



CITY OF  
**West Linn**  
PLANNING AND DEVELOPMENT

**STAFF REPORT  
FOR THE CITY COUNCIL**

**FILE NUMBER:** ANX-18-02

**HEARING DATE:** June 18, 2018

**REQUEST:** Annexation (Expedited Decision) of 2.56 acres at 22870 Weatherhill Road

**APPROVAL CRITERIA:** Community Development Code (CDC) 81.050- 81.055, West Linn Municipal Code (WLMC) 2.920-2.930 and Metro Code 3.09.045 and 3.09.050(D)

**STAFF REPORT PREPARED BY:** Jennifer Arnold, Associate Planner

Planning Manager's Initials AB

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## GENERAL INFORMATION

- OWNERS:** David Dean & Diana Dean  
22780 Weatherhill Road  
West Linn, OR 97068
- APPLICANT:** Emerio Design, LLC, Steve Miller  
6445 SW Fallbrook Place, STE: 100  
Beaverton, OR 97008
- SITE LOCATION:** 22870 Weatherhill Road
- DESCRIPTION:** The site is identified as Assessor's Map 2S 1E 35B tax lot 405
- SITE SIZE:** 2.56 acres (111,537 square feet)
- PROPOSED ZONING DESIGNATION:** 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:** Per ORS 197.763(2) (a) (A), notice was mailed on May 24, 2018 to satisfy the 20 day notice to all property owners within 500 feet (ORS only requires 100 feet), the Savanna Heights Neighborhood Association, DLCD, and all "Necessary Parties" as defined by Metro Code 3.09.020 (J).
- The affidavit of notice (Exhibit CC-1) validates that the notice requirements of Metro Code, CDC, WLMC and Oregon State statutes have been met.
- PROCESS:** Annexations go through a two-step process. At Council discretion, both steps can be completed on the same hearing date. Step one is a land use decision, as outlined in WLMC 2.920, and determines whether the proposed annexation is consistent with the intent of the West Linn Comprehensive Plan, CDC Chapter 81 and Metro Code 3.09. Step one includes Council assignment a zone designation for the property at this time.

Step two review for annexation proposals is a legislative or policy decision that applies the standards of WLMC 2.930. During step two, the policy decision, the Council, in its discretion, may: 1) decide to set a public hearing for the annexation request; 2) delay a public hearing on the requested annexation; or, 3) pass a resolution placing the annexation request on a ballot for an advisory vote.

At the conclusion of step two, the Council may approve an annexation request if it finds that the annexation is in the best interest of the City based on the report prepared by the Planning Director; testimony and evidence presented at the public hearing; and any other information, evidence, or analysis the City or the Council deems relevant to the application.

The Council may deny an annexation acting in its legislative capacity even after it has approved the annexation application through the step one process.

#### **EXECUTIVE SUMMARY**

This is a hearing to consider the request for annexation of 22870 Weatherhill Road. The step 1 process will be evaluated on the June 18<sup>th</sup> hearing. The applicant has requested 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. The property is located within the Urban Growth Boundary (UGB), is suitable for development, and can be serviced with utilities.

If the annexation is approved, the annexation ordinance will annex the property into the Tri-City Service District and remove the property from the Clackamas County Enhanced Law Enforcement District.

Council has the option to complete step 2 at the June 18<sup>th</sup> hearing. If Council chooses to have separate hearings, a date must be selected for that action.

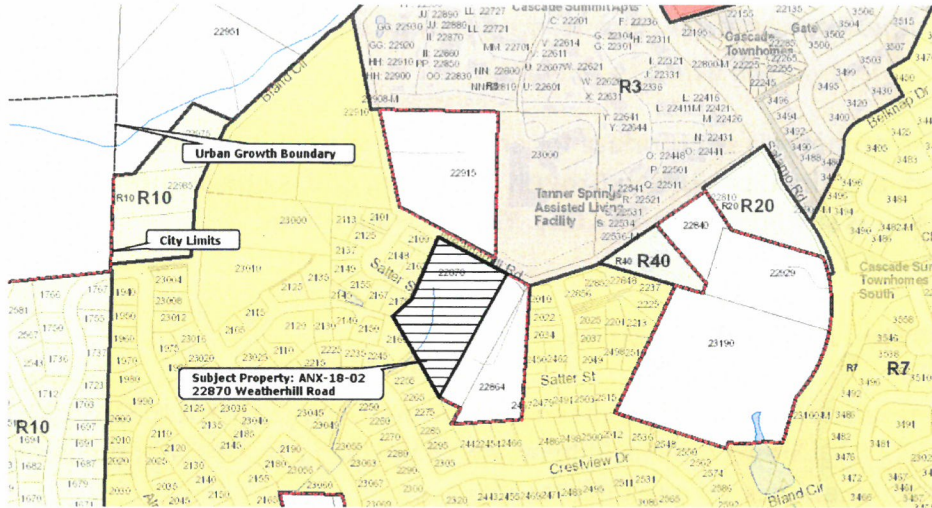


## BACKGROUND

**Existing Land Uses:** The area proposed to be annexed comprises 2.56 acres. The property is one single lot of record owned by David and Diana Dean. The property is a roughly a quarter mile inside the UGB and the City limits line. There is an existing single family home on the property with numerous accessory buildings.

**Natural Features:** The property initially has a gradual slope towards the rear of the property but the steepness increases to an average slope of 16%. There is a grove of trees near the rear property line and an ephemeral stream begins near the center of the parcel.

**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. The property is adjacent to R-3 and surrounded on 2 sides by R-7. This supports the applicant requested R-7 designation.



**Utilities:** Water service is located in the Weatherhill Road ROW and within the Satter Street ROW to the west of this property. Storm water and sewer lines are stubbed out near the terminus of Satter Street, and can be extended to serve this property.

**Public comments:**

No public comments have been received as of the publication of this Staff Report.

**RECOMMENDATION**

Staff recommends approval of the Step One “Land Use Decision” and Step Two “Policy Decision” by Ordinances (attached) to annex the property at 22870 Weatherhill Road and establish an R-7 zone designation per the applicant’s request.

**ADDENDUM  
APPLICABLE REGULATIONS AND ASSOCIATED FINDINGS**

**STEP ONE: “LAND USE DECISION”**

**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, the City's Urban Growth Boundary, and is one of three lots that represent an "island" that is surrounded by the City. The criterion is met.**

#### **WLMC 2.920 Step 1: Land Use Decision**

When an annexation application has been properly initiated pursuant to ORS 222.111, 222.125, 222.170, or 222.840, Step 1 shall include review of the land use aspect of the petition pursuant to Community Development Code Chapter 81.

**Finding 2: The application has been correctly initiated per ORS 222.111 by owners of real property in the territory to be annexed. Review pursuant to CDC Chapter 81 is discussed below.**

#### **METRO CODE**

##### ***Metro 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 3: Pursuant to ORS 222.125, the applicant submitted certificates of consent to the annexation signed by 100 percent of the owners and electors (David and Diana Dean) within the property proposed to be annexed. These certificates have been reviewed and validated by the County Assessor's Office. The criterion is met.**

##### ***Metro 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.*

**Finding 4: The subject property qualifies for an expedited decision since 100 percent of the property owners and electors have provided certificates of written consent regarding the annexation (David and Diana Dean).**

**Notice requirements (including 20 days' notice) have been satisfied (see Affidavit of Notice (Exhibit CC-1)). Pursuant to Council Guidance, for notice of annexations, notice was sent to property owners within a 500 foot radius, DLCDD and all "necessary parties". The criteria are met for the expedited decision process.**

*Metro 3.09.045 (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.*

**Finding 5: This staff report was available for public review at least seven days prior to the scheduled Council hearing date. This staff report addresses urban services in Finding 6. An approved annexation would require the withdrawal of the property from the Clackamas County Enhanced Law Enforcement District. The effective date of the boundary change is to be determined by Council. This criteria is met.**

*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.*

**Finding 6:** The property is within the City’s adopted Urban Growth Boundary (UGB) which is acknowledged and approved by Metro and the State of Oregon. The UGB is recognized as the means of identifying lands that are appropriate and serviceable for annexation. The City’s Comprehensive Plan designates this property to be developed as “Low Density Residential” which allows R-7 to R-40 zones.

Regarding “Public Facility plans”, staff finds that the City’s water, sewer, and surface water management (master) plans and the Transportation System Plan (TSP) anticipated annexation, development and service of this property.

Regarding “applicable Comprehensive Plan” policies, Policy 7(a) in Goal 2: Land Use Planning (Residential Development) calls for “low density residential” zoning in “*Areas with limited capacity for development because of existing facilities such as sewer, water and drainage and/or development limitations due to topography, soil characteristics, drainage, high water table, and flooding.*” With no infrastructure limitations and few site constraints, the R-7 zone, is appropriate for the site.

**Goal 10: Housing and Policy 2** encourages the development of various housing types, including single family homes. The R-7 zone designation would facilitate that.

Regarding “*promot(ing) the timely, orderly and economic provision of public facilities and services... the quality and quantity of urban services*”, Public sewer and storm water lines are located within Satter Street ROW abutting the western property line. No upgrade in capacity is needed to serve this property.

Satter Street stubs out at the west edge of this property and is expected to connect with Salamo Road, per the 2016 Transportation System Plan (TSP)(“*Recommended Local Street Connectivity Projects*” Figure 12), at such time that the property is developed.

Regarding the “*...Economic provision of public facilities and services...*”, staff finds that the applicant currently uses City streets, parks and other services but does not pay City taxes. By annexing to the City, the applicant’s taxes will contribute to those public facilities and services.

Regarding “*...avoiding the unnecessary duplication of facilities or services...*”, annexing the property will eliminate the need for Clackamas County Sheriff’s officers having to respond to



**calls well within the City limits where City of West Linn Police are better positioned to provide coverage. The criteria is met.**

*Metro 3.09.045 (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.*

**Finding 7: Regarding Metro 3.09.045 (E), staff finds that the property lies inside the Urban Growth Boundary. The criteria is met.**

**CDC CHAPTER 81, BOUNDARY CHANGES**

**CDC 81.050 APPROVAL CRITERIA**

The Council shall approve a boundary change proposal based on findings and conclusions that the proposal complies with the criteria of Metro Code Section 3.09.050(D).

**Finding 8: Metro Code Section 3.09.050(D) criteria states that “To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (D) and (E) of section 3.09.045”. Staff finds that 3.09.045 (D) and (E) have been addressed above in Finding 6 and 7. The criteria is met.**

**CDC 81.055 ZONING DESIGNATION**

A decision on annexation shall also incorporate a decision on a zoning designation. 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 9:** The Comprehensive Plan designation for this property and surrounding properties is “Low Density Residential”, which permits R-7 to R-40 zones. The proposed zone designation is consistent with R-7 zoning of adjacent residential development to the west, south and east which represents the majority of the property perimeter. The criterion is met.

*CDC 81.055 (cont.) Where the 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 10:** Site characteristics include an average 16 percent slope from the property’s high point of approximately 634 feet at the northwest or front of the property down to an elevation of approximately 550 feet at the southern, or rear property line. The south half of the site is forested. Also, there is an ephemeral stream begins near the center of the parcel.

