

**Finding 4: Regarding Subsection (A)(1) above, before that subsection was amended on June 16, 2014, it read, "Consideration of a proposal to annex property the City shall follow a two-step process. Step one shall include review of the land use aspect of the petition pursuant to Community Development Code Section 81." Thus, it was a reference back to Chapter 81, but it did not contain any additional criteria to apply. The amended WLMC 2.920 no longer has subsections. Similarly, WLMC 2.920 contains a reference to Chapter 81, and it does not contain any additional criteria. This application complies with the provisions of 2.920 through responses to Metro Code 3.09.045(D) and (E) below.**

*Metro 3.09.045*

*D. To approve a boundary change through an expedited process, the city shall:*

- 1. Find that the change is consistent with expressly applicable provisions in:*
  - a. Any applicable urban service agreement adopted pursuant to ORS 195.065;*
  - b. Any applicable annexation plan adopted pursuant to ORS 195.205;*
  - c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;*
  - d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;*
  - e. Any applicable comprehensive plan;*
  - f. Any applicable concept plan; and*
- 2. Consider whether the boundary change would:*
  - a. Promote the timely, orderly and economic provision of public facilities and services;*
  - b. Affect the quality and quantity of urban services; and*
  - c. Eliminate or avoid unnecessary duplication of facilities or services.*

*E. A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.*

**CDC 81.050 (A)(2), requires compliance with Metro Code Section 3.09.050(d), and that Metro provision refers to Metro Code 3.09.045(D) and (E). These criteria are shown above, and addressed below.**

**Finding 5: Regarding Subsection (D), the City does not have in place an urban service agreement or an annexation plan. The City and County Comprehensive Plans designate this property to be developed as Low Density Residential. The City’s water, sewer, and surface water management plans anticipated annexation of this area and can accommodate serving this property.**

**As mentioned above, the City’s Comprehensive Plan contemplates annexation of this property to the City and designates it as Low Density Residential. The proposed R-7 zoning designation is consistent with the City’s Comprehensive Plan. It is consistent with Policy 7 in Goal 2: Land Use Planning that calls for low density residential zoning on lands with limited capacity for development because of existing services and development limitations due to topography, soil characteristics, drainage, high water table, and flooding. This property has a moderate slope which poses no development limitations. All City utilities are adjacent to the property. The R-7 zone, which is the most dense of the low density zones, is appropriate for the site. It is also consistent with Goal 10: Housing and Policy 2 for providing the opportunity for development of various housing types, including single family homes. The R-7 zone provides for single family detached and attached residences.**

**Regarding subsection (D) (2) staff finds that annexing the property and subsequent development will provide the City with frontage improvements on Bland Circle and the extension of Tannler Drive (including curb and sidewalks). The extension of Tannler Drive would serve the Transportation Planning Rule and the need for improved connectivity in this area. Regarding unnecessary duplication of facilities or services, by annexing the property, it would eliminate the need for Clackamas County Sheriff's officers having to respond to properties well within the City limits.**

**Regarding subsection (E) staff finds that the property lies within the Metro Urban Growth Boundary. The criteria are met.**

**81.055 ZONING DESIGNATION**

*A decision on annexation shall also incorporate a decision on a zone change. The applicant may concurrently apply for a comprehensive plan amendment if desired. Any approval of an annexation shall designate the City zone to be applied if the annexation is approved by the voters. The City zone shall be designated based upon the existing West Linn comprehensive plan/land use designation, pursuant to the following table:*

<b>COMPREHENSIVE PLAN/LAND USE DESIGNATION</b>	<b>ASSIGNED ZONING DISTRICT</b>
Low Density Residential	R-40, R-20, R-15, R-10 or R-7
Medium Density Residential	R-5 or R-4.5
Medium High Density Residential	R-3 or R-2.1
Mixed Use	MU
Commercial	NC, GC, or OBC
Industrial	GI or CI
Other	FU-10

**Finding 6: The Comprehensive Plan designation for this property and surrounding properties is Low Density Residential, which permits R-7 to R-40 zones. The applicant proposes and staff recommends an R-7 designation, which would be consistent with surrounding zoning to the north, south, east and west. The only R-10 zoning is to the southwest across Bland Circle. The criterion is met.**

Direction	Comprehensive Plan designation	Zoning	Land Use
West	Low density residential	R-7	5 lot subdivision under development
East	Low density residential	R-7	11 lot subdivision under development
North	Low density residential	R-7	Bland water reservoir (City property)
South	Low density residential	R-7 and R-10	Single family homes

Where the City Council has discretion to apply zoning, the Council shall consider the following factors in making its decision:

- A. Specific site characteristics such as topography, drainage, and existing vegetation.
- B. The existing zoning and development patterns of surrounding properties.
- C. The capacity of the City to provide road, sanitary sewer, storm drainage, and water service to the site.

