

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
April 3, 2014

SUBJECT: Proposed annexation and zone change to R-7 for 1430 Rosemont Road.

ATTENDEES: Applicants: Jerry and Chris Burns
Staff: Sara Javoronok, Khoi Le (Engineering)
Draft notes prepared by: Peter Spir (Planning)

The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any “follow-up” items identified during the meeting. These comments are PRELIMINARY in nature. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.

OVERVIEW

The applicant proposes to annex approximately 2.95 acres (128,659 square feet) of land at 1430 Rosemont Road (Assessor’s Map 21E25CB tax lot 100). The proposed site is located to the south side of Rosemont Road and is one of several nearby unincorporated parcels that comprise an “island” surrounded by the City. It is well within the Urban Growth Boundary. Staff recommends that the property be zoned R-7 (7,000 square foot minimum lot size single-family residential) or R-10 (10,000 square foot minimum lot size single-family residential) consistent with nearby R-7 and R-10 zoning.



There is no subdivision plan proposed at this time. Any future subdivision application will require a separate pre-application conference.

Annexations in West Linn follow a two-step public hearing process and require voter approval. In the first step, the land use aspects of the annexation are considered by City Council at a public hearing. The second step involves the consideration of other policy issues, also by City Council at a second public hearing, and refers the annexation to the voters. Annexations are subject to the requirements in Chapter 81, Boundary Changes, in the Community Development Code (CDC), and Section 2.915-2.960 in the Municipal Code, Metro Code Chapter 3.09 and ORS 222.

For the Step I process, the City Council considers the land use aspects of the annexation criteria in Chapter 81 of the CDC and that the property meets the criteria in Municipal Code Section 2.920.

For the Step II process, the City Council has the authority to approve or deny placing an annexation before the voters based upon, but not limited to, the following:

- Taxation
- Infrastructure
- Environmental impacts
- Housing supply
- School capacity
- Availability of park land

See the “Annexation Process” description below for details on the annexation submittal requirements and process. From 2003-2009 the City had 21 annexation applications. Two of the applications were denied at Step II by the City Council. The other 19 were approved by the voters. One of the annexations denied at Step II was approved the following year. The City has not had an annexation application since 2009.

SITE CONDITIONS

The property is relatively flat near Rosemont Road. To the rear of the house, the property begins a downward 9-11% slope to the southwest corner. The elevation on Rosemont Road is 660 feet while the elevation at the southwest corner of the lot is 620 feet. The grades at the rear of the lot are shaped by an ephemeral stream along the west property line. As an ephemeral stream it only carries water very briefly during downpours to the extent that most water runoff is surficial and there is no defined channel. Proposed setbacks for this stream class, expected to be adopted in June 2014, are 15 feet from the stream edge. The property is home to a collection of trees around the house. Several of the trees may be classified as significant. Please consult with the City Arborist, Mike Perkins. The rear of the property is pasture/grassland. Ridge Lane forms the southern boundary to the property. Ridge Lane is a 12 foot wide gravel driveway with steep grades west of the creek.