Zoning patterns were addressed in Finding 9. The “development pattern” finds surrounding properties to the south and west are fully built out with single family homes within long established subdivisions (see table below). The property to the north has not been annexed and is occupied by one single family home. The property to the northeast is occupied by an assisted living facilities. The property to the east has not yet been annexed (ANX-18-01) and is occupied by one single family home.

Direction	Zoning	Land Use
West	R-7	Single family homes
East	Not Yet Annexed FU-10 (Clackamas County)	Single family homes (ANX-18-01)
North	Not yet annexed FU-10 (Clackamas County) & R-3	Single family home, Tanner Springs Assisted Living Facility, & Cascade Summit Apartments

South	R-7	Single family homes

Utilities have been addressed in Finding 6.

The criteria is met.

## STEP TWO: "LEGISLATIVE/POLICY DECISION"

### **WLMC 2.930 (2) Policy Decision**

(2) *If the annexation is approved in the Step 1 process, the Planning Director shall prepare a report which includes the following information:*

- (a) *General information on the property or properties, including but not limited to location, size, access to infrastructure, recommended zone, protected resource areas and infrastructure status;*
- (b) *Impact on the school district, including but not limited to impacted schools, taxes, and anticipated number of additional students;*
- (c) *Cost to City of infrastructure that is not funded by SDCs; and*
- (d) *Tax implications for the City.*

**Finding 11: The criteria of WLMC 2.930 (2) (a) has been addressed and met pursuant to Findings 6, 9 and 10.**

**Regarding the impact on the school district, infrastructure costs and tax implications staff concurs with the findings in the applicant’s submittal found in Exhibit CC-3 and reprinted below:**

***(School District) “The West Linn-Wilsonville School District Long Range Plan of 2014 identifies student yield factors for single-family detached housing units of 0.31 for K-5, 0.12 for 6-8 and 0.14 for 9-12. This means that development of this property with approximately 12 homes could yield approximately 4 elementary students, 1 middle school student, and 2 high school students. The anticipated 7 students that may enter the school district from these homes will have a negligible effect on the existing schools. The enrollment forecasts for all schools in the district includes build-out of properties in the Urban Growth Boundary, such as this one.***

***The implementation of new capital facilities for schools is funded through municipal bonds. Bonds are prepared based upon estimates of the build-out needs for facilities using the potential for development within the City's Urban Growth Boundary. As new homes are added to the tax base through the conversion of rural lands to urban developments, the larger debt service associated with school bonds is spread across a larger tax base. The tax rates associated with voter-approved debt may drop as a result of the introduction of new homes within the service area. As such, additional students are anticipated will not cause significant impact to the school district. The annexation may have a positive effect on the tax roles for existing debt service associated with current school bonds."***

***(Infrastructure Costs) "All infrastructure needed to support development of this site as a residential subdivision will be installed with future construction as paid for by the developer. Any off-site infrastructure needs (i.e. parks, etc.) will be funded through SDCs. There is no anticipated additional cost to the City for infrastructure that is not funded by SDCs."***

***(Tax Implications) "The City will collect property taxes from the owners of the site once annexed to the City and from the subsequent owners of any new homes build on the property if the property is further developed. The annexation of the subject property closes a gap in the City's boundary and provides for an orderly and well-considered City planning, maintenance, and jurisdictional boundary. The requirements of this section have been satisfied."***

The criteria is met.

**CC-1 AFFIDAVIT OF NOTICE AND MAILING PACKET**

**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-18-02 Applicant's Name Emerio Design  
Development Name \_\_\_\_\_  
Scheduled Meeting/Decision Date 6-18-18

**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) 5-24-18 (signed) V. Shroyer
- B. Affected property owners (date) 5-24-18 (signed) V. Shroyer
- C. School District/Board (date) 5-24-18 (signed) V. Shroyer
- D. Other affected gov't. agencies (date) 5-24-18 (signed) V. Shroyer
- E. Affected neighborhood assns. (date) 5-24-18 AU (signed) V. Shroyer
- F. All parties to an appeal or review (date) \_\_\_\_\_ (signed) \_\_\_\_\_

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

Tidings (published date) 6-7-18 ; 6-14-18 (signed) V. Shroyer  
City's website (posted date) 5-24-18 (signed) V. Shroyer

**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) June 1, 2018 (signed) Jenil Auld

**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) 5-31-18 (signed) Jenil Auld

**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 2.57 ACRES AT 22870 Weatherhill Road**

**FILE NO. ANX-18-02**

The West Linn City Council is meeting on **Monday, June 18, 2018**, 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 2.57 acre parcel at 22870 Weatherhill Road. 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 0405. The decision will be based on the criteria of Community Development Code (CDC), Chapter 81, West Linn Municipal Code 2.920-2.930 and Metro Code 3.09.045 and 3.09.050(D). The approval criteria from the CDC and Municipal Code are available for review at City Hall, at the City Library, and at <http://www.codepublishing.com/OR/WestLinn/CDC.html>. Metro Code "LOCAL GOVERNMENT BOUNDARY CHANGES" may be found at [https://www.oregonmetro.gov/sites/default/files/2014/06/05/309\\_eff\\_071112\\_final.pdf](https://www.oregonmetro.gov/sites/default/files/2014/06/05/309_eff_071112_final.pdf). 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. All "Necessary parties" have been noticed.

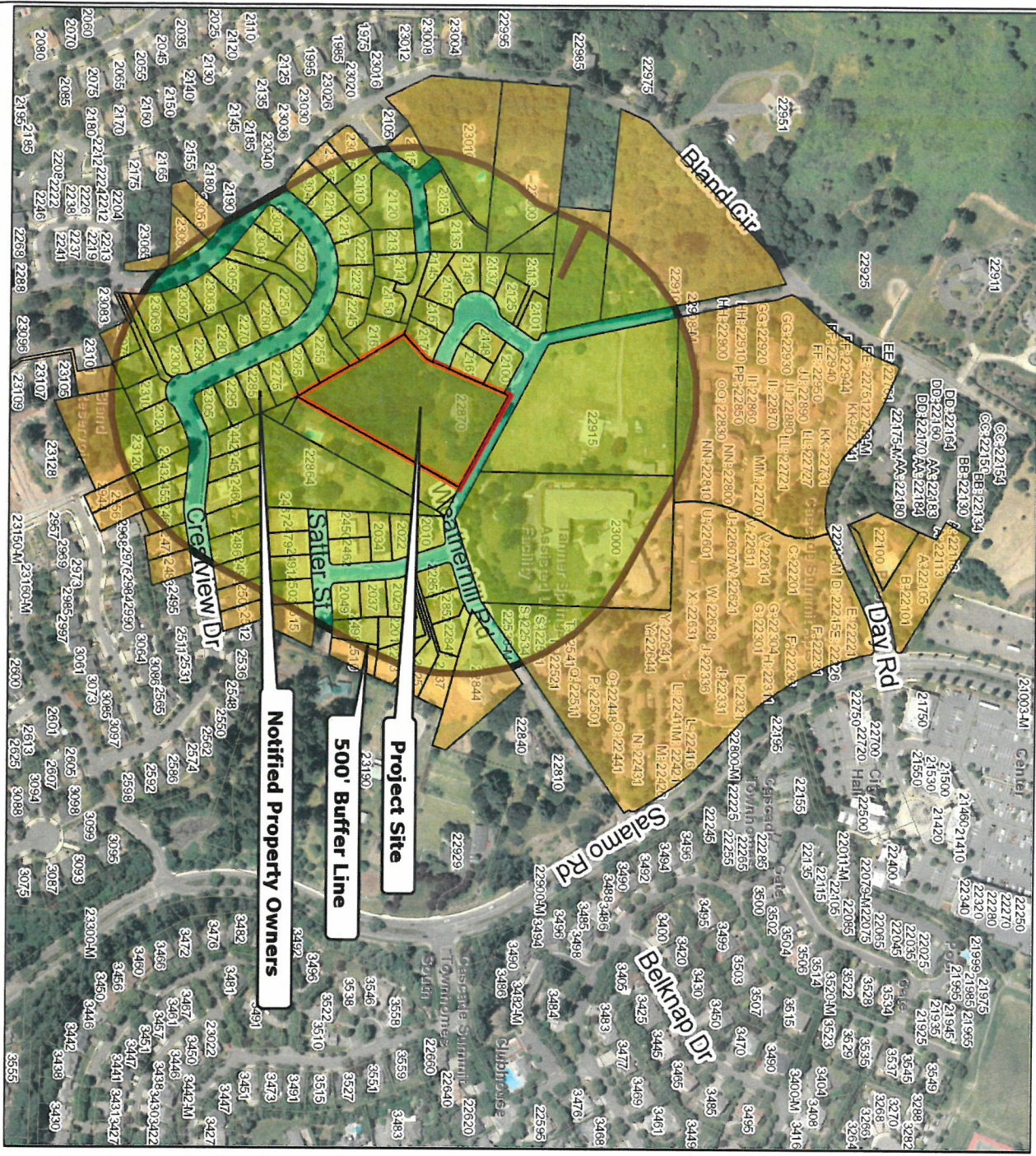
Annexations go through a two-step hearing process. Step one is a land use decision. The Council determines whether the proposed annexation is consistent with the intent of the West Linn Comprehensive Plan and CDC Chapter 81. The Council will assign a zone for the property. At the conclusion of step one, the Council may, in its discretion: 1) decide to set a public hearing for the annexation request (step two), 2) delay a public hearing on the requested annexation or 3) pass a resolution placing the annexation request on a ballot for an advisory vote.

Step two review for annexation proposals is a legislative or policy decision that applies the standards of WLMC 2.930. Both Step 1 and Step 2 can occur on the same night.

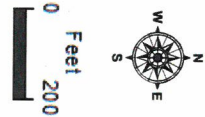
The annexation application is available for inspection at City Hall or via the web site at <https://westlinnoregon.gov/planning/22870-weatherhill-road-annexation-257-acres>. Copies of the annexation application can be obtained for a minimal charge per page. At least 10 days prior to the City Council meeting, a copy of the staff report will be available for inspection at no cost. For further information, please contact Jennifer Arnold at 503-742-6057 or at [jarnold@westlinnoregon.gov](mailto:jarnold@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.

# 22870 Weatherhill Road - Notification Map



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. Map scale is approximate. Source: West Linn GIS (Geographic Information System) Mapopix.



Map created by: SSHROVER  
Date Created: 21-May-18 12:55 PM  
**WEST LINN GIS**





# CITY OF West Linn

## **CITY OF WEST LINN NOTICE OF UPCOMING CITY COUNCIL PUBLIC HEARING**

**PROJECT # ANX-18-02  
MAIL: 5/24/18 TIDINGS: 6/7/18 & 6/14/18**

### **CITIZEN CONTACT INFORMATION**

To lessen the bulk of agenda packets, land use application notice, and to address the worries of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.

## CC-2 COMPLETENESS LETTER



CITY OF  
**West Linn**

March 20, 2018

Emerio Design, LLC  
ATTN: Steve Miller  
6445 SW Fallbrook Place, STE: 100  
Beaverton, OR 97008

SUBJECT: Application for Annexation of real property at 22870 Weatherhill Road (ANX-18-02)

Dear Mr. Miller:

You submitted this application on January 31, 2018. The City finds that this application is **complete**.