**Finding 7:** The property has an average slope of 10 percent from its high point of 530 feet at the north or rear of the property down to Bland Circle, which has an elevation of 500 feet. The property is home to a stand of trees, predominantly conifers, which enclose a large single family home. Several of the trees are likely to be classified as significant. There is also a small accessory structure at the south west corner of the property near Bland Circle.



**Regarding existing zoning and development patterns of surrounding properties, staff finds surrounding properties are zoned R-7. Staff recommends an R-7 zoning designation. The pattern of development indicates ongoing urbanization. Subdivisions have been approved on both east and west sides of the property. However, there is no subdivision plan proposed at this time. The criteria are met.**

EXHIBITS

ANX-14-03

# AFFIDAVIT OF NOTICE

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

## GENERAL

File No. ANX-14-03 Applicant's Name Johany: Laurie Coppedge  
Development Name \_\_\_\_\_  
Scheduled ~~Meeting~~ / Decision Date July 14, 2014

**NOTICE:** Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

## TYPE A \_\_\_\_\_

A. The applicant (date) 6/23/14 (signed) S. Shoyer  
B. Affected property owners (date) 6/23/14 (signed) S. Shoyer  
C. School District/ Board (date) \_\_\_\_\_ (signed) \_\_\_\_\_  
D. Other affected gov't. agencies (date) 6/23/14 (signed) S. Shoyer  
E. Affected neighborhood assns. (date) 6/23/14 (all) (signed) S. Shoyer  
F. All parties to an appeal or review (date) 6/23/14 (signed) S. Shoyer

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) N/A (signed) \_\_\_\_\_  
City's website (posted date) 6/23/14 (signed) S. Shoyer

## SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) \_\_\_\_\_ (signed) \_\_\_\_\_

**NOTICE:** Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

## TYPE B \_\_\_\_\_

A. The applicant (date) \_\_\_\_\_ (signed) \_\_\_\_\_  
B. Affected property owners (date) \_\_\_\_\_ (signed) \_\_\_\_\_  
C. School District/ Board (date) \_\_\_\_\_ (signed) \_\_\_\_\_  
D. Other affected gov't. agencies (date) \_\_\_\_\_ (signed) \_\_\_\_\_  
E. Affected neighborhood assns. (date) \_\_\_\_\_ (signed) \_\_\_\_\_

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.

Date: \_\_\_\_\_ (signed) \_\_\_\_\_

**STAFF REPORT** mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) \_\_\_\_\_ (signed) \_\_\_\_\_

**FINAL DECISION** notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) \_\_\_\_\_ (signed) \_\_\_\_\_



**CITY OF WEST LINN  
CITY COUNCIL  
PUBLIC HEARING NOTICE  
ANNEXATION OF 2.126 ACRES AT 23128 BLAND CIRCLE  
FILE NO. ANX-14-03**

The West Linn City Council, is meeting on **Monday, July 14, 2014**, starting at 6:30 p.m. in the Council Chambers of City Hall (located at 22500 Salamo Road, West Linn, OR), to consider an annexation request for a 2.126 acre parcel at 23128 Bland Circle. The applicant is requesting an R-7 zone designation, single family residential with a 7,000 square foot minimum lot size. The area is identified by Clackamas County as assessor's map 2S 1E 35B tax lot 500. The decision will be based on the criteria of Community Development Code, Chapter 81. The approval criteria from the CDC are available for review at City Hall, at the City Library, and at <http://www.westlinnoregon.gov/cdc>. This annexation petition is subject to the expedited process unless a "necessary party" gives written notice of its objection to the boundary change. A "necessary party" is defined as any county, city, district, or unit of local government that includes any part of the affected territory: 1) in its jurisdictional boundary or adopted urban service area; or 2) in any agreement providing an urban service.

