

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
August 15, 2013

SUBJECT: Proposed annexation and zone change to R-7 followed by a PUD with 18+ lots

ATTENDEES: Applicants: Ed Brockman, John DeVries, Virginia DeVries
Staff: Sara Javoronok (Planning), Khoi Le (Engineering)
Other: Ed Schwarz

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.

Project Details

The applicant plans to annex approximately 5 acres of land at 22848 Weatherhill Road (Tax Lot No. 21E35A01200) and 22850 Weatherhill Road (Tax Lot No. 21E35A01202). There is an existing house and pole barn on 22850 Weatherhill Road. The applicant has submitted a preliminary sketch for an 18-lot subdivision and indicated that this would be developed through a PUD.

Process

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

See the attached “Annexation Checklist” for details on the annexation submittal requirements and process. The two-step approval process includes two public hearings at the City Council level and takes approximately 6 months. If the City Council approves the property to be placed on the ballot, the information must be submitted to the Clackamas County Elections office approximately 60 days prior to the next election. It is the City Council’s policy to have only one election per year on City annexations. If there are multiple annexations approved for the ballot, the desire is for them to be placed on a single election date. Applicants are generally responsible for all costs incurred by the City in processing the application, including the election costs. Applicants are not responsible for election costs if it is on the ballot in a primary or general election in an even-numbered year.

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.

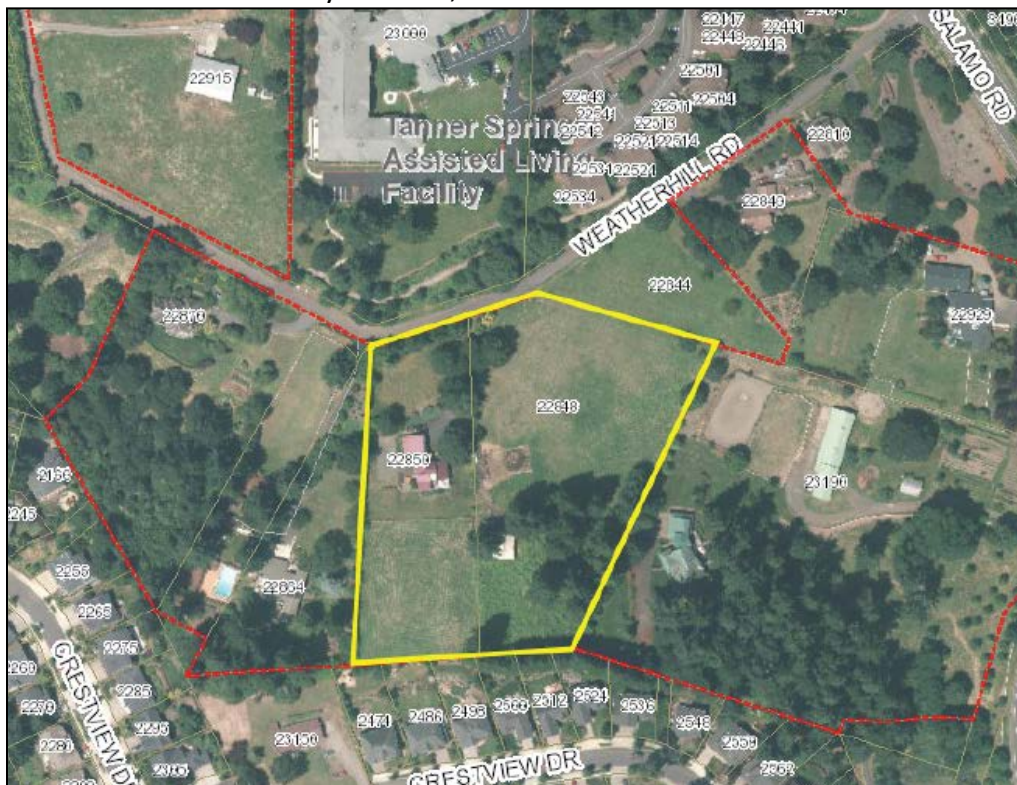
For the Step II process, the City Council has the authority to approve or deny placing an annexation before the voters based upon, but not limited to, the following:

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

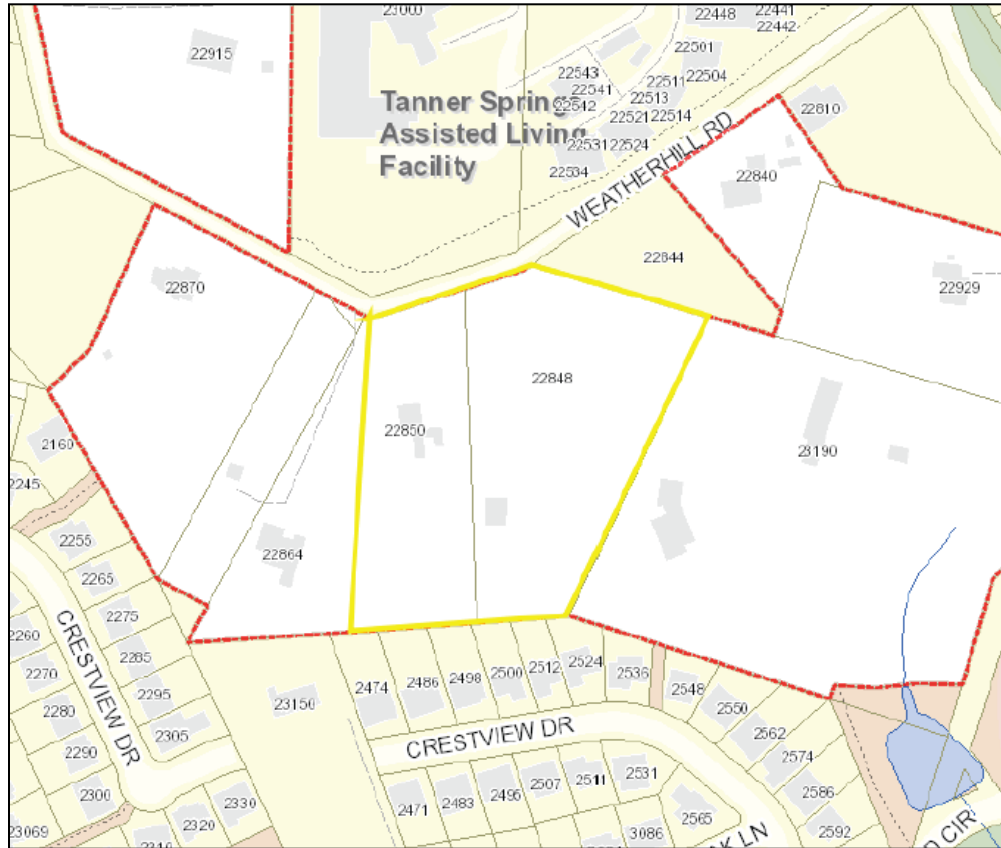
Once annexed, an additional pre-application conference will be necessary for any subdivision or Planned Unit Development.

Site Analysis

Existing Conditions: The proposed site is has an existing single family home and pole barn. There are several trees, many likely to be considered significant trees, including oaks and douglas firs, in several areas around the site. Staff notes that CDC 85.200(J)(9) provides for the protection of up to 20% of the significant trees on the site. A tree survey will be required. For more information contact the City Arborist, Mike Perkins.