We are determining, with our City Council, the best date to schedule your application for a public hearing. You will receive notice of the actual hearing date. Due to the fact that this is a legislative action, the 120-day rule does not apply.

Please contact me at 503-742-6057, or by email at [jarnold@westlinnoregon.gov](mailto:jarnold@westlinnoregon.gov) if you have any questions or comments.

Sincerely,

Jennifer Arnold  
Associate Planner

## **CC-3 APPLICANT'S SUBMITTAL**

## DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>Jennifer Arnold</i>	PROJECT No(S). <i>ANX-18-02</i>	
NON-REFUNDABLE FEE(S) <i>17,000</i>	REFUNDABLE DEPOSIT(S)	TOTAL <i>17,000</i>

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

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Annexation (ANX)           | <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 (CUP)                 | <input type="checkbox"/> Lot Line Adjustment (LLA) */**                   | <input type="checkbox"/> Time Extension *                                |
| <input type="checkbox"/> Design Review (DR)                    | <input type="checkbox"/> Minor Partition (MIP) (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> <b>22870 WEATHERHILL RD.</b>	<b>Assessor's Map No.:</b> 21E35B
	<b>Tax Lot(s):</b> 405
	<b>Total Land Area:</b> 2.57 Acres

**Brief Description of Proposal:** APPLICANT PROPOSES TO ANNEX 2.57 ACRES INTO THE CITY OF WEST LINN.

<b>Applicant Name:</b> EMERIO DESIGN, LLC / ATTN: STEVE MILLER <small>(please print)</small>	<b>Phone:</b> (541) 318-7487
<b>Address:</b> 6445 SW FALLBROOK PL., STE 100	<b>Email:</b>
<b>City State Zip:</b> BEAVERTON, OR 97008	<b>STEVEM@EMERIODSIGN.COM</b>

<b>Owner Name (required):</b> DAVID DEAN & DIANA DEAN <small>(please print)</small>	<b>Phone:</b> (503) 928-1867
<b>Address:</b> 22870 WEATHERHILL RD	<b>Email:</b> dean3fish@aol.com
<b>City State Zip:</b> WEST LINN, OR 97068	

<b>Consultant Name:</b> EMERIO DESIGN, LLC - ATTN: STEVE MILLER <small>(please print)</small>	<b>Phone:</b> (541) 318-7487
<b>Address:</b> 6445 SW FALLBROOK PL., SUITE 100	<b>Email:</b>
<b>City State Zip:</b> BEAVERTON, OR 97008	<b>stevem@emeriodesign.com</b>

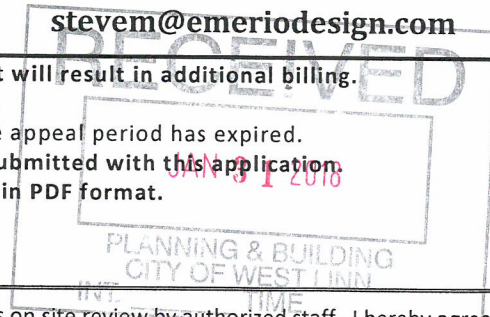
1. All application fees are non-refundable (excluding deposit). Any overruns to deposit will result in additional billing.
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. 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.

<i>Steve Miller</i>	<i>1/31/2018</i>	<i>David E Dean</i>	<i>1/30/18</i>
Applicant's signature	Date	Owner's signature (required)	Date

<i>Diana E Dean</i>	<i>1/30/18</i>
Owner's signature (required)	Date



# EMERIO *Design*



## 22870 WEATHERHILL RD. ANNEXATION APPLICATION

**OWNER:**

David and Dianna Dean  
22870 Weatherhill Rd.  
West Linn, OR 97068

**APPLICANT'S REPRESENTATIVE:**

Emerio Design, LLC  
6445 SW Fallbrook Place, Suite 100  
Beaverton, OR 97008  
Contact: Steve Miller  
Phone: (541) 318-7487 - Cell  
E-mail: [stevem@emeriodesign.com](mailto:stevem@emeriodesign.com)

**CONTACT INFORMATION**

Owners: David and Dianna Dean  
22870 Weatherhill Rd.  
West Linn, OR 97068

Applicant's Representative: Emerio Design, LLC  
6445 SW Fallbrook Pl., Suite 100  
Beaverton, OR 97008  
Contact: Steve Miller  
Phone: 541-318-7487  
Email: stevem@emeriodesign.com

**SITE DATA**

**OWNERS:** David and Dianna Dean

**SITE LOCATION:** 22870 Weatherhill Rd.  
West Linn, OR 97068

**SITE SIZE:** 2.57 acres

**DESCRIPTION:** The site is identified as Tax Lot 2S1E35B 00405. The site is comprised of one lot of record, located on the south side of Weatherhill Rd. just east Satter Street.

**APPROVAL CRITERIA:** CDC Chapters 81 and 105  
Municipal Code, Section 2.920  
City of West Linn Comprehensive Plan Policies 2, 11, and 14  
Metro Code Chapter 3.09

**COUNTY ZONING:** FU-10 – Future Urbanizable 10-acre district (Clackamas County)

**COMPREHENSIVE PLAN DESIGNATION:** Low Density Residential (City of West Linn)

**BACKGROUND**

**GENERAL**

The property proposed for annexation to the City of West Linn is located on the south side of Weatherhill Rd. just east Satter Street, adjacent to the West Linn City limits to the north, south, and west sides of the subject property. The total area to be annexed is approximately 2.57 acres in area. A pre-application conference was held with the City to discuss the annexation of this property on November 2, 2017 by the property owners. This application details the Applicant and Owner’s request to annex into the City of West Linn. Through the annexation process, the owners also would like to

annex into the Tri-City Service District and withdraw from the Clackamas County Enhanced Law Enforcement District.

**SITE CONDITIONS**

The site gently slopes downward to the southeast of the property. There is one single-family residential home on the property. There are trees, planted fields and grass, and a defined garden on the property.

**SURROUNDING LAND USES**

Adjacent properties to the south, east and west are within the West Linn City limits and are zoned R-7. These properties are developed with residential dwellings. The property immediately to the north and across Weahterhill Rd. is developed with the Tanner Springs Assisted Living facility.

**REASONS WHY THIS APPLICATION SHOULD BE APPROVED**

The Applicant has provided the following reasons why the City Council should approve the annexation of the Dean property into the City of West Linn:

- The owners of this site and the registered voters on the site are 100% in favor of annexing this property into the City.
- The site represents a rural island within the City. Annexation of the property will help contribute to an orderly boundary for urban services.
- The addition of this site to the City’s boundary will reduce demands upon Clackamas County by helping to contribute to a more orderly service boundary.

**REASONS WHY THIS APPLICATION SHOULD NOT BE SUBJECT TO AN ADVISORY VOTE**

Advisory votes regarding annexations are a provision to which the City Council is entitled, however, the information gathered from an advisory vote is probably best used to inform the Council about the potential for urban growth boundary expansions or annexations with significant cost or development implications. Advisory votes are generally not necessary for infill annexation applications and for the annexation of rural islands surrounded by the City limits. The following reasons have been provided in support of the City’s Decision to annex and not to seek an advisory vote:

- This property does not require any special planning or updates to the City’s master plans, tax structure, or planning boundaries. As this is an island within the City, all required infrastructure to serve the property can be easily extended at no cost to the City.
- The development potential for the 2.57 acres in question is anticipated to have only a minimal on the City’s infrastructure, housing supply, or school capacity.
- There were three annexations proposed on the last round of voter approved annexations to the City. These were approved with 70.6%, 69.6%, and 68.0% voter approval.

**FINDINGS**

The following sections of the Community Development Code, West Linn Municipal Code and Metro Code have been extracted as they have been deemed to be applicable to the proposal. Following each applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document that the proposal has satisfied the approval criteria for inclusion to the City of West Linn.



## Community Development Code

### Chapter 81 BOUNDARY CHANGES

#### 81.040 PETITION

- A. A petition to annex to the City of West Linn may be initiated by a property owner(s) of the area to be annexed, or the City, as set forth in Section 2.950(1) of the City Code.

**RESPONSE:** This petition to annex to the City of West Linn is being initiated by the property owners. The requirements of this section have been satisfied.

- B. A prerequisite to the filing of an annexation petition is a pre-application conference at which time the Director shall explain the requirements and provide the appropriate forms as specified in CDC 99.030(B) and (C).

**RESPONSE:** The owners of this property and their representatives joined City staff for a pre-application conference on November 2, 2017. The applicant has satisfied this criterion.

- C. A petition to annex shall include the completed petition form and three copies of each of the following, except for each drawing submitted, there shall be three copies at the original scale and three copies reduced to a paper size not greater than 11 inches by 17 inches.
1. The minimum petition requirements of Metro Code Section 3.09.040.
  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).
  3. Vicinity, legal, and other descriptive maps necessary to show compliance with Municipal Code Section 2.920 and Metro Code 3.09.404

**RESPONSE:** The submitted application includes all of the required documents and forms. The requirements of this section have been satisfied.

- D. A petition of any type of boundary change, other than annexation, shall be processed as provided by State law and Metro Code Chapter 3.09.

**RESPONSE:** This petition for annexation is proposed in compliance with State law and Metro Code Chapter 3.09. The requirements of this section have been satisfied.

- E. The applicant shall pay the requisite fee. The fee for a boundary change shall be established by resolution of the City Council. (Ord. 1442, 1999).

**RESPONSE:** This application includes submittal of the appropriate fee. The requirements of this section have been satisfied.

#### 81.050 APPROVAL CRITERIA

The City Council shall approve a boundary change proposal based on findings and conclusions that the proposal complies with the criteria of Metro Code Section 3.09.050(D).

#### 81.050 APPROVAL CRITERIA

- A. The City Council shall approve a boundary change proposal based on findings and conclusions that the proposal complies with the criteria of Metro Code Section 3.09.050(D).**

**RESPONSE:** The applicable Metro Code sections are outlined below with responses to each criterion demonstrating the proposal’s compliance. The requirements of this section have been satisfied.

**81.055 ZONING DESIGNATION**

**A decision on annexation shall also incorporate a decision on a zoning designation. 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>
<b>Low Density Residential</b>	<b>R-40, R-20, R-15, R-10 or R-7</b>

**RESPONSE:** The Comprehensive Plan/Land Use Designation of this property is Low Density Residential. The adjacent properties within the City of West Linn to the south, east and west of the subject property are zoned R-7, one of the zones intended to implement the Low Density Residential designation of the Comprehensive Plan.

Per the West Linn Community Development Code, the purpose of the R-7 zone is “to provide for urban development at levels which relate to the site development limitations, the proximity to commercial development, and to public facilities and public transportation”. The R-7 zone is intended to implement the policies and locational criteria set forth in the Comprehensive Plan.

Designation of the subject property as R-7 would match existing zoning in the vicinity and promote residential development in appropriate proximity to commercial development, public facilities and public transportation, in accordance with the purpose of the R-7 zone.

The requirements of this section have been satisfied.