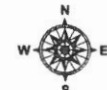
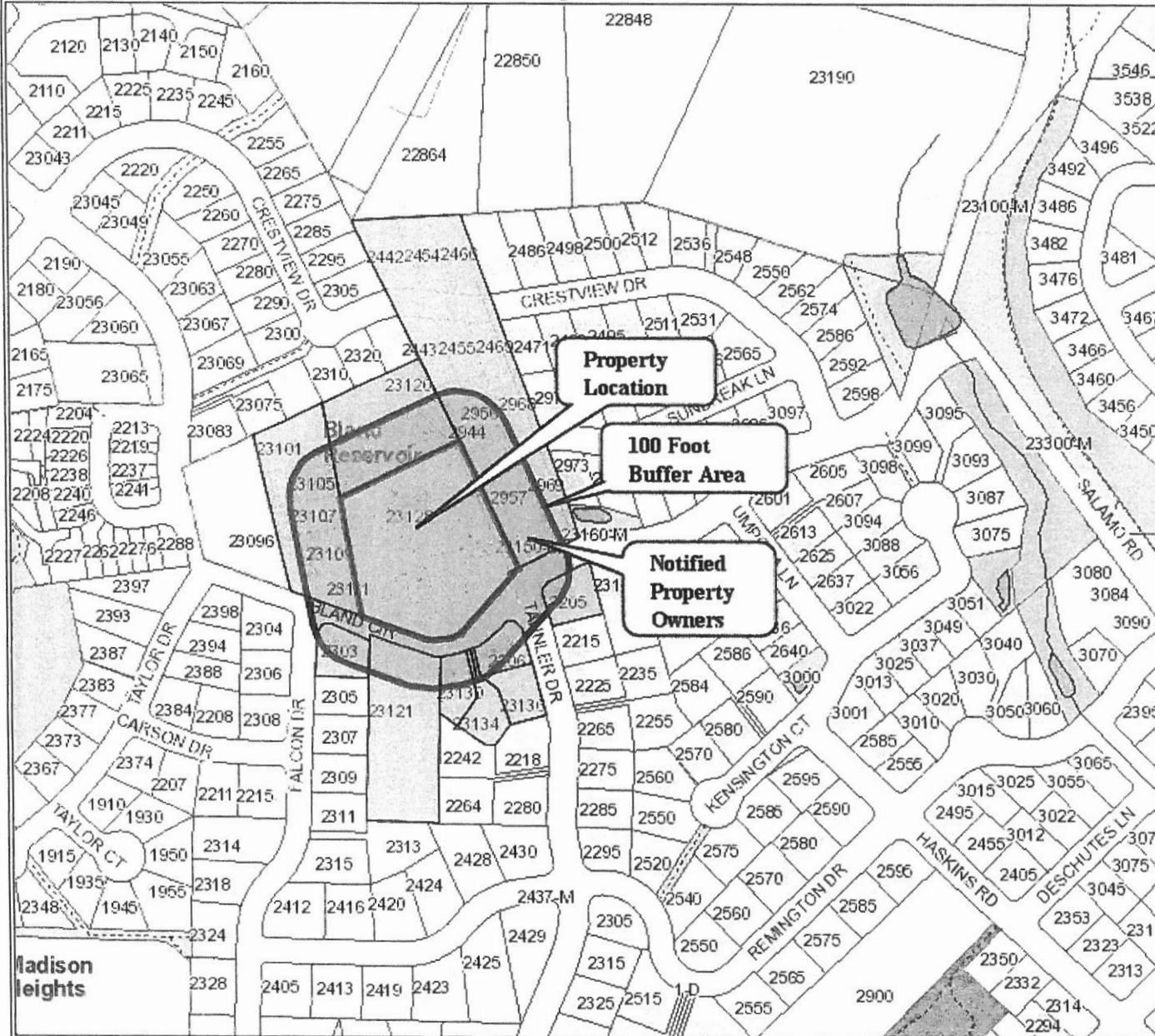
The City of West Linn has a two-step process for consideration of annexation requests. Step 1 will include a hearing to consider the land use aspects of the annexation request. Step 2 is a policy decision. The Council may, in its discretion, pass a resolution placing an annexation request on a ballot before the voters, as required by the City Charter. An annexation to the City is not effective unless it is approved by a majority vote among the City's electorate. If the City Council approves the Step 2 portion of the annexation, the Council will set a date for the election. Staff is recommending a November 4, 2014, election date if the annexation application is approved.

The annexation application is available for inspection at City Hall or via the web site at <https://westlinnoregon.gov/planning/23128-bland-circle-annexation-2126-acres>. Copies of the annexation application can be obtained for a minimal charge per page. At least 10 days prior to the City Council meeting, a copy of the staff report will be available for inspection at no cost. For further information, please contact Peter Spir at 503-723-2539 or at [pspir@westlinnoregon.gov](mailto:pspir@westlinnoregon.gov).

Failure to raise an issue in person or by letter at some point prior to the close of the meeting, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the appellant body with jurisdiction based on that issue.

Shauna Shroyer  
Planning Department Administrative Asst.

# 23128 Bland Circle, Public Notice Map



Scale 1:3,600 - 1 in = 300 ft  
Scale is based on 8-1/2 x 11 paper size



Map created by: SSHROYER  
Date Created: 20-Jun-14 01:03 PM

**WEST LINN GIS**

**DISCLAIMER:** This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Source: West Linn GIS (Geographic Information System) MapOptix.

