

Sloop Property Annexation Findings 2018
(Re: Toll Brothers/Bland Circle Subdivision)

SUB-19-01

Prepared by:

Phil Grillo
Davis Wright Tremaine LLP
Portland, Oregon
November 6, 2019

Toll Bros/Bland Circle
23190 Bland Circle Annexation Application Materials
Working Binder
(110322-10)

1. Applicant Submittal
2. Revised Submittal
3. Completeness Determination
4. DLCD Form 1 Notice of Proposed Amendments
5. Notice of Upcoming City Council Hearing Step 1 on 2/12/18
6. City Council Agenda Packet for Step 1 Hearing on 2/12/18
7. Notice of Upcoming City Council Step 2 Hearing on 7/9/18
8. City Council Agenda Packet for Step 2 Hearing on 7/9/18
9. PowerPoint Presentation
10. Applicant's Petition Letter
11. City Council Final Decision and Order
12. DLCD Form 2 with Signed Ordinances and Legal Description
13. Map

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT: <i>Peter Spir</i>	PROJECT No(s): <i>ANX-1701</i>	
NON-REFUNDABLE FEE(S) <i>\$ 20,000</i>	REFUNDABLE DEPOSIT(S)	TOTAL <i>\$ 20,000</i>

Type of Review (Please check all that apply):

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Annexation (ANX) <i>\$ 20,000</i>
<input type="checkbox"/> Appeal and Review (AP) *
<input type="checkbox"/> Conditional Use (CUP)
<input type="checkbox"/> Design Review (DR)
<input type="checkbox"/> Easement Vacation
<input type="checkbox"/> Extraterritorial Ext. of Utilities
<input type="checkbox"/> Final Plat or Plan (FP)
<input type="checkbox"/> Flood Management Area
<input type="checkbox"/> Hillside Protection & Erosion Control | <input type="checkbox"/> Historic Review
<input type="checkbox"/> Legislative Plan or Change
<input type="checkbox"/> Lot Line Adjustment (LLA) **/
<input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan)
<input type="checkbox"/> Non-Conforming Lots, Uses & Structures
<input type="checkbox"/> Planned Unit Development (PUD)
<input type="checkbox"/> Pre-Application Conference (PA) **/
<input type="checkbox"/> Street Vacation | <input type="checkbox"/> Subdivision (SUB)
<input type="checkbox"/> Temporary Uses *
<input type="checkbox"/> Time Extension *
<input type="checkbox"/> Variance (VAR)
<input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP)
<input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)
<input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)
<input type="checkbox"/> Zone Change |
|--|--|---|

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.

Site Location/Address:

23190 Bland Circle, West Linn Oregon 97068

Assessor's Map No.: 2s1e35a

Tax Lot(s): 01100

Total Land Area: 6.47 Acres +/-

Brief Description of Proposal:

Applicant proposes to annex 6.47 acres into the City of West Linn.

Applicant Name: Andrew Tull, 3J Consulting, Inc.

Phone: 503-545-1907

Address: 5075 SW Griffith Drive, Suite 150

Email: andrew.tull@3j-consulting.com

City State Zip: Beaverton, Oregon 97005

Owner Name (required): David and Drucilla Sloop

Phone:

Address: 23190 Bland Circle

Email: drudave@comcast.net

City State Zip: West Linn, Oregon 97068

Consultant Name:

Phone:

Address:

Email:

City State Zip:

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.

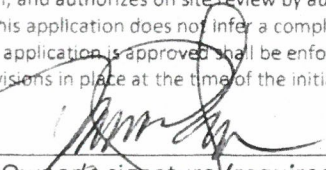
 4. **Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.**
One (1) complete set of digital application materials must also be submitted on CD in PDF format.
If large sets of plans are required in application please submit only two sets.

* 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.

 Applicant's signature: 

 9/7/2017
Date

 Owner's signature (required): 

Date

8/29/17

8/29/17



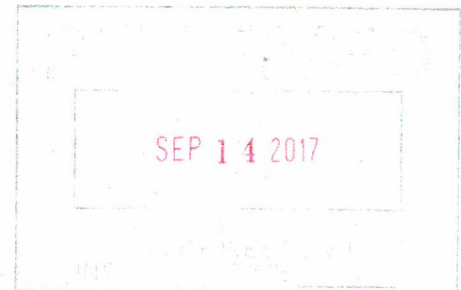
SLOOP BLAND CIRCLE ANNEXATION APPLICATION

OWNER:

DAVID AND DRUCILLA SLOOP
23190 BLAND CIRCLE
WEST LINN, OR 97068

APPLICANT'S REPRESENTATIVE:

3J CONSULTING, INC
5075 SW GRIFFITH DRIVE, SUITE 150
BEAVERTON, OR 97005
CONTACT: ANDREW TULL
PHONE: 503-545-1907



CONTACT INFORMATION

Applicant: **David and Drucilla Sloop**
23190 Bland Circle
West Linn, OR 97068

Applicant's Representative: **3J Consulting, Inc**
5075 SW Griffith Drive Suite 150
Beaverton, OR 97005
Contact: Andrew Tull
Phone: 503-545-1907
Email: andrew.tull@3j-consulting.com

SITE DATA

OWNERS: David and Drucilla Sloop

SITE LOCATION: 23190 Bland Circle
West Linn, OR 97068

SITE SIZE: 6.47 acres

DESCRIPTION: The site is identified as Tax Lot 2S1E35A 01100. The site is comprised of one lot of record, located just west of Salamo Road, south of Weatherhill Road and north of Bland Circle. 23

APPROVAL CRITERIA: CDC Chapters 81 and 105
Municipal Code, Section 2.920
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 just west of Salamo Road, adjacent to the West Linn City limits to the south, east and west sides of the subject property. The total area to be annexed is approximately 6.47 acres in area. A pre-application conference was held with the City to discuss the annexation of this property on July 6, 2017 by the property owners.

SITE CONDITIONS

The site gently slopes downward to the southeast of the property. There is one single-family residential home on the property, one large pole barn and several smaller sheds. There are trees, planted fields and grass/dirt fields 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 is outside the West Linn City Limits and is zoned FU-10. This site and those surrounding it are within the Savanna Oaks Neighborhood Association.

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.

Applicant's Finding: 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).

Applicant's Finding: The owners of this property and their representatives joined City staff for a pre-application conference on July 6, 2017.

The requirements of this section have been satisfied.

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 3.09.040.**

Applicant's Finding: The submitted application includes all of the required documentation 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.

Applicant's Finding: 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)

Applicant's Finding: 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).

Applicant's Finding: 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

**Applicant's
Finding:**

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 sites are zoned R-7, one of the zones assigned to 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 these properties 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 apply zoning, the Council shall consider the following factors in making its decision:

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

**Applicant's
Finding:**

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 surrounding properties.

**Applicant's
Finding:**

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)

Applicant's Finding: Properties adjacent to this site, both on this side and the other side of Salamo Road, are developed and provided with city services. Public sanitary sewer, storm and water lines are located east of and adjacent to the property in Salamo Road and a regional drainage system is located near the southeastern corner of the property. Sanitary and storm lines are also located along the property's southern boundary, in the rear of the homes that front Crestview Drive. There is a public water line that follows a portion of the southern property line in the southwestern corner of the site. 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.**

Applicant's Finding: 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**

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

Applicant's Finding: 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 patterns 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.**

Applicant's Finding: 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 opportunities 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.

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.

Applicant's Finding: The Applicant acknowledges the City's Annexation Review Procedure 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.

Applicant's Finding: 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 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.

**Applicant's
Finding:**

This narrative and the supporting documents submitted with the annexation request include 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 20-30 homes could yield approximately 8 elementary students, 3 middle school students and 4 high school students. The anticipated 15 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.

Implementation of new capital facilities 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, and the larger debt service associated with school bonds is spread across a larger tax base and 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, the additional students are anticipated will not cause significant impact to the school district and 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 (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 built on the property if the property is further developed. The annexation of this lot 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.

Applicant's Finding: 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.

Applicant's Finding: The Applicant acknowledges the City Council's decision-making process regarding annexation requests.

The requirements of this section have been satisfied.

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 within 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.**

Applicant's Finding: 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.

Applicant's Finding: 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.

Applicant's Finding: This 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.

Applicant's Finding: 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.

Applicant's Finding: 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;

Applicant's Finding: The City does not have any urban service provider agreements on this property and, therefore, this standard does not apply.

The requirements of this section have been satisfied.

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

Applicant's Finding: There is no applicable annexation plan adopted pursuant to the ORS and, therefore, this standard does not apply.

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;

Applicant's Finding: There are no applicable cooperative planning agreements affecting this property and, therefore, this standard is not applicable.

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;

Applicant's Finding: 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;

Applicant's Finding: The City of West Linn Comprehensive Plan indicates a Low Density designation for this property. The proposed zoning fits within this designation.

The requirements of this section have been satisfied.

f. Any applicable concept plan; and

Applicant's Finding: 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;

Applicant's Finding: The proposed annexation promotes the requirements of this criterion. The City's facilities master plans include the subject parcel and provide 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.

The requirements of this section have been satisfied.

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

Applicant's Finding: 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.

Applicant's Finding: No duplication of facilities of services 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.

Applicant's Finding: This territory proposed for annexation lies entirely within the UGB.

The requirements of this section have been satisfied.

SUMMARY AND CONCLUSION

Based upon the materials submitted herein, the Applicant respectfully requests that the City Council approve the Annexation proposal.

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.

NAME DS STORM
TITLE GIS CARTOGRAPHER 2
DEPARTMENT A&T
CLACKAMAS COUNTY ASSESSOR'S OFFICE
DATE 9-12-17

* "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 PAUL HAVES
TITLE DEPUTY CLERK
DEPARTMENT CLERK/ELECTIONS
CLACKAMAS COUNTY ASSESSOR'S OFFICE
DATE 9/12/17

FOR 23190 BLAND CIRCLE
WEST LINN

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 ZS1E351B)
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 DS STORM

TITLE GIS CARTOGRAPHER Z

DEPARTMENT A & T

CLACKAMAS COUNTY ASSESSOR'S OFFICE

DATE 9-12-17

To the Council of the City of West Linn, Oregon

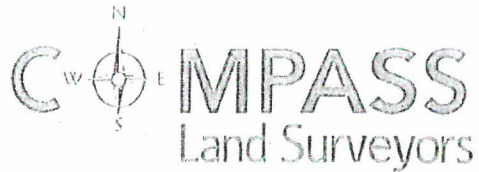
We, the undersigned owner(s) of the property described below and/or voter(s) residing in the referenced location and give consent for annexation of said property to the City of West Linn. We understand that the City will review this request in accordance with ORS Chapter 222, and applicable regional and local policies prior to approving or denying the request for annexation.

Signature	Printed Name	Owner			Address	Property Description				Date
		PO	RV	OV		Township Section	Map	Lot	Precinct	
	Drucilla Sloan				2319 ^{1/2} Bland Circle West Linn, OR 97068	25th	35ab	1150 0910	320	3/25/17
	David Sloan				2319 ^{1/2} Bland Circle West Linn, OR 97068	25th	35ab	1150 0910	320	3/25/17
	Elizabeth Sloan				2319 ^{1/2} Bland Circle West Linn, OR 97068	25th	35ab	1150	320	3/25/17
	Anne Sloan				2319 ^{1/2} Bland Circle West Linn, OR 97068	25th	35ab	1150	320	3/25/17

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

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

Initial




SECTION 1: LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED

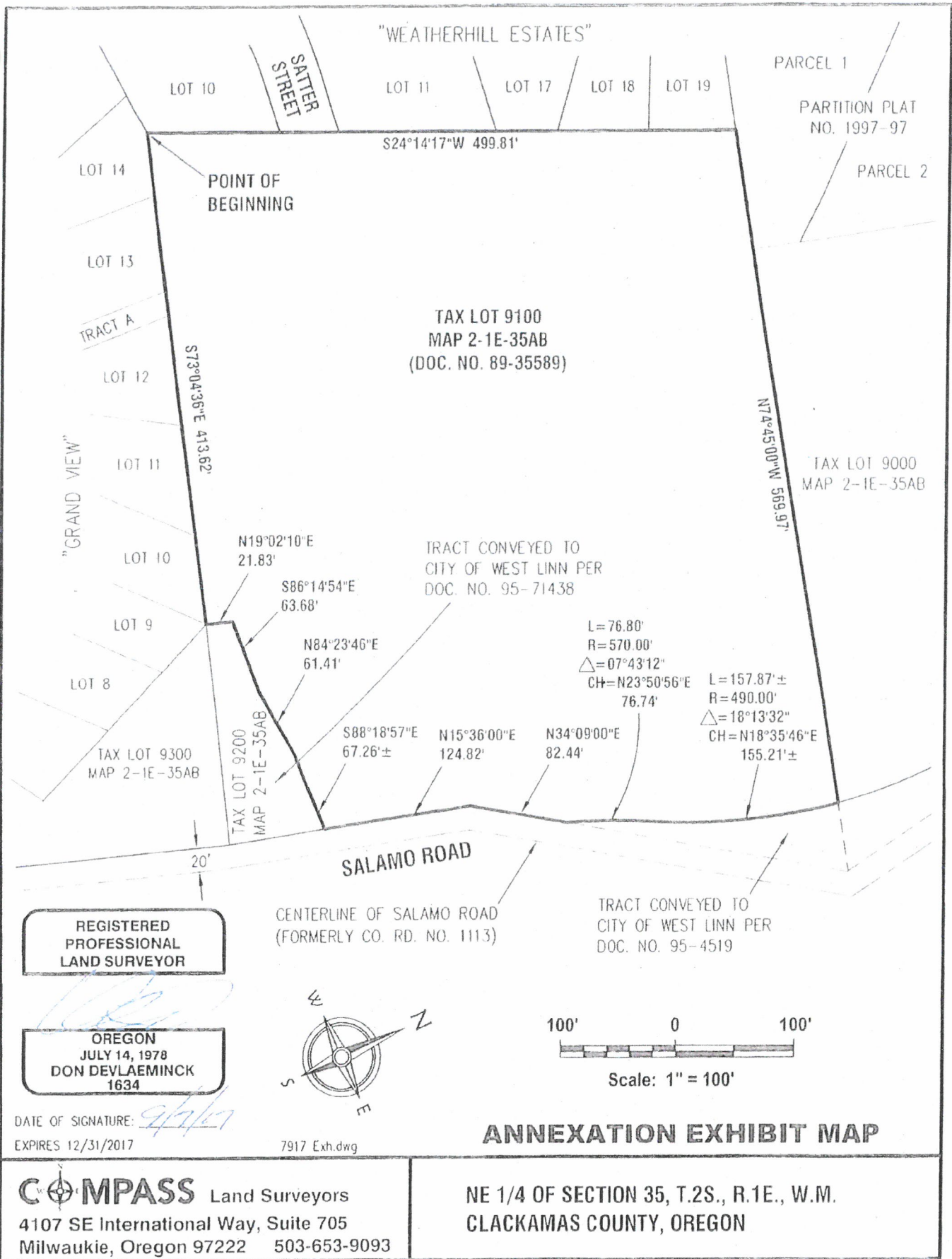
A TRACT OF LAND SITUATED IN THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING A PORTION OF LOT 21, "BLAND ACRES", A PLAT OF RECORD IN CLACKAMAS COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF "WEATHERHILL ESTATES" A PLAT OF RECORD IN CLACKAMAS COUNTY, OREGON; THENCE ALONG THE NORTHEASTERLY LINE OF "GRAND VIEW", A PLAT OF RECORD IN CLACKAMAS COUNTY, OREGON SOUTH 73°04'36" EAST 413.62 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO THE CITY OF WEST LINN BY WARRANTY DEED RECORDED AS DOCUMENT NUMBER 95-071438, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE WEST LINE OF SAID CITY OF WEST LINN TRACT NORTH 19°02'10" EAST 21.83 FEET TO THE NORTHWESTERLY CORNER THEREOF; THENCE ALONG THE NORTH LINE OF SAID CITY OF WEST LINN TRACT SOUTH 86°14'54" EAST 63.68 FEET; THENCE CONTINUING ALONG SAID NORTH LINE NORTH 84°23'46" EAST 61.41 FEET; THENCE CONTINUING ALONG SAID NORTH LINE SOUTH 88°18'57" EAST 67.26 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF SALAMO ROAD; THENCE ALONG SAID WEST RIGHT OF WAY LINE NORTH 15°36'00" EAST 124.82 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY LINE; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE NORTH 34°09'00" EAST 82.44 FEET TO THE MOST SOUTHERLY CORNER OF THAT TRACT OF LAND CONVEYED TO THE CITY OF WEST LINN BY DEED RECORDED AS DOCUMENT NUMBER 95-004519, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID CITY OF WEST LINN TRACT (WHICH IS DESCRIBED IN DEED RECORDED AS DOCUMENT NUMBER 95-004519) 76.80 FEET ALONG A NON-TANGENT 570.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST THROUGH A CENTRAL ANGLE OF 07°43'12" (LONG CHORD BEARS NORTH 23°50'56" EAST 76.74 FEET); THENCE CONTINUING ALONG SAID WESTERLY LINE 155.87 FEET, MORE OR LESS, ALONG A 490.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST THROUGH A CENTRAL ANGLE OF 18°13'32" (LONG CHORD BEARS NORTH 18°35'46" EAST 155.21 FEET, MORE OR LESS) TO THE NORTH LINE OF LOT 21, "BLAND ACRES"; THENCE ALONG SAID NORTH LINE NORTH 74°45'00" WEST 569.97 FEET TO THE MOST EASTERLY CORNER OF LOT 22, "BLAND ACRES"; THENCE ALONG THE EASTERLY LINE OF THE AFOREMENTIONED "WEATHERHILL ESTATES" SOUTH 24°14'17" WEST 499.81 FEET TO THE POINT OF BEGINNING.

REGISTERED
PROFESSIONAL
LAND SURVEYOR


OREGON
JULY 14, 1978
DON DEVLAEINCK
1634

DATE OF SIGNATURE: 7/20/17
EXPIRES 12/31/2017



3J CONSULTING

5075 SW GRIFFITH DRIVE, SUITE 150
BEAVERTON, OREGON 97005
PH: (503) 946 9365
WWW.3J-CONSULTING.COM

October 31, 2017

Peter Spir, Associate Planner
City of West Linn
22500 Salamo Road
West Linn, Oregon 97068

Sloop Property Annexation - Completeness Response
(ANX-17-01)

Dear Peter,

3J Consulting has received your October 2, 2017 incompleteness determination for the Sloop Property's annexation application. Per your direction, we have revised the project's narrative to provide the requested information. Our changes to the narrative are described below, in relation to the items identified within your correspondence:

1. CDC 105.050 (C) (1). Discuss the applicable Comprehensive Plan policies. (e.g. Goal 11: Public Facilities and Services. Goal 14: Urbanization. Goal 2 Land Use Planning (Section 5: Intergovernmental Coordination))

**Applicant's
response**

The Applicant has provided an updated land use narrative which addresses Goals 2, 11, and 14 of the City's Comprehensive Plan.

2. CDC 105.050 (D) (1) (a-c). Explain why the application is exempt from TPR /OAR 660-012-0060 compliance.

**Applicant's
response**

The Applicant has provided an updated land use narrative which the addresses the Transportation Planning Rule. Because the Applicant is proposing to bring the site's zoning into compliance with the City's Comprehensive Plan Designation and because the City has an acknowledge Transportation System Plan, the provisions of the Transportation Planning Rule do not apply to this project.

3. Please state in the preamble that in addition to annexing to the City, the applicant would like to annex to the Tri-City Service District and withdraw from Clackamas County Enhanced Law Enforcement District.

**Applicant's
response**

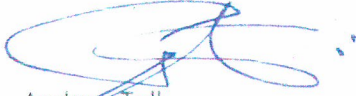
The Applicant has updated the project narrative's pre-amble to indicate that the owners would like to annex to the Tri-City Service District and to withdraw from the Clackamas County Enhanced Law Enforcement District.

Peter, we trust that the materials provided herein will allow your office to continue the review of this application. We also trust that given the project's compliance with the City's criteria for annexation, this property will be brought into the City in a timely manner.



Please feel free to give me a call if you have any questions or need any additional clarification.

Sincerely,



Andrew Tull
Principal Planner
3J Consulting, Inc.

copy: File





SLOOP ANNEXATION APPLICATION

OWNER:

DAVID AND DRUCILLA SLOOP
23190 BLAND CIRCLE
WEST LINN, OR 97068

APPLICANT'S REPRESENTATIVE:

3J CONSULTING, INC
5075 SW GRIFFITH DRIVE, SUITE 150
BEAVERTON, OR 97005
CONTACT: ANDREW TULL
PHONE: 503-545-1907

CONTACT INFORMATION

Applicant: **David and Drucilla Sloop**
23190 Bland Circle
West Linn, OR 97068
Phone: 503-720-1769

Applicant's Representative: **3J Consulting, Inc**
5075 SW Griffith Drive Suite 150
Beaverton, OR 97005
Contact: Andrew Tull
Phone: 503-545-1907
Email: andrew.tull@3j-consulting.com

SITE DATA

OWNERS: David and Drucilla Sloop

SITE LOCATION: 23190 Bland Circle
West Linn, OR 97068

SITE SIZE: 6.47 acres

DESCRIPTION: The site is identified as Tax Lot 2S1E35A 01100. The site is comprised of one lot of record, located just west of Salamo Road, south of Weatherhill Road and north of Bland Circle.