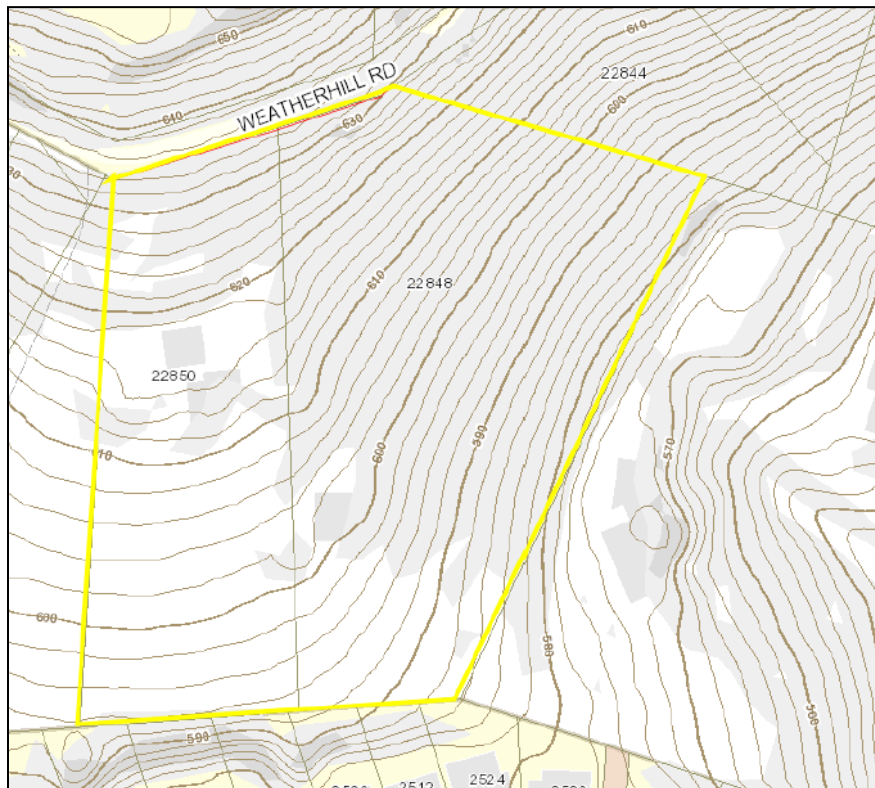
Location: The proposed site is located to the south of Weatherhill Road. It is one of several unincorporated parcels that comprise an “island” surrounded by the City. The City boundary is depicted in red and the proposed site in yellow. Tanner Springs Assisted Living is located immediately to the north and there are residential neighborhoods (R-7) to the south.



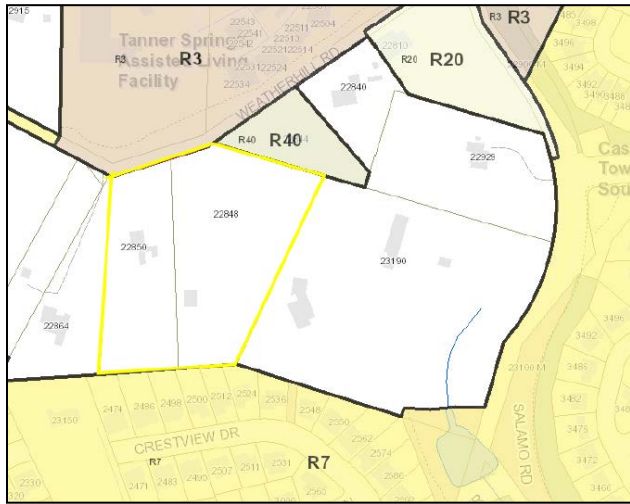
The applicant has submitted a preliminary sketch for an 18-lot subdivision that consists of two cul-de-sacs. The proposed number of lots is feasible based on preliminary calculations. A PUD would be applicable if there is a proposed density transfer. However, a recent change to the City’s regulations, CDC Section 85.200(A)(11), states that new cul-de-sacs or other closed-end streets are not permitted unless there is not another feasible alternative due to physical constraints or existing easements or leases. In addition, the City plans for an east-west through street connection, and, potentially, a north-south connection. See the preliminary street layout on the following page, which was created for another parcel in the area.



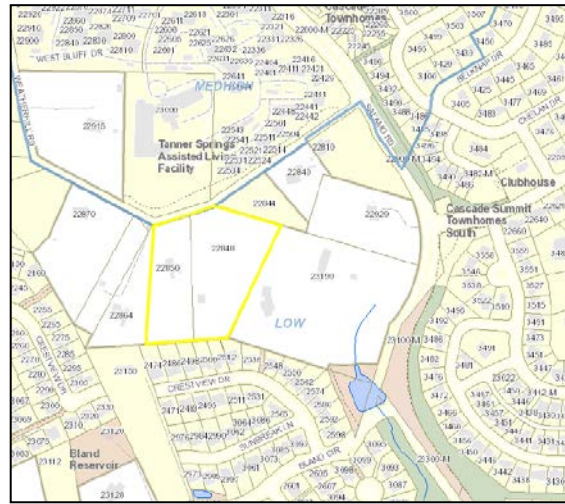
Topography: The site slopes downhill from Weatherhill Road. The grade is the steepest immediately south of Weatherhill, and it is steeper on the western portion of the site. A small section of the site near Weatherhill Road has slopes greater than 25% (dark grey). Much of the northern and eastern areas of the site have slopes from 10-25% (light grey). There are no natural hazards or environmental constraints.