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

- A. Specific site characteristics such as topography, drainage, and existing vegetation.**

**RESPONSE:** The specific site characteristics are well suited for development of the parcels under R-7 zoning. The site is generally flat, the drainage can be easily accommodated as the property shares an easement with the City for an existing regional drainage facility. Vegetation consists of several mature stands of trees, all of which will eventually be evaluated for retention by the City’s arborist if the property were to develop. The requirements of this section have been satisfied.

- B. The existing zoning and development patterns of the surrounding properties.**

**RESPONSE:** The subject property is adjacent to many developed R-7 zoned properties to the south, east and west. All recent development has occurred in the R-7 zone. Therefore, the proposed R-7 zoning fits within the existing zoning and development pattern and what is permitted by the Comprehensive Plan. The requirements of this section have been satisfied.

**C. 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; Ord. 1635 § 30, 2014)**

**RESPONSE:** Properties adjacent to this site are developed and provided with City services on all sides. Public sanitary sewer, storm and water lines are located west of and adjacent to the property in Satter street, as well as within the Weatherhill Road right-of-way. In addition, a regional drainage system is located near the property. Utilities in this area are adequate in capacity to serve the property proposed for annexation. The requirements of this section have been satisfied.

**105.050 QUASI-JUDICIAL AMENDMENTS AND STANDARDS FOR MAKING DECISION**

**A decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:**

- A. The standards set forth in CDC 99.110(A), which provide that the decision shall be based on consideration of the following factors:**
- 1. The applicable Comprehensive Plan policies as identified in subsection C of this section and map designation.**
  - 2. The applicable standards of any provision of this code or other applicable implementing ordinance.**

**RESPONSE:** The Comprehensive Plan Designation of this property is Low Density Residential. The proposed R-7 zoning designation is one of the identified zoning designations within the Comprehensive Plan Designation of Low Density Residential. This request for zone assignment to R-7 is consistent with all applicable Comprehensive Plan policies and standards of any provision of the Development Code or other applicable implementing ordinances. The requirements of this section have been satisfied.

- B. The standards set forth in CDC 99.110(B), which provide that, in making the decision, consideration may also be given to the following:**
- 1. Proof of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Zoning Map as it relates to the property which is the subject of the development application.**
  - 2. Factual oral testimony or written statements from the parties, other persons and other governmental agencies relevant to the existing conditions, other applicable standards and 9 criteria, possible negative or positive attributes of the proposal or factors in sub-section A or (B)(1) of this section.**

**RESPONSE:** This annexation is proposed for consistency with the Comprehensive Plan and the surrounding land uses. There have been no identified mistakes on the Comprehensive Plan or Zoning Map in this area. Annexation of this property and application of the R-7 zoning district is supported by the City's Comprehensive Plan and development pattern in the area. The requirements of this section have been satisfied.

- C. The Comprehensive Plan, Plan and Ordinance Revision Process, and Specific Policy No. 4, which provides that the decision shall be based on consideration of the following criteria:
1. Conformance with the Comprehensive Plan policies and criteria.
  2. There is a public need for the change or the change can be demonstrated to be in the interest of the present and future community.
  3. The changes will not adversely affect the health, safety and welfare of the community.

**RESPONSE:** The proposed annexation and application of the R-7 zoning district conforms completely with the Comprehensive Plan policies and criteria, which designate this property as Low Density Residential. This property was brought into the Urban Growth Boundary with the intent of development as residential housing to accommodate part of the housing need identified in the City's Comprehensive Plan. Development of this property as residential provides more opportunity for housing and is therefore in the interest of the present and future community. As a residential site, there are no proposed or anticipated changes that will adversely affect the health, safety and welfare of the community. The requirements of this section have been satisfied.

D. **Transportation Planning Rule compliance.**

1. **Review of applications for effect on transportation facilities. When a development application, whether initiated by the City or by a private interest, includes a proposed comprehensive plan amendment zone change or land use regulation change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule: "TPR"). "Significant" means the proposal would:**
  - a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
  - b. Change standards implementing a functional classification system; or
  - c. As measured at the end of the planning period identified in the adopted transportation system plan:
    - 1) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
    - 2) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
    - 3) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

**RESPONSE:** The proposed annexation and application of the R-7 zoning district conforms completely with the Comprehensive Plan policies and criteria, which designate this property as Low Density Residential. The proposed annexation of the property will not require any changes to the functional classifications of any existing or planned transportation facilities, nor will the proposed annexation require any changes to the standards which implement the functional classification system.

The proposed designation of the site as a residential R-7 zoning district is consistent with the City's Comprehensive Planning Designation for the property and the potential density associated with this property has been considered within the City's transportation planning processes through incorporation into the City's Buildable Land Inventory. The proposed site falls within an area which has been included in the City's 2008 and 2016 updates to the Transportation System Plan.

OAR 660-012-0060(9) allows local governments to make findings that an amendment to the zoning map does not significantly affect an existing or planned transportation facility. The OAR is quoted below:

*(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.*

- (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;*
- (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and*
- (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.*

The property included within this application meets all three (3) of these requirements and is not listed by ODOT as affecting a project subject to OAR Chapter 731, division 15. The proposed zoning for the site (R-7) is consistent with the Comprehensive Plan Map for the property. As described above, the City has a Transportation System Plan (TSP) which has been acknowledged and the proposed zoning for the site is consistent with the underlying Comprehensive Plan designation. Finally, the area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary adjustment. The City has an acknowledged TSP which accounted for the urbanization of this area. The requirements of this section have been satisfied.

- 2. Amendments that affect transportation facilities. Amendments to the Comprehensive Plan and land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:**
  - a. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.**
  - b. Amending the TSP or Comprehensive Plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of OAR 660-012-0060 of the TPR.**

- c. **Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.**
- d. **Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.**

**RESPONSE:** The proposed annexation does not contemplate any amendments which would affect any planned transportation facilities. As such, the requirements of this section do not apply.

**3. Traffic impact analysis. A traffic impact analysis shall be submitted with a plan amendment or land use district change application. (Ord. 1584, 2008)**

**RESPONSE:** An analysis of the applicable local and state requirements has been provided in response to section 1 of this code provision which satisfies the need for an analysis of the transportation impacts and documents compliance with Oregon’s Transportation Planning Rule. The requirements of this section have been satisfied.

**West Linn Municipal Code**

**Chapter 2 GOVERNMENT AND ADMINISTRATION**

**ANNEXATIONS**

**2.915 Annexation Purpose Statement.**

- (1) **The purpose of Sections 2.915 to 2.940 is to establish a two-step process for annexation applications. The first step is a land use decision. The second step is a policy decision by the City Council to determine if the annexation should be approved. The Step 1 and Step 2 decisions can occur at the same meeting. An annexation to the City shall not be effective unless it is approved by the City Council at its discretion and by Metro pursuant to its authority regarding annexations within its boundaries.**
- (2) **The procedures and standards established in this chapter are required for review of proposed annexations in order to:**
  - (a) **Provide adequate public notice, information and sufficient time for public review before annexation hearings and elections;**
  - (b) **Maximize citizen involvement in the annexation review process; and**
  - (c) **Provide information to the public concerning the physical, environmental, financial and related social effects of annexation.**

**RESPONSE:** The applicant acknowledges that City’s Annexation Review Procedures as a two-step process. The requirements of this section have been satisfied.

**2.920 Conditions for Annexation -Step 1: Land Use Decision.**

**When an annexation application has been properly initiated pursuant to ORS 222.111, 222.125, 222.170, or 222.840, Step 1 shall include review of the land use aspect of the petition pursuant to Community Development Code Chapter 81. If the application receives Council approval through the Step 1 process, the Council shall proceed to Step 2. A determination that the application meets the land use requirements does not obligate the City to approve the annexation application.**

**RESPONSE:** Oregon Revised Statues (ORS) Section 222.111(2) allows initiation of an annexation proposal “by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city

by owners of real property in the territory to be annexed.”. This annexation is proposed by the owners of real property. Further, the requirements of the ORS for initiation of the annexation process have been adopted into the City of West Linn Municipal Code and have been followed in this application.

Review of the annexation pursuant to the Community Development Code Section 81 is included in this narrative. The subject site is located within the Urban Growth Boundary (UGB). The subject site has been assigned the City Comprehensive Plan Map designation of Low Density Residential. The subject site is contiguous to the existing City limits both directly and separated only by a public right-of-way. The requirements of this section have been satisfied.

**2.930 Step 2: Policy Decision.**

- (1) Step 2 of the annexation process is a policy decision and shall follow the steps in the subsections below.**
- (2) If the annexation is approved in the Step 1 process, the Planning Director shall prepare a report which includes the following information:**
  - (a) General information on the property or properties, including but not limited to location, size, access to infrastructure, recommended zone, protected resource areas and infrastructure status;**
  - (b) Impact on the school district, including but not limited to impacted schools, taxes, and anticipated number of additional students;**
  - (c) Cost to City of infrastructure that is not funded by SDCs; and**
  - (d) Tax implications for the City.**

**As part of the Step 1 process, the applicant shall provide to the Planning Director the information required above at the applicant’s cost.**

**RESPONSE:** This narrative and the supporting documents submitted with the annexation request included general information on the property, as identified above.

The West Linn-Wilsonville School District Long Range Plan of 2014 identifies student yield factors for single-family detached housing units of 0.31 for K-5, 0.12 for 6-8 and 0.14 for 9-12. This means that development of this property with approximately 12 homes could yield approximately 4 elementary students, 1 middle school student, and 2 high school students. The anticipated 7 students that may enter the school district from these homes will have a negligible effect on the existing schools. The enrollment forecasts for all schools in the district includes build-out of properties in the Urban Growth Boundary, such as this one.

The implementation of new capital facilities for schools is funded through municipal bonds. Bonds are prepared based upon estimates of the build-out needs for facilities using the potential for development within the City’s Urban Growth Boundary. As new homes are added to the tax base through the conversion of rural lands to urban developments, the larger debt service associated with school bonds is spread across a larger tax base. The tax rates associated with voter-approved debt may drop as a result of the introduction of new homes within the service area. As such, additional students are anticipated will not cause significant impact to the school district. The annexation may have a positive effect on the tax roles for existing debt service associated with current school bonds.

All infrastructure needed to support development of this site as a residential subdivision will be installed with future construction as paid for by the developer. Any off-site infrastructure needs (i.e. parks, etc.)

will be funded through SDCs. There is no anticipated additional cost to the City for infrastructure that is not funded by SDCs.

The City will collect property taxes from the owners of the site once annexed to the City and from the subsequent owners of any new homes build on the property if the property is further developed. The annexation of the subject property closes a gap in the City's boundary and provides for an orderly and well-considered City planning, maintenance, and jurisdictional boundary. The requirements of this section have been satisfied.

- (3) Following delivery of the report and consideration of the report by the City Council at a public meeting, the Council may, in its discretion, decide to set a public hearing for the annexation request, delay a public hearing on the requested annexation or pass a resolution placing the annexation request on a ballot for an advisory vote, at any election. At the public meeting, any person may appear and be heard on the questions of whether the annexation should proceed and whether the request should be placed on the ballot for an advisory vote.**
- (4) If City Council decides to proceed to a public hearing on the requested annexation without an advisory vote, a public hearing will be scheduled. Notice of the Step 2 public hearing shall be published in accordance with State law and the Metro Code.**

**RESPONSE:** The applicant understands the annexation request will be processed by the City in accordance with State law. The requirements of this section have been satisfied.