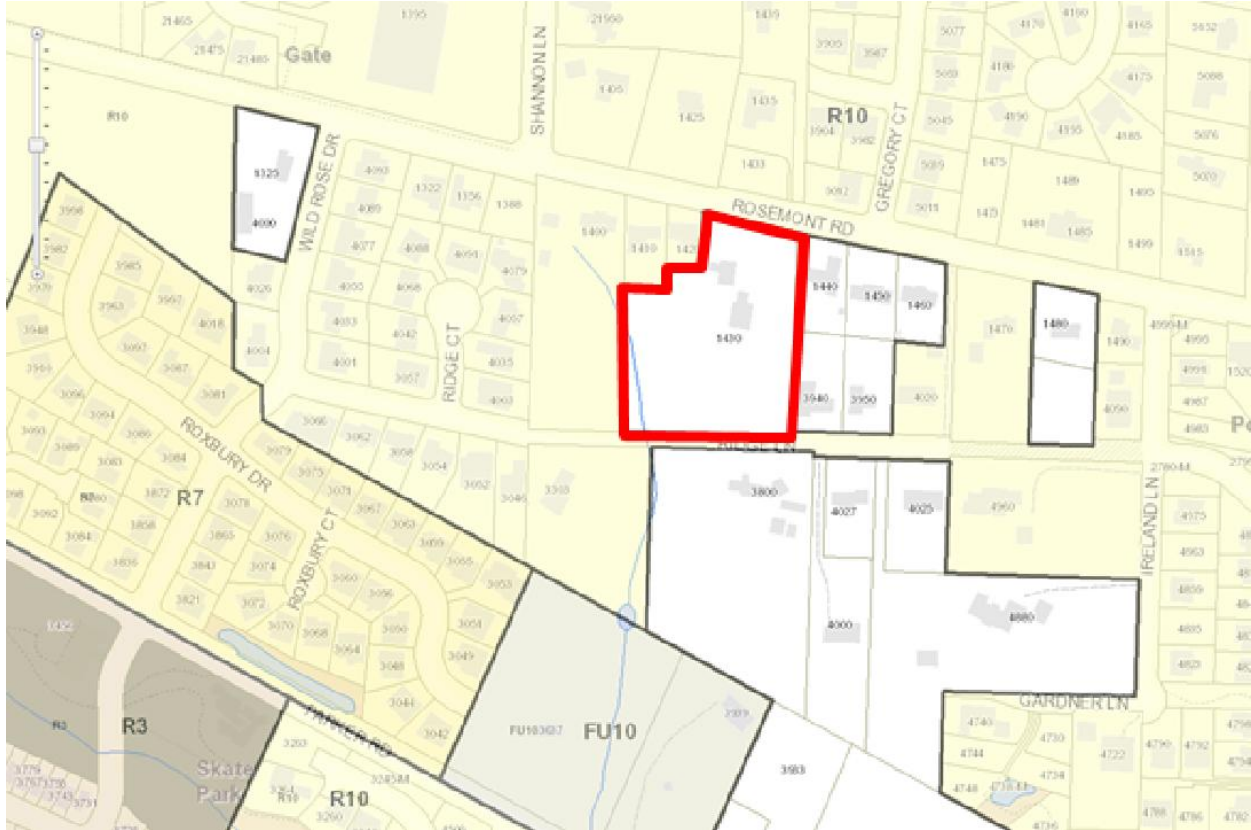


Aerial photo of the site

ZONING

The Comprehensive Plan designation for this property and surrounding properties is low density residential. That designation contemplates R-7 to R-40 zones as being acceptable. Staff recommends an R-7 or R-10 zoning designation. **The zoning designation is chosen at the time of application.** Staff also notes that per Municipal Code 2.955 a zone change to a zone different than approved by the ballot measure cannot be applied for until at least three years following the voter approval unless the City applies for the zone change or the waiver of the code section is approved by the voters.

Direction	Comprehensive Plan designation	Zoning	Land Use
West	Low density residential	R-10	Single family homes
East	Low density residential	R-10	Single family homes
North	Low density residential	R-10	Single family homes
South	Low density residential	Unincorporated County property and R-10	Single family homes



The map above identifies the subject property with a solid red line. Other nearby unannexed "islands" are shown in white.

UTILITIES AND STREETS

The existing house has already hooked up to City water and sanitary sewer main for services.

There are existing public water, sanitary sewer and storm drainage systems available adjacent to the property. Proper improvements will be needed in order to serve the property in case of development:

Water

This property is located within Rosemont Pressure Zone. There is an existing water main located along the property frontage on Rosemont Rd. available for connection. There are existing water dead end mains located just east and west of the property on Ridge Ln. for connectivity and these two dead ends will be required to be looped/connected.

Sanitary Sewer

Existing public sanitary sewer main on Rosemont Rd is 10' deep in average. Services connecting to this main will be limited due topography.