ANK-1403

BONCHER LLC  
286 SW FOREST COVE RD  
WEST LINN, OR 97068

BROWNE MICHAEL E  
23130 BLAND CIR  
WEST LINN, OR 97068

COPPEDGE JOHNNY N & LAURIE A  
23128 BLAND CIR  
WEST LINN, OR 97068

DEVAULT MARILYN  
23121 BLAND CIR  
WEST LINN, OR 97068

GEYER JAMES C & JENNIFER T  
2303 FALCON DR  
WEST LINN, OR 97068

LF 3 LLC  
23150 BLAND CIR  
WEST LINN, OR 97068

LI MING & GUOLING ZHANG  
3491 CASCADE TER  
WEST LINN, OR 97068

MORALES VINCENT P  
2205 TANNER DR  
WEST LINN, OR 97068

OLH 14 LLC  
5285 MEADOWS RD STE 171  
LAKE OSWEGO, OR 97035

SCHWARZ EDWARD W JR & ROBERTA O  
2206 TANNER DR  
WEST LINN, OR 97068

MIRANDA BATESCHELL  
METRO  
600 NE GRAND AVE  
PORTLAND OR 97232

MIKE MCCALLISTER  
CLACKAMAS COUNTY PLANNING  
150 BEAVERCREEK RD  
OREGON CITY OR 97045

STEVE GARNER  
BHT NA PRESIDENT  
3525 RIVERKNOLL WAY  
WEST LINN OR 97068

SALLY MCLARTY  
BOLTON NA PRESIDENT  
19575 RIVER RD # 64  
GLADSTONE OR 97027

ERIK VAN DE WATER  
HIDDEN SPRINGS NA PRESIDENT  
6433 PALOMINO WAY  
WEST LINN OR 97068

JEF TREECE  
MARYLHURST NA PRESIDENT  
1880 HILLCREST DR  
WEST LINN OR 97068

BILL RELYEA  
PARKER CREST NA PRESIDENT  
3016 SABO LN  
WEST LINN OR 97068

AARON BUFFINGTON  
ROBINWOOD NA PRESIDENT  
3820 RIDGEWOOD WAY  
WEST LINN OR 97068

KEN PRYOR  
SAVANNA OAKS NA VICE PRES  
2119 GREENE ST  
WEST LINN, OR 97068

ED SCHWARZ  
SAVANNA OAKS NA PRESIDENT  
2206 TANNER DR  
WEST LINN OR 97068

TRACY GILDAY  
SKYLINE RIDGE NA PRESIDENT  
1341 STONEHAVEN DR  
WEST LINN OR 97068

TONY BREAUULT  
SUNSET NA PRESIDENT  
1890 SUNSET CT  
WEST LINN OR 97068

JULIA SIMPSON  
WILLAMETTE NA PRESIDENT  
1671 KILLARNEY DR  
WEST LINN OR 97068

ALMA COSTON  
BOLTON NA DESIGNEE  
PO BOX 387  
WEST LINN OR 97068

WEST LINN CHAMBER OF  
COMMERCE  
1745 WILLAMETTE FALLS DR  
WEST LINN OR 97068

KEVIN BRYCK  
ROBINWOOD NA DESIGNEE  
18840 NIXON AVE  
WEST LINN OR 97068

DOREEN VOKES  
SUNSET NA SEC/TREAS  
4972 PROSPECT ST  
WEST LINN OR 97068

PORTLAND GENERAL ELECTRIC  
209 WARNER-MILNE RD  
OREGON CITY, OR 97045

NW NATURAL  
220 NW 2<sup>ND</sup>  
PORTLAND, OR 97209

TVF&R  
TY DARBY  
8445 SW ELLIGSEN RD  
WILSONVILLE, OR 97070

**MAILED**

ANK-14-03 6/23/14 SS



CITY OF  
**West Linn**

June 10, 2014

Johnny and Laurie Coppedge  
23128 Bland Circle  
West Linn, OR 97068

SUBJECT: ANX-14-03

Mr. and Mrs. Coppedge:

The Planning Department has declared the application for annexation of the property at 23128 Bland Circle as proposed in planning file number ANX 14-03 **complete**. The application is tentatively scheduled for a City Council hearing on July 14, 2014. You will receive mailed notice of the actual hearing date.

Please contact me at (503) 723-2539, or [pspir@westlinnoregon.gov](mailto:pspir@westlinnoregon.gov) if you have any questions or comments.

Sincerely,

*Peter Spir*

Peter Spir  
Associate Planner

p:/devrww/completeness check/compl-ANX-14-03-bland

**MAILED**  
6-10-14 *SS*

APPLICANT'S SUBMITTAL

ANX-14-03

**DEVELOPMENT REVIEW APPLICATION**

<small>For Office Use Only</small>		
State Contact: <b>PETER SPIR</b>	Project No(s): <b>AX-14-03</b>	
Non-Refundable Fee(s): <b>17000</b>	Refundable Deposit(s):	Total: <b>17000</b>