- (5) The City Council may approve an annexation request if it finds that the annexation is in the best interest of the City based on the report prepared by the Planning Director; testimony and evidence presented at the public hearing; and any other information, evidence, or analysis the City or the Council deems relevant to the application.**
- (6) The City Council may deny an annexation acting in its legislative capacity even after it has approved the annexation application through the Step 1 process. A decision to deny an annexation in Step 2 shall be specifically stated in the record and noted as a legislative act separate and apart from the land use decision in Step 1.**

**RESPONSE:** The applicant acknowledges the City Council decision-making process regarding annexation requests. The requirements of this section have been satisfied.

### **West Linn's Comprehensive Plan**

The Following Goals and Policies within the City of West Linn's Comprehensive Plan are applicable and provide guidance regarding the annexation of properties into the City. The City's Comprehensive Plan provides a series of over-arching guidance for growth and development within the City. Structured as a goal setting and policy document, the guidance provided by the Comprehensive plan is meant to inform decisions and create a frame work for the Community Development Code, which implements the visions, goals, and policies of the Plan.

### **GOAL 2 LAND USE PLANNING**



**RESPONSE:** The City's Comprehensive Plan addresses the need for new lands to be annexed into the City in order to accommodate growth within the City and within the overall region.

The Plan calls for low density residential lands to be located in areas with access to appropriate public facilities including sewer, water, and drainage. The plan also calls for the placement of low density residential in areas less suited for higher intensity uses and which may have development limitations such as topography or natural resources. The Plan calls for the implementation of measures to ensure connectivity, limitations on residential densities, and coordinated approach to development review and transportation management, and the preservation of environmentally sensitive open spaces.

Within Section five, the Plan also calls for intergovernmental coordination and cooperation to ensure a mutually beneficial relationship with adjoin and regional partners in governance.

As part of this goal, the site falls within an area which has been zoned by Clackamas County as Future Urban residential property, preventing any intensification within the County until the property is annexed into the City. Services to the site are also restricted through the City's Community Development and Municipal codes, which only allow access to services following annexation.

The proposed annexation of this property into the City is consistent with the goals and policies of the City's Land Use Planning components of the plans because, annexation for the provision of urban services has been coordinated with Clackamas County, Metro, and the applicable utility and service providers within the site's vicinity. Further, the Comprehensive Plan has contemplated the most appropriate land use designation for this area and recommends a low density residential designation. The City's Transportation plans and master utility service plans have been designed to allow for this property to either connect to the existing system with ease or to allow for future development which will not affect the provider ability to provide service within the City.

The proposed annexation is consistent with Comprehensive Plans Goals and Policies.

#### **GOAL 11 PUBLIC FACILITIES AND SERVICES.**

**RESPONSE:** The City's Comprehensive Plan requires that essential public facilities be in place before new development occurs and that development encourages the provisions of other public facilities and services. The Plan states that the City's first priority is to maintain existing services and infrastructure in all area within the City's existing limits.

The Plan prioritizes the cooperation and coordination between public service agencies to maximize the orderly and efficient provision of services and system development. The Plan also indicates that the City must provide for the conversion of land within the City limits to urban uses by providing urban levels of public facilities and services.

The subject property is rural within the City of West Linn and therefore, each of the City's master plans for transportation, water, stormwater, and sewer have considered the development potential of this property as these plans have been established. A portion of the City's existing stormwater master plan system also utilizes an easement near the southern end of this property for a regional stormwater system which treats and detains water from other developments within the same drainage basin.

As this property has been considered in the City's long-range planning efforts for the provision of utilities and urban services, annexation of the property and the eventual connection to the City's urban service lines maximizes the efficiency and effect of the City's long range planning efforts.

The proposed annexation is consistent with the Comprehensive Plans Goals and Policies.

#### **GOAL 14 URBANIZATION**

**RESPONSE:** The Urbanization Goals of the City's Comprehensive Plan prioritize development within the City's Existing Urban Growth Boundary (UGB). The UGB is administered by the Metropolitan Regional Government and is part of a Statewide land use planning program used to manage growth, control sprawl, and protect resource lands.

The subject property is located within the City's UGB and has been accounted for within the City's acknowledged buildable lands inventory and utility master plans. The Comprehensive Plan identifies several policies which are implemented by the City's codes which assure compliance with Metro's Functional Plan while requiring the annexations into the City are well considered and do not detract from the City's ability to provide services to existing residents.

The proposed annexation of this site consistent with the urbanization goals listed within the City's Comprehensive Plan. The sites annexation will not require the expansion of the Urban Growth Boundary and it will not require any significant planning for the extension of utilities. The City's master utility service plans have all contemplated that potential impacts associated with any future development on this site at the levels anticipated within the City's buildable lands inventory. Any upgrades to the surrounding infrastructure network which are required to allow for the future development of this property can be adjusted and paid for by future applicants, creating no burden on existing residents within the City's Service districts and urban service area.

The proposed annexation is consistent with the Comprehensive Goals and Policies.

#### **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;**
  - 2. A map and a legal description of the affected territory in the form prescribed by the reviewing entity;**
  - 3. For minor boundary changes, the names and mailing addresses of all persons owning property and all electors with in the affected territory as shown in the records of the tax assessor and county clerk; and**
  - 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.**

**RESPONSE:** The submittal for annexation includes all required information and documentation. The requirements of this section have been satisfied.

- B. A city, county and Metro may charge a fee to recover its reasonable costs to carry out its duties and responsibilities under this chapter.**

**RESPONSE:** The applicant acknowledges the right of the City, County and Metro to charge fees to recover reasonable costs to review the annexation application. The requirements of this section have been satisfied.

### **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.**

**RESPONSE:** The proposal includes consent of one hundred percent of property owners and electors within the affected territory. The requirements of this section have been satisfied.

- 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.**

**RESPONSE:** The applicant acknowledges the 20-day notice period. The requirements of this section have been satisfied.

- 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 extra-territorial 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.**

**RESPONSE:** The applicant acknowledges the City or Metro staff report requirements. The requirements of this section have been satisfied.

- 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;**

**RESPONSE:** The City does not have any urban service provider agreements on this property and, therefore, this standard does not apply to this request. The requirements of this section have been satisfied.

- b. Any applicable annexation plan adopted pursuant to ORS 195.205;**

**RESPONSE:** There is no applicable annexation plan adopted pursuant to the ORS and, therefore, this standard does not apply to the applicant's annexation request. The requirements of this section have been satisfied.

- c. **Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;**

**RESPONSE:** There are no applicable cooperative planning agreements affecting this property and, therefore, this standard is not applicable to the applicant's annexation request. The requirements of this section have been satisfied.

- d. **Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;**

**RESPONSE:** All current public facility plans include UGB areas. This property has been within the UGB for a length of time adequate to be addressed on the plans. The requirements of this section have been satisfied.

- e. **Any applicable comprehensive plan;**

**RESPONSE:** The City of West Linn Comprehensive Plan indicates a Low Density designation for this property. The proposed zoning (R-7) fits within this designation. The requirements of this section have been satisfied.

- f. **Any applicable concept plan; and**

**RESPONSE:** There is no applicable concept plan that includes this area and, therefore, this standard is not applicable. The requirements of this section have been satisfied.

**2. Consider whether the boundary change would:**

- a. **Promote the timely, orderly and economic provision of public facilities and services;**

**RESPONSE:** The proposed annexation promotes the requirements of this criterion. The City's facilities master plan includes the subject parcel and provides all services to this site; thus, the boundary change will allow development in a timely, orderly, and economic manner. The development of this parcel will accompany other residential development in the area and provide more living opportunities for residents in the City of West Linn.

- b. **Affect the quality and quantity of urban services; and**

**RESPONSE:** The urban services that will serve this property are of adequate quality and contain adequate quantity to serve the site with no detrimental effects. The requirements of this section have been satisfied.

- c. **Eliminate or avoid unnecessary duplication of facilities or services.**

**RESPONSE:** No duplication of facilities or service is proposed or anticipated. The requirements of this section have been satisfied.

- 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.

**RESPONSE:** This territory proposed for annexation lies entirely within the UGB. The requirements of this section have been satisfied.

**SUMMARY AND CONCLUSION**

Based upon the submitted application materials herein, the Applicant respectfully requests that the City Council approve the Annexation proposal and assign R-7 zoning designation for the property.

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.



KAC  
1/31/18

NAME Kevin Clarke  
TITLE GIS Cartographer II  
DEPARTMENT Assessment & Taxation  
CLACKAMAS COUNTY ASSESSOR'S OFFICE  
DATE 1/31/2018

\* "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 Rebekah St Doll  
TITLE Deputy Clerk  
DEPARTMENT Elections  
CLACKAMAS COUNTY ASSESSOR'S OFFICE  
DATE 1/31/18

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 21E35B) 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 Kevin Clarke

