



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.:

Received:

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of West Linn

Local file no.: **ANX-16-01**

Date of adoption: 1/19/2017

Date sent: 1/25/2017

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 10/25/2016

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

The proposed change was for the property to be zoned R-7, per the applicant's request. The City Council and staff agreed an R-10 zoning is more consistent with the neighboring properties. The property was approved with an R-10 zone.

Local contact (name and title): Jennifer Arnold

Phone: 503-723-2542

E-mail: jarnold@westlinnoregon.gov

Street address: 22500 Salamo Rosf

City: West Linn

Zip: 97068-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from FU-10	to R-10	Acres: 3.38
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 3800 Ridge Lane 21E-1-25CB-03800

List affected state or federal agencies, local governments and special districts: Metro, Oregon Department of Revenue, Clackamas County, Tri-City Service District

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

- 1: Final Decision and Order from City Council approving the zone change to R-10
- 2: Ordinance NO. 1658 establishing the zoning designation as R-10
- 3: Ordinance NO. 1656 approving the annexation of real property located at 3800 Ridge Lane

NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in ORS 197.615 and OAR 660-018-0040.

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line "Notice of Adopted Amendment."

Submittals may also be uploaded to DLCD's FTP site at http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. **Content:** An administrative rule lists required content of a submittal of an adopted change (OAR 660-018-0040(3)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. (ORS 197.615)

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

Completed Form 2

A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions

The findings and the text of the change to the comprehensive plan or land use regulation

If a comprehensive plan map or zoning map is created or altered by the proposed change:

A map showing the area changed and applicable designations, and

Electronic files containing geospatial data showing the area changed, as specified in OAR 660-018-0040(5), if applicable

Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

WEST LINN PLANNING COMMISSION

FINAL DECISION AND ORDER

ANX 16-01

IN THE MATTER OF A PROPOSAL TO ANNEX 3.38 ACRES OF REAL PROPERTY AT 3800 RIDGE LANE

I. Overview

At its meeting of December 12, 2016, the West Linn City Council ("Council") opened the public hearing, unanimously approved a motion to continue the hearing to January 9, 2017, and directed staff to increase the notice area for the January 9, 2017, meeting to properties within 500 feet of the subject property. On January 9, 2017, the Council held a public hearing to consider the request by Chris Koback on behalf of the property owners, Chris and Janet Morgan, to annex 3.38 acres of real property at 3800 Ridge Lane. The approval criteria for annexation land use application are found in Chapter 81, Boundary Changes, of the Community Development Code ("CDC"). The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The hearing commenced with a staff report presented by Jennifer Arnold. The applicant presented, and then public testimony was received at the hearing. The hearing was then closed and a motion was made and seconded to approve the application with a zoning designation of R-10. The motion passed.

II. The Record

The record was finalized at the January 9, 2017, hearing. The record includes the entire file from ANX 16-01.

III. Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The applicants are Chris and Janet Morgan.
- 3) The Council finds that it has received all information necessary to make a decision based on the Staff Report and attached findings; public comment, if any; and the evidence in the whole record, including any exhibits received at the hearing.

IV. Findings

The Council adopts the Staff Report for December 12, 2016, with attachments, including specifically the Addendum, as its findings, which are incorporated by this reference. The Council concludes that all of the required approval criteria of Community Development Code, Chapter 81, which refers to the Metro Code, West Linn Municipal Code, and Oregon Revised Statutes are met.

In support of the Council's decision to designate the property as R-10, Finding 5 of the Staff Report is to be replaced with the following new finding:

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.

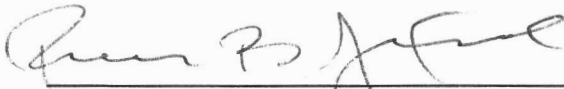
The City's Comprehensive Plan contemplates annexation of this property to the City and designates it as Low Density Residential. An R-10 zoning designation is consistent with the City's Comprehensive Plan. It is consistent with Policy 7 in Goal 2: Land Use Planning that calls for low density residential 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. 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-10 zone provides for single family detached residences. In the Council's deliberation, there was discussion over the zoning map for this area. The Council determined the zoning of R-10 is most consistent with adjacent properties inside the city limits. The Council also found that the initial designation of the R-10 zone would not preclude a zone change in the future after neighboring properties are annexed or when a development proposal is presented at a later date.

Regarding subsection (D) (2) staff finds that annexing the property and subsequent development will provide the City with frontage improvements on Ridge Lane. 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.

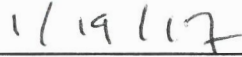
Regarding subsection (E) staff finds that the property lies within the Metro Urban Growth Boundary. The criteria are met.

V. Order

The Council concludes that ANX 16-01 is approved based on the Record, Findings of Fact and Findings above.



RUSSELL AXELROD, MAYOR
WEST LINN CITY COUNCIL



DATE

This decision is final upon the date of the signature on this notice. Those parties with standing may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) according to the rules adopted by LUBA.