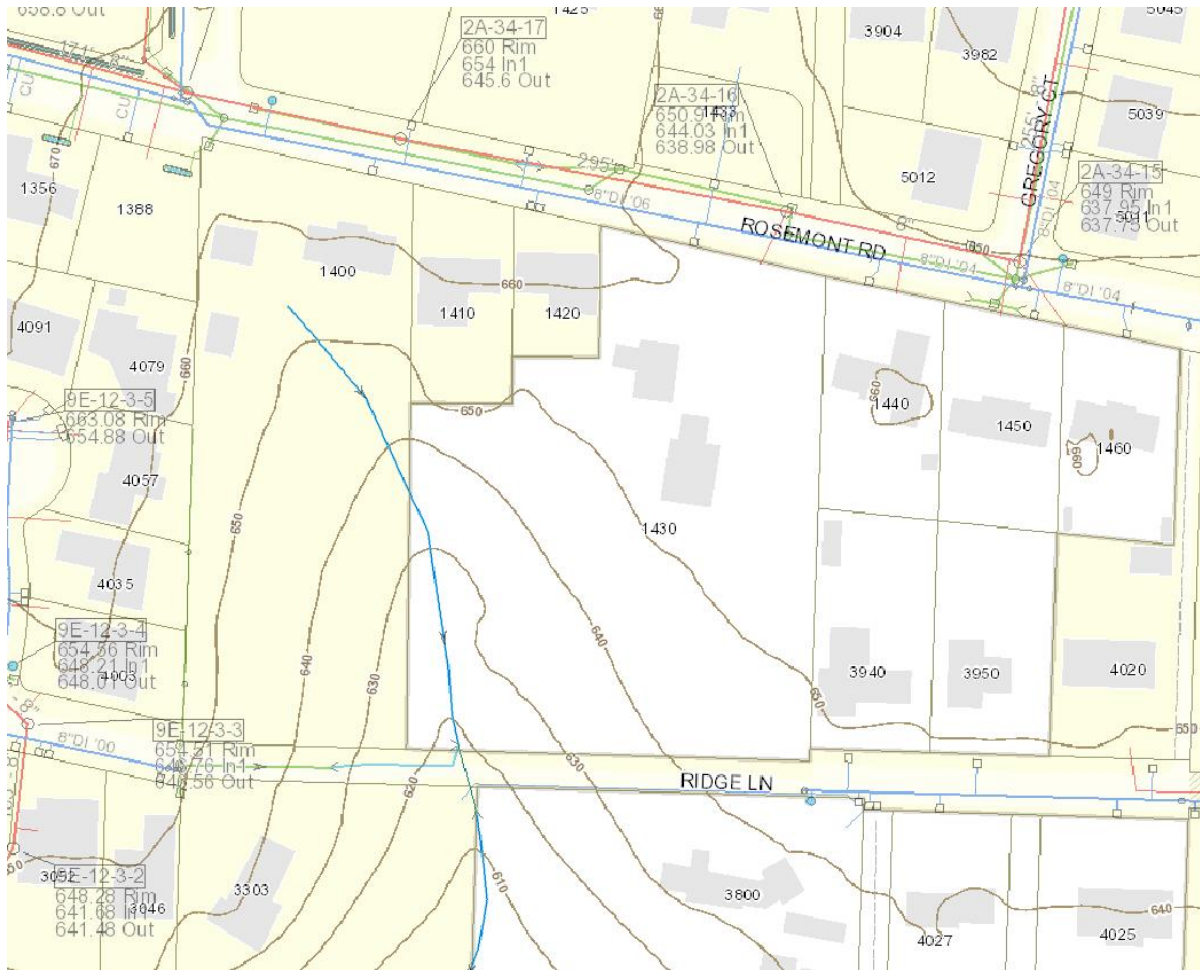
There is public sanitary sewer main located on Ireland Ln. available to serve the property gravitationally. Sewer main extension will be required.