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 just west of Salamo Road, adjacent to the West Linn City limits to the south, east and west sides of the subject property. The total area to be annexed is approximately 6.47 acres in area. A pre-application conference was held with the City to discuss the annexation of this property on July 6, 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, one large pole barn and several smaller sheds. There are trees, planted fields and grass/dirt fields 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 are both inside and outside of the West Linn City limits with those outside zoned FU-10. This site and those surrounding it are within the Savanna Oaks Neighborhood Association.

REASONS WHY THIS APPLICATION SHOULD BE APPROVED

The Applicant has provided the following reasons why the City Council should approve the annexation of the Sloop 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 owners of this property have participated in assisting the City with a variety of supportive easements and agreements which have assisted with the development of the City's infrastructure network.
- 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

The Applicant voluntarily met with members of the Savannah Oaks neighborhood Association while this application was being reviewed by the City for Completeness. During the neighborhood meeting, several neighbors expressed a desire to have the City Council place the annexation on the ballot for 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 6.47 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.

Applicant's Finding: 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).

Applicant's Finding: The owners of this property and their representatives joined City staff for a pre-application conference on July 6, 2017.

The requirements of this section have been satisfied.

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 3.09.040.

Applicant's Finding: The submitted application includes all of the required documentation 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.

Applicant's Finding: 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)

Applicant's Finding: 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).

Applicant's Finding: 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

Applicant's Finding:

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 properties 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 apply zoning, the Council shall consider the following factors in making its decision:

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

Applicant's Finding:

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 surrounding properties.

Applicant's Finding:

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)

Applicant's Finding: Properties adjacent to this site are developed and provided with City services on all sides. Public sanitary sewer, storm and water lines are located east of and adjacent to the property in Salamo Road and a regional drainage system is located near the southeastern corner of the property. Sanitary and storm lines are also located along the property's southern, eastern, and western boundaries. There is a public water line that follows a portion of the southern property line in the southwestern corner of the site. 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.**

Applicant's Finding: 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**

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

Applicant's Finding: 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 patterns 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.**

Applicant's Finding: 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 opportunities 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.

Applicant's Finding:

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 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 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.

Applicant's Finding: The proposed annexation does not contemplate the any amendments which would affect any planned transportation facilities. 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)

Applicant's Finding: 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.

Applicant's Finding: The Applicant acknowledges the City's Annexation Review Procedure 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.

Applicant's Finding:

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 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.

Applicant's Finding:

This narrative and the supporting documents submitted with the annexation request include 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 or 6-8 and 0.14 for 9-12. This means that development of this property with approximately 20-30 homes could yield approximately 8 elementary

students, 3 middle school students and 4 high school students. The anticipated 15 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 the by the developer. Any off-site infrastructure needs (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 built 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.

Applicant's Finding: 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.

Applicant's Finding: The Applicant acknowledges the City Council's 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 framework for the Community Development Code, which implements the visions, goals, and policies of the Plan.

GOAL 2 LAND USE PLANNING

Applicant's Finding: 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, a 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 adjoining and regional partners in governance.

As part of this goal, the site falls within an area which has been zoned by Clackamas County as a 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's ability to provide service within the City.

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

GOAL 11 PUBLIC FACILITIES AND SERVICES

Applicant's Finding: The City's Comprehensive Plan requires that essential public facilities be in place before new development occurs and that development encourages the provision of other public facilities and services. The Plan states that the City's first priority is to maintain existing services and infrastructure in all areas 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 a rural island 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

**Applicant's
Finding:**

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 is consistent with the urbanization goals listed within the City's Comprehensive Plan. The site's 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 the 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 Plans 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 within 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.

Applicant's Finding: 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.

Applicant's Finding: 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.

Applicant's Finding: This 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.

Applicant's Finding: 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.**

Applicant's Finding: 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;**

Applicant's Finding: The City does not have any urban service provider agreements on this property and, therefore, this standard does not apply.

The requirements of this section have been satisfied.

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

Applicant's Finding: There is no applicable annexation plan adopted pursuant to the ORS and, therefore, this standard does not apply.

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;

Applicant's Finding: There are no applicable cooperative planning agreements affecting this property and, therefore, this standard is not applicable.

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;

Applicant's Finding: 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;

Applicant's Finding: The City of West Linn Comprehensive Plan indicates a Low Density designation for this property. The proposed zoning fits within this designation.

The requirements of this section have been satisfied.

f. Any applicable concept plan; and

Applicant's Finding: 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;

Applicant's Finding: The proposed annexation promotes the requirements of this criterion. The City's facilities master plans include the subject parcel and provide 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.

The requirements of this section have been satisfied.

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

Applicant's Finding: 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.

Applicant's Finding: No duplication of facilities of services 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.

Applicant's Finding: This territory proposed for annexation lies entirely within the UGB.

The requirements of this section have been satisfied.

SUMMARY AND CONCLUSION

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

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT	PROJECT No(s).	
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S)	TOTAL

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.

Site Location/Address:	Assessor's Map No.: 2s1e35a
23190 Bland Circle, West Linn Oregon 97068	Tax Lot(s): 01100
	Total Land Area: 6.47 Acres +/-

Brief Description of Proposal:


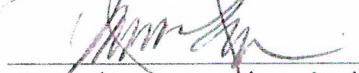
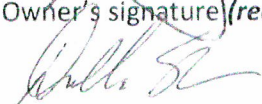
Applicant proposes to annex 6.47 acres into the City of West Linn.

Applicant Name: Andrew Tull, 3J Consulting, Inc. <small>(please print)</small> Address: 5075 SW Griffith Drive, Suite 150 City State Zip: Beaverton, Oregon 97005	Phone: 503-545-1907 Email: andrew.tull@3j-consulting.com
Owner Name (required): David and Drucilla Sloop <small>(please print)</small> Address: 23190 Bland Circle City State Zip: West Linn, Oregon 97068	Phone: Email: drudave@comcast.net
Consultant Name: <small>(please print)</small> Address: City State Zip:	Phone: Email:

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.

 Applicant's signature	9/7/2017 Date	 Owner's signature (required)	8/29/17 Date
		 (Handwritten signature)	8/29/17 (Handwritten date)

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.

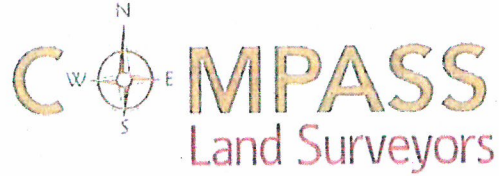
Signature	Printed Name	I am a			Address	Property Description				Date
		PO	RV	OV		Township/ Section	Map	Tax Lot	Precinct	
	Drucilla Sloop			X	23190 Bland Circle West Linn, OR 97068	251e	35ab	01900 09100	320	8/29/17
	David Sloop	X	X	X	23190 Bland Circle West Linn, OR 97068	251e	35ab	01900 09100	320	8/29/17
	Elizabeth Lanz		X		23190 Bland Circle West Linn, OR 97068	251e	35ab	01900	320	8/29/17
	Anne Sloop		X		23190 Bland Circle West Linn, OR 97068	251e	35ab	01900	320	8/29/17

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

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

Initial DS





SECTION 1: LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED

A TRACT OF LAND SITUATED IN THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING A PORTION OF LOT 21, "BLAND ACRES", A PLAT OF RECORD IN CLACKAMAS COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF "WEATHERHILL ESTATES" A PLAT OF RECORD IN CLACKAMAS COUNTY, OREGON; THENCE ALONG THE NORTHEASTERLY LINE OF "GRAND VIEW", A PLAT OF RECORD IN CLACKAMAS COUNTY, OREGON SOUTH 73°04'36" EAST 413.62 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO THE CITY OF WEST LINN BY WARRANTY DEED RECORDED AS DOCUMENT NUMBER 95-071438, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE WEST LINE OF SAID CITY OF WEST LINN TRACT NORTH 19°02'10" EAST 21.83 FEET TO THE NORTHWESTERLY CORNER THEREOF; THENCE ALONG THE NORTH LINE OF SAID CITY OF WEST LINN TRACT SOUTH 86°14'54" EAST 63.68 FEET; THENCE CONTINUING ALONG SAID NORTH LINE NORTH 84°23'46" EAST 61.41 FEET; THENCE CONTINUING ALONG SAID NORTH LINE SOUTH 88°18'57" EAST 67.26 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF SALAMO ROAD; THENCE ALONG SAID WEST RIGHT OF WAY LINE NORTH 15°36'00" EAST 124.82 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY LINE; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE NORTH 34°09'00" EAST 82.44 FEET TO THE MOST SOUTHERLY CORNER OF THAT TRACT OF LAND CONVEYED TO THE CITY OF WEST LINN BY DEED RECORDED AS DOCUMENT NUMBER 95-004519, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID CITY OF WEST LINN TRACT (WHICH IS DESCRIBED IN DEED RECORDED AS DOCUMENT NUMBER 95-004519) 76.80 FEET ALONG A NON-TANGENT 570.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST THROUGH A CENTRAL ANGLE OF 07°43'12" (LONG CHORD BEARS NORTH 23°50'56" EAST 76.74 FEET); THENCE CONTINUING ALONG SAID WESTERLY LINE 155.87 FEET, MORE OR LESS, ALONG A 490.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST THROUGH A CENTRAL ANGLE OF 18°13'32" (LONG CHORD BEARS NORTH 18°35'46" EAST 155.21 FEET, MORE OR LESS) TO THE NORTH LINE OF LOT 21, "BLAND ACRES"; THENCE ALONG SAID NORTH LINE NORTH 74°45'00" WEST 569.97 FEET TO THE MOST EASTERLY CORNER OF LOT 22, "BLAND ACRES"; THENCE ALONG THE EASTERLY LINE OF THE AFOREMENTIONED "WEATHERHILL ESTATES" SOUTH 24°14'17" WEST 499.81 FEET TO THE POINT OF BEGINNING.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1978
DON DEVLAMINCK
1634

DATE OF SIGNATURE: 7/27/17
EXPIRES 12/31/2017

"WEATHERHILL ESTATES"

LOT 10 LOT 11 LOT 17 LOT 18 LOT 19

PARCEL 1
PARTITION PLAT
NO. 1997-97
PARCEL 2

S24°14'17"W 499.81'

POINT OF
BEGINNING

TAX LOT 9100
MAP 2-1E-35AB
(DOC. NO. 89-35589)

TAX LOT 9000
MAP 2-1E-35AB

"GRAND VIEW"

TRACT A
LOT 12
LOT 11
LOT 10
LOT 9
LOT 8

S73°04'36"E 413.62'

N74°45'00"W 569.97'

TRACT CONVEYED TO
CITY OF WEST LINN PER
DOC. NO. 95-71438

N19°02'10"E
21.83'

S86°14'54"E
63.68'

N84°23'46"E
61.41'

L=76.80'
R=570.00'
Δ=07°43'12"
CH=N23°50'56"E
76.74'

L=157.87'±
R=490.00'
Δ=18°13'32"
CH=N18°35'46"E
155.21'±

S88°18'57"E
67.26'±

N15°36'00"E
124.82'

N34°09'00"E
82.44'

TAX LOT 9300
MAP 2-1E-35AB

TAX LOT 9200
MAP 2-1E-35AB

20'

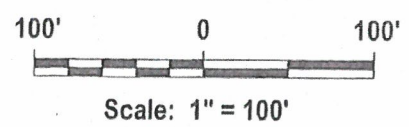
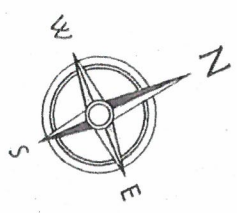
SALAMO ROAD

CENTERLINE OF SALAMO ROAD
(FORMERLY CO. RD. NO. 1113)

TRACT CONVEYED TO
CITY OF WEST LINN PER
DOC. NO. 95-4519

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1978
DON DEVLAE MINCK
1634



DATE OF SIGNATURE: *9/7/17*
EXPIRES 12/31/2017

7917 Exh.dwg

ANNEXATION EXHIBIT MAP

COMPASS Land Surveyors
4107 SE International Way, Suite 705
Milwaukie, Oregon 97222 503-653-9093

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

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.

NAME DS STORM
TITLE GIS CARTOGRAPHER 2
DEPARTMENT A&T
CLACKAMAS COUNTY ASSESSOR'S OFFICE
DATE 9-12-17



* "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 PAUL HANES anti
TITLE DEPT-1 CLERK
DEPARTMENT CLERK/ELECTIONS
CLACKAMAS COUNTY ASSESSOR'S OFFICE
DATE 9/12/17

FOR 23190 BLAND CIRCLE
WEST LINN

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 ZS1E35AB) 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 DS STORM

TITLE GIS CARTOGRAPHER 2

DEPARTMENT AFT

CLACKAMAS COUNTY ASSESSOR'S OFFICE

DATE 9-12-17





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

FOR DLCD USE

File No.:

Received:

Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulation **at least 35 days before the first evidentiary hearing.** (See [OAR 660-018-0020](#) for a post-acknowledgment plan amendment and [OAR 660-025-0080](#) for a periodic review task). The rules require that the notice include a completed copy of this form.

Jurisdiction: **City of West Linn**

Local file no.: **ANX-17-01**

Please check the type of change that best describes the proposal:

- Urban growth boundary (UGB) amendment** including more than 50 acres, by a city with a population greater than 2,500 within the UGB
- UGB amendment** over 100 acres by a metropolitan service district
- Urban reserve designation**, or amendment including over 50 acres, by a city with a population greater than 2,500 within the UGB
- Periodic review task** – Task no.:
- Any other change** to a comp plan or land use regulation (e.g., a post-acknowledgement plan amendment)

Local contact person (name and title): Peter Spir, Associate Planner

Phone: 503-742-6062 E-mail: pspir@westlinnoregon.gov

Street address: 22500 Salamo Road City: West Linn Zip: 97068-

Briefly summarize the proposal in plain language. Please identify all chapters of the plan or code proposed for amendment (maximum 500 characters):

ANX-17-01 is a proposal to annex 6.47 acres, located at 23190 Bland Circle: one-quarter mile within the Urban Growth Boundary and the external City Boundary. The property is already designated for "Low density residential" in the Comprehensive Plan. The proposed zoning designation of R-7 would be consistent with 70 percent of surrounding properties. Utilities and services are readily available.

Date of first evidentiary hearing: 02/12/2018

Date of final hearing: February 12, 2018

This is a revision to a previously submitted notice. Date of previous submittal:

Check all that apply:

- Comprehensive Plan text amendment(s)
- Comprehensive Plan map amendment(s) – Change from _____ to _____
Change from _____ to _____
- New or amended land use regulation
- Zoning map amendment(s) – Change from FU-10 to R-7
Change from _____ to _____
- An exception to a statewide planning goal is proposed – goal(s) subject to exception:
- Acres affected by map amendment: 6.47

Location of property, if applicable (site address and T, R, Sec., TL): 23190 Bland Circle, West Linn

List affected state or federal agencies, local governments and special districts: Metro, Clackamas County, Clackamas County Enhanced Law Enforcement District, Tri-City Service District

NOTICE OF A PROPOSED CHANGE – SUBMITTAL INSTRUCTIONS

1. Except under certain circumstances,¹ proposed amendments must be submitted to DLCD's Salem office at least 35 days before the first evidentiary hearing on the proposal. The 35 days begins the day of the postmark if mailed, or, if submitted by means other than US Postal Service, on the day DLCD receives the proposal in its Salem office. **DLCD will not confirm receipt of a Notice of a Proposed Change unless requested.**

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

3. **Hard-copy submittal:** When submitting a Notice of a Proposed Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 1 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

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

This form is available here:

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

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

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

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

¹ 660-018-0022 provides:

(1) When a local government determines that no goals, commission rules, or land use statutes apply to a particular proposed change, the notice of a proposed change is not required [a notice of adoption is still required, however]; and

(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review such that the local government cannot submit the proposed change consistent with the 35-day deadline, the local government may submit the proposed change to the department as soon as practicable. The submittal must include a description of the emergency circumstances.

<http://www.oregon.gov/LCD/Pages/forms.aspx>

Include this Form 1 as the first pages of a combined file or as a separate file.

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

6. **Text:** Submittal of a Notice of a Proposed Change for a comprehensive plan or land use regulation text amendment must include the text of the amendment and any other information necessary to advise DLCD of the effect of the proposal. "Text" means the specific language proposed to be amended, added to, or deleted from the currently acknowledged plan or land use regulation. A general description of the proposal is not adequate. The notice may be deemed incomplete without this documentation.

7. **Staff report:** Attach any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.

8. **Local hearing notice:** Attach the notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable.

9. **Maps:** Submittal of a proposed map amendment must include a map of the affected area showing existing and proposed plan and zone designations. A paper map must be legible if printed on 8½" x 11" paper. Include text regarding background, justification for the change, and the application if there was one accepted by the local government. A map by itself is not a complete notice.

10. **Goal exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.

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

Notice checklist. Include all that apply:

- Completed Form 1
- The text of the amendment (e.g., plan or code text changes, exception findings, justification for change)
- Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained
- A map of the affected area showing existing and proposed plan and zone designations
- A copy of the notice or a draft of the notice regarding a quasi-judicial land use hearing, if applicable
- Any other information necessary to advise DLCD of the effect of the proposal

**CITY OF WEST LINN
CITY COUNCIL
PUBLIC HEARING NOTICE
ANNEXATION OF 6.47 ACRES AT 23190 BLAND CIRCLE**

FILE NO. ANX-17-01

The West Linn City Council is meeting on **Monday, February 12, 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 6.47 acre parcel at 23190 Bland Circle. 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 35A tax lot 1100. 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. 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 <http://westlinnoregon.gov/planning/23190-bland-circle-annexation>. 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 Peter Spir at 503-742-6062 or at pspir@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.

Publish: West Linn Tidings, Thursday, February 1, and February 8, 2018



Agenda Bill 2018-02-12-03

Date: February 12, 2018

To: Russell Axelrod, Mayor
Members, West Linn City Council

From: Peter Spir, Associate Planner

Through: John R. Williams, Community Development Director *JRW*
Eileen Stein, City Manager *ES*

Subject: Annexation of 6.47 acres at 23190 Bland Circle (ANX-17-01)

Purpose:

The owners of property at 23190 Bland Circle are requesting annexation to the City of West Linn.

Question(s) for Council:

Step 1: Land Use Decision

1. Does the application for 23190 Bland Circle meet the annexation criteria in CDC Chapter 81 for approval of the land use decision?

Step 2: Policy Decision

2. Does the City Council ("Council") wish to annex the property at 23190 Bland Circle?
3. Does the Council wish to hold an advisory vote for this annexation?

Public Hearing Required:

Yes.

Background & Discussion:

David and Drucilla Sloop are requesting annexation of their 6.47 acre property at 23190 Bland Circle. If annexed, the applicants request a zoning designation of R-7. The applicable approval criteria for this application are located in Community Development Code (CDC) Chapter 81, which refers to the Metro Code, West Linn Municipal Code (WLMC), and Oregon Revised Statutes.

The property is one of several county "islands," located one-quarter mile inside the Urban Growth Boundary (UGB). The neighborhood is substantially built out with single family homes. If annexed, the property is proposed to have a zoning designation of R-7 consistent with the zoning on 70 percent of perimeter properties. The property has been included in all of the

City's adopted long-range facility and capital improvement plans. All necessary utilities are available to serve the property. In summary, staff finds that the application meets all of the land use criteria required for approval.

Mayor Axelrod inquired about the number of "island" properties remaining in West Linn and their approximate developable acreage. Staff finds that there are 37 unannexed "island" properties which comprise 57.29 acres. After applying appropriate zones and a 25 percent deduction for rights-of-way and infrastructure, 250 dwelling units could be produced. Applying this methodology to the applicant's property would yield 30 dwelling units. These numbers do not take into account probable deductions due to environmental constraints (e.g. wetlands).

Annexations go through a two-step process. Both steps can be done at the same hearing date. 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 designate a zone for the property in step one.

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.

Budget Impact:

The annexation would bring the property onto the City tax rolls and make it subject to City fees and assessments.

Council Options:

Step 1: Land Use Decision

1. Approve the land use application for annexation with an R-7 zoning designation.
2. Deny the land use application for annexation and end consideration of annexing this property.

Step 2: Policy Decision

1. Approve the annexation of 23190 Bland Circle.
2. Decline to annex this property.
3. Consider a resolution placing the annexation on a ballot for an advisory vote.

Staff Recommendation:

Step 1: Land Use Decision

Staff recommends the Council approve the land use application for annexation with an R-7 zoning designation.

Step 2: Policy Decision

Staff recommends the Council approve annexation of 23190 Bland Circle into the City and the Tri-City Service District and the withdrawal from the Clackamas County Enhanced Law Enforcement District.

Potential Motions:

Step 1: Land Use Decision

I move to approve/deny the annexation of 6.47 acres of real property at 23190 Bland Circle (Land Use Case Number: ANX-17-01

I move to approve First Reading for Ordinance 1672, "An Ordinance Establishing the Zoning Designation as R-7 upon Annexation of the Property Located at 23190 Bland Circle," and set the matter for Second Reading.

If approved unanimously, please complete Second Reading.

I move to approve Second Reading for Ordinance 1672, "An Ordinance Establishing the Zoning Designation as R-7 upon Annexation of the Property Located at 23190 Bland Circle," and adopt the ordinance.