Zoning: The Comprehensive Plan indicates that this is to be developed as Low Density residential. Staff supports seeking an R-7 designation.



Zoning Map



Comprehensive Plan

Existing Site Conditions:



Weatherhill Road adjacent to the site



Facing southeast from the north end of the site



Facing west at the north end of the site



Existing home



Existing pole barn and garden



Facing southeast near the center of the site



Facing south near the western end of the site

Utilities

WATER

In accordance to City Water Master Plan, this area can potentially be served by both the Horton and Rosemont Pressure Zones depending upon the elevation where the properties are located.

Horton Pressure Zone can adequately serve customers at ground elevations between 340 and 620. Rosemont Pressure Zone can adequately serve customers at ground elevations between 220 and 750.

Rosemont Reservoir is the smallest reservoir with 0.4 million gallons. Horton Reservoir on the other hand is the second largest reservoir with 1.5 million gallons. Therefore, the City Water Master Plan recommends this area to be served by Horton Pressure Zone.

Currently, there is a public water main available on Crestview Dr. for connection. Another point of connection is the stub-out at the intersection of Salamo Rd and Weatherhill Rd. A thorough analysis of water system in Horton Pressure Zone must be done in order to make sure the system is capable of handling additional services. Looping the system may be required depending upon recommendations from the system analysis report. When looping is required, the system must be extended from the stub-out and connected to existing water main on Crestview Dr.

Additional easement(s) through private properties may be required. Development in this area is financially responsible for mean of connection.

SANITARY SEWER (WASTEWATER)

There is currently no public sanitary sewer along the proposed property for connection. The closest sewer main on Weatherhill Rd is approximate 500' away. However due to topography, this system will not be deep enough to serve this property.

The highest and lowest ground elevation on this property is between 634 and 594 respectively. There are few possibilities for connecting to the existing public sewer system:

The manhole on Salamo Rd in front of property address 23190 has an invert elevation at 542.85. This system can accommodate development with established ground level at and above elevation 550.

The manhole on Crestview Dr in front of property address 2548 has an invert elevation at 560.95. This system can accommodate development with established ground level at and above elevation 550.

Property address 23150 is currently under land-use process with the City. The development will loop the existing sewer systems on Crestview Dr through their development. This will present another mean for sewer connection.

Easement through private properties may be required. Development in this area is responsible financially and technically for mean of connection.

STORM SEWER (SURFACE WATER)

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.

Existing public storm drainage systems located at lower ground elevation on Salamo Rd and Crestview Dr will allow connectivity.

Easement through private properties may be required. Development in this area is responsible financially and technically for mean of connection.

EASEMENT

Property and easement potentially (not a guarantee) can be utilized as mean for utility connectivity.

- City owned property located between address 2536 and 2548. This piece of land is currently designated as pedestrian path. Changing designation shall require legal advisory, review and approval from City.

- The City and current developer of property located at 23150 Bland are working on establishing a 15' utility easement.

TRANSPORTATION

Defer to Transportation Planning codes for connectivity, dead end and cul-de-sac. East-west extension for connectivity will be preferred.

Blind corner on Weatherhill Rd should be addressed. Alignment of center line may have to be redesigned to meet geometrical roadway design standards and requirements.

Street improvements shall be required including pavement, curb/gutter, sidewalk, street trees and street lights to provide adequate transportation for public use. Utilities along project frontage such as power and communication must be placed underground.

Additional Details

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.

