

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT	PROJECT NO(S). <u>AX-14-02</u>	
NON-REFUNDABLE FEE(S) <u>19900-</u>	REFUNDABLE DEPOSIT(S) <u>0</u>	TOTAL <u>19900-</u>

Type of Review (Please check all that apply):

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Annexation (ANX)
<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: 22850 S Weatherhill Road	Assessor's Map No.: 21E35A
	Tax Lot(s): 01200, 01202
	Total Land Area: 4.90 acres

Brief Description of Proposal:

Applicant requests the annexation of the subject property into the City of West Linn

Applicant Name: JT Smith Companies <small>(please print)</small>	Phone: 503-209-7555
Address: 5285 Meadows Road, Suite 171	Email: jwyland@jtsmithco.com
City State Zip: Lake Oswego, OR 97035	

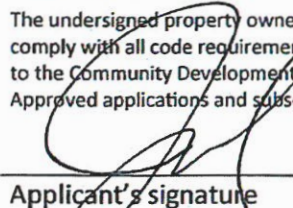
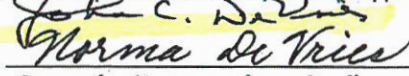
Owner Name (required): John C. Devries Trustee <small>(please print)</small>	Phone:
Address: 22850 S Weatherhill Road	Email:
City State Zip: West Linn, OR 97068	

Consultant Name: 3J Consulting, Inc <small>(please print)</small>	Phone: 503-545-1907
Address: 5075 SW Griffith Drive, Suite 150	Email: andrew.tull@3j-consulting.com
City State Zip: Beaverton, OR 97005	

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	<u>4/11/14</u> Date	 Owner's signature (required)	<u>4/11/14</u> 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	
<i>John C. DeVries</i>	John C. DeVries			X	22850 S Weatherhill Road	21E	35A	01200 01202	320	John C. DeVries
<i>Norma DeVries</i>	Norma DeVries			X	22850 S Weatherhill Road	21E	35A	01200 01202	320	Norma DeVries

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

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

Initial _____



April 16, 2014

City of West Linn
Mr. Peter Spir
Associate Planner
22500 Salamo Road
West Linn, OR 97068

SUBJECT: PETITION TO ANNEX - 22850 WEATHERHILL

Dear Peter

3J is pleased to present this petition to annex a property located at 22850 Weatherhill Road to the City Council for consideration and placement before the electorate. The owners of this property have requested annexation into the City in order to take access to urban services. This application has been prepared to include the items listed within the Pre-application Conference notes dated August 15, 2013. Included with this application are the following materials:

- The City's Required Annexation Fee: **\$19,900**
- Narrative addressing the applicable approval criteria for annexations
- Petition for Annexation
- Land Use Application Form
- Map of the Territory to be Annexed

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Andrew Tull', with a stylized flourish at the end.

Andrew Tull
Principal Planner
3J Consulting, Inc.

copy: Mr. John Wyland, JT Smith Companies
Mr. Mike Robinson, Perkins Coie
File

WEATHERHILL ANNEXATION APPLICATION

CONTACT INFORMATION

Applicant: **JT Smith Companies**
Attn: John Wyland
5285 Meadows Road, Suite #171
Lake Oswego, OR 97035

Applicant's Representative: **3J Consulting, Inc**
10445 SW Canyon Road
Beaverton, OR 97005
Contact: Andrew Tull
Phone: 503-545-1907
Email: andrew.tull@3j-consulting.com

SITE DATA

OWNERS: John C. Devries Trustee

SITE LOCATION: 22850 S Weatherhill Road
West Linn, OR 97068

SITE SIZE: 4.90 acres

DESCRIPTION: The site is identified as Tax Lots 2S1E35A00 1200 and 1202. The site is comprised of two lots of record, located just south of Weatherhill Road. Weatherhill Road is within the City limits and is therefore not included in this proposal.

APPROVAL CRITERIA: CDC Chapter 81 and Municipal Code, Sections 2.915 through 2.960

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

COMPREHENSIVE PLAN DESIGNATION: Low Density (City)

BACKGROUND

GENERAL

The properties proposed for annexation to the City of West Linn are located just south of Weatherhill Road, adjacent to the West Linn City limits to the north and south sides of the subject properties. The

property to the west of the subject site was approved for subdivision by the City of West Linn in 2013 (Weatherhill Subdivision). The total area to be annexed is approximately 4.9 acres in area and includes two lots of record. A pre-application conference was held with the City to discuss the annexation of these properties on August 15, 2013 by the property owners.

The properties proposed for annexation are two of eight contiguous properties that have not been annexed into the City of West Linn. The applicant approached the owners of all contiguous properties needing annexations to propose a joint application. None of the other property owners were interested in a joint annexation application at this time.

SITE CONDITIONS

The site is primarily flat but slopes in areas gently downward to the south/rear of the properties. There is one single-family residential home on the property. There are trees located on each property and the rear of tax lot 1200 is a large, grassy open field.

SURROUNDING LAND USES

Adjacent properties to the south are within the West Linn City Limits and are zoned R-7. These properties are developed with residential dwellings. The properties to the north and across Weatherhill Road are zoned R-3 and are developed residentially, though additional development potential exists. The properties to the east and west are outside the West Linn City Limits and are zoned FU-10. The property immediately adjacent to the northeast of the property is within the City Limits and zoned R-40.