Step 2: Policy Decision

1. I move to approve/deny the annexation of 6.47 acres of real property at 23190 Bland Circle with a zone of R-7 into the City and the Tri-City Service District and withdrawal from the Clackamas County Enhanced Law Enforcement District.

- a. If approved, move to adopt Ordinance 1671.

I move to approve First Reading for Ordinance 1671, "An Ordinance Approving the Annexation of Real Property Located at 23190 Bland Circle; Removing the Property from Special Districts; and Adding the Property to Special Districts," and set the matter for Second Reading.

If approved unanimously, please complete Second Reading.

I move to approve Second Reading for Ordinance 1671, "An Ordinance Approving the Annexation of Real Property Located at 23190 Bland Circle; Removing the Property from Special Districts; and Adding the Property to Special Districts," and adopt the ordinance.

2. I move to approve Resolution 2018-06, "A Resolution to Submit a Measure to Voters for an Advisory Vote on the Annexation of 6.47 Acres of Real Property at 23190 Bland Circle." (Land Use Case Number: ANX-17-01).

Attachments:

- Ordinance 1671 – Approving annexation of Property
- Ordinance 1672 – Approving annexation and designating a zone for the Property
- Resolution 2018-06 – Submitting an advisory vote to electors
- Staff Report

ORDINANCE NO. 1671

AN ORDINANCE APPROVING THE ANNEXATION OF REAL PROPERTY LOCATED AT 23190 BLAND CIRCLE; REMOVING THE PROPERTY FROM SPECIAL DISTRICTS; AND ADDING THE PROPERTY TO SPECIAL DISTRICTS

WHEREAS, the 6.47 acres of real property at 23190 Bland Circle are located within the Metro Urban Growth Boundary and are eligible for annexation into the City of West Linn; and

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

WHEREAS, Ordinance 1671 zones the property R-7, single-family residential detached and attached and amends the Zoning Map upon passage of this Ordinance; and

WHEREAS, the City of West Linn public facility plans anticipate annexation of this area and can accommodate serving this property;

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

WHEREAS, the West Linn City Council approved Step 2, the policy decision; and

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

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

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

SECTION 1. Annexation. The City approves the annexation of the property located at 23190 Bland Circle ("Property") and further described in Exhibit A, which is attached and incorporated by this reference.

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

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

SECTION 4. Severability. The sections, subsections, paragraphs and clauses of this ordinance

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

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

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 12th day of February, 2018, and duly PASSED and ADOPTED this day _____ of _____, 2018.

RUSSELL B. AXELROD, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

SECTION 1: LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED

A TRACT OF LAND SITUATED IN THE NORTH-EAST 1/4 OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING A PORTION OF LOT 21, "BLAND ACRES", A PLAT OF RECORD IN CLACKAMAS COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

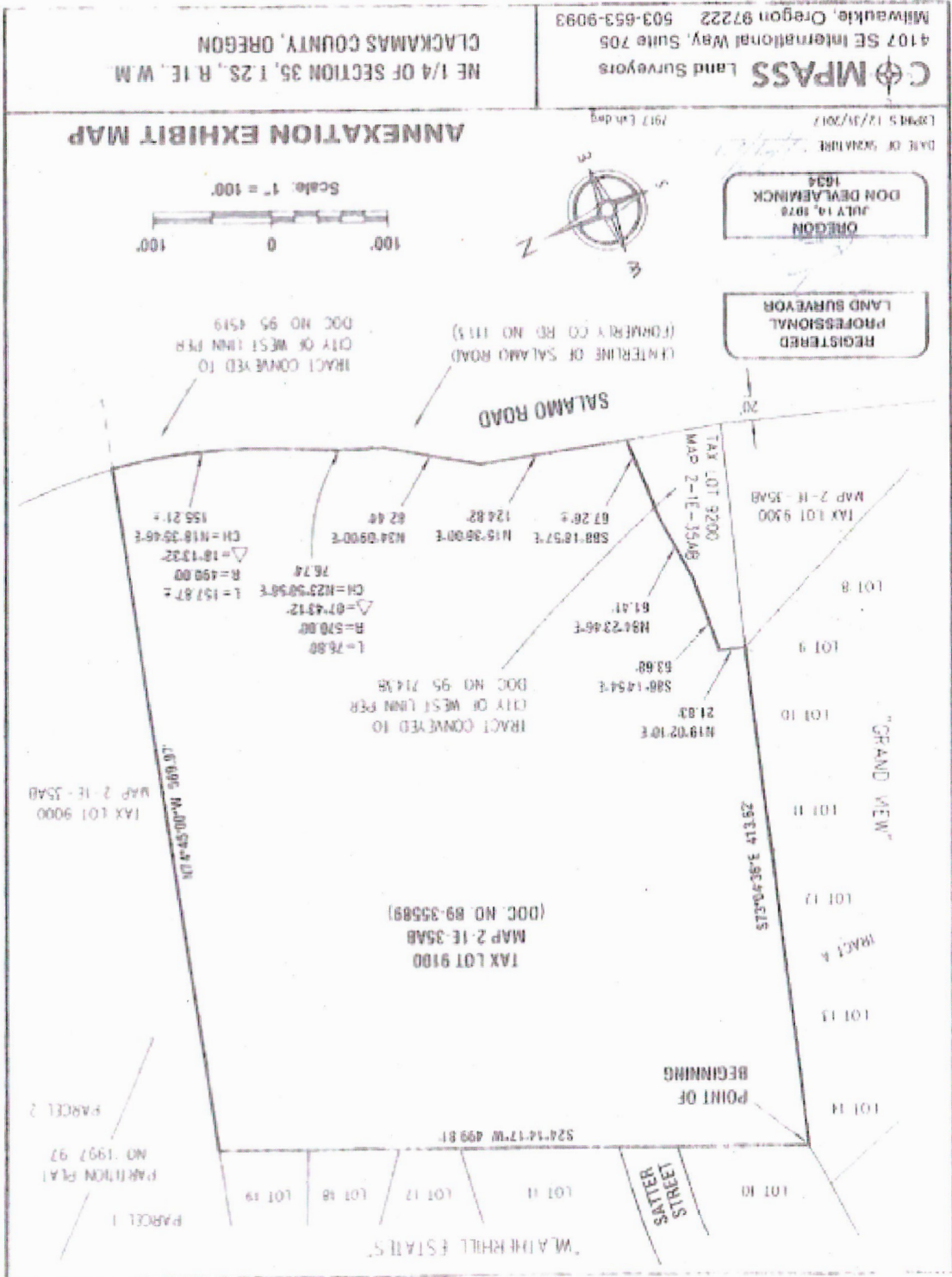
BEGINNING AT THE SOUTHEASTLY CORNER OF "WEATHERHILL ESTATES" A PLAT OF RECORD IN CLACKAMAS COUNTY, OREGON; THENCE ALONG THE NORTHEASTERN LINE OF "GRAND VIEW", A PLAT OF RECORD IN CLACKAMAS COUNTY, OREGON SOUTH 71°04'36" EAST 413.62 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO THE CITY OF WEST LINN BY WARRANTY DEED RECORDED AS DOCUMENT NUMBER 95-071418, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE WEST LINE OF SAID CITY OF WEST LINN TRACT NORTH 19°02'10" EAST 21.81 FEET TO THE NORTHWESTLY CORNER THEREOF; THENCE ALONG THE NORTH LINE OF SAID CITY OF WEST LINN TRACT SOUTH 86°14'54" EAST 63.68 FEET; THENCE CONTINUING ALONG SAID NORTH LINE NORTH 84°23'46" EAST 61.41 FEET; THENCE CONTINUING ALONG SAID NORTH LINE SOUTH 88°18'57" EAST 67.26 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF SALAMO ROAD; THENCE ALONG SAID WEST RIGHT OF WAY LINE NORTH 15°36'00" EAST 124.82 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY LINE; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE NORTH 34°09'00" EAST 82.44 FEET TO THE MOST SOUTHERLY CORNER OF THAT TRACT OF LAND CONVEYED TO THE CITY OF WEST LINN BY DEED RECORDS; THENCE ALONG THE WESTERN LINE OF SAID CITY OF WEST LINN TRACT (WHICH IS DESCRIBED IN DEED RECORDED AS DOCUMENT NUMBER 95-004519) 76.80 FEET ALONG A NON-TANGENT 570.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST THROUGH A CENTRAL ANGLE OF 07°43'12" (LONG CHORD BEARS NORTH 23°50'56" EAST 76.74 FEET); THENCE CONTINUING ALONG SAID WESTERN LINE 155.87 FEET, MORE OR LESS, ALONG A 490.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST THROUGH A CENTRAL ANGLE OF 18°13'12" (LONG CHORD BEARS NORTH 18°35'46" EAST 155.21 FEET, MORE OR LESS) TO THE NORTH LINE OF LOT 21, "BLAND ACRES"; THENCE ALONG SAID NORTH LINE NORTH 74°45'00" WEST 569.97 FEET TO THE MOST EASTERN CORNER OF LOT 22, "BLAND ACRES"; THENCE ALONG THE EASTERN LINE OF THE FOREMENTIONED "WEATHERHILL ESTATES" SOUTH 24°14'17" WEST 499.81 FEET TO THE POINT OF BEGINNING

DATE OF SIGNATURE: 7/14/18
EXPIRES 12/31/2017

OREGON
DON DEVLAMINCK
JULY 14, 1878
1894

REGISTERED
PROFESSIONAL
LAND SURVEYOR

EXHIBIT A (cont.)



REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 19, 1978
DON DEWERNICK
1834

DATE OF SIGNATURE
12/15/2017

CMPASS Land Surveyors
4107 SE International Way, Suite 705
Milwaukie, Oregon 97222 503-653-9093

ANNEXATION EXHIBIT MAP

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

ORDINANCE NO. 1672

AN ORDINANCE ESTABLISHING THE ZONING DESIGNATION AS R-7 UPON ANNEXATION OF THE PROPERTY LOCATED AT 23190 BLAND CIRCLE

WHEREAS, the 6.47 acres of real property at 23190 Bland Circle, West Linn, Oregon ("Property"), and further described in Exhibit A, which is attached and incorporated by this reference, are located within the Metro Urban Growth Boundary and are eligible for annexation into the City of West Linn; and

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

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

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

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

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

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

SECTION 1. Zoning designation and map amendment. The Property shall be zoned R-7, single-family residential detached and attached. The Zoning Map shall be amended to include the Property within the City limits and depict the Property with an R-7 zoning designation, as shown on Exhibit B, which is attached and incorporated by this reference.

SECTION 2. Effective Date. This ordinance shall only take effect on the 30th day after the passage of Ordinance 1671 approving the annexation of the Property.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 12th day of February, 2018, and duly PASSED and ADOPTED this _____ day of _____, 2018.

RUSSELL B. AXELROD, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT A



SECTION 1: LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED

A TRACT OF LAND SITUATED IN THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING A PORTION OF LOT 21, "BLAND ACRES", A PLAT OF RECORD IN CLACKAMAS COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

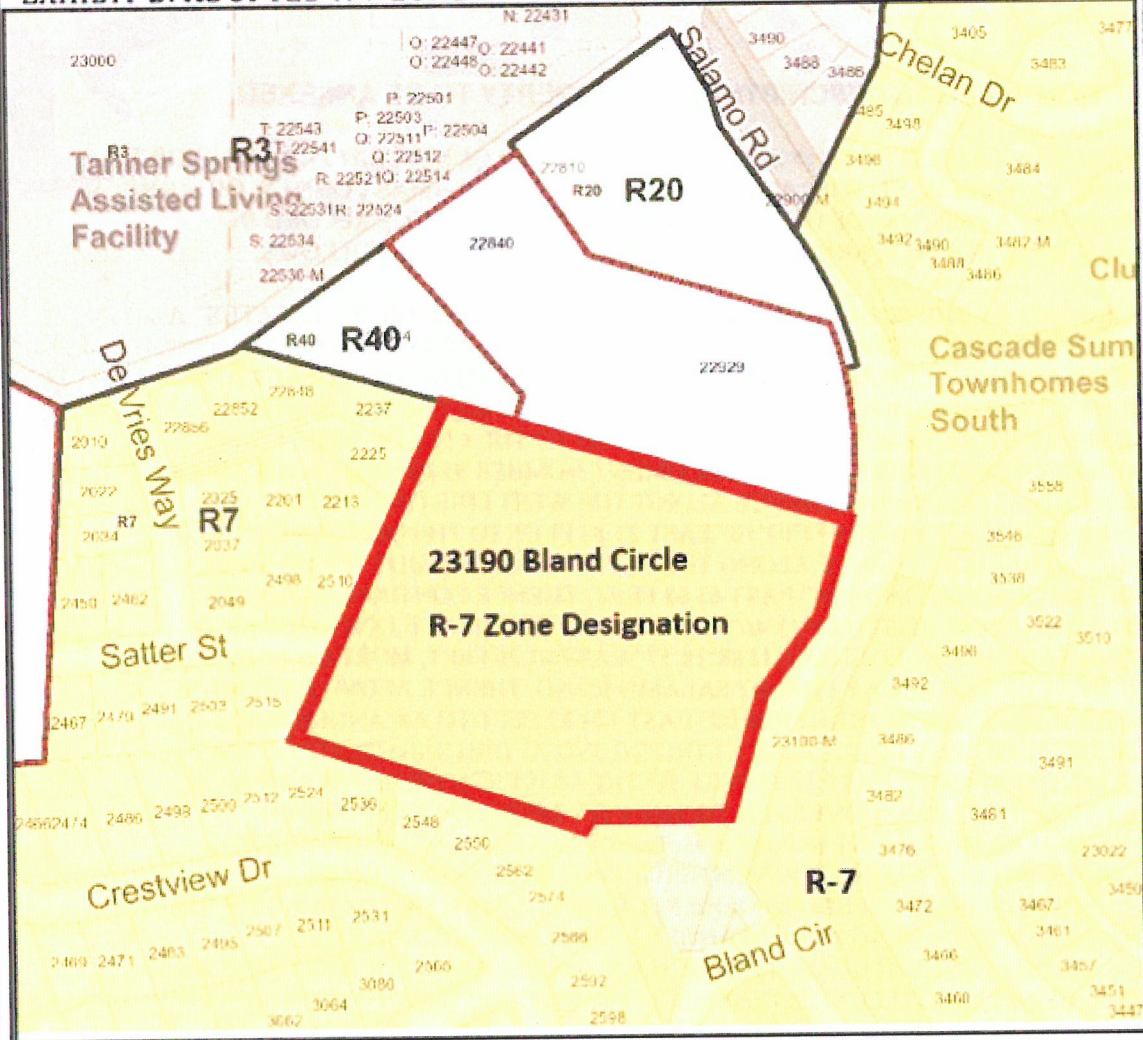
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REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1978
DON DEVLAMINCK
1634

DATE OF SIGNATURE: *[Signature]*
EXPIRES 12/31/2017

EXHIBIT B: ADOPTED R-7 ZONE ANX-17-01



**RESOLUTION NO. 2018-06
WEST LINN, OREGON**

**A RESOLUTION TO SUBMIT A MEASURE TO VOTERS FOR A NON-BINDING ADVISORY VOTE
ON THE ANNEXATION OF 6.47 ACRES OF REAL PROPERTY AT 23190 BLAND CIRCLE**

WHEREAS, Oregon law allows a governing body to submit a non-binding advisory proposition or question to voters;

WHEREAS, the 6.47 acres of real property at 23190 Bland Circle are located within the Metro Urban Growth Boundary and are eligible for annexation into the City of West Linn;

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

WHEREAS, the City of West Linn public facility plans anticipated annexation of this area and can accommodate serving this property;

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

WHEREAS, the West Linn City Council is in Step 2, the policy decision, of the annexation process; and

WHEREAS, the West Linn City Charter and Municipal Code 2.930(3) allows for an option to hold a non-binding advisory vote of the citizenry for the annexation of any territory.

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

SECTION 1. A measure election is called (the "Measure Election") for the purpose of submitting a non-binding advisory vote to the electors of the City regarding the annexation of 6.47 acres of real property at 23190 Bland Circle, West Linn. Pursuant to ORS 250.035, 250.037 and 250.285, the City Council approves the ballot title that is attached as Exhibit A and directs that this ballot title be filed with the City Elections Officer.

SECTION 2. The Measure Election shall be held in the City on May 15, 2018. As required by ORS 254.465, the Measure Election shall be conducted by mail by the Clackamas County Clerk according to procedures adopted by the Oregon Secretary of State pursuant to ORS 254.470.

SECTION 3. The Council authorizes the City Manager or the City Recorder (the "Authorized Representative") to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes of this Resolution, in compliance with the applicable provisions of law. City staff is directed to prepare an Explanatory Statement for the measure and submit it for inclusion in the voters' pamphlet as provided in ORS 251.345.

SECTION 4. The City Elections Officer is directed to publish notice of receipt of the ballot title in the West Linn Tidings or The Oregonian in compliance with ORS 250.275(5).

SECTION 5. The City Elections Officer shall file the Notice of City Measure Election with the Clackamas County Elections Office as required by ORS 254.095 and include the proposed measure in the statement of city measures to be voted on.

SECTION 6. This resolution shall take effect immediately upon its adoption by the City Council.

This resolution was PASSED and ADOPTED this 12th day of February, 2018, and takes effect upon passage.

RUSSELL B. AXELROD, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT A
(FINAL VERSION WILL BE IN FORM SEL 802)

CAPTION - 10 words

Advisory vote for annexation of 6.47 acres on Bland Circle (10 words)

QUESTION- 20 words

In your opinion, should the City annex 6.47 acres of real property at 23190 Bland Circle? (16 words)

SUMMARY -175 words

This is a non-binding advisory vote submitted by the City of West Linn to its citizens. It asks voters to express an opinion on whether the City should annex 6.47 acres of real property at 23190 Bland Circle ("Property").

Yes/favor vote expresses your desire for the City to approve annexation of this Property into the City.

No/oppose vote expresses your desire for the City to deny annexation of this Property into the City.

The outcome of the vote on this advisory question is not binding, but it will provide information to the City. If the City Council in its sole discretion chooses to annex the Property, the City will designate the zone of the property as R-7, single family residential detached and attached with a minimum 7,000 square foot lot size. City water, sewer, surface water, and transportation system plans anticipate annexation of the property, and it can be provided with services. If the City Council chooses to annex the Property, the owner would be subject to City taxes and fees.

(171 words)

**STAFF REPORT
FOR THE CITY COUNCIL**

FILE NUMBER: ANX-17-01

HEARING DATE: February 12, 2018

REQUEST: Annexation (Expedited Decision) of 6.47 acres at 23190 Bland Circle

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: Peter Spir, Associate Planner

Planning Manager's Initials *JB*

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GENERAL INFORMATION

- OWNERS:** David and Drucilla Sloop, 23190 Bland Circle
- APPLICANT:** Andrew Tull, 3J Consulting
- SITE LOCATION:** 23190 Bland Circle
- DESCRIPTION:** The site is identified as Assessor's Map 2S 1E 35A tax lot 1100
- SITE SIZE:** 6.47 acres (281,833 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 January 22, 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. Both steps can be done 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. The Council will also assign a zone 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.

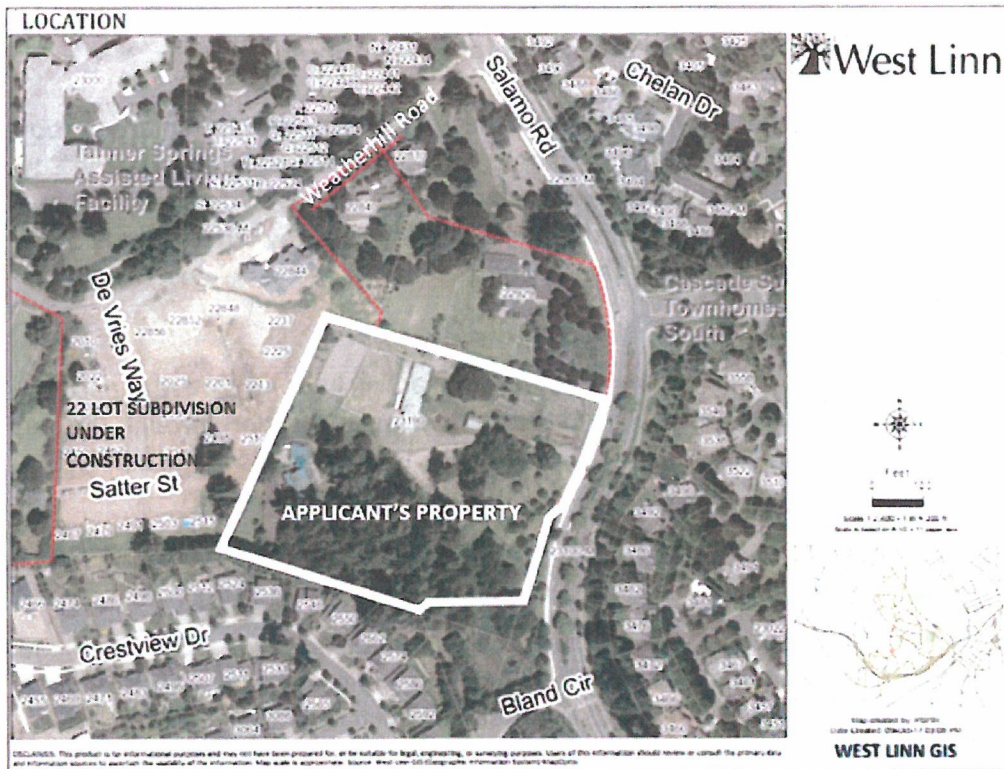
At the conclusion of step two, the Council may approve an annexation request if it finds that the annexation is in the best interest of the City based on the report prepared by the Planning Director; testimony and evidence presented at the public hearing; and any other information, evidence, or analysis 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 23190 Bland Circle. If annexed, the property is proposed to have a zoning designation of R-7. The applicable approval criteria are located in Community Development Code (CDC) Chapter 81, which refer to the Metro Code, West Linn Municipal Code, and Oregon Revised Statutes. The property is one of several that form an "island" surrounded by the City. The property is located within the Urban Growth Boundary (UGB), is suitable for development, and can be serviced with utilities.