**Type of Review (Please check all that apply):**

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Annexation (A/C)           | <input type="checkbox"/> Historic Review                                  | <input type="checkbox"/> Subdivision (SUB)                               |
| <input type="checkbox"/> Appeal and Review (AP) *              | <input type="checkbox"/> Legislative Plan or Change                       | <input type="checkbox"/> Temporary Uses *                                |
| <input type="checkbox"/> Conditional Use (C/UP)                | <input type="checkbox"/> Lot Line Adjustment (LLA) **                     | <input type="checkbox"/> Time Extension *                                |
| <input type="checkbox"/> Design Review (DR)                    | <input type="checkbox"/> Minor Partition (M/P) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR)                                  |
| <input type="checkbox"/> Easement Vacation                     | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures           | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities    | <input type="checkbox"/> Planned Unit Development (PUD)                   | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)    |
| <input type="checkbox"/> Final Plat or Plan (FP)               | <input type="checkbox"/> Pre-Application Conference (PA) **               | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)      |
| <input type="checkbox"/> Flood Management Area                 | <input type="checkbox"/> Street Vacation                                  | <input type="checkbox"/> Zone Change                                     |
| <input type="checkbox"/> Hillside Protection & Erosion Control |   |  |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

<b>Site Location/Address:</b> <i>23128 S Bland Circle West Linn, OR 97068</i>	<b>Assessor's Map No.:</b> <i>21E 36B</i>
	<b>Tax Lot(s):</b> <i>500</i>
	<b>Total Land Area:</b> <i>Approximately 2.126</i>

**Brief Description of Proposal:** *Proposed annexation and zone change to R7*

**Applicant Name:** *Johnny & Laurie Coppidge* Phone: *503 723-8661*  
(Please Print)  
**Address:** *23128 S Bland Circle* Email: *coppidge9@yahoo.com*  
**City State Zip:** *West Linn, OR 97068*

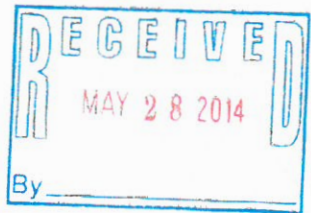
**Owner Name:** *Johnny & Laurie Coppidge* Phone: *503 723-8661*  
(Please Print)  
**Address:** *23128 S Bland Circle* Email: *coppidge9@yahoo.com*  
**City State Zip:** *West Linn, OR 97068*

**Consultant Name:** \_\_\_\_\_ Phone: \_\_\_\_\_  
(Please Print)  
**Address:** \_\_\_\_\_ Email: \_\_\_\_\_  
**City State Zip:** \_\_\_\_\_

- All application fees are non-refundable (excluding deposit). Any overruns to deposit will result in additional billing.
  - The owner/applicant or their representative should be present at all public hearings.
  - A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
  - Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application. One (1) complete set of digital application materials must also be submitted on CD in PDF format. If large sets of plans are required in application please submit only two sets.
- \* No CD required / \*\* Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

*Laurie Coppidge* 5-22-14 *Laurie Coppidge* 5-22-14  
 Applicant's signature Date Owner's signature (required) Date  
*[Signature]* 5-22-14 *[Signature]* 5-22-14



I. Responses to Municipal Code Section 2.920 and 2.950:

- a) The subject site must be located within the Portland Metropolitan Urban growth boundary...
  - YES
- b) The subject site must have been assigned a City Comprehensive Plan Map designation...
  - YES, Low Density Residential
- c) The subject site must be contiguous to the existing City Limits, or separated from it only by a public right-of-way, or a stream, bay, lake or other body of water...
  - YES, Surrounded by city
- d) The requirements of Oregon revised Statutes for initiation of the annexation process are met...
  - YES
- e) The subject area has been included within each of the adopted City facility master plans and capital improvement plans and the subject area is planned for all needed City infrastructure....
  - YES

I. Responses to Community Development Codes: 81.040 and 81.050:

- 1. The minimum petition requirements of Metro Code Section 3.09.040...
  - YES
- 2. A narrative which addresses the approval criteria set forth in Municipal Code Section 2.920 and Metro Code Sections 3.09.050(d) and if applicable (e)...
  - YES
- 3. Vicinity, legal and other descriptive maps necessary to show compliance with Municipal Code Section 2.920 and Metro code 3.09.040...
  - YES
- 4. If an annexation, the proposal complies with the requirements of Municipal code Section 2.920(1) and for all boundary changes, the proposal complies with the criteria of Metro code Section 3.09.050(d) and if applicable ( e)...
  - YES
- 5. Any approval of an annexation shall designate the City zone to be applied if the annexation is approved by the voters. The City zone shall be designated based upon the existing West Linn comprehensive plan/land use designation, pursuant to the following table:
  - **Low Density Residential – R-7, 7000 square foot lots**
- 6. Where the city Council has discretion to apply zoning, the Council shall consider the following factors in making its decision:
  - **Apart from trees, no unique features at this site**

7. Specific site characteristics such as topography, drainage and existing vegetation and the existing zoning and development patterns of surrounding properties...
  - **Development or pending development on all surrounding properties**
8. The capacity of the City to provide road, sanitary sewer, storm drainage, and water service to the site. (Ord 1442, 1999; Ord 1528, 2005; Ord. 1590 1, 2009)...
  - **All City facilities are available – R-7 to N, S, E and W; R-10 to SW**

