



CITY OF
West Linn

PLANNING AND DEVELOPMENT

**STAFF REPORT
FOR THE CITY COUNCIL**

FILE NUMBER: ANX-16-02

HEARING DATE: December 12, 2016

REQUEST: Annexation of 3.55 acres at 3015 and 3001 Parker Road

APPROVAL CRITERIA: Community Development Code (CDC) Chapter 81

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Interim Community Development Director's Initials JA

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GENERAL INFORMATION

**OWNERS/
APPLICANT:**

Noell and Carol Price

SITE LOCATION:

3015 and 3001 Parker Road

DESCRIPTION:

The site is identified as Assessor's Map 21E25CC tax lots 100 & 200. Each tax lot is a single lot of record.

SITE SIZE:

3.55 acres (154,638 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 (per the requirements of ORS 197.763(2)(a)(A)), as well as other interested parties, on November 17, 2016 to satisfy the 20 day notice. All annexation notice requirements were fulfilled.

EXECUTIVE SUMMARY

This is a hearing to consider the request for annexation of the 3015 and 3001 Parker Road. 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

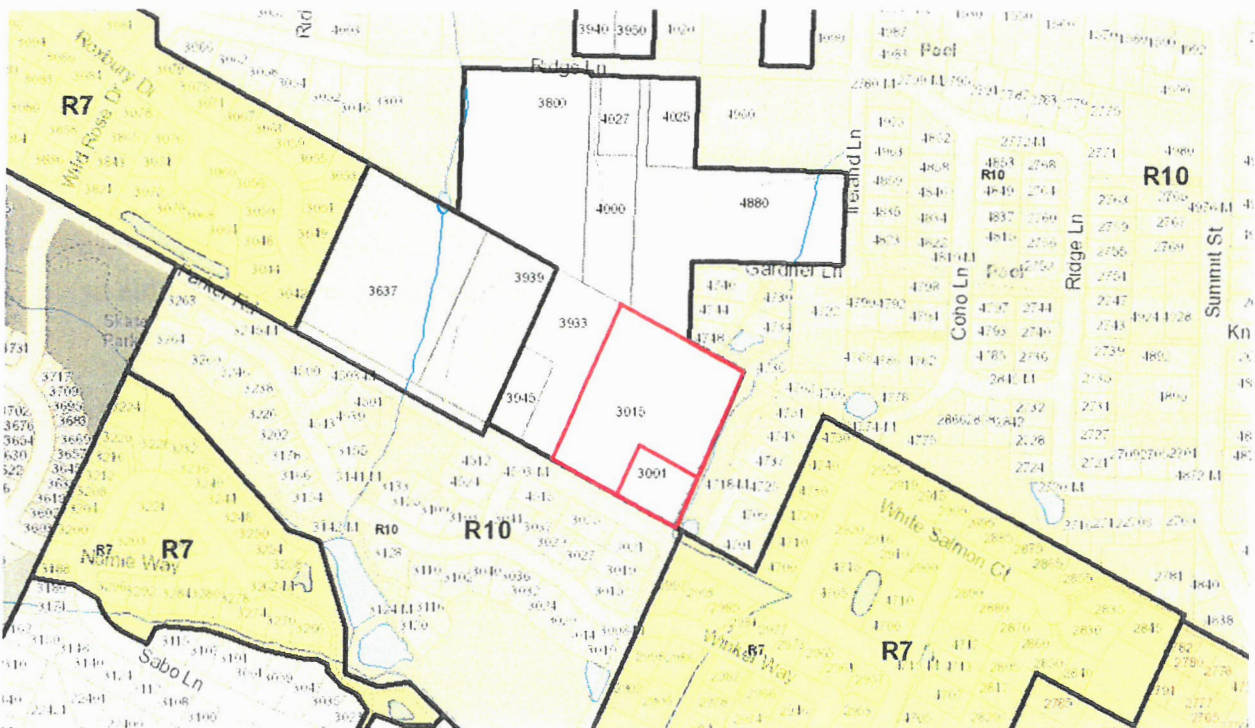
Site Conditions: The area to be annexed, called out below, comprises 3.55 acres. The property is made up of two tax lots each a single lot of record owned by Noell and Carol Price. The property is a roughly a mile from the UGB and the City limits line. There is an existing single family home, at 3015 Parker Road and 3001 is vacant property. 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-10 densities.



Topography: The property is sloped from its high point of approximately 590 feet at the northwest or back of the property down an elevation of approximately 527 feet at the southeast corner of the property (Parker Road). The property is home to many 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 per the applicant's request. 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 of nearby residential development. There is R-10 zoning to the east and south of the subject property. The properties directly west and north of the subject property have not been annexed and are under Clackamas County jurisdiction.



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 3800 Ridge Lane, and, if annexed, designate the property R-7, single family residential per the applicant's request.

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. 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 (Noell and Carol Price). 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 densest 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 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.