Concurrently, the property will be annexed into the Tri-City Service District and removed from the Clackamas County Enhanced Law Enforcement District.

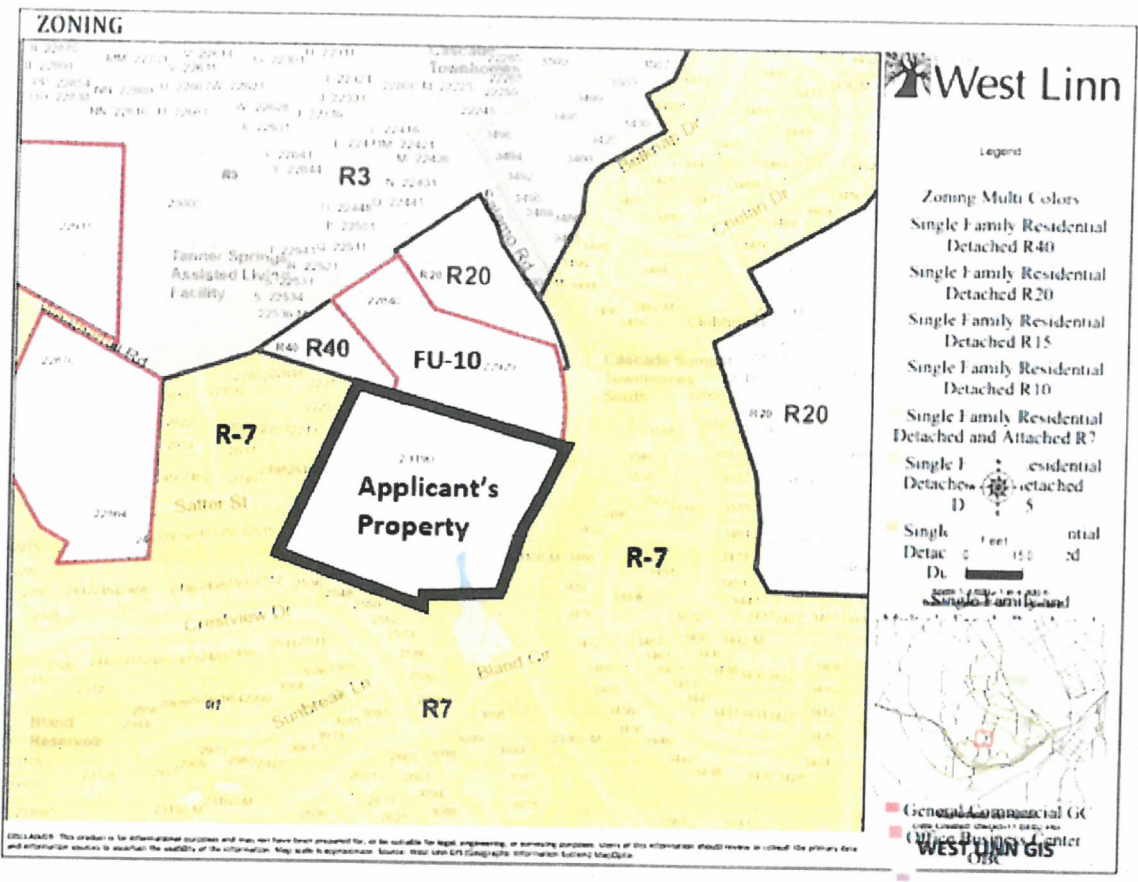


BACKGROUND

Existing Land Uses: The area proposed to be annexed comprises 6.47 acres. The property is one single lot of record owned by David and Drucilla Sloop. 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 slopes gradually towards Salamo Road with a stand of trees in the south half and a Water Resource Area (WRA) and a Habitat Conservation Area (HCA) in the southeast corner.

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.



Utilities: Water service is located on adjoining properties and ROWs. A public sewer and storm water lines traverses the southern portion of this property.

Public comments:

No public comments have been received to date.

RECOMMENDATION

Staff recommends approval of the Step One "Land Use Decision" and Step Two "Policy Decision" by Ordinances (attached) to annex the property at 23190 Bland Circle 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 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 Drucilla Sloop) 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 Drucilla Sloop).

Notice requirements (including 20 days' notice) have been satisfied (see Affidavit of Notice (Exhibit CC-1)). (Notice was sent to property owners within a 500 foot radius consistent with a Council decision on annexations in 2016 (ANX-16-01 and ANX-16-02), DLCD 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. The annexation will 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 and County Comprehensive Plans designate 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 available on the south edge of this property. A 12-inch water line is available to the east in the Salamo Road right-of-way and an eight inch water line is available to the west in the Weatherhill Estates Subdivision. 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. Salamo Road is classified as a Minor Arterial on the east edge of the property and has a Level of Service (LOS) of "A".

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:

COMPREHENSIVE PLAN/LAND USE DESIGNATION	ASSIGNED ZONING DISTRICT
Low Density Residential	R-40, R-20, R-15, R-10 or R-7
Medium Density Residential	R-5 or R-4.5
Medium High Density Residential	R-3 or R-2.1
Mixed Use	MU
Commercial	NC, GC, or OBC
Industrial	GI or CI
Other	FU-10

Finding 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 70 percent 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 12 percent slope from the property’s high point of approximately 580 feet at the southwest or back of the property down to an elevation of approximately 540 feet at the southeast corner of the property near Salamo

Road. The south half of the site is forested. The south east corner includes a Water Resource Area (WRA) and a Habitat Conservation Area (HCA).

Zoning patterns were addressed in Finding 9. The “development pattern” finds surrounding properties to the south and east are fully built out with single family homes within long established subdivisions (see table below). The property to the west was approved for a 22 lot subdivision and 19 homes are currently under construction. The property to the north has not been annexed and is occupied by one single family home. The property to the northwest is occupied by one single family home.

Direction	Zoning	Land Use
West	R-7	Single family homes under construction
East	R-7	Single family homes
North	Not yet annexed & R-20	Single family homes
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 9: The criteria of WLMC 2.930 (2) (a) has been addressed and met in 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 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 20-30 homes could yield approximately 8 elementary students, 3 middle school students and 4 high school students. The anticipated 15 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...."

(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 built 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-17-01 Applicant's Name DAVID DRUMHELLA SLOOP
Development Name _____
Scheduled Meeting Decision Date 2-12-18

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) 1-22-18 (signed) S. Shroyer
- B. Affected property owners (date) 1-22-18 (signed) S. Shroyer
- C. School District/Board (date) 1-22-18 (signed) S. Shroyer
- D. Other affected gov't. agencies (date) 1-22-18 (signed) S. Shroyer
- E. Affected neighborhood assns. (date) 1-22-18 (AU) (signed) S. 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) 2-1-18; 2-8-18 (signed) S. Shroyer
City's website (posted date) 1-22-18 (signed) S. 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) 1-23-18 (signed) [Signature]

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) _____ (signed) _____

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 6.47 ACRES AT 23190 BLAND CIRCLE
FILE NO. ANX-17-01**

The West Linn City Council is meeting on **Monday, February 12, 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 6.47 acre parcel at 23190 Bland Circle. 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 35A tax lot 1100. 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. 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.

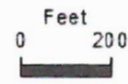
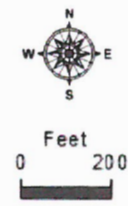
Step two review for annexation proposals is a legislative or policy decision that applies the standards of WLMC 2.930. Both Step 1 and Step 2 can occur on the same night.

The annexation application is available for inspection at City Hall or via the web site at <http://westlinnoregon.gov/planning/23190-bland-circle-annexation>. 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 Peter Spir at 503-742-6062 or at pspir@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 appellants body with jurisdiction based on that issue.

Publish: West Linn Tidings, Thursday, February 1, and February 8, 2018

23190 Bland Circle Notification Map



Scale 1:4,800 - 1 in = 400 ft
Scale is based on 8-1/2 x 11 paper size



Map created by: SSHROYER
Date Created: 16-Jan-18 09:48 AM

WEST LINN GIS

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Map scale is approximate. Source: West Linn GIS (Geographic Information System) MapOxtix.

CC-2 COMPLETENESS LETTER



CITY OF West Linn

November 3, 2017

Andrew Tull, 3J Consulting
5075 SW Griffith Drive, Suite 150
Beaverton, OR 97005

SUBJECT: Application for Annexation of Sloop property at 23190 Bland Circle (ANX-17-01)

Dear Andrew:

You re-submitted this application on October 31, 2017. 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 503-742-6062, or by email at pspir@westlinnoregon.gov if you have any questions or comments.

Sincerely,

A handwritten signature in black ink that reads "Peter Spir". The signature is written in a cursive, slightly slanted style.

Peter Spir
Associate Planner

CC-3 APPLICANT'S SUBMITTAL

3J CONSULTING

5075 SW GRIFFITH DRIVE, SUITE 150
BEAVERTON, OREGON 97005
PH (503) 946 9365
WWW.3JCONSULTING.COM

October 31, 2017

Peter Spir, Associate Planner
City of West Linn
22500 Salamo Road
West Linn, Oregon 97068

Sloop Property Annexation - Completeness Response
(ANX-17-01)

Dear Peter,

3J Consulting has received your October 2, 2017 incompleteness determination for the Sloop Property's annexation application. Per your direction, we have revised the project's narrative to provide the requested information. Our changes to the narrative are described below, in relation to the items identified within your correspondence:

1. CDC 105.050 (C) (1). Discuss the applicable Comprehensive Plan policies. (e.g. Goal 11: Public Facilities and Services. Goal 14: Urbanization. Goal 2 Land Use Planning (Section 5: Intergovernmental Coordination))

Applicant's response

The Applicant has provided an updated land use narrative which addresses Goals 2, 11, and 14 of the City's Comprehensive Plan.

2. CDC 105.050 (D) (1) (a-c). Explain why the application is exempt from TPR /OAR 660-012-0060 compliance.

Applicant's response

The Applicant has provided an updated land use narrative which addresses the Transportation Planning Rule. Because the Applicant is proposing to bring the site's zoning into compliance with the City's Comprehensive Plan Designation and because the City has an acknowledge Transportation System Plan, the provisions of the Transportation Planning Rule do not apply to this project.

3. Please state in the preamble that in addition to annexing to the City, the applicant would like to annex to the Tri-City Service District and withdraw from Clackamas County Enhanced Law Enforcement District.

Applicant's response

The Applicant has updated the project narrative's pre-amble to indicate that the owners would like to annex to the Tri-City Service District and to withdraw from the Clackamas County Enhanced Law Enforcement District.

Peter, we trust that the materials provided herein will allow your office to continue the review of this application. We also trust that given the project's compliance with the City's criteria for annexation, this property will be brought into the City in a timely manner.



Please feel free to give me a call if you have any questions or need any additional clarification.

Sincerely,



Andrew Tull
Principal Planner
3J Consulting, Inc.

copy: File





SLOOP ANNEXATION APPLICATION

OWNER:

DAVID AND DRUCILLA SLOOP
23190 BLAND CIRCLE
WEST LINN, OR 97068

APPLICANT'S REPRESENTATIVE:

3J CONSULTING, INC
5075 SW GRIFFITH DRIVE, SUITE 150
BEAVERTON, OR 97005
CONTACT: ANDREW TULL
PHONE: 503-545-1907

OCT 31 2017

CONTACT INFORMATION

Applicant: **David and Drucilla Sloop**
23190 Bland Circle
West Linn, OR 97068
Phone: 503-720-1769

Applicant's Representative: **3J Consulting, Inc**
5075 SW Griffith Drive Suite 150
Beaverton, OR 97005
Contact: Andrew Tull
Phone: 503-545-1907
Email: andrew.tull@3j-consulting.com

SITE DATA

OWNERS: David and Drucilla Sloop

SITE LOCATION: 23190 Bland Circle
West Linn, OR 97068

SITE SIZE: 6.47 acres

DESCRIPTION: The site is identified as Tax Lot 2S1E35A 01100. The site is comprised of one lot of record, located just west of Salamo Road, south of Weatherhill Road and north of Bland Circle.

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 just west of Salamo Road, adjacent to the West Linn City limits to the south, east and west sides of the subject property. The total area to be annexed is approximately 6.47 acres in area. A pre-application conference was held with the City to discuss the annexation of this property on July 6, 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, one large pole barn and several smaller sheds. There are trees, planted fields and grass/dirt fields 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 are both inside and outside of the West Linn City limits with those outside zoned FU-10. This site and those surrounding it are within the Savanna Oaks Neighborhood Association.

REASONS WHY THIS APPLICATION SHOULD BE APPROVED

The Applicant has provided the following reasons why the City Council should approve the annexation of the Sloop 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 owners of this property have participated in assisting the City with a variety of supportive easements and agreements which have assisted with the development of the City's infrastructure network.
- 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

The Applicant voluntarily met with members of the Savannah Oaks neighborhood Association while this application was being reviewed by the City for Completeness. During the neighborhood meeting, several neighbors expressed a desire to have the City Council place the annexation on the ballot for 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 6.47 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.

Applicant's Finding: 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).

Applicant's Finding: The owners of this property and their representatives joined City staff for a pre-application conference on July 6, 2017.

The requirements of this section have been satisfied.

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 3.09.040.**

Applicant's Finding: The submitted application includes all of the required documentation 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.

Applicant's Finding: 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)

Applicant's Finding: 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).

Applicant's Finding: 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

Applicant's Finding:

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 properties 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 apply zoning, the Council shall consider the following factors in making its decision:

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

Applicant's Finding:

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 surrounding properties.

Applicant's Finding:

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)

Applicant's Finding: Properties adjacent to this site are developed and provided with City services on all sides. Public sanitary sewer, storm and water lines are located east of and adjacent to the property in Salamo Road and a regional drainage system is located near the southeastern corner of the property. Sanitary and storm lines are also located along the property's southern, eastern, and western boundaries. There is a public water line that follows a portion of the southern property line in the southwestern corner of the site. 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.

Applicant's Finding: 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

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

Applicant's Finding: 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 patterns 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.**

Applicant's Finding: 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 opportunities 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.

Applicant's Finding:

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 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 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.

Applicant's Finding: The proposed annexation does not contemplate the any amendments which would affect any planned transportation facilities. 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)

Applicant's Finding: 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.

Applicant's Finding: The Applicant acknowledges the City's Annexation Review Procedure 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.

Applicant's Finding: 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 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.

Applicant's Finding: This narrative and the supporting documents submitted with the annexation request include 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 20-30 homes could yield approximately 8 elementary

students, 3 middle school students and 4 high school students. The anticipated 15 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 (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 built 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.

Applicant's Finding: 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.

Applicant's Finding: The Applicant acknowledges the City Council's 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 framework for the Community Development Code, which implements the visions, goals, and policies of the Plan.

GOAL 2 LAND USE PLANNING

Applicant's Finding: 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, a 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 adjoining and regional partners in governance.

As part of this goal, the site falls within an area which has been zoned by Clackamas County as a 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's ability to provide service within the City.

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

GOAL 11 PUBLIC FACILITIES AND SERVICES

Applicant's Finding:

The City's Comprehensive Plan requires that essential public facilities be in place before new development occurs and that development encourages the provision of other public facilities and services. The Plan states that the City's first priority is to maintain existing services and infrastructure in all areas 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 a rural island 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

Applicant's Finding:

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 is consistent with the urbanization goals listed within the City's Comprehensive Plan. The site's 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 the 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 Plans 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 within 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.**

Applicant's Finding: 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.

Applicant's Finding: 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.

Applicant's Finding: This 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.

Applicant's Finding: 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.**

Applicant's Finding: 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;**

Applicant's Finding: The City does not have any urban service provider agreements on this property and, therefore, this standard does not apply.

The requirements of this section have been satisfied.

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

Applicant's Finding: There is no applicable annexation plan adopted pursuant to the ORS and, therefore, this standard does not apply.

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;

Applicant's Finding: There are no applicable cooperative planning agreements affecting this property and, therefore, this standard is not applicable.

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;

Applicant's Finding: 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;

Applicant's Finding: The City of West Linn Comprehensive Plan indicates a Low Density designation for this property. The proposed zoning fits within this designation.

The requirements of this section have been satisfied.

f. Any applicable concept plan; and

Applicant's Finding: 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;

Applicant's Finding: The proposed annexation promotes the requirements of this criterion. The City's facilities master plans include the subject parcel and provide 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.

The requirements of this section have been satisfied.

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

Applicant's Finding: 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.

Applicant's Finding: No duplication of facilities of services is proposed or anticipated.

Finding:

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.

Applicant's Finding: This territory proposed for annexation lies entirely within the UGB.

Finding:

The requirements of this section have been satisfied.

SUMMARY AND CONCLUSION

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

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 CRS 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	
	Drucilla Sloop			<input checked="" type="checkbox"/>	23190 Bland Circle West Linn, OR 97068	2s1e	35ab	01900 09100	320	3/29/17
	David Sloop	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	23190 Bland Circle West Linn, OR 97068	2s1e	35ab	01900 09100	320	3/29/17
	Elizabeth Lantz		<input checked="" type="checkbox"/>		23190 Bland Circle West Linn, OR 97068	2s1e	35ab	01900	320	3/29/17
	Anne Sloop		<input checked="" type="checkbox"/>		23190 Bland Circle West Linn, OR 97068	2s1e	35ab	01900	320	3/29/17

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

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

Initial DS



SECTION 1: LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED

A TRACT OF LAND SITUATED IN THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING A PORTION OF LOT 21, "BLAND ACRES", A PLAT OF RECORD IN CLACKAMAS COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF "WEATHERHILL ESTATES" A PLAT OF RECORD IN CLACKAMAS COUNTY, OREGON; THENCE ALONG THE NORTHEASTERLY LINE OF "GRAND VIEW", A PLAT OF RECORD IN CLACKAMAS COUNTY, OREGON SOUTH 73°04'36" EAST 413.62 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO THE CITY OF WEST LINN BY WARRANTY DEED RECORDED AS DOCUMENT NUMBER 95-071438, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE WEST LINE OF SAID CITY OF WEST LINN TRACT NORTH 19°02'10" EAST 21.83 FEET TO THE NORTHWESTERLY CORNER THEREOF; THENCE ALONG THE NORTH LINE OF SAID CITY OF WEST LINN TRACT SOUTH 86°14'54" EAST 63.68 FEET; THENCE CONTINUING ALONG SAID NORTH LINE NORTH 84°23'46" EAST 61.41 FEET; THENCE CONTINUING ALONG SAID NORTH LINE SOUTH 88°18'57" EAST 67.26 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF SALAMO ROAD; THENCE ALONG SAID WEST RIGHT OF WAY LINE NORTH 15°36'00" EAST 124.82 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY LINE; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE NORTH 34°09'00" EAST 82.44 FEET TO THE MOST SOUTHERLY CORNER OF THAT TRACT OF LAND CONVEYED TO THE CITY OF WEST LINN BY DEED RECORDED AS DOCUMENT NUMBER 95-004519, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID CITY OF WEST LINN TRACT (WHICH IS DESCRIBED IN DEED RECORDED AS DOCUMENT NUMBER 95-004519) 76.80 FEET ALONG A NON-TANGENT 570.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST THROUGH A CENTRAL ANGLE OF 07°43'12" (LONG CHORD BEARS NORTH 23°50'56" EAST 76.74 FEET); THENCE CONTINUING ALONG SAID WESTERLY LINE 155.87 FEET, MORE OR LESS, ALONG A 490.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST THROUGH A CENTRAL ANGLE OF 18°13'32" (LONG CHORD BEARS NORTH 18°35'46" EAST 155.21 FEET, MORE OR LESS) TO THE NORTH LINE OF LOT 21, "BLAND ACRES"; THENCE ALONG SAID NORTH LINE NORTH 74°45'00" WEST 569.97 FEET TO THE MOST EASTERLY CORNER OF LOT 22, "BLAND ACRES"; THENCE ALONG THE EASTERLY LINE OF THE AFOREMENTIONED "WEATHERHILL ESTATES" SOUTH 24°14'17" WEST 499.81 FEET TO THE POINT OF BEGINNING.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1978
DON DEVLAEINCK
1634

DATE OF SIGNATURE: 4-26-17

EXPIRES 12/31/2017

"WEATHERHILL ESTATES"

LOT 10

SALTER STREET

LOT 11

LOT 17

LOT 18

LOT 19

PARCEL 1

PARTITION PLAT NO. 1997-97

PARCEL 2

LOT 14

POINT OF BEGINNING

S24°14'17"W 499.81'

LOT 13

TRACT A

LOT 12

TAX LOT 9100
MAP 2-1E-35AB
(DOC. NO. 89-35589)

LOT 11

S73°04'36"E 413.62'

TAX LOT 9000
MAP 2-1E-35AB

"GRAND VIEW"

LOT 10

N19°02'10"E 21.83'

TRACT CONVEYED TO
CITY OF WEST LINN PER
DOC. NO. 95 71438

LOT 9

S86°14'54"E 63.68'

L=76.80'
R=570.00'
Δ=07°43'12"

LOT 8

N84°23'46"E 61.41'

CH=N23°50'56"E 76.74'

TAX LOT 9300
MAP 2-1E-35AB

TAX LOT 9200
MAP 2-1E-35AB

S88°18'57"E 67.26'±

N15°36'00"E 124.82'

N34°09'00"E 82.44'

L=157.87'±
R=490.00'
Δ=18°13'32"
CH=N18°35'46"E 155.21'±

20'

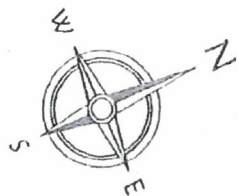
SALAMO ROAD

CENTERLINE OF SALAMO ROAD
(FORMERLY CO. RD. NO. 1113)

TRACT CONVEYED TO
CITY OF WEST LINN PER
DOC. NO. 95 4519

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1978
DON DEVLAEINCK
1634



Scale: 1" = 100'

DATE OF SIGNATURE: *9/7/07*
EXPIRES 12/31/2017

7917 Exh.dwg

ANNEXATION EXHIBIT MAP

COMPASS Land Surveyors
4107 SE International Way, Suite 705
Milwaukie, Oregon 97222 503-653-9093

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

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.