No neighborhood meeting is required for annexation, but would be required for a subdivision or PUD. However, these meetings are always encouraged to solicit public input and make the public more informed of an applicant's plans. The property is in the Savanna Oaks neighborhood. Contact Ed Schwarz, Savanna Oaks NA president at 503-723-5015 at savannaosna@westlinnoregon.gov. If the applicant does a neighborhood meeting, conceptual plans of the development should be submitted to the neighborhood association at least 10 days before the meeting.

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.

The fee for an annexation is \$15,000 plus \$1,000 for every acre up to \$20,000 (excluding election costs). The two-step City process, including the two public hearings is likely to take approximately 6 months. Ballot measures must be submitted to the Clackamas County Elections Office approximately two months prior to the election.

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.

CITY OF WEST LINN

APPLICANT'S ANNEXATION PROCEDURE CHECKLIST

On May 19, 1998, the voters of the City of West Linn passed Ballot Measure 3-8 to amend the City's Charter and require voter approval prior to the City annexing territory. The Charter was amended to read as follows:

Unless mandated by state law, the City of West Linn shall not annex any territory, by delayed annexation or otherwise, without the approval of a majority vote among the City's electorate.

The City adopted an ordinance implementing requirements for annexation of lands to the City of West Linn pursuant to Ballot Measure 3-8. The Metro Regional Government, which serves jurisdictions within the Portland metropolitan area, also adopted an ordinance relating to local government boundary changes. The City of West Linn is required to meet Metro's ordinance (Chapter 3.09 of the Metro Code), as well as Oregon Revised Statutes.

Overview of Annexation Process

Application: A petition to annex to the City of West Linn may be initiated by a property owner(s) of the land to be annexed or by the City. The fee for an annexation is \$15,000, plus \$1,000 per acre, up to a maximum of \$20,000.

The City has a two-step annexation process that begins after an annexation petition is submitted and deemed complete.

Step 1: Staff evaluates whether the annexation request conforms to the provisions of the City's Municipal Code, Community Development Code (CDC) Chapter 81, Metro Code Chapter 3.09, and the Oregon Revised Statutes. 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 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).

Step 2: 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. 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 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: 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 following exceptions:

- 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.
- 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.
- The procedures for Step 1 and 2 are listed below. These do not apply to expedited annexations:

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;
 - ii. Community Development Code (CDC) 81.040 and 81.050; and
 - iii. Metro Code 3.09.040.
 - b. Petition form, written submittal, and drawings per CDC Section 81.040.
 - c. 11x17 ¼ section assessor maps with the subject parcel/lot(s) noted.
 - d. Legible copies of the legal description and each deed reference.
 - 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.
 - f. Verification of elector's signatures (if applicable) through Clackamas County Elections Department on forms provided by the City.

Step 1: Process After Petition Submittal Complete

1. Staff schedules City Council hearing within 45 days of receiving a complete petition submittal.

2. Staff mails public notice and posts site 20 days prior to public hearing.
3. Staff prepares a staff report available to public at least 15 days prior to public hearing.

Step 1: Public Hearing Procedures

1. Council hearing and action for Step 1.
2. Staff mails 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 City Council public hearing after appeal period ends for Step 1.
2. Staff mails notice to property owners not less than 20 days prior to the public hearing.

Step 2: Public Hearing Procedures

1. City Council hearing and action for Step 2 within 45 days following the public hearing, unless a continuance is announced. City Council makes a motion to approve the resolution and ballot title language, or takes “no action.”
2. The City Council schedules the annexation petition for the next appropriate election, or denies the request.
3. Staff files notice of measure with Clackamas County elections filing officer by the deadline.
4. If the voters approve the annexation, staff continues to post annexation approval.

Post Annexation Approval

1. 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.
2. Staff forwards copy of adopting resolution declaring results of vote to Metro.
3. The City accepts land use applications at this point in the process, if the petitioner plans to develop the property.

Annexation to Tri-City Service District

Property owners must first annex to the City of West Linn, then 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. Two checks are required with boundary change applications, one to Clackamas County for the application fee, and the second to Metro for the mapping fee. Please contact Clackamas County's Water Environment Services Department for further information.