Storm Drainage

New impervious area of more than 500 square feet created by development must be collected and treated. New impervious area of more than 5,000 square feet created by development must be collected and detained.

Street

Approximately 10' dedication of ROW and street improvements along the project frontage will be required on both Rosemont Rd. and Ridge Ln. Ridge Ln. along the site frontage is currently an unimproved roadway. Street improvements on Ridge Ln. may require the installation of a culvert across the lowest point on the street to bring the roadway to appropriate grade.



LAND USE

The applicants have indicated that once annexed they do not anticipate submitting a subdivision request. However, in order to provide City Council with an understanding of the potential outcomes of annexation it should be reported that under an R-7 designation, and assuming that the existing house remains (retaining one acre, which assumes much of the

surrounding gardens are retained), the remaining approximately 85,000 square foot developable area, further reduced by 10 foot ROW dedication on Ridge Lane would yield 81,500 square feet which would produce nine lots after a further 20% reduction for interior access driveways and/or streets. If the zoning was R-10, six lots could be produced by that methodology.

If the house was removed, and after 10 foot ROW dedication on Rosemont Road and Ridge Lane, and after a further 20% reduction for interior access driveways and/or streets, the net area of 99,447 square feet would yield 14 lots. If the zoning was R-10, nine lots could be developed. Lot design would have to consider the ephemeral stream and the proposed setback of 15 feet on each side.

CDC Section 12.030 through 12.060 lists other permitted uses, uses allowed by prescribed conditions and conditional uses in the R-7 zone, including single family attached units.

NATURAL RESOURCE POLICY

Attached is the City's tree policy regarding the removal of trees prior to annexation and development. The purpose of it is to discourage property owners from removing trees or other natural resources prior to annexation.

No neighborhood meeting is required per CDC section 99.038 for annexation; however, meetings are encouraged to solicit public input and make the public more informed of the applicant's plans. The property is in the Parker Crest neighborhood. Contact Bill Relyea, Parker Crest NA president at 503-636-1292 or parkercrestna@westlinnoregon.gov. The site is across the street from the Rosemont Summit neighborhood. The contact for the Rosemont Summit NA is Dean Suhr at 503-656-4808 or rosemontsummitna@westlinnoregon.gov. Any material the applicant has, should be submitted to the neighborhood association at least 10 days before the meeting.

Submittal requirements and approval criteria are identified in ANNEXATION PROCESS below. Submittal requirements may be waived but the applicant must first identify the specific submittal requirement and request, in letter form, that it be waived by the Planning Director and must identify the specific grounds for that waiver. The waiver may or may not be granted by the Planning Director.

The relevant regulations are online at the following:

- CDC: <http://westlinnoregon.gov/cdc>
- Municipal Code: <http://westlinnoregon.gov/citycode>
- Metro Code 3.09 Local Government Boundary Changes:
http://library.oregonmetro.gov/files//3.09_eff_071112__final.pdf
- Oregon Revised Statutes: <http://www.leg.state.or.us/ors/>

N/A is not an acceptable response to the approval criteria. Prepare the application and submit to the Planning Department with deposit fees and signed application form.

Pre-application notes are void after 18 months. After 18 months with no application approved or in process, a new pre-application conference is required.

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. Thus, there is no "shelf life" for pre-apps.