NAME_ DS STORM
TITLE GIS CARTOGRAPHER 2
DEPARTMENT A&T
CLACKAMAS COUNTY ASSESSOR'S OFFICE
DATE 9-12-17



* "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 PAUL HANES *Quit*
TITLE DEPUTY CLERK
DEPARTMENT CLERK / ELECTIONS
CLACKAMAS COUNTY ASSESSOR'S OFFICE
DATE 9/12/17

*FOR 23190 BLAND CIRCLE
WEST LINN*

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 ZSLE35AB) 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 DJ STORM

TITLE GIS CARTOGRAHER

DEPARTMENT A&T

CLACKAMAS COUNTY ASSESSOR'S OFFICE

DATE 9-12-17

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT: <i>Peter Spir</i>	PROJECT NO(S): <i>ANX-1701</i>	
NON-REFUNDABLE FEE(S) <i>20,000</i>	REFUNDABLE DEPOSIT(S)	TOTAL <i>20,000</i>

Type of Review (Please check all that apply):

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Annexation (ANX) <i>+ 20,000</i> | <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.

Site Location/Address:

23190 Bland Circle, West Linn Oregon 97068

Assessor's Map No.: 2s1e35a

Tax Lot(s): 01100

Total Land Area: 6.47 Acres +/-

Brief Description of Proposal:

Applicant proposes to annex 6.47 acres into the City of West Linn

Applicant Name: Andrew Tull, 3J Consulting, Inc
(please print)

Phone: 503-545-1907

Address: 5075 SW Griffith Drive, Suite 150

Email: andrew.tull@3j-consulting.com

City State Zip: Beaverton, Oregon 97005

Owner Name (required): David and Drucilla Sloop
(please print)

Phone:

Address: 23190 Bland Circle

Email: drudave@comcast.net

City State Zip: West Linn, Oregon 97068

Consultant Name:
(please print)

Phone:

Address:

Email:

City State Zip:

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.

Applicant's signature

Date

9/7/2017

Owner's signature (required)

Date

8/29/17
8/29/17

**CITY OF WEST LINN
CITY COUNCIL
PUBLIC HEARING NOTICE
ANNEXATION OF 6.47 ACRES AT 23190 BLAND CIRCLE**

FILE NO. ANX-17-01

The West Linn City Council is meeting on **Monday, July 9, 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 6.47 acre parcel at 23190 Bland Circle. The applicant also requested an R-7 zone designation, "single family residential detached and attached" with a 7,000 square foot minimum lot size. The area is identified by Clackamas County as assessor's map 2S 1E 35A tax lot 1100. 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. 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 was completed on February 12, 2018. At that hearing, the Council determined that the proposed annexation was consistent with the intent of the West Linn Comprehensive Plan and CDC Chapter 81. The Council assigned a zone designation of R-7 for the property. At the conclusion of step one, the Council passed a resolution placing the annexation request on a ballot for an advisory vote. The advisory vote was held on May 15, 2018 with 67 percent in favor.

At the July 9, 2018, public hearing, the step two review for annexation proposals is a legislative or policy decision that applies the standards of West Linn Municipal Code 2.930.

The annexation application is available for inspection at City Hall or via the web site at <http://westlinnoregon.gov/planning/23190-bland-circle-annexation>. 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 Peter Spir at 503-742-6062 or at pspir@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.

Publish: West Linn Tidings, Thursday, June 28 and July 5, 2018



Agenda Bill 2018-07-09-01

Date: July 9, 2018

To: Russell Axelrod, Mayor
Members, West Linn City Council

From: Peter Spir, Associate Planner

Through: John R. Williams, Community Development Director *JRW*
Eileen Stein, City Manager *ES*

Subject: Step Two of Annexation of 6.47 acres at 23190 Bland Circle (ANX-17-01)

Purpose:

David and Drucilla Sloop, owners of property at 23190 Bland Circle, are requesting annexation to the City of West Linn.

Question(s) for Council:

This is the second step of the annexation process, the policy decision. Does the City Council ("Council") wish to annex the property at 23190 Bland Circle?

Public Hearing Required: Yes.

Background & Discussion:

David and Drucilla Sloop are requesting annexation of their 6.47 acre property at 23190 Bland Circle with a zoning designation of R-7.

Annexations are reviewed in a two-step process. The step one hearing was held on February 12, 2018. At that date, the Council assigned a zone designation of R-7 (Ordinance 1672) and passed a resolution to hold an advisory vote on May 15, 2018. The outcome of the non-binding advisory vote was that 67 percent of West Linn voters recommend approval of the annexation.

Step two review for annexation proposals is a legislative or policy decision that applies the standards of West Linn Municipal Code (WLMC) 2.930. During 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 property is one of several county "islands," located one-quarter mile inside the Urban Growth Boundary (UGB). The neighborhood is substantially built out with single family homes. The property has been included in all of the City's adopted long-range facility and capital improvement plans. All necessary utilities are available to serve the property. In summary, staff finds that the application meets all of the criteria required for approval.

Budget Impact:

The annexation would bring the property onto the City tax rolls and make it subject to City fees and assessments.

Council Options:

Step 2: Policy Decision

1. Approve the annexation of 23190 Bland Circle.
2. Decline to annex this property.

Staff Recommendation:

Staff recommends a Council approval of the annexation of 23190 Bland Circle into the City and the Tri-City Service District and the withdrawal from the Clackamas County Enhanced Law Enforcement District, via adoption of Ordinance 1671.

Potential Motions:

I move to approve the First Reading for Ordinance 1671, "An Ordinance Approving the Annexation of Real Property Located at 23190 Bland Circle; Removing the Property from Special Districts; and Adding the Property to Special Districts," and set the matter for Second Reading.

If approved unanimously, please complete Second Reading.

I move to approve the Second Reading for Ordinance 1671, "An Ordinance Approving the Annexation of Real Property Located at 23190 Bland Circle; Removing the Property from Special Districts; and Adding the Property to Special Districts," and adopt the ordinance.

Attachments:

- Ordinance 1671
- Staff Report

ORDINANCE NO. 1671

AN ORDINANCE APPROVING THE ANNEXATION OF REAL PROPERTY LOCATED AT 23190 BLAND CIRCLE; REMOVING THE PROPERTY FROM SPECIAL DISTRICTS; AND ADDING THE PROPERTY TO SPECIAL DISTRICTS

WHEREAS, the 6.47 acres of real property at 23190 Bland Circle, West Linn, Oregon ("Property"), and further described in Exhibits A and B, which is attached and incorporated by this reference, are located within the Metro Urban Growth Boundary and are eligible for annexation into the City of West Linn; and

WHEREAS, the City of West Linn public facility plans anticipate annexation of this area and can accommodate serving this property; and

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

WHEREAS, the West Linn City Council approved Step 2, the policy decision; and

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

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

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

SECTION 1. Annexation. The City approves the annexation of the property located at 23190 Bland Circle ("Property") and further described in Exhibits A and B, which is attached and incorporated by this reference.

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

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

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

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

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 9th day of July, 2018, and is duly PASSED and ADOPTED this 9th of July, 2018.

RUSSELL B. AXELROD, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT A



SECTION 1: LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED

A TRACT OF LAND SITUATED IN THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING A PORTION OF LOT 21, "BLAND ACRES", A PLAT OF RECORD IN CLACKAMAS COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

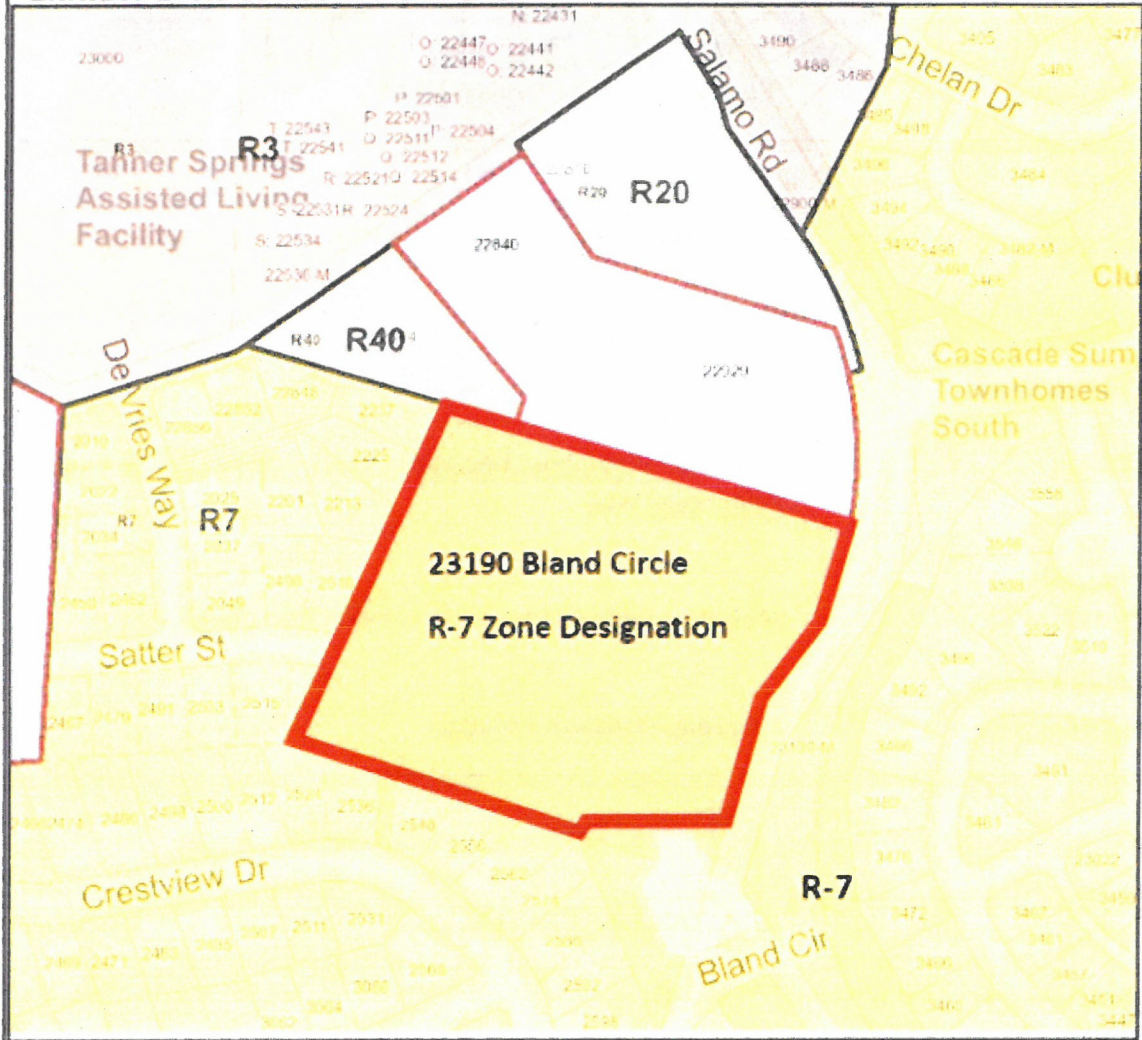
BEGINNING AT THE SOUTHEASTERLY CORNER OF "WEATHERHILL ESTATES" A PLAT OF RECORD IN CLACKAMAS COUNTY, OREGON; THENCE ALONG THE NORTHEASTERLY LINE OF "GRAND VIEW", A PLAT OF RECORD IN CLACKAMAS COUNTY, OREGON SOUTH 73°04'36" EAST 413.62 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO THE CITY OF WEST LINN BY WARRANTY DEED RECORDED AS DOCUMENT NUMBER 95-071478, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE WEST LINE OF SAID CITY OF WEST LINN TRACT NORTH 19°02'10" EAST 23.83 FEET TO THE NORTHWESTERLY CORNER THEREOF; THENCE ALONG THE NORTH LINE OF SAID CITY OF WEST LINN TRACT SOUTH 86°14'54" EAST 63.68 FEET; THENCE CONTINUING ALONG SAID NORTH LINE NORTH 84°23'46" EAST 61.41 FEET; THENCE CONTINUING ALONG SAID NORTH LINE SOUTH 88°18'57" EAST 67.26 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF SALAMO ROAD; THENCE ALONG SAID WEST RIGHT OF WAY LINE NORTH 15°36'00" EAST 124.82 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY LINE; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE NORTH 34°09'00" EAST 82.44 FEET TO THE MOST SOUTHERLY CORNER OF THAT TRACT OF LAND CONVEYED TO THE CITY OF WEST LINN BY DEED RECORDED AS DOCUMENT NUMBER 95-004519, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID CITY OF WEST LINN TRACT (WHICH IS DESCRIBED IN DEED RECORDED AS DOCUMENT NUMBER 95-004519) 76.80 FEET ALONG A NON-TANGENT 570.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST THROUGH A CENTRAL ANGLE OF 07°43'12" (LONG CHORD BEARS NORTH 23°50'56" EAST 76.74 FEET); THENCE CONTINUING ALONG SAID WESTERLY LINE 155.87 FEET, MORE OR LESS, ALONG A 490.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST THROUGH A CENTRAL ANGLE OF 18°13'12" (LONG CHORD BEARS NORTH 18°35'46" EAST 155.21 FEET, MORE OR LESS) TO THE NORTH LINE OF LOT 21, "BLAND ACRES"; THENCE ALONG SAID NORTH LINE NORTH 74°45'00" WEST 569.97 FEET TO THE MOST EASTERLY CORNER OF LOT 22, "BLAND ACRES"; THENCE ALONG THE EASTERLY LINE OF THE AFOREMENTIONED "WEATHERHILL ESTATES" SOUTH 24°14'17" WEST 499.81 FEET TO THE POINT OF BEGINNING.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1978
DON DEVLAMBICK
1634

DATE OF SIGNATURE: 7/11/17
EXPIRES 12/31/2017

EXHIBIT B: ADOPTED R-7 ZONE ANX-17-01





CITY OF
West Linn
 PLANNING AND DEVELOPMENT

**STAFF REPORT
 FOR THE CITY COUNCIL**

FILE NUMBER: ANX-17-01

HEARING DATE: July 9, 2018

REQUEST: Annexation (Expedited Decision) of 6.47 acres at 23190 Bland Circle: Step Two

APPROVAL CRITERIA: Municipal Code (WLMC) 2.920-2.930; CDC Chapter 81

STAFF REPORT PREPARED BY: Peter Spir, Associate Planner

Planning Manager's Initials

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GENERAL INFORMATION

- OWNERS:** David and Drucilla Sloop, 23190 Bland Circle
- APPLICANT:** Andrew Tull, 3J Consulting
- SITE LOCATION:** 23190 Bland Circle
- DESCRIPTION:** The site is identified as Assessor's Map 2S 1E 35A tax lot 1100
- SITE SIZE:** 6.47 acres (281,833 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 June 15, 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, The property was posted with a sign on Salamo Road on June 15, 2018. Notice was published in the West Linn Tidings on Thursday June 28, 2018 and July 5, 2018.
- The affidavit of notice (Exhibit CC-3) 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. The step one hearing was held on February 12, 2018. At that date, the Council assigned a zone designation of R-7 and passed a resolution to hold an advisory vote on May 15, 2018. The election results for the non-binding advisory vote showed 67 percent of West Linn voters in favor of the annexation.
- Step two review for annexation proposals is a legislative or policy decision that applies the standards of West Linn Municipal Code (WLMC) 2.930(2).

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.*

During 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. Concurrently, the property will be annexed into the Tri-City Service District and removed from the Clackamas County Enhanced Law Enforcement District.

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

PUBLIC COMMENTS: As of June 25, 2018, there has only been one submittal received: SONA draft minutes forwarded by Roberta Schwarz (see Exhibit CC-2).

EXECUTIVE SUMMARY

The hearing is to consider the request for annexation of 23190 Bland Circle, located within the Urban Growth Boundary (UGB).

At the February 12, 2018 Step One hearing, the zoning designation of R-7 was assigned. The May 15, 2018, advisory vote saw 67 percent in favor of the annexation.

No new schools, police stations, fire stations, city hall or libraries are required by this annexation. Improvements to Willamette Drive and I-205 are programmed and budgeted for, consistent with local (TSP) regional (RTP) and ODOT's Statewide Transportation Improvement Program (STIP); all of which anticipated growth within the urban growth boundary. All utilities are available and sized in anticipation of this property being annexed.

The current residents of this property are already using City services and infrastructure (library, senior center, roads, parks, etc.) without paying City taxes and fees towards them. By annexing this property, current and future residents will start to contribute towards those costs initially through SDCs and the WLWV School District's "Construction Excise Tax" and in the long term through annual City taxes and fees.

Because this neighborhood is characterized by relatively new infrastructure, it is expected that much of the generated revenue (see "Addendum", Table 2) will be directed to the infrastructure needs (streets, water pipe replacement, etc.) of the City's older neighborhoods.

RECOMMENDATION

Staff recommends a Council decision to approve by Ordinances (attached) the annexation of property at 23190 Bland Circle to the City of West Linn with an R-7 zone designation, to annex the property into the Tri-City Service District, and to remove the property from the Clackamas County Enhanced Law Enforcement District.

ADDENDUM
APPLICABLE REGULATIONS AND ASSOCIATED FINDINGS
STEP TWO: "LEGISLATIVE/POLICY DECISION"

WLMC 2.930

(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;"

Location: 23190 Bland Circle is located on the west side of Salamo Road and 500 yards inside the City limits and Urban Growth Boundary.