**II. Metro Code 3.09.040 –Requirements for Petitions:**

- A. A petition for a boundary change must contain the following information:
  1. The jurisdiction of the reviewing entity to act on the petition...
    - **YES**
  2. A map and a legal description of the affected territory in the form prescribed by the reviewing entity...
    - **YES**
  3. For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk...
    - **YES**
  4. For boundary changes under ORS 198.855(3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors...
    - **YES**

Submitted by: Johnny and Laurie Coppedge - Applicants

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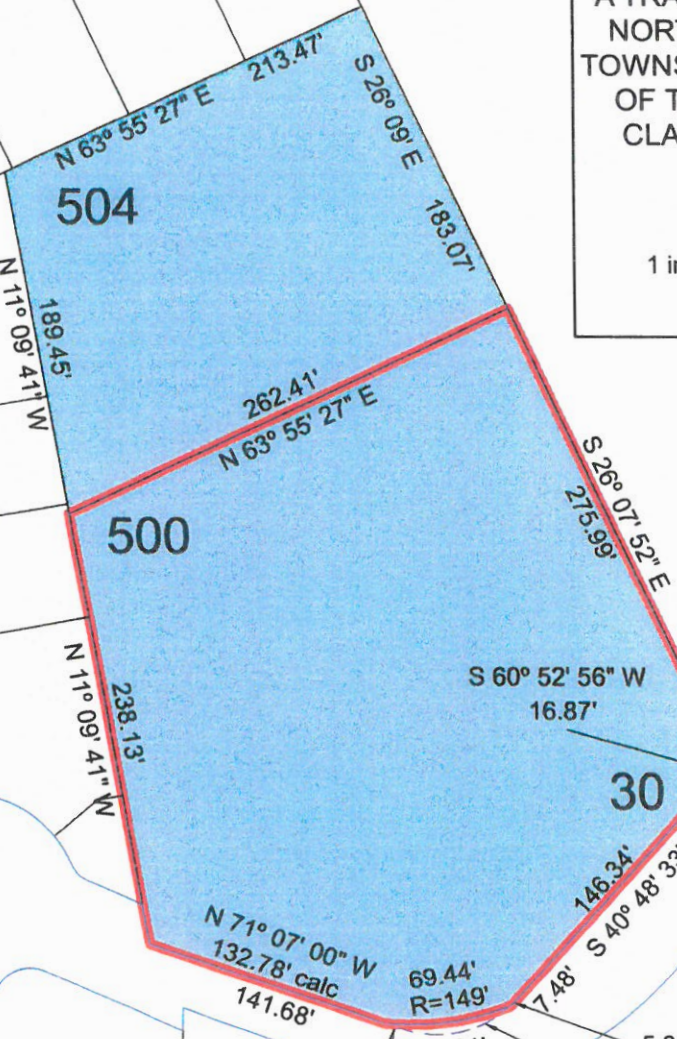
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BLAND ACRES

A TRACT OF LAND LOCATED IN THE  
 NORTHWEST 1/4 OF SECTION 35,  
 TOWNSHIP 2 SOUTH, RANGE 1 EAST,  
 OF THE WILLAMETTE MERIDIAN,  
 CLACKAMAS COUNTY, OREGON

1 in = 100 ft



POINT OF BEGINNING

28

30

**Legend**

**Cartographic Lines**

**LineType**

— Bearing / Distance Arrow

**Taxlot Lines**

**LineType**

— Parcel Boundary

— Public Road ROW



AREA TO BE ANNEXED



Taxlots on Assessors Map 21E35B

Escrow No. 09-0110598-DKO-36  
Title Order No. 09110598

### EXHIBIT ONE

A portion of Lot 30, BLAND ACRES, in the Northwest one-quarter of Section 35, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

Beginning at the intersection of the lot line between Lots 28 and 30 with the North right of way line of road, as dedicated on said plat; thence South  $60^{\circ}52'56''$  West 16.87 feet to a point, which is a 2 inch galvanized iron pipe set 6 inches deep at the angle point in right of way lines of said road; thence South  $15^{\circ}49'46''$  East 5.05 feet to a one-half inch iron pipe called for in Deed Book 634, Page 773, Alfred L. Joy, et ux. to Clackamas County; thence South  $40^{\circ}48'33''$  West 148.34 feet to a one-half inch iron pipe called for in said deed; thence continuing South  $40^{\circ}48'33''$  West 7.48 feet to the point of curve of a non-tangent curve (the radius point bears North  $49^{\circ}26'38''$  West 58.78 feet); thence, on the arc of said curve to the right, 69.61 feet (the chord bears South  $74^{\circ}28'44''$  West 65.61 feet) to a point on the North right of way line of a 30 feet wide road between Lots 30 and 31 of said plat, from which point said radius point bears North  $18^{\circ}28'07''$  East 58.78 feet; thence, on last said right of way line, North  $71^{\circ}07'00''$  West 141.88 feet to the East line of contract between Marcelle M. Joy and John T. Allison, et ux, recorded January 11, 1874, Recorder's Fee No. 74 847; thence North  $11^{\circ}08'41''$  West 238.13 feet, on said East line, to the Southwest corner of the tract as conveyed to the City of West Linn, by deed recorded May 16, 1879, as Recorder's Fee No. 79 20837; thence North  $63^{\circ}55'27''$  East 262.41 feet to the Southeast corner of said City of West Linn tract, said point being on the Easterly line of said Lot 30; thence South  $28^{\circ}07'52''$  East, along the East line of said Lot 30, a distance of 275.95 feet to the point of beginning.