ANNEXATION PROCESS

Petition Submittal

1. Petitioner attends pre-application conference.
2. Petitioner submits three copies of the following:
 - a. Responses to:
 - i. Municipal Code Section 2.920 and 2.905(2)(b)(i);
 - ii. Community Development Code (CDC) 81.040 and 81.050; and
 - iii. Metro Code 3.09.040, 3.09.050 and 3.09.045(D) and, if applicable (E).
 - b. Petition form (attached)
 - c. 11x17 ¼ section assessor maps with the subject parcel/lot(s) noted per Oregon Department of Revenue (DOR) specifications.
http://www.oregon.gov/dor/PTD/docs/boundary-change_504-405.pdf
 - d. Legal description of the property to be annexed. *(According to Oregon Department of Revenue (DOR), the point-of-beginning of the legal description must be clear. The point-of-beginning is best described by bearing and distance from a section corner, a donation land claim (DLC) corner, or another well monumented corner. Bearings and distances must be given for each course around the boundary description. Most deed references are inadequate as point-of beginning or point-of-call for a boundary change description. If a deed reference is used as a point-of-call, include a copy of the deed. However, a description that consists solely of the landowner's deed or deeds is seldom adequate. Tax lot numbers cannot be used for the legal description.)*
 - e. Verification of property ownership through Clackamas County Assessor's Office on forms provided by the City, based on property owner/address list from submitted petition (see attached form).
 - f. Verification of elector's signatures (if applicable) through Clackamas County Elections Department on forms provided by the City (same form as (e) above).
 - g. Completed and signed Development Review Application form (http://westlinnoregon.gov/sites/default/files/fileattachments/planning/page/5585/development_review_application_rev._2011.07.pdf) (see also attached)
 - h. The City of West Linn's fee for an annexation is \$15,000 plus \$1,000 for every acre up to \$20,000 (excluding any applicable election costs, County, Metro, Tri-City, DOR, etc. fees which are the responsibility of the applicant).

Step 1: After Petition Submittal is Declared Complete

1. Staff schedules a City Council hearing within 45 days of the date that a complete application has been submitted. Annexation petitions in the Step 1 process will be considered by the City Council at a public hearing. Petitions to annex that do not receive Step 1 approval by the City Council will not proceed to Step 2. As a result, the annexation request will not be submitted to the voters. The City Council Step 1 decision may be appealed by a necessary party (i.e., a city, county, or district serving the area) to the Metro Boundary Appeals Commission. An appeal by any other person proceeds to the Land Use Board of Appeals (LUBA).
2. Staff sends notice to DLCD of the zoning map/plan amendment at least 35 days prior to the first hearing.
3. Staff mails public notice and posts site 20 days prior to public hearing. (*See Municipal Code for notice requirements*)
4. Staff prepares a staff report available to public at least 15 days prior to public hearing.

Step 1: Public Hearing Procedures

1. For the Step 1 process, the City Council considers the land use aspects of the annexation criteria in Chapter 81 of the CDC and that the property meets the criteria in Municipal Code Section 2.920 and Metro Code section 2.920(1). The requirements of the Oregon Revised Statutes for initiation of the annexation process shall be met. As part of the Step 1 process, a final land use decision regarding the applicable City zone (e.g. R-7) will be made according to Municipal Code section 2.955 and CDC section 81.055. The City zone shall be applied when the annexation is approved by voters.
2. Staff mails the final order within five working days following the decision. Necessary parties can appeal to Metro Boundary Appeals Commission, and citizens can appeal to Land Use Board of Appeals (Metro Boundary Appeals Commission appeal period is 10 days and LUBA is 21 days).

Step 2: Public Notice

1. Staff schedules a City Council public hearing after the appeal period ends for Step 1.
2. Staff mails notice of the Step 2 hearing to property owners within 500 feet of the site not less than 20 days prior to the public hearing. Notice in the newspaper is required. (*See Municipal Code 2.950(2) (iii-iv) and Metro section 3.09.030 for specific notice requirements*).

Step 2: Public Hearing Procedures

1. This step involves consideration of referral to voters and policy issues by the City Council. The City Council will hold at least one public hearing on the annexation request, at which time any interested person may appear and be heard on the question of whether the annexation request should be presented to the voters.

2. For the Step 2 process, the City Council has the authority to approve or deny placing an annexation before the voters based upon, but not limited to, the following:

- Taxation
- Infrastructure
- Environmental impacts
- Housing supply
- School capacity
- Availability of park land

3. Within 45 days following the public hearing(s), unless a continuance is announced, the City Council will render a decision that the application be approved and submitted to the voters at the next appropriate election as determined by the Council, or that it be denied. The City Council may deny an annexation at the Step 2 hearing even though the annexation has received approval through the Step 1 process. The City Council's decision in the Step 2 process cannot be appealed.