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:

COMPREHENSIVE PLAN/LAND USE DESIGNATION	ASSIGNED ZONING DISTRICT
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

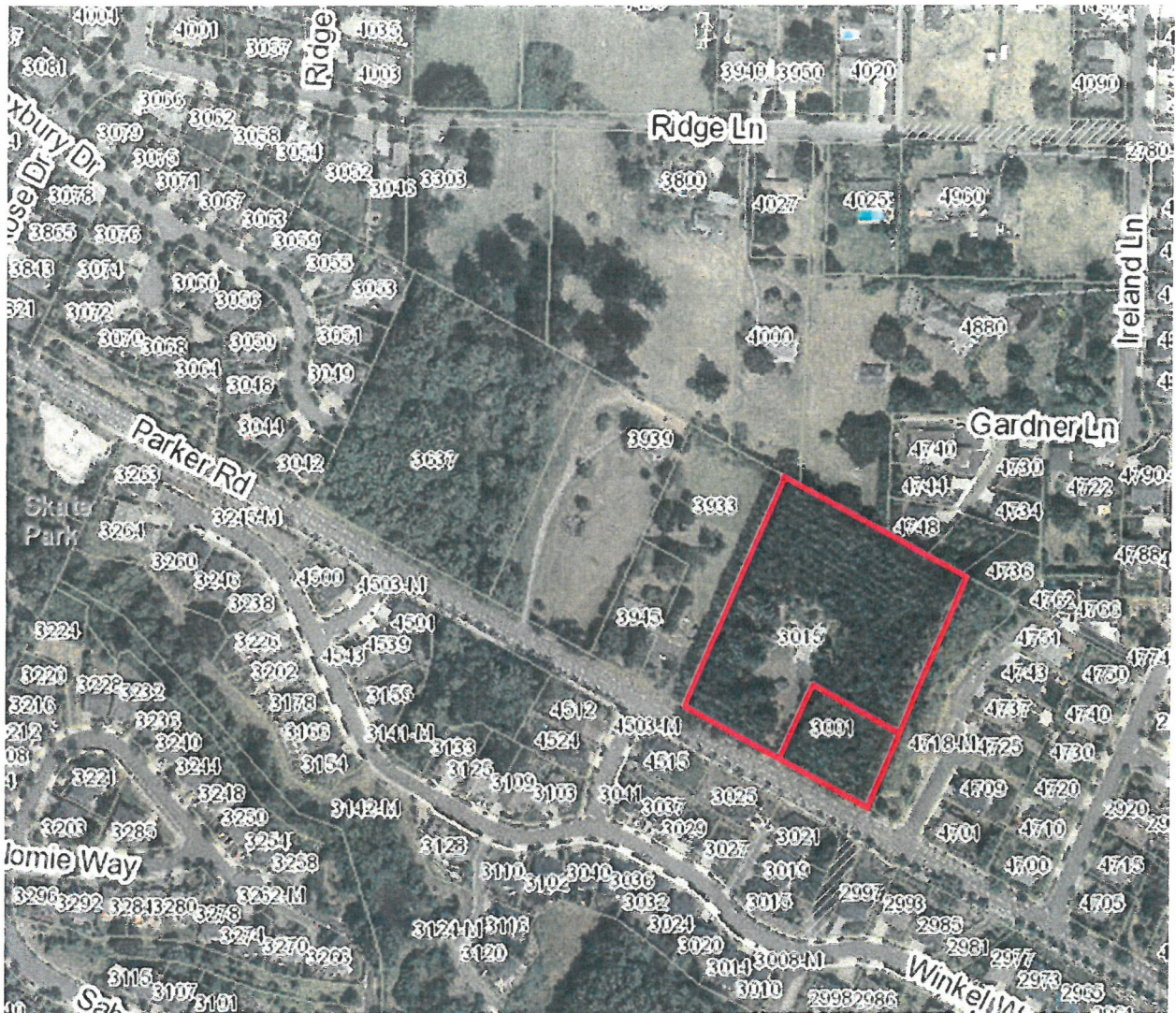
Finding 6: The Comprehensive Plan designation for this property and surrounding properties is Low Density Residential, which permits R-7 to R-40 zones. The applicant proposes and staff recommends an R-7 designation, which would be consistent with nearby zoning. The criterion is met.

Direction	Comprehensive Plan designation	Zoning	Land Use
West	Low density residential	Not yet annexed	Single family homes
East	Low density residential	R-10	Single family homes
North	Low density residential	Not yet annexed	Single family homes
South	Low density residential	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 is sloped from its high point of approximately 590 feet at the northwest or back of the property down an elevation of approximately 527 feet at the southeast corner of the property (Parker Road). The property is home to many 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.



Regarding existing zoning and development patterns of surrounding properties, staff finds surrounding properties are zoned R-10 and nearby zoned R-7. Staff recommends an R-7 zoning designation. The pattern of development indicates ongoing urbanization. Subdivisions have been approved near the property. However, there is no subdivision plan proposed at this time. The criteria are met.