Excepting therefrom that portion deeded to the City of West Linn, by deed recorded February 20, 2001, as Recorder's Fee No. 2001-011129, Clackamas County Deed Records.

21E35B 00500



03-3110669  
FIDELITY NATIONAL TITLE CO.

RECORDING REQUESTED BY  
FIDELITY NATIONAL TITLE COMPANY OF OREGON

GRANTOR'S NAME  
Cory Huot and Jodi Huot

GRANTEE'S NAME  
Johnny N Coppedge and Laurie A Coppedge

SEND TAX STATEMENTS TO:  
Mr. and Mrs. Johnny N Coppedge  
23128 S Blund Circle  
West Linn, OR 97088

AFTER RECORDING RETURN TO:  
Mr. and Mrs. Johnny N Coppedge  
23128 S Blund Circle  
West Linn, OR 97088

Clackamas County Official Records 2004-108672  
Sherry Hall, County Clerk \$31.00  
00764571200401000720000028 11/24/2004 03:07:48 PM  
D-D Clack Street SELESA  
\$10.00 \$11.00 \$10.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Cory Huot and Jodi Huot, Grantor, conveys and warrants to

Johnny N Coppedge and Laurie A Coppedge, husband and wife, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon.

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

Subject to and excepting:

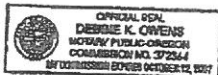
Rights of the public and governmental agencies in and to any portion of said land lying within the boundaries of streets, roads and highways. Easement recorded 5/18/1978 in Fee No. 79 20639.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$920,000.00 (See ORS 93.030)

DATED: November 16, 2004

*Cory Huot*  
Cory Huot  
*Jodi Huot*  
Jodi Huot



STATE OF OREGON  
COUNTY OF Multnomah

This instrument was acknowledged before me on

November 23, 2004

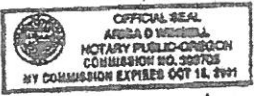
by Cory Huot and Jodi Huot

*Debbie K Owens*  
NOTARY PUBLIC FOR OREGON  
MY COMMISSION EXPIRES: 10/12/2007

Name: Brooks D. Kiley  
By: Brooks D. Kiley  
BROOKS D. KILEY

By: Linda S. Kiley  
LINDA S. KILEY

STATE OF OREGON )  
COUNTY OF Clackamas ) ss



The foregoing instrument was acknowledged before me on this 2nd day of February, Year 2001, by BROOKS D. KILEY AND LINDA S. KILEY OF WEST LINN, OR.

Arin D. Wmalls  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

STATE OF OREGON )  
COUNTY OF \_\_\_\_\_ ) ss

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, Year \_\_\_\_\_, by \_\_\_\_\_ of \_\_\_\_\_

Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

The foregoing deed is hereby approved by the City of WEST LINN, Oregon, and the property described therein is accepted for dedication.

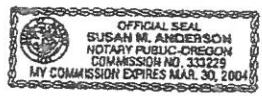
Dennis F. Wright 2/12/2001  
City of West Linn - Grantee

STATE OF OREGON )  
COUNTY OF Clackamas ) ss

The foregoing instrument was acknowledged before me on this 12<sup>th</sup> day of February, Year 2001, by Dennis F. Wright of West Linn, OR

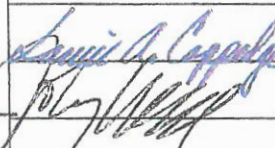
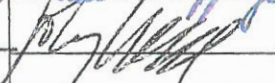
Susan M. Anderson  
Notary Public for Oregon  
My Commission Expires: 2/20/04

Dedication Deed - Page 2



To the Council of the City of West Linn, Oregon

We, the undersigned owner(s) of the property described below and/or elector(s) residing at the referenced location, and give consent to, annexation of said property to the City of West Linn. We understand that the City will review this request in accordance with ORS Chapter 222, and applicable regional and local policies prior to approving or denying the request for annexation.

Signature	Printed Name	I am a			Address	Property Description				Date
		PO	RV	OV		Township/ Section	Map	Tax Lot	Precinct	
	Laurie A. Cappucco	X	X		23128 S. BLAND Cir	21E35	B	500		5-5-14
	Johnny N. Cappucco	X	X		23128 S. Bland Cir	21E35	B	500		5-18-14



- PO Property Owner
- RV Registered Voter
- OV Property Owner & Registered Voter

A legal description of the property must be submitted with this petition

Initial LC JC

CITY OF WEST LINN

CERTIFICATION OF PROPERTY OWNERSHIP

I hereby certify that the attached petition for annexation of the territory described herein to the City of West Linn contains the names of the owners\* of a majority of the land area of the territory to be annexed, as shown on the last available complete assessment roll.