Mailed this 25th day of January, 2017.

ORDINANCE NO. 1658

AN ORDINANCE ESTABLISHING THE ZONING DESIGNATION AS R-10
UPON ANNEXATION OF THE PROPERTY LOCATED AT 3800 RIDGE LANE

WHEREAS, the 3.38 acres of real property at 3800 Ridge Lane, West Linn, Oregon ("Property"), and further described in Exhibit A, which is attached and incorporated by this reference, are located within the Metro Urban Growth Boundary and are eligible for annexation into the City of West Linn; and

WHEREAS, the Applicant sought annexation of the Property into West Linn, Oregon, with a designation of R-7; and

WHEREAS, the West Linn Comprehensive Plan contemplates the annexation of the Property and designates it as low density residential; and

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

WHEREAS, the addition of property to the City requires modifying the Zoning Map, which must be done by ordinance; and

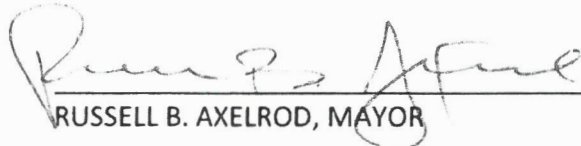
WHEREAS, the City Council may choose not to annex the Property during Step 2, the policy decision regarding the proposed annexation, negating the need for this Ordinance to become effective.

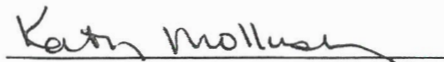
NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:

SECTION 1. Zoning designation and map amendment. The Property shall be zoned R-10, single-family residential detached. The Zoning Map shall be amended to include the Property within the City limits and depict the Property with an R-10 zoning designation, as shown on Exhibit B, which is attached and incorporated by this reference.

SECTION 2. Effective Date. This ordinance shall only take effect on the 30th day after the passage of Ordinance 1656 approving the annexation of the Property.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 9th day of January, 2017, and duly PASSED and ADOPTED this 9th day of January, 2017.


RUSSELL B. AXELROD, MAYOR


KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

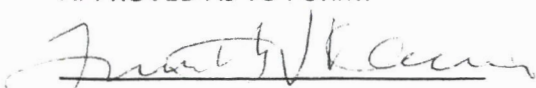

CITY ATTORNEY

EXHIBIT A

A tract of land being a part of Tracts 27, 28 and 29, SHANNON ACRE TRACTS, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at a one-half inch iron pipe at the northwest corner of said Tract 29, which iron pipe is at the intersection of the westerly boundary of said plat with the southerly right of way line of a 30.00 foot roadway. thence East along the northerly boundary of said Tracts 29, 28 and part of the southerly right of way line of said 30.0 foot roadway, 575.00 feet; thence leaving said southerly right of way line South 00° 08' West 536.63 feet to the southwesterly line of said Tract 27; thence North 63° 00' 30" West along the southwesterly boundary of said SHANNON ACRE TRACTS, 644.66 feet to the southwest corner of said plat; thence North along the westerly boundary of said plat, 244.03 feet to the place of beginning; From said place of beginning;

EXCEPTING THEREFROM Tract 29 thereof.

ORDINANCE NO. 1656

AN ORDINANCE APPROVING THE ANNEXATION OF REAL PROPERTY LOCATED AT 3800 RIDGE LANE; REMOVING THE PROPERTY FROM SPECIAL DISTRICTS; AND ADDING THE PROPERTY TO SPECIAL DISTRICTS

WHEREAS, the 3.38 acres of real property at 3800 Ridge Lane are located within the Metro Urban Growth Boundary and are eligible for annexation into the City of West Linn; and

WHEREAS, the Applicant sought annexation of the property into West Linn, Oregon, with a designation of R-7; and

WHEREAS, Ordinance 1658 zones the property R-10, single-family residential detached and amends the Zoning Map upon passage of this Ordinance; and

WHEREAS, the City of West Linn public facility plans anticipate 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, annexation of the property into the City will allow it to be served by the Tri-City Service District, which provides sewer service to all properties connected to the public sewer system in the City; and

WHEREAS, annexation of the property into the City will result in the West Linn Police Department providing law enforcement services, eliminating the need for Clackamas County Enhanced Law Enforcement District to serve the annexed property.

NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:

SECTION 1. Annexation. The City approves the annexation of the property located at 3800 Ridge Lane ("Property") and further described in Exhibit A, which is attached and incorporated by this reference.

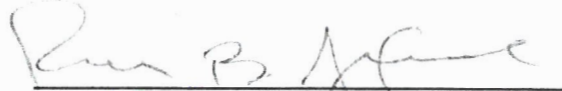
SECTION 2. Annexation to Tri-City Service District. The City requests and approves of the annexation of the Property into the Tri-City Service District.

SECTION 3. Removal from Law Enforcement District. The City requests and approves of the removal of the Property from the Clackamas County Enhanced Law Enforcement District.