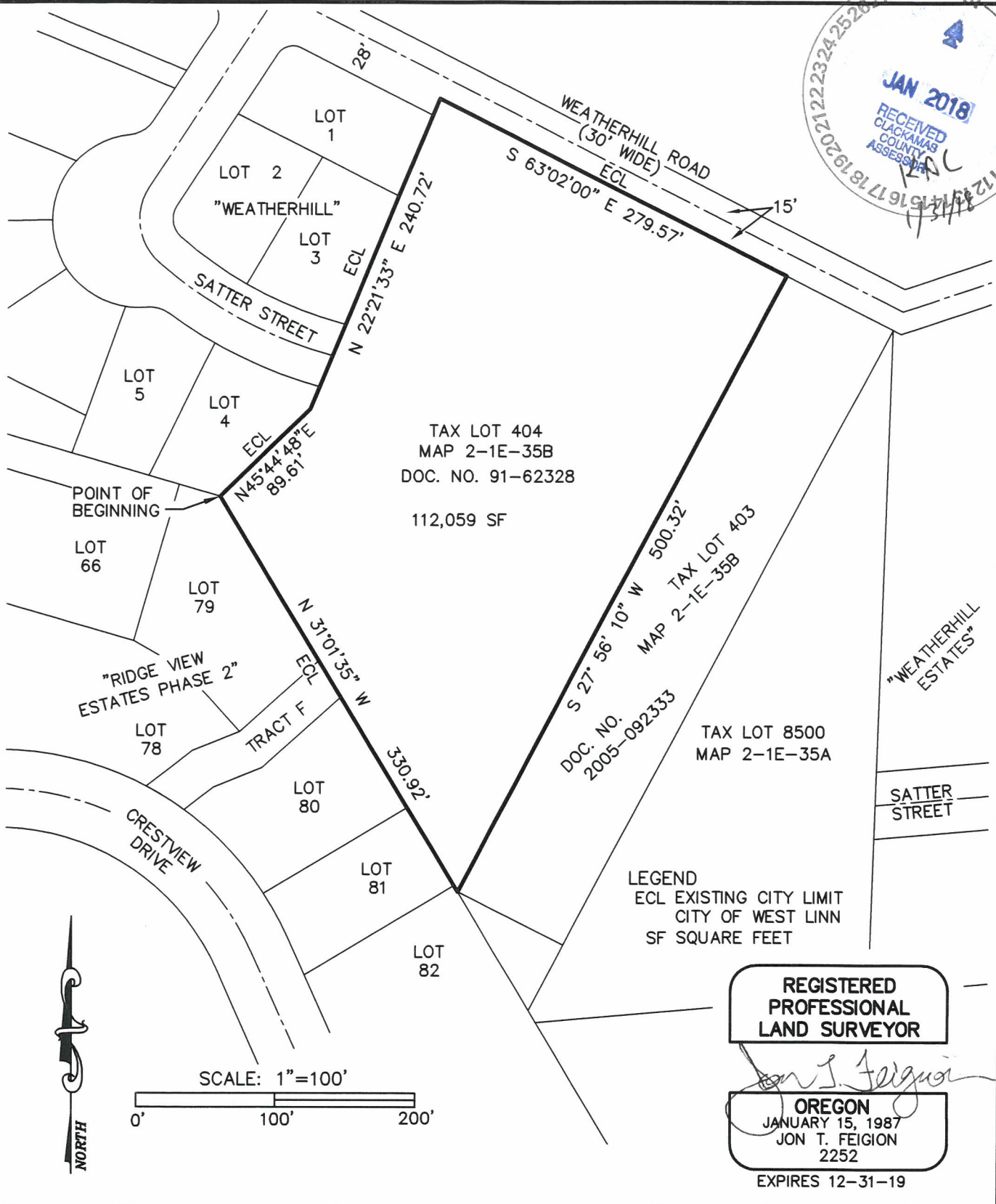
TITLE GIS Cartographer II

DEPARTMENT Assessment + Taxation  
CLACKAMAS COUNTY ASSESSOR'S OFFICE

DATE 1/31/2018



KAC  
1/31/18



**REGISTERED PROFESSIONAL LAND SURVEYOR**

*Jon T. Feigon*  
**OREGON**  
 JANUARY 15, 1987  
 JON T. FEIGON  
 2252  
 EXPIRES 12-31-19

DRAWN BY: JTF
SCALE: 1" = 100'
DATE: 1-31-18
463-003 ANNEX.DWG

ANNEXATION EXHIBIT MAP

N.E.1/4 SECTION 35, T.2S., R.1E., W.M.  
 CLACKAMAS COUNTY, OREGON

6/18/18 City Council

**EMERIO**  
*Design*

6445 SW FALLBROOK PLACE, STE. 100  
 BEAVERTON, OREGON 97008  
 TEL: (503) 746-8812  
 FAX: (503) 639-9592  
 www.emeriodesign.com



JOB NO. 463-003  
WEATHERHILL ROAD

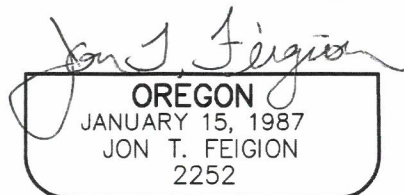
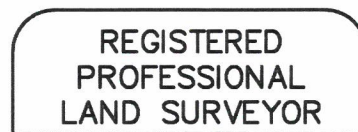
JANUARY 31, 2018

EXHIBIT A: LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED

A TRACT OF LAND SITUATED IN THE N.E. 1/4 OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, AND BEING A PORTION OF LOT 23, "BLAND ACRES", A PLAT OF RECORD IN CLACKAMAS COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 4, "WEATHERHILL", A PLAT OF RECORD IN CLACKAMAS COUNTY, OREGON, BEING ON THE EXISTING CITY LIMIT OF THE CITY OF WEST LINN; THENCE ALONG SAID CITY LIMIT AND THE EASTERLY LINE OF SAID PLAT OF "WEATHERHILL", NORTH 45°44'48" EAST, 89.61 FEET TO AN ANGLE POINT ON SAID EASTERLY PLAT LINE, THENCE CONTINUING ALONG SAID EASTERLY PLAT LINE AND SAID EXISTING CITY LIMIT, NORTH 22° 21'33" EAST, 240.72 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF WEATHERHILL ROAD (COUNTY ROAD 1637, 15.0' FROM CENTERLINE); THENCE CONTINUING ON SAID EXISTING CITY LIMIT AND SAID SOUTHERLY RIGHT OF WAY LINE, SOUTH 63°02'00" EAST, 279.57 FEET TO THE NORTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO LI WEI AND LI LI WEI BY DEED RECORDED AS DOCUMENT NO. 2005-092333, CLACKAMAS COUNTY DEED RECORDS; THENCE LEAVING SAID CITY LIMIT, ALONG THE WESTERLY LINE OF SAID WEI TRACT, SOUTH 27°56'10" WEST, 500.32 FEET TO SAID EXISTING CITY LIMIT ON THE NORTHEASTERLY LINE OF THE PLAT OF "RIDGE VIEW ESTATES PHASE 2", A PLAT OF RECORD IN CLACKAMAS COUNTY, OREGON, THENCE ALONG SAID EXISTING CITY LIMIT ON SAID NORTHEASTERLY PLAT LINE, NORTH 31°01'35" WEST, 330.92 FEET TO THE POINT OF BEGINNING.

CONTAINING 112,059 SQUARE FEET, MORE OR LESS.

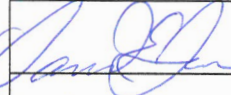
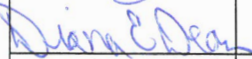


EXPIRES 12-31-19



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	
	David Dean	X		X	22870 S. Weatherhill Rd. West Linn, OR 97068	2s1e	35B	405	320	1/30/18
	DIANA Deanna Dean	X		X	22870 S. Weatherhill Rd. West Linn, OR 97068	2s1e	35B	405	320	1/30/18



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

KAE 1/31/2018

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

Initial   
 ded

# EMERIO *Design*



## 22870 WEATHERHILL RD. ANNEXATION APPLICATION

**OWNER:**

David and Diana Dean  
22870 Weatherhill Rd.  
West Linn, OR 97068

**APPLICANT'S REPRESENTATIVE:**

Emerio Design, LLC  
6445 SW Fallbrook Place, Suite 100  
Beaverton, OR 97008  
Contact: Steve Miller  
Phone: (541) 318-7487 - Cell  
E-mail: [stevem@emeriodesign.com](mailto:stevem@emeriodesign.com)

**CONTACT INFORMATION**

Owners: David and Diana Dean  
22870 Weatherhill Rd.  
West Linn, OR 97068

Applicant's Representative: Emerio Design, LLC  
6445 SW Fallbrook Pl., Suite 100  
Beaverton, OR 97008  
Contact: Steve Miller  
Phone: 541-318-7487  
Email: stevem@emeriodesign.com

**SITE DATA**

**OWNERS:** David and Diana Dean

**SITE LOCATION:** 22870 Weatherhill Rd.  
West Linn, OR 97068

**SITE SIZE:** 2.57 acres

**DESCRIPTION:** The site is identified as Tax Lot 2S1E35B 00405. The site is comprised of one lot of record, located on the south side of Weatherhill Rd. just east of Satter Street.

**APPROVAL CRITERIA:** CDC Chapters 81 and 105  
Municipal Code, Section 2.920  
City of West Linn Comprehensive Plan Policies 2, 11, and 14  
Metro Code Chapter 3.09

**COUNTY ZONING:** FU-10 – Future Urbanizable 10-acre district (Clackamas County)

**COMPREHENSIVE PLAN DESIGNATION:** Low Density Residential (City of West Linn)

**BACKGROUND**

**GENERAL**

The property proposed for annexation to the City of West Linn is located on the south side of Weatherhill Rd. just east of Satter Street, adjacent to the West Linn City limits to the north, south, and west sides of the subject property. The property is an unincorporated “island” located one eighth of a mile inside the city limits and UGB. The applicant proposes to annex the property to the City with an R-7 zoning designation. The R-7 designation is compatible with the existing “Low Density Residential” comprehensive plan designation and R-7 zoning on adjacent properties. The total area to be annexed is

approximately 2.57 acres in area. A pre-application conference was held with the City to discuss the annexation of this property on November 2, 2017 by the property owners. This application details the Applicant and Owner's request to annex into the City of West Linn. Through the annexation process, the owners also would like to annex into the Tri-City Service District and withdraw from the Clackamas County Enhanced Law Enforcement District.

#### **SITE CONDITIONS**

The property is located on a hill and the site slopes gently downward to the south/southeast. There is one single-family residential home on the property, as well as the presence of a headwater to a small ephemeral stream on the southern edge of the property. There are trees, planted fields and grass, and a defined garden area on the property.

#### **SURROUNDING LAND USES**

Adjacent properties to the south, east and west are within the West Linn City limits and are zoned R-7. These properties are developed with residential dwellings. There are two (2) properties located immediately to the north and across Weatherhill Road. One is located within the City and is developed with the Tanner Springs Assisted Living facility, while the other is located in unincorporated Clackamas County and is developed with a single-family residence.

#### **REASONS WHY THIS APPLICATION SHOULD BE APPROVED**

The Applicant has provided the following reasons why the City Council should approve the annexation of the Dean property into the City of West Linn:

- The owners of this site and the registered voters on the site are 100% in favor of annexing this property into the City.
- The site represents a rural island within the City. Annexation of the property will help contribute to an orderly boundary for urban services.
- The addition of this site to the City's boundary will reduce demands upon Clackamas County by helping to contribute to a more orderly service boundary.

#### **REASONS WHY THIS APPLICATION SHOULD NOT BE SUBJECT TO AN ADVISORY VOTE**

Advisory votes regarding annexations are a provision to which the City Council is entitled, however, the information gathered from an advisory vote is probably best used to inform the Council about the potential for urban growth boundary expansions or annexations with significant cost or development implications. Advisory votes are generally not necessary for infill annexation applications and for the annexation of rural islands surrounded by the City limits. The following reasons have been provided in support of the City's Decision to annex and not to seek an advisory vote:

- This property does not require any special planning or updates to the City's master plans, tax structure, or planning boundaries. As this is an island within the City, all required infrastructure to serve the property can be easily extended at no cost to the City.
- The development potential for the 2.57 acres in question is anticipated to have only a minimal on the City's infrastructure, housing supply, or school capacity.
- There were three annexations proposed on the last round of voter approved annexations to the City. These were approved with 70.6%, 69.6%, and 68.0% voter approval.

#### **FINDINGS**

The following sections of the Community Development Code, West Linn Municipal Code and Metro Code have been extracted as they have been deemed to be applicable to the proposal. Following each applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document that the proposal has satisfied the approval criteria for inclusion to the City of West Linn.

## **Community Development Code**

### **Chapter 81 BOUNDARY CHANGES**

#### **81.040 PETITION**

- A. A petition to annex to the City of West Linn may be initiated by a property owner(s) of the area to be annexed, or the City, as set forth in Section 2.950(1) of the City Code.**

**RESPONSE:** This petition to annex to the City of West Linn is being initiated by the property owners. The requirements of this section have been satisfied.

- B. A prerequisite to the filing of an annexation petition is a pre-application conference at which time the Director shall explain the requirements and provide the appropriate forms as specified in CDC 99.030(B) and (C).**

**RESPONSE:** The owners of this property and their representatives joined City staff for a pre-application conference on November 2, 2017. The applicant has satisfied this criterion.