NAME Alice Tarachow  
TITLE Cartographer 2  
DEPARTMENT Assessment and Taxation  
CLACKAMAS COUNTY ASSESSOR'S OFFICE  
DATE 5/5/2014

\* "Owner" means the owner of the title to real property or the contract purchaser of real property.

\* \* \* \* \*

CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition for annexation of territory described herein to the City of West Linn contains the names of at least a majority of the electors registered in the territory to be annexed.



NAME FLOYD THOMAS  
TITLE DEPUTY CLERK  
DEPARTMENT ELECTIONS  
CLACKAMAS COUNTY ~~ASSESSOR'S OFFICE~~  
ELECTIONS  
DATE 5-5-14

*[Signature]*

CLACKAMAS COUNTY ELECTIONS  
SHERRY HALL, COUNTY CLERK  
1710 RED SOILS CT, SUITE 100  
OREGON CITY, OR 97045

CITY OF WEST LINN

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 251E35B 00500) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME Alice Tarachow  
TITLE Cartographer 2  
DEPARTMENT Assessment and Taxation  
CLACKAMAS COUNTY ASSESSOR'S OFFICE  
DATE 5/5/2014



**RESOLUTION NO. 2014-9  
WEST LINN, OREGON**

**A RESOLUTION TO SUBMIT A MEASURE TO VOTERS TO ANNEX 2.126 ACRES OF REAL PROPERTY  
AT 23128 BLAND CIRCLE**

**WHEREAS**, the 2.126 acres of real property at 23128 Bland Circle are located within the Metro Urban Growth Boundary and are eligible for annexation into the City of West Linn;

**WHEREAS**, the City of West Linn Comprehensive Plan contemplates the annexation of this property and designates it as low density residential;

**WHEREAS**, the City of West Linn public facility plans anticipated annexation of this area and can accommodate serving this property;

**WHEREAS**, the West Linn City Council approved Step 1, the land use decision to annex the real property; and

**WHEREAS**, the West Linn City Council approved Step 2, the policy decision; and

**WHEREAS**, the West Linn City Charter requires a vote of the citizenry for the annexation of any territory.

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

**SECTION 1:** An election is hereby called in and for the City of West Linn, Clackamas County, Oregon, for the purpose of submitting the following question to the legal voters of the City: Shall the City annex 2.126 acres of real property at 23128 Bland Circle?

**SECTION 2:** Tuesday, November 4, 2014, is designated as the date for holding the election for the purpose of voting on the measure. The precinct for the election shall be all of the territory within the corporate limits of the City of West Linn, and the election will be conducted by the Clackamas County Elections Department by mail.

**SECTION 3:** The City Elections Officer is directed to publish notice of receipt of the ballot title in the West Linn Tidings or The Oregonian in compliance with ORS 250.275(5).

**SECTION 4:** The City Elections Officer shall file the ballot title with the county clerk as required by ORS 254.095 and include the proposed measure in the statement of city measures to be voted on.

**SECTION 5:** City staff is directed to prepare an Explanatory Statement for the measure and submit it for inclusion in the voters' pamphlet as provided in ORS 251.345.



**SECTION 6:** The ballot title to appear on the ballots shall be:

CAPTION

Annexation of 2.126 acres into the City of West Linn

QUESTION

Shall the City annex 2.126 acres of real property at 23128 Bland Circle?

SUMMARY

West Linn Charter, Chapter 1, Section 3 requires that annexation of any territory be approved by the voters of the City, unless state law mandates otherwise. This measure, if approved, would annex 2.126 acres of real property at 23128 Bland Circle. The West Linn City Council has determined that the proposed annexation complies with all relevant land use criteria for annexations. Upon annexation, the City would designate the zone of the property as R-7, single family residential with a minimum 7,000 square foot lot size. City water, sewer, surface water, and transportation system plans anticipate annexation of the property and it can be provided with services. If annexed, the owner would be subject to City taxes and fees.

**SECTION 7:** If a majority of eligible voters vote “yes” on the measure, the City will annex the 2.126 acres of real property at 23128 Bland Circle. The City’s Comprehensive Plan contemplates the annexation of this property and it is designated a low density residential. The public facility plans anticipate annexation of this property and the City can accommodate serving this property.

This resolution was PASSED and ADOPTED this 14<sup>th</sup> day of July, 2014 and takes effect upon passage.

\_\_\_\_\_  
John Kovash, Mayor

ATTEST:

\_\_\_\_\_  
Kathy Mollusky, City Recorder

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
City Attorney