Size: 6.47 acres

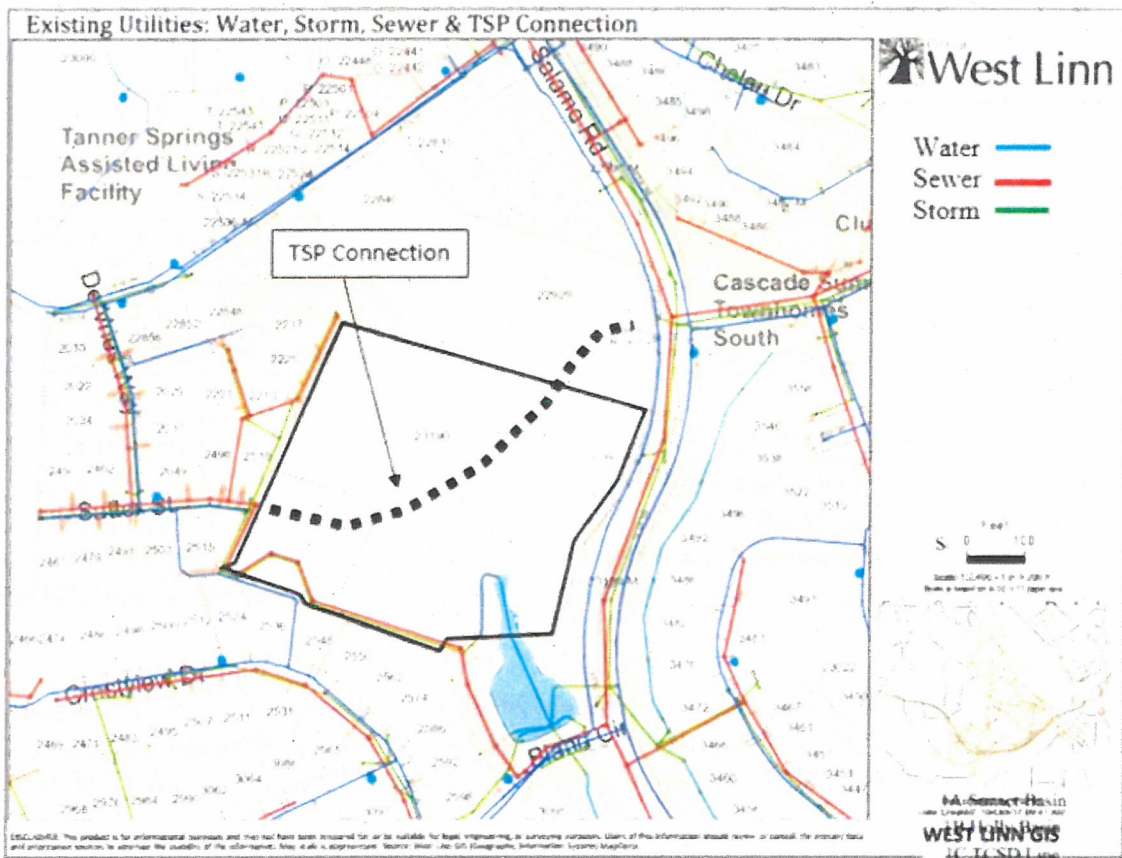


Access to infrastructure and infrastructure status: All water, sewer and storm water utilities are available at this site and are sized to meet their respective utility master plans. Public sewer and storm water lines are available on the south edge of this property. A storm water detention facility, adjacent to the site on Salamo Creek, was upgraded in 2017 and has capacity for this property and future development. A 12-inch water line is available to the east in the Salamo Road right-of-way and an eight inch water line stubs out on the west property line in the Weatherhill Estates Subdivision. This site is

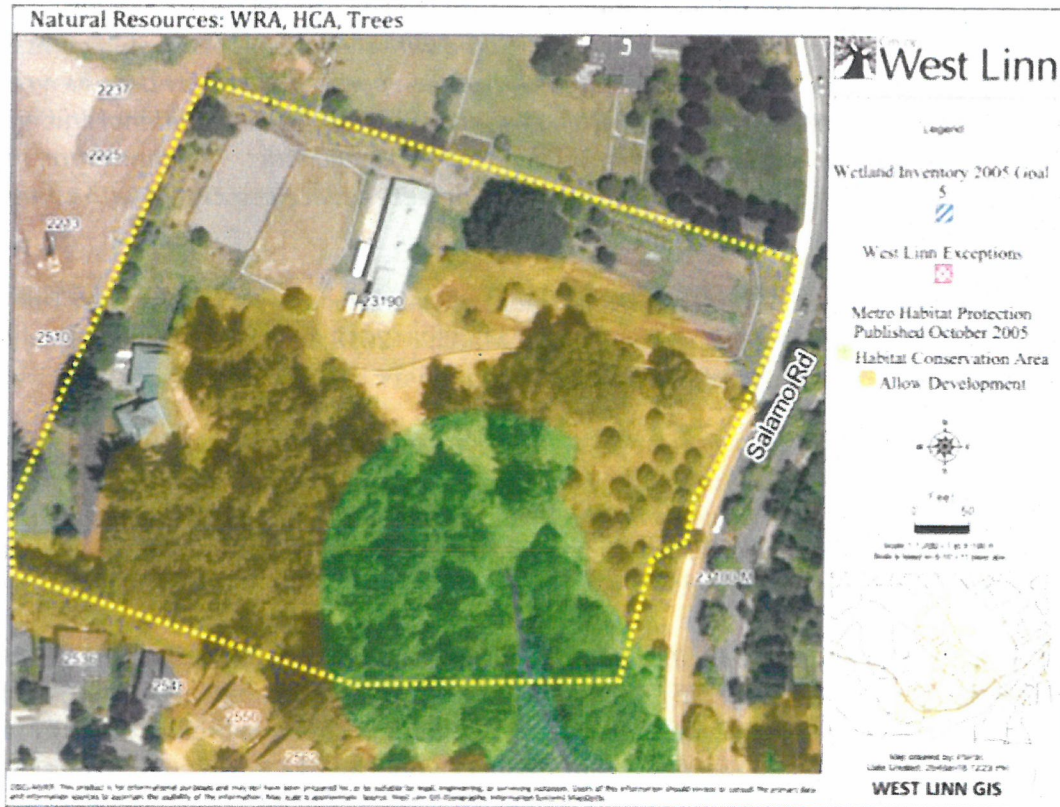
in the Horton Water Pressure Zone and no upgrades to that reservoir are required per the Water Master Plan. Private utilities including natural gas, electricity and cable are available.

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. Salamo Road is classified as a Minor Arterial on the east edge of the property and has a Level of Service (LOS) of “A”. There are already sidewalks along the property’s Salamo Road frontage.

There are no utility or infrastructure deficiencies at this location.



Recommended Zone: The zone assignment of R-7 was established in Step One. The Comprehensive Plan designation for this property and surrounding properties is “Low Density Residential”, which permits R-7 to R-40 zones. The zone designation is consistent with R-7 zoning of adjacent residential development to the west, south and east which represents 70 percent of the property perimeter.



(b) Impact on the school district, including but not limited to impacted schools, taxes, and anticipated number of additional students;

The applicant's property is within the catchment boundaries of Trillium Elementary School, Rosemont Ridge Middle School and West Linn High School.

Andrew Tull, for 3J Consulting, provided the following findings on behalf of the applicant:

"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 20-30 homes could yield approximately 8 elementary students, 3 middle school students and 4 high school students. The anticipated 15 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."

Tim K. Woodley WLWV Director, Department of Operations, reviewed Andrew Tull's findings and responded by an email, dated March 6, 2018, which is attached as exhibit CC-1. Mr. Woodley included the following comments:

"...I believe the applicant's statements are accurate. The school district is not bounded by city limits and we serve all children in the district regardless of location or address. There are nearly 10,000 students enrolled in 16 schools; a few more, or less, has minimal impact. Financial impact is also negligible because funding for education is collected at the state level and then evenly distributed to all districts in the state based enrollment...."

At the February 12, 2018 Council hearing, there were questions regarding the projected number of students depending on how much development ultimately occurs. Staff has provided the table below with the projected number of students broken down by grades and by 20 homes and 30 homes. Thirty homes would add 17.1 students. Twenty homes would add 11 students.

Table 1: Potential number of students

Development	Grades K-5 students	Grade 6-8 students	Grades 9-12 students	Total Students
20 homes	6.2	2.4	2.8	11.4
30 homes	9.3	3.6	4.2	17.1

At the February 12, 2018 Council hearing, there were also concerns expressed that expansion of West Linn High School may be imminent and should be taken into account when we talk about the impact on schools. Tim Woodley responded to that issue in an email dated April 2, 2018 which is also part of exhibit CC-1. Mr. Woodley included the following comments:

"...Regarding WLHS or Rosemont Ridge Middle School, the District has no immediate plans to remodel/expand/replace these two schools with the exception of possible main entry adjustments to provide secure entry to school reception office before a visitor can enter the main building. This could require minor entry changes that would have no affect on student capacity...."

Trillium Creek Elementary School was constructed in 2011 and has excess capacity. No expansion of that school is needed.

The combined school district taxes (school tax, school bond and local option) account for 48.3 percent of the residential property tax in West Linn (source: Clackamas County Assessment and Taxation). A house (and land) with an assessed value of \$500,000 would pay \$8,650 in total property tax of which \$4,177 goes to the school district. For 29 new homes (30 homes minus the existing home), that translates to \$125,310 going to the school district annually.

Additionally, new homes pay a one-time school district “Construction Excise Tax”, (exclusively benefitting the school district). This tax was introduced in 2007. New homes are assessed at a rate of \$1.26 per square foot. The average square footage for homes in this area is 3,200 square feet which means a tax of \$4,032 per home. For 29 new homes, that translates to \$116,928 going to the school district.

It should be noted that some of the future residents may already reside in the WLWV school district boundary and would already be paying off approved district bonds.

(c) *Cost to City of infrastructure that is not funded by [System Development Charges] SDCs*

West Linn has the highest SDC rates and among the lowest property tax rates in the metro area. SDCs are fees specifically levied on new development to help fund capital projects/infrastructure, capacity increasing projects, and facility upgrades, etc. By covering a significant share of projects associated with growth, SDCs reduce the reliance on general fund monies: property taxes, voter approved bonds, and monthly water, waste water, storm water, parks fees- as a funding source.

This criteria focuses on non-SDC funded infrastructure costs directly associated with new home development on annexed properties. Infrastructure costs are defined as the “brick and mortar” or the constructed facility only. Infrastructure costs do not include the long term maintenance of the facility or the cost of operation and staffing.

For the discussion of infrastructure costs, staff relied on the Six Year Capital Improvement Plan 2018-2023 (City of West Linn, 2018) and City Master Plans to identify needed projects and funding sources.

Parks

The Parks, Recreation and Open Space Plan finds that there are no new parks needed near the proposed annexation site. The closest proposed park, identified as “A-8” “Proposed Active-Oriented Park”, has already been satisfied by the construction of Douglas Park, south of Haskins Road in 2011.

According to the Six Year Capital Improvement Plan 2018-2023 (City of West Linn, 2018) parks and open spaces, recreation activities, and special events in the community are funded from three sources.

1.) Parks Systems Development Charges (SDC's) are assessed on new development projects and used exclusively for system capacity-increasing projects. SDC's contribute 83 percent of funding. (The criteria does not allow consideration of the fact that development of the property will yield Parks SDC's at a rate of \$10,616 per each new home or \$307,864 for 29 new homes.)

2.) Grants contribute 9 percent of funding for future projects.

3.) The City's permanent property tax rate, a monthly parks maintenance fee of \$14.34 per household, and program fees contribute 8 percent. By annexing this property, the annual park maintenance fee contribution of 30 homes would be \$4,990.

Except for new parks and park facilities (which are paid for largely by SDCs and regional/state grants), existing facilities constitute "sunk costs" in that their maintenance would be required regardless of whether this property were annexed or not.

Library

The proposed project is a Library Generator which can be paid from County transfer payments and City fees. (A new library roof is listed as a "General Fund" item, see below.) The General Obligation (GO) Bond approved by voters in May 2018 could be used for this project. The annexation of this property and the taxes derived from 30 homes would fractionally accelerate the retirement of that bond.

Information Technology Fund

Proposed projects comprise Disaster Recovery Infrastructure Hardware and Virtual Server Farm Hardware. Funding is derived from City fees.

These projects represent "sunk costs" in that they are considered as upgrades, or peripheral to, existing systems and would be required regardless of whether this property were annexed or not. The construction of homes at this property will increase the tax base to help pay towards these costs.

General Fund

The General Fund is a governmental fund used to account for the City's administrative, financial, facilities, communications, public works support services, vehicle maintenance, and municipal court operations. Major remodeling and rehabilitation of

aging or unused City facilities are the primary focus of capital projects in this area. According to the Six Year Capital Improvement Plan 2018-2023 (City of West Linn, 2018), possible projects include Bolton Station Rehabilitation, City Hall Security/Access Improvements, Deferred City Hall Capital Maintenance, Library Roof Replacement, Old Police Station Rehabilitation, Robinwood Station Rehabilitation and West Linn Operations Facility replacement.

Some of these improvements could be funded through the GO Bond. The construction of homes at this property will increase the tax base which, in turn, will fractionally accelerate the retirement of the GO Bond.

The majority of listed projects represent "sunk costs" in that they are existing facilities and their maintenance, such as the library roof replacement, would be required regardless of whether this property were annexed or not.

The Police Station is new and there are no plans to replace or expand it at this time.

Environmental Fund

The Sanitary Sewer Master Plan found that *"The future conditions model run predicted that 31 additional sewer segments would require upgrading to satisfy the selected criteria."* (Staff note: none of the sewer segments are in the Salamo basin that would serve this property.) *"Analysis of the pump stations under the future conditions indicated that all have sufficient pumping capacity."* No new infrastructure is required to serve this property. Tri-City has no capacity issues that would be impacted by the annexation and development of this property. All utilities needed for the development of this property will be the responsibility of the developer.

West Linn's Environmental Services Division is responsible for the maintenance and operation of both the waste water and surface water systems. The City collects a monthly fee of \$19.77 for waste water and \$6.78 for storm water. (That translates to a combined annual fee revenue of \$9,558 for 30 homes.) The Tri-City Service District collects a monthly fee of \$2.25 for sewer. Fees collected from future homeowners on this property will contribute to long term maintenance, operation and facility upgrades. Since the sewer and storm facilities in this area are relatively new, localized maintenance costs are expected to be low.

There are no storm water facility deficiencies or capacity issues associated with the Salamo basin. No new storm water infrastructure is required to serve this property.

(The criteria does not allow consideration of the fact that development of the applicant's property will contribute to the Surface Water and Sewer SDC fund at a rate of \$4,693 per home. An additional SDC for the Tri-City Service District is collected at a

rate \$3,125 per home. That translates to a combined sewer/storm SDC of \$226,722 for 29 new homes.)

Streets Fund

The potential 272 new trips per day (29 new homes X 9.4 ADT), distributed over the City, Regional and State road network (including Highway 43 and I-205), will not modify programmed or future capitol upgrades to those facilities since the TSP, Metro's Regional Transportation Plan (RTP) and ODOT's Statewide Transportation Improvement Program (STIP) have already anticipated population growth, including the development of currently unannexed urban islands like this property.

At such time that the development of a subdivision is proposed, the developer would be responsible for all costs associated with constructing internal streets and any required improvements in the adjacent Salamo Road ROW. Long term maintenance of internal streets, like Satter Street, would be applicable. However, because the street would be new, the need to resurface (slurry seal) the street would not be expected for eight years, at minimum. The estimated resurfacing cost in 2018 dollars would be \$12,833. Countervailing that cost are Street SDC's, discussed below, and annual City tax contributions.

Significant capital improvements projects include the Highway 43 (Willamette Drive) Project (North City Limits to Mary S Young Park). Ninety-one percent of the \$5.8 million cost is covered by Federal Transportation grants and SDCs. The GO Bond and fees are expected to contribute to these improvements. Approval of this annexation request will fractionally accelerate the retirement of GO Bond obligations.

(The criteria does not allow consideration of the fact that development of the property will yield Street SDC's collected at a rate of \$8,126 per each new home. Bike and Ped SDC's represent \$1,633 per home. Those amounts would total \$283,011 for 29 new homes.)

Previous studies on the cost of annexation had assigned the cost of I-205 and Highway 43 improvements to the future residents of annexed properties. That approach doesn't acknowledge that these projects are "sunk costs" and would be undertaken regardless of the annexation. Also, most future residents already live in the State of Oregon and already pay both state and federal taxes plus Oregon gas tax and vehicle title and registration fees which contribute to the principal sources of funding of upgrades for I-205 and Highway 43. Other future residents, who are not currently Oregon residents, but live elsewhere in the United States, are already contributing their federal taxes towards those projects.

Water

The newly completed Bolton Reservoir Replacement project increases capacity to 4.0 million gallons. That reservoir feeds Horton Reservoir which serves the applicant's property. No future storage or transmission upgrades are needed to serve this property.

Water service fees are restricted to use on operations, maintenance, and improvement of the water system. A standard residential three-quarter inch meter has a monthly fee of \$22.54 for the first 700 cubic feet of water. That translates to total annual amount of \$8,114 for 30 homes. Since the water lines near the proposed annexation site are relatively new, most of the fee revenues are expected to go to older neighborhood infrastructure maintenance or upgrades.

(The criteria does not allow consideration of the fact that development of the applicant's property will contribute to the Water SDC fund system capacity-increasing projects at a rate of \$8,674 per home. An additional SDC for the South Fork Water Board is collected at a rate \$1,658 per home. That translates to a total amount of \$299,628 for 29 new homes.)

Tualatin Valley Fire and Rescue (TVFR)

With the relatively new Bolton and Willamette stations in place and with the new Rosemont Station scheduled for completion in summer 2018, TVFR's facility needs in West Linn are satisfied for the indefinite future. Twenty to thirty additional homes will not trigger the need for any new stations.

TVFR District facility and operational costs in West Linn are borne by a very large tax base (district population of 519,853) and not exclusive to West Linn taxpayers. For an assessed \$500,000 home and property, the annual TVFR tax and bond share would be \$1,045. For 29 new homes, that translates to \$30,305.

(d) Tax implications for the City.

The permanent property tax rate for the City of West Linn is currently \$2.12 per \$1,000 of taxable assessed value. Bonds currently require \$0.24 per \$1,000 of assessed value. According to the City of West Linn Finance department website, that tax rate is "*the lowest property tax rate for cities in the surrounding area*".

For a house and land with an assessed valuation of \$500,000, the City tax and bond share would be \$1,269 (source: Clackamas County Assessment and Taxation). Thirty homes would yield \$38,070 in taxes annually towards needed City infrastructure,

operations, maintenance and programs as well as retirement of the bonds, which would fractionally reduce existing property owner's costs. (Staff included the existing house since it is not currently contributing to City taxes.)

Table 2: Potential Revenue from Annexation

TAX and REVENUE SOURCES	REVENUE AMOUNT
1. POTENTIAL CITY TAX VALUE*	\$38,070 (ANNUAL)
2. POTENTIAL WLWV SCHOOL DISTRICT TAX PAYMENTS*	\$125,310 (ANNUAL)
3. POTENTIAL PARKS MAINTENANCE FEES*	\$4,990 (ANNUAL)
4. POTENTIAL WASTE AND STORM FEES*	\$9,558 (ANNUAL)
5. POTENTIAL WATER FEES*	\$8,114 (ANNUAL)
6. TOTAL POTENTIAL CITY AND WLWV SCHOOL DISTRICT TAX PAYMENTS AND FEES (1-5)*	\$186,012 (ANNUAL)
7. POTENTIAL PARK SDC REVENUE**	\$307,864
8. POTENTIAL SANITARY SEWER & STORM SDC REVENUE**	\$226,722
9. POTENTIAL STREET SDC REVENUE**	\$283,011
10. POTENTIAL WATER SDC REVENUE**	\$299,628
11. POTENTIAL WLWV SCHOOL DISTRICT "CONSTRUCTION EXCISE TAX" REVENUE**	\$116,928
12. TOTAL POTENTIAL SDCs + "CONSTRUCTION EXCISE TAX" REVENUE (7-11 total) (Not including annual taxes or monthly fees)	\$1,234,153

* Assuming 30 homes (1 existing plus 29 new homes) with a valuation of \$500,000 each.

** Assuming 29 new homes with valuation of \$500,000 each

Exhibit CC-1

E-mails from Tim Woodley, WLWV School District Director of Operations

From: Tim Woodley [mailto:Woodleyt@wlwv.k12.or.us]
Sent: Tuesday, March 06, 2018 1:18 PM
To: Spir, Peter <pspir@westlinnoregon.gov>
Cc: Doug Middlestetter <MiddlesD@wlwv.k12.or.us>
Subject: Re: proposed annexation's tax and cost impact to the City residents

Hi Peter: I believe the applicant's statements are accurate. The school district is not bounded by city limits and we serve all children in the district regardless of location or address. There are nearly 10,000 students enrolled in 16 schools; a few more, or less, has minimal impact. Financial impact is also negligible because funding for education is collected at the state level and then evenly distributed to all districts in the state based enrollment. Capital bonds and the local option levy are voted on by the patrons of the district with each property tax payer paying their share regardless of where they live. Thus, annexation of property from county to city is only a function of density from the school district perspective. If population is increased by annexation and more children are enrolled in schools, state funding for education is provided for each; and each property owner pays their county-calculated share of the local option and capital bond. If a more detailed explanation is required, the District CFO is available to make a statement. I hope this is helpful. tim

West Linn-Wilsonville School District
DEPARTMENT OF OPERATIONS
Tim K. Woodley, Director

From: Tim Woodley [mailto:Woodleyt@wlwv.k12.or.us]
Sent: Monday, April 02, 2018 3:30 PM
To: Spir, Peter <pspir@westlinnoregon.gov>
Subject: Re: Required remodels or new schools

Sorry Peter, I was out last week. Regarding WLHS or Rosemont Ridge Middle School, the District has no immediate plans to remodel/expand/replace these two schools with the exception of possible main entry adjustments to provide secure entry to school reception office before a visitor can enter the main building. This could require minor entry changes that would have no affect on student capacity. tim

West Linn-Wilsonville School District
DEPARTMENT OF OPERATIONS
Tim K. Woodley, Director

EXHIBIT CC-2

PUBLIC COMMENTS

Thu 6/7/2018 12:36 PM
Email from Roberta Schwarz

FYI. This is an item from the SONA draft minutes from our most recent meeting.

Thanks,
Roberta

1. Final update on Carole Connell's report. Carole Connell and Eben Fodor, who was to be the peer reviewer of her report, agree that it would cost much more than the original estimate of \$3500 to do a proper job of updating the 2004 and 2005 growth subsidy analysis that Ms. Connell previously did for the City of West Linn. In the introduction to her letter dated May 7th, 2018 she states, "As requested by the Savanna Oaks Neighborhood Association, I have made a concerted effort to simply update the "Report on Infrastructure Subsidies in West Linn" written 13 years ago. But, with an overview by Eben Fodor and fact finding from cooperative city finance, planning, and engineering staff, the school and fire districts, I find baseline assumptions have changed and some data sources are no longer comparable." In her conclusion to her letter to SONA Ms. Connell wrote: "In conclusion, I find that it is not possible for me to simply update the data in the original 2004-2005 growth subsidy analysis. This is a task that requires the skills of an economist, extensive time, and likely a significant cost. Thank you for your confidence in me, I regret I cannot properly perform the task." She also thanked the many people who work for the City of West Linn, the WLWV School District, and TVFR who answered so many questions and consulted with her on several occasions. Neither she nor Eben Fodor would accept any payment from SONA. SONA sent a thank you for the 40 plus hours that they had jointly put into this project.