- C. A petition to annex shall include the completed petition form and three copies of each of the following, except for each drawing submitted, there shall be three copies at the original scale and three copies reduced to a paper size not greater than 11 inches by 17 inches.**
- 1. The minimum petition requirements of Metro Code Section 3.09.040.**
  - 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).**
  - 3. Vicinity, legal, and other descriptive maps necessary to show compliance with Municipal Code Section 2.920 and Metro Code 3.09.404**

**RESPONSE:** The submitted application includes all of the required documents and forms. The requirements of this section have been satisfied.

- D. A petition of any type of boundary change, other than annexation, shall be processed as provided by State law and Metro Code Chapter 3.09.**

**RESPONSE:** This petition for annexation is proposed in compliance with State law and Metro Code Chapter 3.09. The requirements of this section have been satisfied.

- E. The applicant shall pay the requisite fee. The fee for a boundary change shall be established by resolution of the City Council. (Ord. 1442, 1999).**

**RESPONSE:** This application includes submittal of the appropriate fee. The requirements of this section have been satisfied.

**81.050 APPROVAL CRITERIA**

The City Council shall approve a boundary change proposal based on findings and conclusions that the proposal complies with the criteria of Metro Code Section 3.09.050(D).

**81.050 APPROVAL CRITERIA**

- A. The City Council shall approve a boundary change proposal based on findings and conclusions that the proposal complies with the criteria of Metro Code Section 3.09.050(D).

**RESPONSE:** The applicable Metro Code sections are outlined below with responses to each criterion demonstrating the proposal’s compliance. The requirements of this section have been satisfied.

**81.055 ZONING DESIGNATION**

A decision on annexation shall also incorporate a decision on a zoning designation. 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

**RESPONSE:** The Comprehensive Plan/Land Use Designation of this property is Low Density Residential. The adjacent properties within the City of West Linn to the south, east and west of the subject property are zoned R-7, one of the zones intended to implement the Low Density Residential designation of the Comprehensive Plan.

Per the West Linn Community Development Code, the purpose of the R-7 zone is “to provide for urban development at levels which relate to the site development limitations, the proximity to commercial development, and to public facilities and public transportation”. The R-7 zone is intended to implement the policies and locational criteria set forth in the Comprehensive Plan.

Designation of the subject property as R-7 would match existing zoning in the vicinity and promote residential development in appropriate proximity to commercial development, public facilities and public transportation, in accordance with the purpose of the R-7 zone.

The requirements of this section have been satisfied.

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

- A. Specific site characteristics such as topography, drainage, and existing vegetation.

**RESPONSE:** The specific site characteristics are well suited for development of the parcels under R-7 zoning. The property is located on a hill and the site slopes gently downward to the south/southeast. There is one single-family residential home on the property, as well as the presence of a headwater to a small ephemeral stream on the southern edge of the property. There are trees, planted fields and grass, and a defined garden area on the property. The requirements of this section have been satisfied.

**B. The existing zoning and development patterns of the surrounding properties.**

**RESPONSE:** The site is bordered to the west and south by existing R-7 subdivisions and to the north by R-3 assisted living. The property is bordered to the east by a single unincorporated property and beyond that R-7 subdivision. The existing seasonal drainage way that abuts the southern edge of the property extends north onto the property where it abruptly terminates. Therefore, the proposed R-7 zoning fits within the existing zoning and development pattern and what is permitted by the Comprehensive Plan. The requirements of this section have been satisfied.

**C. 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; Ord. 1635 § 30, 2014)**

**RESPONSE:** Properties adjacent to this site are developed and provided with City services. Public sanitary sewer, storm and water lines are located west of and adjacent to the property in Satter street, as well as within the Weatherhill Road right-of-way. Utilities in this area are adequate in capacity to serve the property proposed for annexation. The requirements of this section have been satisfied.

**105.050 QUASI-JUDICIAL AMENDMENTS AND STANDARDS FOR MAKING DECISION**

**A decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:**

- A. The standards set forth in CDC 99.110(A), which provide that the decision shall be based on consideration of the following factors:**
- 1. The applicable Comprehensive Plan policies as identified in subsection C of this section and map designation.**
  - 2. The applicable standards of any provision of this code or other applicable implementing ordinance.**

**RESPONSE:** The Comprehensive Plan Designation of this property is Low Density Residential. The proposed R-7 zoning designation is one of the identified zoning designations within the Comprehensive Plan Designation of Low Density Residential. This request for zone assignment to R-7 is consistent with all applicable Comprehensive Plan policies and standards of any provision of the Development Code or other applicable implementing ordinances. The requirements of this section have been satisfied.

- B. The standards set forth in CDC 99.11 0(B), which provide that, in making the decision, consideration may also be given to the following:**
- 1. Proof of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Zoning Map as it relates to the property which is the subject of the development application.**
  - 2. Factual oral testimony or written statements from the parties, other persons and other governmental agencies relevant to the existing conditions, other applicable standards and**



**9 criteria, possible negative or positive attributes of the proposal or factors in sub-section A or (B)(1) of this section.**

**RESPONSE:** This annexation is proposed for consistency with the Comprehensive Plan and the surrounding land uses. There have been no identified mistakes on the Comprehensive Plan or Zoning Map in this area. Annexation of this property and application of the R-7 zoning district is supported by the City's Comprehensive Plan and development pattern in the area. The requirements of this section have been satisfied.

- C. The Comprehensive Plan, Plan and Ordinance Revision Process, and Specific Policy No. 4, which provides that the decision shall be based on consideration of the following criteria:**
- 1. Conformance with the Comprehensive Plan policies and criteria.**
  - 2. There is a public need for the change or the change can be demonstrated to be in the interest of the present and future community.**
  - 3. The changes will not adversely affect the health, safety and welfare of the community.**

**RESPONSE:** The proposed annexation and application of the R-7 zoning district conforms completely with the Comprehensive Plan policies and criteria, which designate this property as Low Density Residential. This property was brought into the Urban Growth Boundary with the intent of development as residential housing to accommodate part of the housing need identified in the City's Comprehensive Plan. Development of this property as residential provides more opportunity for housing and is therefore in the interest of the present and future community. As a residential site, there are no proposed or anticipated changes that will adversely affect the health, safety and welfare of the community. The requirements of this section have been satisfied.

**D. Transportation Planning Rule compliance.**

- 1. Review of applications for effect on transportation facilities. When a development application, whether initiated by the City or by a private interest, includes a proposed comprehensive plan amendment zone change or land use regulation change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule: "TPR"). "Significant" means the proposal would:**
  - a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
  - b. Change standards implementing a functional classification system; or**
  - c. As measured at the end of the planning period identified in the adopted transportation system plan:**
    - 1) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
    - 2) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan;**
    - or**
    - 3) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.**

**RESPONSE:** The proposed annexation and application of the R-7 zoning district conforms completely with the Comprehensive Plan policies and criteria, which designate this property as Low Density Residential. The proposed annexation of the property will not require any changes to the functional classifications of any existing or planned transportation facilities, nor will the proposed annexation require any changes to the standards which implement the functional classification system.

The proposed designation of the site as a residential R-7 zoning district is consistent with the City's Comprehensive Planning Designation for the property and the potential density associated with this property has been considered within the City's transportation planning processes through incorporation into the City's Buildable Land Inventory. The proposed site falls within an area which has been included in the City's 2008 and 2016 updates to the Transportation System Plan.

OAR 660-012-0060(9) allows local governments to make findings that an amendment to the zoning map does not significantly affect an existing or planned transportation facility. The OAR is quoted below:

*(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.*

- (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;*
- (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and*
- (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.*

The property included within this application meets all three (3) of these requirements and is not listed by ODOT as affecting a project subject to OAR Chapter 731, division 15. The proposed zoning for the site (R-7) is consistent with the Comprehensive Plan Map for the property. As described above, the City has a Transportation System Plan (TSP) which has been acknowledged and the proposed zoning for the site is consistent with the underlying Comprehensive Plan designation. Finally, the area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary adjustment. The City has an acknowledged TSP which accounted for the urbanization of this area. The requirements of this section have been satisfied.

- 2. Amendments that affect transportation facilities. Amendments to the Comprehensive Plan and land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:**
  - a. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.**
  - b. Amending the TSP or Comprehensive Plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of OAR 660-012-0060 of the TPR.**

- c. **Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.**
- d. **Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.**

**RESPONSE:** The proposed annexation does not contemplate any amendments which would affect any planned transportation facilities. As such, the requirements of this section do not apply.

**3. Traffic impact analysis. A traffic impact analysis shall be submitted with a plan amendment or land use district change application. (Ord. 1584, 2008)**

**RESPONSE:** An analysis of the applicable local and state requirements has been provided in response to section 1 of this code provision which satisfies the need for an analysis of the transportation impacts and documents compliance with Oregon’s Transportation Planning Rule. The requirements of this section have been satisfied.

**West Linn Municipal Code**

**Chapter 2 GOVERNMENT AND ADMINISTRATION**

**ANNEXATIONS**

**2.915 Annexation Purpose Statement.**

- (1) **The purpose of Sections 2.915 to 2.940 is to establish a two-step process for annexation applications. The first step is a land use decision. The second step is a policy decision by the City Council to determine if the annexation should be approved. The Step 1 and Step 2 decisions can occur at the same meeting. An annexation to the City shall not be effective unless it is approved by the City Council at its discretion and by Metro pursuant to its authority regarding annexations within its boundaries.**
- (2) **The procedures and standards established in this chapter are required for review of proposed annexations in order to:**
  - (a) **Provide adequate public notice, information and sufficient time for public review before annexation hearings and elections;**
  - (b) **Maximize citizen involvement in the annexation review process; and**
  - (c) **Provide information to the public concerning the physical, environmental, financial and related social effects of annexation.**

**RESPONSE:** The applicant acknowledges that City’s Annexation Review Procedures as a two-step process. The requirements of this section have been satisfied.

**2.920 Conditions for Annexation -Step 1: Land Use Decision.**

**When an annexation application has been properly initiated pursuant to ORS 222.111, 222.125, 222.170, or 222.840, Step 1 shall include review of the land use aspect of the petition pursuant to Community Development Code Chapter 81. If the application receives Council approval through the Step 1 process, the Council shall proceed to Step 2. A determination that the application meets the land use requirements does not obligate the City to approve the annexation application.**

**RESPONSE:** Oregon Revised Statutes (ORS) Section 222.111(2) allows initiation of an annexation proposal “by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city

by owners of real property in the territory to be annexed.”. This annexation is proposed by the owners of real property. Further, the requirements of the ORS for initiation of the annexation process have been adopted into the City of West Linn Municipal Code and have been followed in this application.

Review of the annexation pursuant to the Community Development Code Section 81 is included in this narrative. The subject site is located within the Urban Growth Boundary (UGB). The subject site has been assigned the City Comprehensive Plan Map designation of Low Density Residential. The subject site is contiguous to the existing City limits both directly and separated only by a public right-of-way. The requirements of this section have been satisfied.