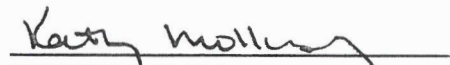
SECTION 4. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 5. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 9th day of January, 2017, and duly PASSED and ADOPTED this 9th day of January, 2017.

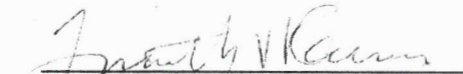


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APPROVED AS TO FORM:



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
**Adopted Zoning
ANX-16-01
City of West Linn**

 Subject Property


 R7

 R3

 R10

 Unincorporated


0 125 250 500
Feet



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 agency data and information sources to ascertain the usability of the information.

Data Sources: City of West Linn, Clackamas County, Metro
Cartography: West Linn Planning - November 2016

**Adopted Zoning
ANX-16-01
City of West Linn**

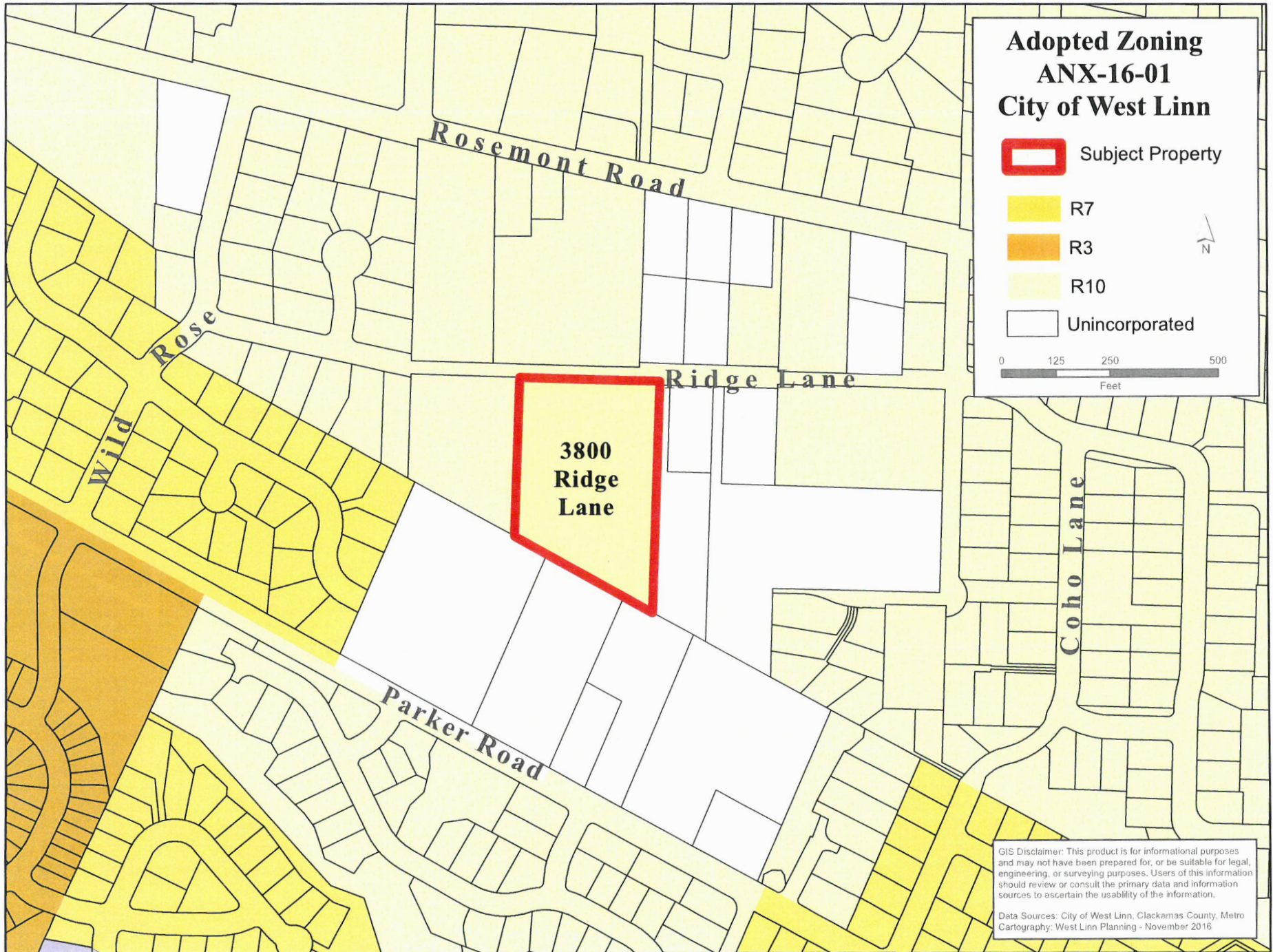
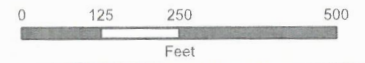
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 R7

 R3

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