EXHIBIT CC-3

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. HN-17-01 Applicant's Name DAVID DRUCILLA SLOTT
 Development Name _____
 Scheduled Meeting/Decision Date 7-9-18

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) 6-15-18 (signed) S. Schreyer
- B. Affected property owners (date) 6-15-18 (signed) S. Schreyer
- C. School District/Board (date) 6-15-18 (signed) S. Schreyer
- D. Other affected gov't agencies (date) 6-15-18 (signed) S. Schreyer
- E. Affected neighborhood assns. (date) 6-15-18 (signed) S. Schreyer
- 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:

Timings (published date) 6-28-18 - 7-5-18 (signed) S. Schreyer
 City's website (posted date) 6-15-18 (signed) S. Schreyer

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 15, 2018 (signed) [Signature]

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) _____ (signed) _____

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) _____ (signed) _____

p:\dev\w\forms\affidvt of notice-land use (9/09)

**CITY OF WEST LINN
CITY COUNCIL
PUBLIC HEARING NOTICE
ANNEXATION OF 6.47 ACRES AT 23190 BLAND CIRCLE**

FILE NO. ANX-17-01

The West Linn City Council is meeting on **Monday, July 9, 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 6.47 acre parcel at 23190 Bland Circle. The applicant also requested an R-7 zone designation, "single family RESIDENTIAL detached and attached" with a 7,000 square foot minimum lot size. The area is identified by Clackamas County as assessor's map 25 1E 35A tax lot 1100. 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_071117_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 was completed on February 12, 2018. At that hearing, the Council determined that the proposed annexation was consistent with the intent of the West Linn Comprehensive Plan and CDC Chapter 81. The Council assigned a zone designation of R-7 for the property. At the CONCLUSION of step one, the Council passed a resolution placing the annexation request on a ballot for an advisory vote. The advisory vote was held on May 15, 2018 with 67 percent in favor.

At the July 9, 2018, public hearing, the step two review for annexation proposals is a legislative or policy decision that applies the standards of West Linn Municipal Code 2.930.

The annexation application is available for inspection at City Hall or via the web site at <http://westlinn.oregon.gov/planning/23190-bland-circle-annexation>. 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 Peter Spir at 503-742-6062 or at pspir@westlinn.oregon.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.

Publish: West Linn Tidings, Thursday, June 28 and July 5, 2018

23190 Bland Circle Notification Map

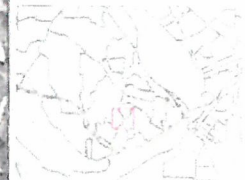


 West Linn



Feet
0 200

Scale: 1" = 400' (1:400)
Data is based on 8/12/11 11:00 AM



Map created by: SCHROEDER
Date Created: 8/20/11 11:00 AM
WEST LINN GIS

DISCLAIMER: This product is for informational purposes and has not been prepared for, or is suitable for, legal, engineering, or surveying purposes. Users of this information should verify or consult the authority of the data information source to determine the usability of the information. May be an appropriate source: West Linn GIS (Copyright) Informatica System, MapInfo.



CITY OF
West Linn

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

**PROJECT # ANX-17-01
MAIL: 6/15/18 TIDINGS: 6/28/18 & 7/5/18**

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.

Proposed Annexation of 6.47 acres at 23190 Bland Circle

Applicants: David and Drucilla Sloop

File: ANX-17-01



Two Step Annexation Process



STEP 1:

At the Step 1 hearing on February 12, 2018, the Council approved by vote a zone designation of R-7 and passed a resolution to hold a non-binding advisory vote on May 15, 2018. The advisory vote showed 67% of West Linn voters in favor of the annexation.

STEP 2:

The Step 2 hearing applies the criteria of the West Linn Municipal Code (WLMC) 2.930(2).

Findings



- ◆ **No new schools, public facilities or infrastructure upgrades are needed to serve this property.**
- ◆ **Any cost associated with annexation is largely offset by an estimated combined SDC and WLWV Construction Excise tax for 29 homes of \$1,234,153.**
- ◆ **Annually, the City and WLWV tax and fee contribution for 30 homes is estimated at \$186,012.**
- ◆ **The May 2018 non-binding advisory vote found that 67 percent of West Linn voters support the annexation.**



QUESTIONS OF STAFF?

3J CONSULTING

5075 SW GRIFFITH DRIVE, SUITE 150
BEAVERTON, OREGON 97005
PH: (503) 946.9365
WWW.3J-CONSULTING.COM

July 9, 2018

Mayor Russ Axelrod and the West Linn City Council
22500 Salamo Road
West Linn, Oregon 97068

Sloop Petition for Annexation
(Anx-17-01)

Dear Mayor Axelrod and Council Members,

This letter has been prepared in order to accept and acknowledge the supplemental staff report issued on June 29, 2018 and to reaffirm my client's desire to annex into the City of West Linn. The City's revised staff report has provided a comprehensive analysis of the potential costs of development and potentially impacts upon the City's service providers and infrastructure and has concluded that with the various SDC's, permit, and review fees, the property's eventual development may have a positive net effect.

As you are aware, the May 15th Primary Election yielded results in favor of the annexation of the subject property. The Advisory vote received a total of 6,213 votes with 67% in favor of annexation. With all criteria being met and with the results of the election behind us, we respectfully request that the Council approve Ordinance 1671 annexing 23190 Bland Circle into the City of West Linn.

We very much appreciate your time and attention to this matter and we will be available to answer any questions during the July 9th public hearing.

Most Sincerely,



Andrew Tull
Principal Planner
3J Consulting, Inc.

copy: File



**WEST LINN CITY COUNCIL
FINAL DECISION AND ORDER
ANX 17-01**

**IN THE MATTER OF A PROPOSAL TO ANNEX 6.47 ACRES OF REAL
PROPERTY AT 23190 BLAND CIRCLE; REMOVING THE PROPERTY FROM
SPECIAL DISTRICTS; AND ADDING THE PROPERTY TO SPECIAL DISTRICTS**

I. Overview

At its meetings of February 12, 2018, and July 9, 2018, the West Linn City Council ("Council") held public hearings to consider the request by David and Drucilla Sloop to annex 6.47 acres of real property at 23190 Bland Circle. The approval criteria for annexation are found and referenced in Community Development Code ("CDC"), Chapter 81, the Metro Code, the West Linn Municipal Code and Oregon Revised Statutes. The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The February 12, 2018 hearing commenced with a staff report presented by Peter Spir. The applicant presented, and then public testimony was received at the hearing. The hearing was then closed and a motion was made and seconded to approve the application with a zoning designation of R-7. The motion passed. A second motion was passed to hold a non-binding advisory vote on May 15, 2018. The outcome was that 67 percent of West Linn voters recommended approval of the annexation.

The July 9, 2018 hearing commenced with a staff report presented by Darren Wyss. The applicant presented, and then public testimony was received at the hearing. The hearing was then closed and a motion was made and seconded to approve the annexation of the property, to remove the property from the Clackamas County Enhanced Law Enforcement District and to add the property to the Tri-City Service District. The motion passed.

II. The Record

The record was finalized at the July 9, 2018, hearing. The record includes the entire file from ANX 17-01.

III. Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The applicant is David and Drucilla Sloop.


- 3) The Council finds that it has received all information necessary to make a decision based on the Staff Report and attached findings; public comment, if any; and the evidence in the whole record, including any exhibits received at the hearing.

IV. Findings

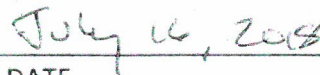
The Council adopts the Staff Reports for February 12, 2018 and July 9, 2018, with attachments, including specifically the Addendum, as its findings, which are incorporated by this reference. The Council concludes that all of the required approval criteria of Community Development Code, Chapter 81, which refers to the Metro Code, West Linn Municipal Code, and Oregon Revised Statutes are met.

V. Order

The Council concludes that ANX 17-01 is approved based on the Record, Findings of Fact and Findings above.



RUSSELL B. AXELROD, MAYOR
WEST LINN CITY COUNCIL



DATE

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

Mailed this 17th day of July, 2018.



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

FOR DLCD USE

File No.:

Received:

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form PR1](#) with submittal of an adopted periodic review task. Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation or amendment.

Jurisdiction: West Linn

Local file no.: **ANX-17-01**

Date of adoption: July 16, 2018 Date sent: 7/24/2018

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

Yes: Date (of last revision if revised):

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Peter Spir

Phone: 503-742-6062 E-mail: pspir@westlinnoregon.gov

Street address: 22500 Salamo Road City: West Linn Zip: 97068-

For a change to comprehensive plan text:

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

For a change to a comprehensive plan map:

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

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

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

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

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

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

If the change is an urban growth boundary amendment, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

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

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

For a change to a zoning map:

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

Change from County FU-10 to R-7. Acres: 6.47

Change from to . Acres:

Change from to . Acres:

Change from to . Acres:

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

Overlay zone designation: . Acres added: . Acres removed: .

Location of affected property (T, R, Sec., TL and address): 21E35AB tax lot 9100/23190 Bland Circle.

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

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

- 1: Final Decision and Order from City Council approving the annexation and zone change to R-7
- 2: Ordinance NO. 1672 establishing the zoning designation as R-7
- 3: Ordinance NO. 1671 approving the annexation of real property located at 23190 Bland Circle

NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

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

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

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

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

This form is available here:

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

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

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

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

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

5. **File format:** When submitting Notice of an Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0000 or plan.amendments@state.or.us.

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

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

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

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0000 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- Completed Form 2
- A copy of the final decision (including the signed ordinance(s))
- The findings and the text of the change to the comprehensive plan or land use regulation
- If a comprehensive plan map or zoning map is created or altered by the proposed change:
 - A map showing the area changed and applicable designations, and
 - Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable
- Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

**WEST LINN CITY COUNCIL
FINAL DECISION AND ORDER
ANX 17-01**

**IN THE MATTER OF A PROPOSAL TO ANNEX 6.47 ACRES OF REAL
PROPERTY AT 23190 BLAND CIRCLE; REMOVING THE PROPERTY FROM
SPECIAL DISTRICTS; AND ADDING THE PROPERTY TO SPECIAL DISTRICTS**

I. Overview

At its meetings of February 12, 2018, and July 9, 2018, the West Linn City Council ("Council") held public hearings to consider the request by David and Drucilla Sloop to annex 6.47 acres of real property at 23190 Bland Circle. The approval criteria for annexation are found and referenced in Community Development Code ("CDC"), Chapter 81, the Metro Code, the West Linn Municipal Code and Oregon Revised Statutes. The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The February 12, 2018 hearing commenced with a staff report presented by Peter Spir. The applicant presented, and then public testimony was received at the hearing. The hearing was then closed and a motion was made and seconded to approve the application with a zoning designation of R-7. The motion passed. A second motion was passed to hold a non-binding advisory vote on May 15, 2018. The outcome was that 67 percent of West Linn voters recommended approval of the annexation.

The July 9, 2018 hearing commenced with a staff report presented by Darren Wyss. The applicant presented, and then public testimony was received at the hearing. The hearing was then closed and a motion was made and seconded to approve the annexation of the property, to remove the property from the Clackamas County Enhanced Law Enforcement District and to add the property to the Tri-City Service District. The motion passed.

II. The Record

The record was finalized at the July 9, 2018, hearing. The record includes the entire file from ANX 17-01.

III. Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The applicant is David and Drucilla Sloop.

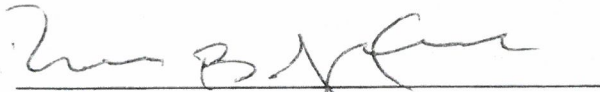
- 3) The Council finds that it has received all information necessary to make a decision based on the Staff Report and attached findings; public comment, if any; and the evidence in the whole record, including any exhibits received at the hearing.

IV. Findings

The Council adopts the Staff Reports for February 12, 2018 and July 9, 2018, with attachments, including specifically the Addendum, as its findings, which are incorporated by this reference. The Council concludes that all of the required approval criteria of Community Development Code, Chapter 81, which refers to the Metro Code, West Linn Municipal Code, and Oregon Revised Statutes are met.

V. Order

The Council concludes that ANX 17-01 is approved based on the Record, Findings of Fact and Findings above.



RUSSELL B. AXELROD, MAYOR
WEST LINN CITY COUNCIL

July 16, 2018

DATE

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

Mailed this 17th day of July, 2018.

ORDINANCE NO. 1672

**AN ORDINANCE ESTABLISHING THE ZONING DESIGNATION AS R-7
UPON ANNEXATION OF THE PROPERTY LOCATED AT 23190 BLAND CIRCLE**

WHEREAS, the 6.47 acres of real property at 23190 Bland Circle, West Linn, Oregon ("Property"), and further described in Exhibit A, which is attached and incorporated by this reference, are located within the Metro Urban Growth Boundary and are eligible for annexation into the City of West Linn; and

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

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

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

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


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

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

SECTION 1. Zoning designation and map amendment. The Property shall be zoned R-7, single-family residential detached and attached. The Zoning Map shall be amended to include the Property within the City limits and depict the Property with an R-7 zoning designation, as shown on Exhibit B, which is attached and incorporated by this reference.

SECTION 2. Effective Date. This ordinance shall only take effect on the 30th day after the passage of Ordinance 1671 approving the annexation of the Property.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 12th day of February, 2018, and duly PASSED and ADOPTED this 12 day of February, 2018.


RUSSELL B. AXELROD, MAYOR

ORDINANCE NO. 1671

AN ORDINANCE APPROVING THE ANNEXATION OF REAL PROPERTY LOCATED AT 23190 BLAND CIRCLE; REMOVING THE PROPERTY FROM SPECIAL DISTRICTS; AND ADDING THE PROPERTY TO SPECIAL DISTRICTS

WHEREAS, the 6.47 acres of real property at 23190 Bland Circle, West Linn, Oregon ("Property"), and further described in Exhibits A and B, which is attached and incorporated by this reference, are located within the Metro Urban Growth Boundary and are eligible for annexation into the City of West Linn; and

WHEREAS, the City of West Linn public facility plans anticipate annexation of this area and can accommodate serving this property; and

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

WHEREAS, the West Linn City Council approved Step 2, the policy decision; and

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

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

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

SECTION 1. Annexation. The City approves the annexation of the property located at 23190 Bland Circle ("Property") and further described in Exhibits A and B, which is attached and incorporated by this reference.

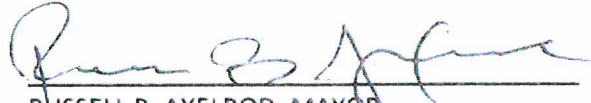
SECTION 2. Annexation to Tri-City Service District. The City requests and approves of the annexation of the Property into the Tri-City Service District.

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

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


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

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 9th day of July, 2018, and is duly PASSED and ADOPTED this 9th of July, 2018.




RUSSELL B. AXELROD, MAYOR

ATTEST:



KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:



CITY ATTORNEY



SECTION 1: LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED

A TRACT OF LAND SITUATED IN THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING A PORTION OF LOT 21, "BLAND ACRES", A PLAT OF RECORD IN CLACKAMAS COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

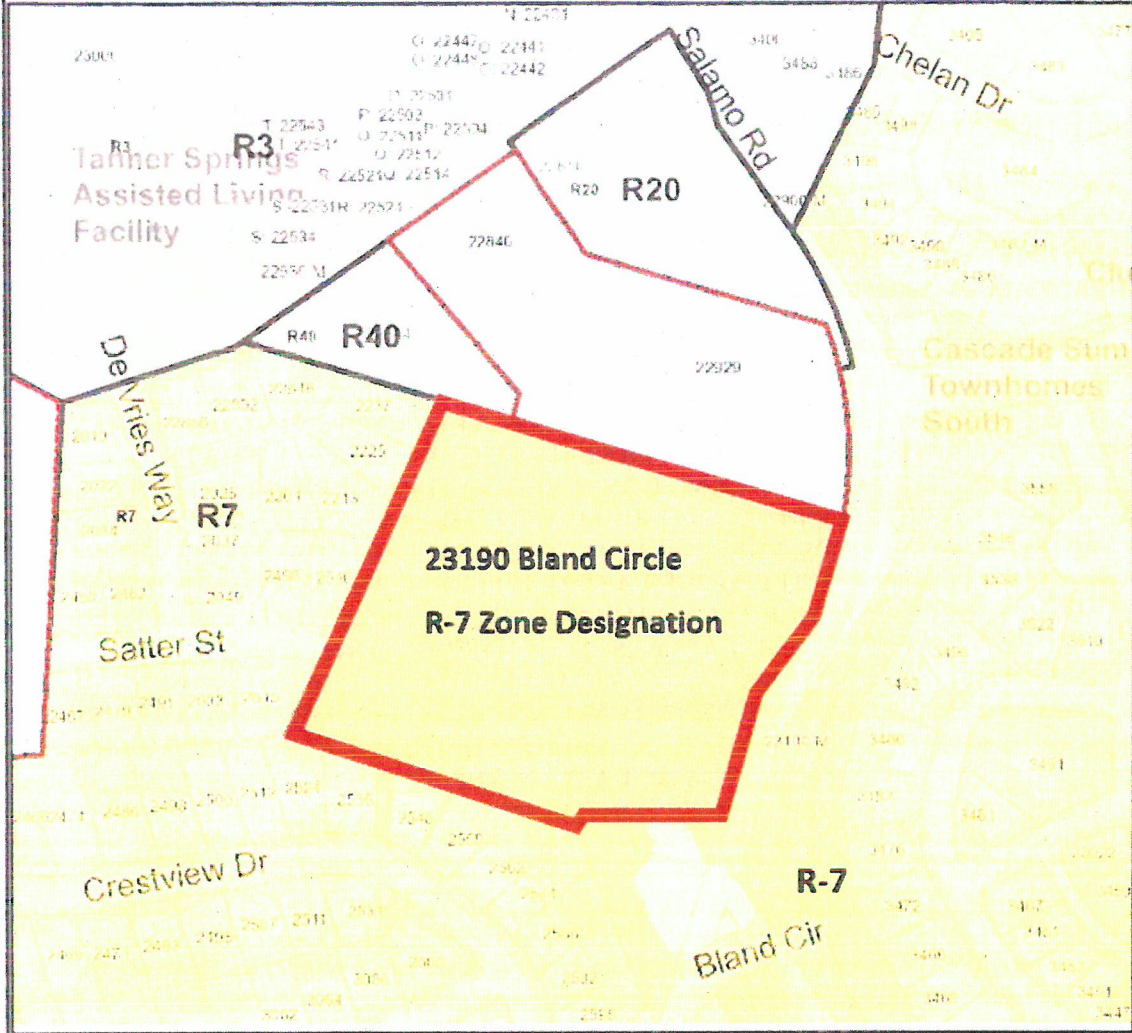
BEGINNING AT THE SOUTHEASTERLY CORNER OF "WEATHERHILL ESTATES" A PLAT OF RECORD IN CLACKAMAS COUNTY, OREGON; THENCE ALONG THE NORTHEASTERLY LINE OF "GRAND VIEW", A PLAT OF RECORD IN CLACKAMAS COUNTY, OREGON SOUTH $73^{\circ}04'36''$ EAST 413.62 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO THE CITY OF WEST LINN BY WARRANTY DEED RECORDED AS DOCUMENT NUMBER 95-071438, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE WEST LINE OF SAID CITY OF WEST LINN TRACT NORTH $19^{\circ}02'10''$ EAST 21.83 FEET TO THE NORTHWESTERLY CORNER THEREOF; THENCE ALONG THE NORTH LINE OF SAID CITY OF WEST LINN TRACT SOUTH $86^{\circ}14'54''$ EAST 63.68 FEET; THENCE CONTINUING ALONG SAID NORTH LINE NORTH $84^{\circ}23'46''$ EAST 61.41 FEET; THENCE CONTINUING ALONG SAID NORTH LINE SOUTH $88^{\circ}18'57''$ EAST 67.26 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF SALAMO ROAD; THENCE ALONG SAID WEST RIGHT OF WAY LINE NORTH $15^{\circ}36'00''$ EAST 124.82 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY LINE; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE NORTH $34^{\circ}09'00''$ EAST 82.44 FEET TO THE MOST SOUTHERLY CORNER OF THAT TRACT OF LAND CONVEYED TO THE CITY OF WEST LINN BY DEED RECORDED AS DOCUMENT NUMBER 95-004519, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID CITY OF WEST LINN TRACT (WHICH IS DESCRIBED IN DEED RECORDED AS DOCUMENT NUMBER 95-004519) 76.80 FEET ALONG A NON-TANGENT 570.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST THROUGH A CENTRAL ANGLE OF $07^{\circ}43'12''$ (LONG CHORD BEARS NORTH $23^{\circ}50'56''$ EAST 76.74 FEET); THENCE CONTINUING ALONG SAID WESTERLY LINE 155.87 FEET, MORE OR LESS, ALONG A 490.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST THROUGH A CENTRAL ANGLE OF $18^{\circ}13'32''$ (LONG CHORD BEARS NORTH $18^{\circ}35'46''$ EAST 155.21 FEET, MORE OR LESS) TO THE NORTH LINE OF LOT 21, "BLAND ACRES"; THENCE ALONG SAID NORTH LINE NORTH $74^{\circ}45'00''$ WEST 569.97 FEET TO THE MOST EASTERLY CORNER OF LOT 22, "BLAND ACRES"; THENCE ALONG THE EASTERLY LINE OF THE AFOREMENTIONED "WEATHERHILL ESTATES" SOUTH $24^{\circ}14'17''$ WEST 499.81 FEET TO THE POINT OF BEGINNING.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

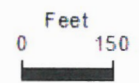

OREGON
JULY 14, 1978
DON DEVLAEINCK
1634

DATE OF SIGNATURE: 7/27/17
EXPIRES 12/31/2017

EXHIBIT B: ADOPTED R-7 ZONE ANX-17-01



23190 Bland Circle



Scale 1:3,600 - 1 in = 300 ft
Scale is based on 8-1/2 x 11 paper size



Map created by: SSHROYER
Date Created: 19-Sep-17 03:21 PM

WEST LINN GIS

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Map scale is approximate. Source: West Linn GIS (Geographic Information System) MapOptix.