**2.930 Step 2: Policy Decision.**

- (1) Step 2 of the annexation process is a policy decision and shall follow the steps in the subsections below.**
- (2) If the annexation is approved in the Step 1 process, the Planning Director shall prepare a report which includes the following information:**
  - (a) General information on the property or properties, including but not limited to location, size, access to infrastructure, recommended zone, protected resource areas and infrastructure status;**
  - (b) Impact on the school district, including but not limited to impacted schools, taxes, and anticipated number of additional students;**
  - (c) Cost to City of infrastructure that is not funded by SDCs; and**
  - (d) Tax implications for the City.**

**As part of the Step 1 process, the applicant shall provide to the Planning Director the information required above at the applicant’s cost.**

**RESPONSE:** This narrative and the supporting documents submitted with the annexation request included general information on the property, as identified above.

The West Linn-Wilsonville School District Long Range Plan of 2014 identifies student yield factors for single-family detached housing units of 0.31 for K-5, 0.12 for 6-8 and 0.14 for 9-12. This means that development of this property with approximately 12 homes could yield approximately 4 elementary students, 1 middle school student, and 2 high school students. The anticipated 7 students that may enter the school district from these homes will have a negligible effect on the existing schools. The enrollment forecasts for all schools in the district includes build-out of properties in the Urban Growth Boundary, such as this one.

The implementation of new capital facilities for schools is funded through municipal bonds. Bonds are prepared based upon estimates of the build-out needs for facilities using the potential for development within the City’s Urban Growth Boundary. As new homes are added to the tax base through the conversion of rural lands to urban developments, the larger debt service associated with school bonds is spread across a larger tax base. The tax rates associated with voter-approved debt may drop as a result of the introduction of new homes within the service area. As such, additional students are anticipated will not cause significant impact to the school district. The annexation may have a positive effect on the tax roles for existing debt service associated with current school bonds.

All infrastructure needed to support development of this site as a residential subdivision will be installed with future construction as paid for by the developer. Any off-site infrastructure needs (i.e. parks, etc.)

will be funded through SDCs. There is no anticipated additional cost to the City for infrastructure that is not funded by SDCs.

The City will collect property taxes from the owners of the site once annexed to the City and from the subsequent owners of any new homes build on the property if the property is further developed. The annexation of the subject property closes a gap in the City's boundary and provides for an orderly and well-considered City planning, maintenance, and jurisdictional boundary. The requirements of this section have been satisfied.

- (3) Following delivery of the report and consideration of the report by the City Council at a public meeting, the Council may, in its discretion, decide to set a public hearing for the annexation request, delay a public hearing on the requested annexation or pass a resolution placing the annexation request on a ballot for an advisory vote, at any election. At the public meeting, any person may appear and be heard on the questions of whether the annexation should proceed and whether the request should be placed on the ballot for an advisory vote.**
- (4) If City Council decides to proceed to a public hearing on the requested annexation without an advisory vote, a public hearing will be scheduled. Notice of the Step 2 public hearing shall be published in accordance with State law and the Metro Code.**

**RESPONSE:** The applicant understands the annexation request will be processed by the City in accordance with State law. The requirements of this section have been satisfied.

- (5) The City Council may approve an annexation request if it finds that the annexation is in the best interest of the City based on the report prepared by the Planning Director; testimony and evidence presented at the public hearing; and any other information, evidence, or analysis the City or the Council deems relevant to the application.**
- (6) The City Council may deny an annexation acting in its legislative capacity even after it has approved the annexation application through the Step 1 process. A decision to deny an annexation in Step 2 shall be specifically stated in the record and noted as a legislative act separate and apart from the land use decision in Step 1.**

**RESPONSE:** The applicant acknowledges the City Council decision-making process regarding annexation requests. The requirements of this section have been satisfied.

### **West Linn's Comprehensive Plan**

The Following Goals and Policies within the City of West Linn's Comprehensive Plan are applicable and provide guidance regarding the annexation of properties into the City. The City's Comprehensive Plan provides a series of over-arching guidance for growth and development within the City. Structured as a goal setting and policy document, the guidance provided by the Comprehensive plan is meant to inform decisions and create a frame work for the Community Development Code, which implements the visions, goals, and policies of the Plan.

### **GOAL 2 LAND USE PLANNING**

**RESPONSE:** The City's Comprehensive Plan addresses the need for new lands to be annexed into the City in order to accommodate growth within the City and within the overall region.

The Plan calls for low density residential lands to be located in areas with access to appropriate public facilities including sewer, water, and drainage. The plan also calls for the placement of low density residential in areas less suited for higher intensity uses and which may have development limitations such as topography or natural resources. The Plan calls for the implementation of measures to ensure connectivity, limitations on residential densities, and coordinated approach to development review and transportation management, and the preservation of environmentally sensitive open spaces.

Within Section five, the Plan also calls for intergovernmental coordination and cooperation to ensure a mutually beneficial relationship with adjoin and regional partners in governance.

As part of this goal, the site falls within an area which has been zoned by Clackamas County as Future Urban residential property, preventing any intensification within the County until the property is annexed into the City. Services to the site are also restricted through the City's Community Development and Municipal codes, which only allow access to services following annexation.

The proposed annexation of this property into the City is consistent with the goals and policies of the City's Land Use Planning components of the plans because, annexation for the provision of urban services has been coordinated with Clackamas County, Metro, and the applicable utility and service providers within the site's vicinity. Further, the Comprehensive Plan has contemplated the most appropriate land use designation for this area and recommends a low density residential designation. The City's Transportation plans and master utility service plans have been designed to allow for this property to either connect to the existing system with ease or to allow for future development which will not affect the provider ability to provide service within the City.

The proposed annexation is consistent with Comprehensive Plans Goals and Policies.

#### **GOAL 11 PUBLIC FACILITIES AND SERVICES.**

**RESPONSE:** The City's Comprehensive Plan requires that essential public facilities be in place before new development occurs and that development encourages the provisions of other public facilities and services. The Plan states that the City's first priority is to maintain existing services and infrastructure in all area within the City's existing limits.

The Plan prioritizes the cooperation and coordination between public service agencies to maximize the orderly and efficient provision of services and system development. The Plan also indicates that the City must provide for the conversion of land within the City limits to urban uses by providing urban levels of public facilities and services.

The subject property is rural within the City of West Linn and therefore, each of the City's master plans for transportation, water, stormwater, and sewer have considered the development potential of this property as these plans have been established.

As this property has been considered in the City's long-range planning efforts for the provision of utilities and urban services, annexation of the property and the eventual connection to the City's urban service lines maximizes the efficiency and effect of the City's long range planning efforts.

The proposed annexation is consistent with the Comprehensive Plans Goals and Policies.

#### **GOAL 14 URBANIZATION**

**RESPONSE:** The Urbanization Goals of the City's Comprehensive Plan prioritize development within the City's Existing Urban Growth Boundary (UGB). The UGB is administered by the Metropolitan Regional Government and is part of a Statewide land use planning program used to manage growth, control sprawl, and protect resource lands.

The subject property is located within the City's UGB and has been accounted for within the City's acknowledged buildable lands inventory and utility master plans. The Comprehensive Plan identifies several policies which are implemented by the City's codes which assure compliance with Metro's Functional Plan while requiring the annexations into the City are well considered and do not detract from the City's ability to provide services to existing residents.

The proposed annexation of this site consistent with the urbanization goals listed within the City's Comprehensive Plan. The sites annexation will not require the expansion of the Urban Growth Boundary and it will not require any significant planning for the extension of utilities. The City's master utility service plans have all contemplated that potential impacts associated with any future development on this site at the levels anticipated within the City's buildable lands inventory. Any upgrades to the surrounding infrastructure network which are required to allow for the future development of this property can be adjusted and paid for by future applicants, creating no burden on existing residents within the City's Service districts and urban service area.

The proposed annexation is consistent with the Comprehensive Goals and Policies.

#### **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;**
  - 2. A map and a legal description of the affected territory in the form prescribed by the reviewing entity;**
  - 3. For minor boundary changes, the names and mailing addresses of all persons owning property and all electors with in the affected territory as shown in the records of the tax assessor and county clerk; and**
  - 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.**

**RESPONSE:** The submittal for annexation includes all required information and documentation. The requirements of this section have been satisfied.

- B. A city, county and Metro may charge a fee to recover its reasonable costs to carry out its duties and responsibilities under this chapter.**

**RESPONSE:** The applicant acknowledges the right of the City, County and Metro to charge fees to recover reasonable costs to review the annexation application. The requirements of this section have been satisfied.

**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.**

**RESPONSE:** The proposal includes consent of one hundred percent of property owners and electors within the affected territory. The requirements of this section have been satisfied.

- 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.**

**RESPONSE:** The applicant acknowledges the 20-day notice period 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 requirements of this section have been acknowledged by the applicant and will be satisfied with the posting of the required 20-day notice once the City has set the date for the hearing.

- 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 extra-territorial 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.**

**RESPONSE:** The applicant acknowledges the City or Metro staff report requirements. The requirements of this section have been satisfied.

- 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;**

**RESPONSE:** The City does not have any urban service provider agreements on this property and, therefore, this standard does not apply to this request. The requirements of this section have been satisfied.

- b. Any applicable annexation plan adopted pursuant to ORS 195.205;**

**RESPONSE:** There is no applicable annexation plan adopted pursuant to the ORS and, therefore, this standard does not apply to the applicant's annexation request. The requirements of this section have been satisfied.



- c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;**

**RESPONSE:** The only cooperative agreement the applicant is aware of is the Tanner Basin Intergovernmental Agreement between the City of West Linn and Clackamas County. Aside from this cooperative agreement, the applicant is not aware of any other applicable cooperative planning agreements affecting this property. The requirements of this section have been satisfied.

- d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;**

**RESPONSE:** All current public facility plans include UGB areas. This property has been within the UGB for a length of time adequate to be addressed on the plans. The requirements of this section have been satisfied.

- e. Any applicable comprehensive plan;**

**RESPONSE:** The City of West Linn Comprehensive Plan indicates a Low Density designation for this property. The proposed zoning (R-7) fits within this designation. The requirements of this section have been satisfied.

- f. Any applicable concept plan; and**

**RESPONSE:** There is no applicable concept plan that includes this area and, therefore, this standard is not applicable. The requirements of this section have been satisfied.

**2. Consider whether the boundary change would:**

- a. Promote the timely, orderly and economic provision of public facilities and services;**

**RESPONSE:** The proposed annexation promotes the requirements of this criterion. The City's facilities master plan includes the subject parcel and provides all services to this site; thus, the boundary change will allow development in a timely, orderly, and economic manner. The development of this parcel will accompany other residential development in the area and provide more living opportunities for residents in the City of West Linn.

- b. Affect the quality and quantity of urban services; and**

**RESPONSE:** The urban services that will serve this property are of adequate quality and contain adequate quantity to serve the site with no detrimental effects. The requirements of this section have been satisfied.

- c. Eliminate or avoid unnecessary duplication of facilities or services.**

**RESPONSE:** No duplication of facilities or service is proposed or anticipated. The requirements of this section have been satisfied.

- 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.**

**RESPONSE:** This territory proposed for annexation lies entirely within the UGB. The requirements of this section have been satisfied.

**SUMMARY AND CONCLUSION**

Based upon the submitted application materials herein, the Applicant respectfully requests that the City Council approve the Annexation proposal and assign R-7 zoning designation for the property.