Ballot Measure

1. All annexation requests that have received final approval through the Step 1 and Step 2 process will be referred to the voters. Up to four elections can be held per year in March, May, September, and November. The Council prefers annexations to be placed on a single ballot each year. The applicant shall be responsible for all costs incurred by the City in processing the application, including election costs, with the exception that if there are other City items in the same election, the applicant shall be responsible only for a pro-rata portion of any shared costs.

2. If the election is concurrent with the May primary or November general election of an even-numbered year, the applicant is not responsible for any election costs.

3. If the City Council approves the property to be placed on the ballot, the information must be submitted to the Clackamas County Elections office at least 60 days prior to the next election (use form SEL 802: "Notice of City Measure Election"). Therefore, if the target election date is November 2014, the submittal material must be submitted to the Clackamas County Elections office by September 1, 2014.

4. Staff shall also prepare and submit an explanatory statement for the voter pamphlet per Municipal Code section 2.940(3) and ORS 222.130.

5. Staff shall post a sign on the property to be annexed per Municipal Code section 2.940(4).

Post Annexation Vote Approval

1. If the voters approve the annexation, staff prepares and distributes adopting resolution declaring results of vote to City Departments including the Finance Department and City Clerk as well as property owners within annexation boundaries. Staff shall also submit the election result and annexation to Metro and necessary parties.

2. Applicant submits a legal description and map of the annexed property and filing fees to Oregon Department of Revenue (DOR) per ORS 308.225. DOR must approve the legal description and map before the annexation proceeds to Metro.

3. Applicant submits the following to Metro within 30 days of the decision/vote per Metro section 3.09.030(E):

- i. Final approval from DOR or the "Notice to Taxing Districts"
- ii. Annexation Order, Ordinance or Resolution
- iii. A valid legal description of the annexation
- iv. A map clearly showing the current boundary (if available) and the proposed annexation area
- v. Any additional pertinent documents including staff comments and findings (if available)

4. A filing and mapping fee is charged by Metro for each annexation and boundary change application according to the following schedule:

- \$150 Less than 1.0 acre
- \$250 1.0 to 5.0 acres
- \$300 5.1 to 40.0 acres
- \$400 Greater than 40.0 acres

5. Metro will map the annexation and make the appropriate notifications to the Secretary of State's Archives Division, the county elections supervisor, and the county assessor. Please note that an annexation is not in effect until filed with the Secretary of State (subject to ORS 222.180 and/or ORS 222.750). Please contact Linda Martin at 503-797-1843 or at linda.martin@oregonmetro.gov

6. Annexation to Tri-City Service District.

Subsequent to annexation to the City of West Linn, the applicant must apply to annex the same parcel(s) to the Tri-City Service District. Please contact Clackamas County's Water Environment Services Department for further information.

7. The City accepts land use applications at this point in the process.

Timeline:

Annexation Process (Simplified)	Estimated time required (+/-) for each phase
Pre-Application Conference	21 days
Preparation of Application to Annex	21 days
City schedules/notices a Step 1 hearing within 45 days of a complete application	45 days
Hold Step 1 hearing*	1 day
21 day LUBA appeal period after Step 1 decision	21 days
If no appeal, schedule Step 2 hearing with 20-day notice	21 days
Hold Step 2 hearing	1 day
Preparation of Annexation Measure	21 days
Submit Annexation measure to Clackamas County Elections 60 days before the election date	60 days
Election	1 day
Post-election filings with Department of Revenue, Metro, Tri-City Service District, Clackamas County Assessor's Office, Secretary of State's Archives Division, the County elections supervisor	30 days
Land Use Applications accepted for annexed property (e.g. Subdivision)	-
	Total time: Approximately 6-8 months

*Steps 1 and 2 may be eligible to be consolidated to reduce processing time by 21 days.