3J CONSULTING

5075 SW GRIFFITH DRIVE, SUITE 150
BEAVERTON, OREGON 97005
PH: (503) 946.9365
WWW.3J-CONSULTING.COM

July 9, 2018

Mayor Russ Axelrod and the West Linn City Council
22500 Salamo Road
West Linn, Oregon 97068

Sloop Petition for Annexation
(Anx-17-01)

Dear Mayor Axelrod and Council Members,

This letter has been prepared in order to accept and acknowledge the supplemental staff report issued on June 29, 2018 and to reaffirm my client's desire to annex into the City of West Linn. The City's revised staff report has provided a comprehensive analysis of the potential costs of development and potentially impacts upon the City's service providers and infrastructure and has concluded that with the various SDC's, permit, and review fees, the property's eventual development may have a positive net effect.

As you are aware, the May 15th Primary Election yielded results in favor of the annexation of the subject property. The Advisory vote received a total of 6,213 votes with 67% in favor of annexation. With all criteria being met and with the results of the election behind us, we respectfully request that the Council approve Ordinance 1671 annexing 23190 Bland Circle into the City of West Linn.

We very much appreciate your time and attention to this matter and we will be available to answer any questions during the July 9th public hearing.

Most Sincerely,



Andrew Tull
Principal Planner
3J Consulting, Inc.

copy: File



WEST LINN CITY COUNCIL
FINAL DECISION AND ORDER
ANX 17-01

**IN THE MATTER OF A PROPOSAL TO ANNEX 6.47 ACRES OF REAL
PROPERTY AT 23190 BLAND CIRCLE; REMOVING THE PROPERTY FROM
SPECIAL DISTRICTS; AND ADDING THE PROPERTY TO SPECIAL DISTRICTS**

I. Overview

At its meetings of February 12, 2018, and July 9, 2018, the West Linn City Council ("Council") held public hearings to consider the request by David and Drucilla Sloop to annex 6.47 acres of real property at 23190 Bland Circle. The approval criteria for annexation are found and referenced in Community Development Code ("CDC"), Chapter 81, the Metro Code, the West Linn Municipal Code and Oregon Revised Statutes. The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The February 12, 2018 hearing commenced with a staff report presented by Peter Spir. The applicant presented, and then public testimony was received at the hearing. The hearing was then closed and a motion was made and seconded to approve the application with a zoning designation of R-7. The motion passed. A second motion was passed to hold a non-binding advisory vote on May 15, 2018. The outcome was that 67 percent of West Linn voters recommended approval of the annexation.

The July 9, 2018 hearing commenced with a staff report presented by Darren Wyss. The applicant presented, and then public testimony was received at the hearing. The hearing was then closed and a motion was made and seconded to approve the annexation of the property, to remove the property from the Clackamas County Enhanced Law Enforcement District and to add the property to the Tri-City Service District. The motion passed.

II. The Record

The record was finalized at the July 9, 2018, hearing. The record includes the entire file from ANX 17-01.

III. Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The applicant is David and Drucilla Sloop.

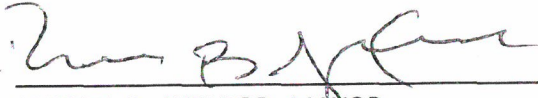
- 3) The Council finds that it has received all information necessary to make a decision based on the Staff Report and attached findings; public comment, if any; and the evidence in the whole record, including any exhibits received at the hearing.

IV. Findings

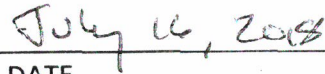
The Council adopts the Staff Reports for February 12, 2018 and July 9, 2018, with attachments, including specifically the Addendum, as its findings, which are incorporated by this reference. The Council concludes that all of the required approval criteria of Community Development Code, Chapter 81, which refers to the Metro Code, West Linn Municipal Code, and Oregon Revised Statutes are met.

V. Order

The Council concludes that ANX 17-01 is approved based on the Record, Findings of Fact and Findings above.



RUSSELL B. AXELROD, MAYOR
WEST LINN CITY COUNCIL



DATE

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

Mailed this 17th day of July, 2018.



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

FOR DLCD USE
File No.:
Received:

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form PR1](#) with submittal of an adopted periodic review task. Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation or amendment.

Jurisdiction: West Linn

Local file no.: **ANX-17-01**

Date of adoption: July 16, 2018 Date sent: 7/24/2018

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

Yes: Date (of last revision if revised):

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Peter Spir

Phone: 503-742-6062 E-mail: pspir@westlinnoregon.gov

Street address: 22500 Salamo Road City: West Linn Zip: 97068-

For a change to comprehensive plan text:

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

For a change to a comprehensive plan map:

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

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

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

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

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

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

If the change is an urban growth boundary amendment, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

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

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

For a change to a zoning map:

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

Change from County FU-10 to R-7. Acres: 6.47

Change from to . Acres:

Change from to . Acres:

Change from to . Acres:

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

Overlay zone designation: . Acres added: . Acres removed: .

Location of affected property (T, R, Sec., TL and address): 21E35AB tax lot 9100/23190 Bland Circle.

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

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

- 1: Final Decision and Order from City Council approving the annexation and zone change to R-7
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1. A Notice of Adoption must be received by DLCD no later than 20 working days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in [ORS 197.615](#) and [OAR 660-018-0040](#).

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

This form is available here:

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

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

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

5. **File format:** When submitting Notice of an Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0000 or plan.amendments@state.or.us.

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If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0000 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- Completed Form 2
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- If a comprehensive plan map or zoning map is created or altered by the proposed change:
 - A map showing the area changed and applicable designations, and
 - Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable
- Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

**WEST LINN CITY COUNCIL
FINAL DECISION AND ORDER
ANX 17-01**

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- 1) The Overview set forth above is true and correct.
- 2) The applicant is David and Drucilla Sloop.

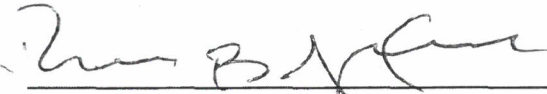
- 3) The Council finds that it has received all information necessary to make a decision based on the Staff Report and attached findings; public comment, if any; and the evidence in the whole record, including any exhibits received at the hearing.

IV. Findings

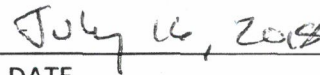
The Council adopts the Staff Reports for February 12, 2018 and July 9, 2018, with attachments, including specifically the Addendum, as its findings, which are incorporated by this reference. The Council concludes that all of the required approval criteria of Community Development Code, Chapter 81, which refers to the Metro Code, West Linn Municipal Code, and Oregon Revised Statutes are met.

V. Order

The Council concludes that ANX 17-01 is approved based on the Record, Findings of Fact and Findings above.



RUSSELL B. AXELROD, MAYOR
WEST LINN CITY COUNCIL



DATE

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

Mailed this 17th day of July, 2018.

ORDINANCE NO. 1672

**AN ORDINANCE ESTABLISHING THE ZONING DESIGNATION AS R-7
UPON ANNEXATION OF THE PROPERTY LOCATED AT 23190 BLAND CIRCLE**

WHEREAS, the 6.47 acres of real property at 23190 Bland Circle, West Linn, Oregon ("Property"), and further described in Exhibit A, which is attached and incorporated by this reference, are located within the Metro Urban Growth Boundary and are eligible for annexation into the City of West Linn; and

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

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

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

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

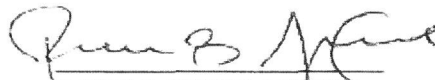
WHEREAS, the City Council may choose not to annex the Property during Step 2, the policy decision regarding the proposed annexation, negating the need for this Ordinance to become effective.

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

SECTION 1. Zoning designation and map amendment. The Property shall be zoned R-7, single-family residential detached and attached. The Zoning Map shall be amended to include the Property within the City limits and depict the Property with an R-7 zoning designation, as shown on Exhibit B, which is attached and incorporated by this reference.

SECTION 2. Effective Date. This ordinance shall only take effect on the 30th day after the passage of Ordinance 1671 approving the annexation of the Property.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 12th day of February, 2018, and duly PASSED and ADOPTED this 12th day of February, 2018.


RUSSELL B. AXELROD, MAYOR

ORDINANCE NO. 1671

AN ORDINANCE APPROVING THE ANNEXATION OF REAL PROPERTY LOCATED AT 23190 BLAND CIRCLE; REMOVING THE PROPERTY FROM SPECIAL DISTRICTS; AND ADDING THE PROPERTY TO SPECIAL DISTRICTS

WHEREAS, the 6.47 acres of real property at 23190 Bland Circle, West Linn, Oregon ("Property"), and further described in Exhibits A and B, which is attached and incorporated by this reference, are located within the Metro Urban Growth Boundary and are eligible for annexation into the City of West Linn; and

WHEREAS, the City of West Linn public facility plans anticipate annexation of this area and can accommodate serving this property; and

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

WHEREAS, the West Linn City Council approved Step 2, the policy decision; and

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

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

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

SECTION 1. Annexation. The City approves the annexation of the property located at 23190 Bland Circle ("Property") and further described in Exhibits A and B, which is attached and incorporated by this reference.

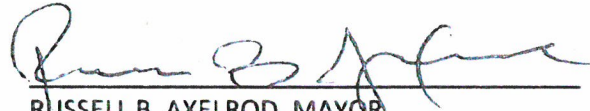
SECTION 2. Annexation to Tri-City Service District. The City requests and approves of the annexation of the Property into the Tri-City Service District.

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

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

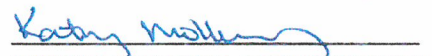
SECTION 5. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 9th day of July, 2018, and is duly PASSED and ADOPTED this 9th of July, 2018.



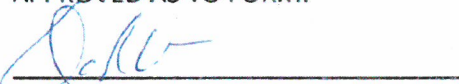
RUSSELL B. AXELROD, MAYOR

ATTEST:



KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:



CITY ATTORNEY



SECTION 1: LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED

A TRACT OF LAND SITUATED IN THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING A PORTION OF LOT 21, "BLAND ACRES", A PLAT OF RECORD IN CLACKAMAS COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

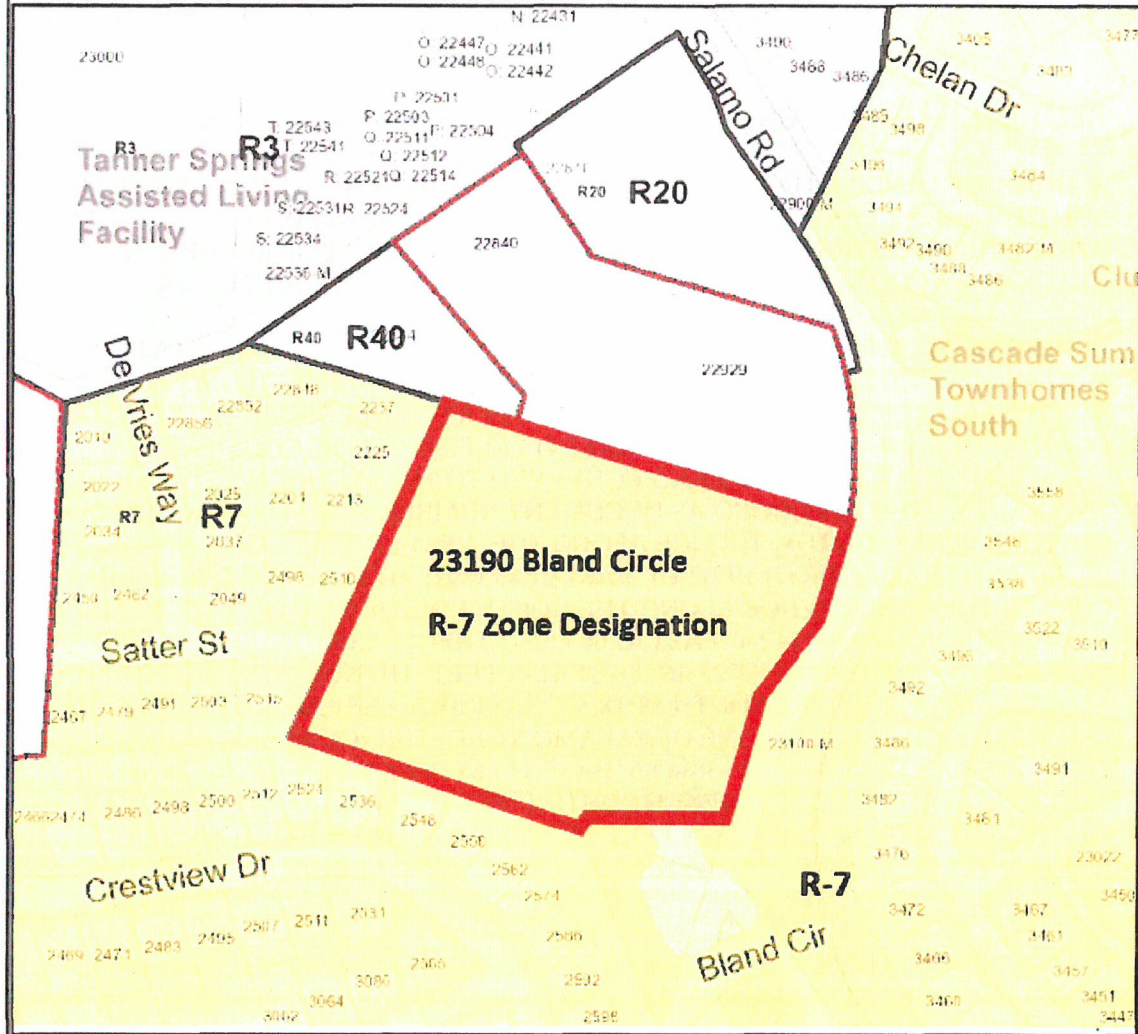
BEGINNING AT THE SOUTHEASTERLY CORNER OF "WEATHERHILL ESTATES" A PLAT OF RECORD IN CLACKAMAS COUNTY, OREGON; THENCE ALONG THE NORTHEASTERLY LINE OF "GRAND VIEW", A PLAT OF RECORD IN CLACKAMAS COUNTY, OREGON SOUTH 73°04'36" EAST 413.62 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO THE CITY OF WEST LINN BY WARRANTY DEED RECORDED AS DOCUMENT NUMBER 95-071438, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE WEST LINE OF SAID CITY OF WEST LINN TRACT NORTH 19°02'10" EAST 21.83 FEET TO THE NORTHWESTERLY CORNER THEREOF; THENCE ALONG THE NORTH LINE OF SAID CITY OF WEST LINN TRACT SOUTH 86°14'54" EAST 63.68 FEET; THENCE CONTINUING ALONG SAID NORTH LINE NORTH 84°23'46" EAST 61.41 FEET; THENCE CONTINUING ALONG SAID NORTH LINE SOUTH 88°18'57" EAST 67.26 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF SALAMO ROAD; THENCE ALONG SAID WEST RIGHT OF WAY LINE NORTH 15°36'00" EAST 124.82 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY LINE; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE NORTH 34°09'00" EAST 82.44 FEET TO THE MOST SOUTHERLY CORNER OF THAT TRACT OF LAND CONVEYED TO THE CITY OF WEST LINN BY DEED RECORDED AS DOCUMENT NUMBER 95-004519, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID CITY OF WEST LINN TRACT (WHICH IS DESCRIBED IN DEED RECORDED AS DOCUMENT NUMBER 95-004519) 76.80 FEET ALONG A NON-TANGENT 570.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST THROUGH A CENTRAL ANGLE OF 07°43'12" (LONG CHORD BEARS NORTH 23°50'56" EAST 76.74 FEET); THENCE CONTINUING ALONG SAID WESTERLY LINE 155.87 FEET, MORE OR LESS, ALONG A 490.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST THROUGH A CENTRAL ANGLE OF 18°13'32" (LONG CHORD BEARS NORTH 18°35'46" EAST 155.21 FEET, MORE OR LESS) TO THE NORTH LINE OF LOT 21, "BLAND ACRES"; THENCE ALONG SAID NORTH LINE NORTH 74°45'00" WEST 569.97 FEET TO THE MOST EASTERLY CORNER OF LOT 22, "BLAND ACRES"; THENCE ALONG THE EASTERLY LINE OF THE AFOREMENTIONED "WEATHERHILL ESTATES" SOUTH 24°14'17" WEST 499.81 FEET TO THE POINT OF BEGINNING.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

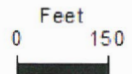
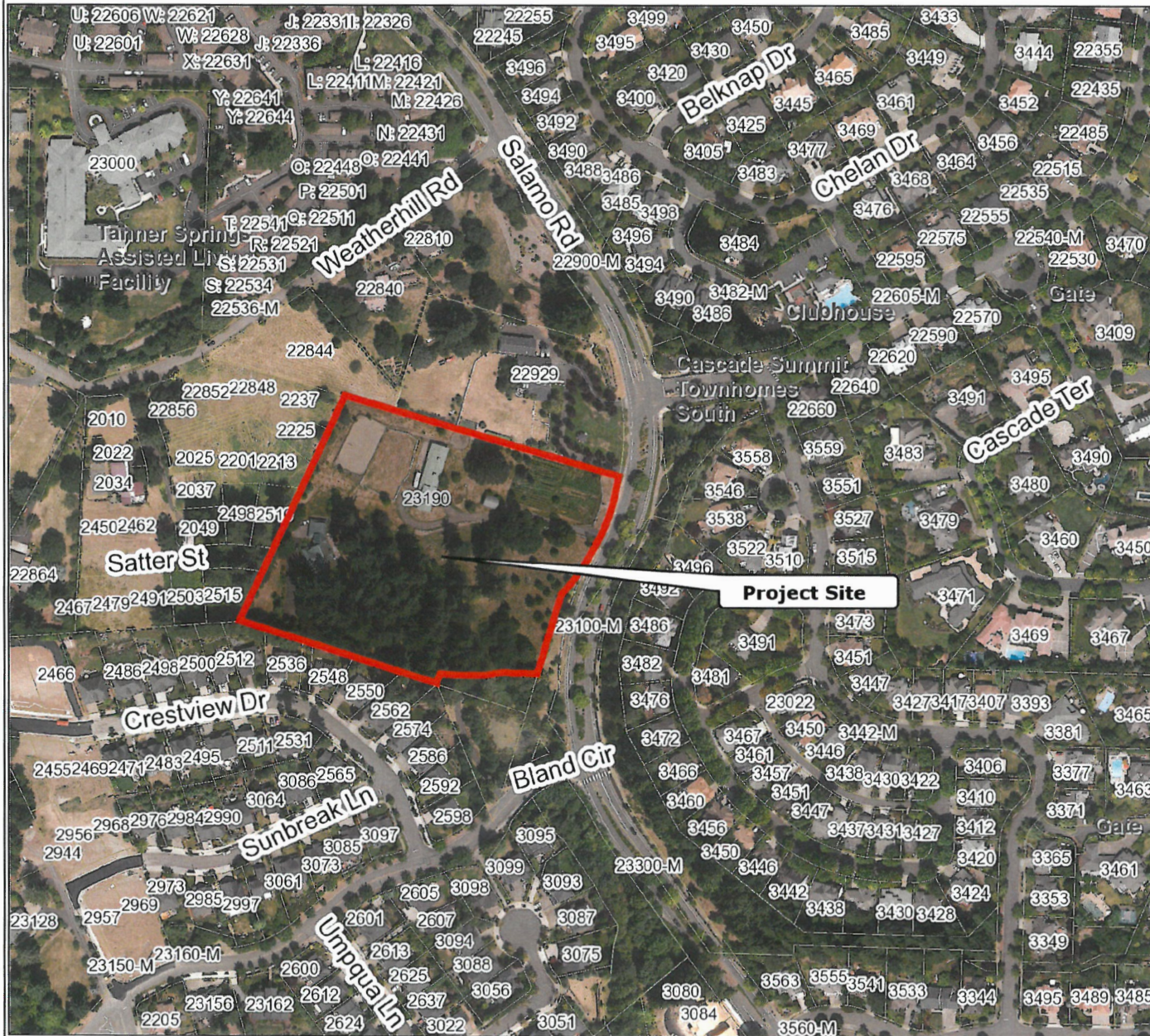
OREGON
JULY 14, 1978
DON DEVLAEINCK
1634

DATE OF SIGNATURE: 7/27/17
EXPIRES 12/31/2017

EXHIBIT B: ADOPTED R-7 ZONE ANX-17-01



23190 Bland Circle



Scale 1:3,600 - 1 in = 300 ft
Scale is based on 8-1/2 x 11 paper size



Map created by: SSHROYER
Date Created: 19-Sep-17 03:21 PM

WEST LINN GIS

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