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

81.050 APPROVAL CRITERIA

A. The City Council shall approve or deny a boundary change proposal based on findings and conclusions addressing the following criteria:

- 1. If an annexation, the proposal complies with the requirements of Municipal Code Section 2.920(1); and**
- 2. For all boundary changes, the proposal complies with the criteria of Metro Code Section 3.09.050(d) and, if applicable, (e). (Ord. 1442, 1999)**

Applicant's Finding: The applicable Municipal Code and 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 zone change. The applicant may concurrently apply for a comprehensive plan amendment if desired. Any approval of an annexation shall designate the City zone to be applied if the annexation is approved by the voters. The City zone shall be designated based upon the existing West Linn comprehensive plan/land use designation, pursuant to the following table:

COMPREHENSIVE PLAN/LAND USE DESIGNATION	ASSIGNED ZONING DISTRICT
Low Density Residential	R-40, R-20, R-15, R-10 or R-7

Applicant's Finding: The Comprehensive Plan/Land Use Designation of these properties is Low Density Residential. The adjacent properties within the City of West Linn to the south 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 and vegetation is sparse in parts of the sites.

The requirements of this section have been satisfied.

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

Applicant's Finding: The subject properties are adjacent to several developed and undeveloped R-7 zoned properties to the south and R-3 zoning to the north across S. Weatherhill Road. All recent development has occurred in the R-7 zone. The R-3 zone is not one of the zones permitted by the “Low Density Residential” designation of the Comprehensive Plan. 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)

Applicant's Finding: Properties adjacent to these sites, both on this side and the other side of S. Weatherhill Road, are developed and provided with city services. The properties are within the Horton 6 water pressure zone which has adequate supply and pressure for serving these properties. An 8”public water line is located in S. Weatherhill Road. Public sanitary sewer, storm and water lines are located south of the properties in Fircrest and Crestview. Utilities in this area are adequate in capacity to serve the properties proposed for annexation.

The requirements of this section have been satisfied.

West Linn Municipal Code

Chapter 2 GOVERNMENT AND ADMINISTRATION

ANNEXATIONS

2.920 Conditions for Annexation -Step 1.

(1) Consideration of a proposal to annex property to the City shall follow a two-step process. Step one shall include review of the land use aspect of the petition pursuant to Community Development Code Section 81.

Applicant's Finding: This application and narrative are for step one of the two-step annexation process. Review of the annexation pursuant to Community Development Code Section 81 is included in this narrative.

The requirements of this section have been satisfied.

(2) The following conditions must be met as judged by the City Council upon recommendation of the City Planning Director and City Engineer prior to approval of step one processing of any annexation request:

(a) The subject site must be located within the Portland Metropolitan Urban Growth Boundary.

Applicant's Finding: The subject site is located within the Portland Metropolitan Urban Growth Boundary (UGB).

The requirements of this section have been satisfied.

(b) The subject site must have been assigned a City Comprehensive Plan Map designation.

Applicant's Finding: The subject site has been assigned the City Comprehensive Plan Map designation of Low Density Residential.

The requirements of this section have been satisfied.

(c) The subject site must be contiguous to the existing City limits, or separated from it only by a public right-of-way, or a stream, bay, lake or other body of water.

Applicant's Finding: 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.

(d) The requirements of Oregon Revised Statutes for initiation of the annexation process are met.

Applicant's Finding: Oregon Revised Statutes (ORS) Section 222.111(2) allows initiation of an annexation proposal "by a petition to the legislative body of the city by owners of real property in the territory to be annexed". ORS Section 222.170 states that "the legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if more than half the owners of land in the territory...consent in writing to the annexation..." Written consent from all property owners has been provided. 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.

The requirements of this section have been satisfied.

(e) The subject area has been included within each of the adopted City facility master plans and capital improvement plans and the subject area is planned for all needed City infrastructure.

Applicant's Finding: The properties have been located within the Urban Growth Boundary long enough to have been included on each of the adopted City facility master plans and capital improvement plans. City infrastructure has been developed to support surrounding development and

can adequately support annexation and development of the two parcels. The requirements of this section have been satisfied.

(3) Prior to the beginning of step two processing of any annexation request, the requestor must verify to the Planning Director that all the prerequisites for step one processing are still satisfied and the annexation request must have received a final step one approval through the land use planning and zoning process as per the provisions of The Community Development Code Chapter 81.

Applicant's Finding: Approval of this step-one annexation process will be complete prior to the beginning of the step-two process.

The requirements of this section have been satisfied.

2.955 Zoning Designations.

(1) As part of the Step One process, a final land use decision regarding the applicable City zone will be made according to the following table. Upon approval by the voters of the annexation question, the assigned City zone will become effective.

COMPREHENSIVE PLAN/LAND USE DESIGNATION	ASSIGNED
Low Density Residential	R-7, R-10, R-15, R-20, or R-40

Applicant's Finding: The Comprehensive Plan/Land Use Designation of these properties is Low Density Residential, and, therefore, the proposed R-7 zoning is permitted.

The requirements of this section have been satisfied.

(2) A change to the zone applied to the property by subsection 1 of this section may not be applied for earlier than three (3) years from the date the vote approving the annexation is certified by the County elections officer unless:

- (a) The zone change is applied for by the City; or**
- (b) A majority of the City electorate approve a question that waives the requirement of this subsection.**

Applicant's Finding: The proposed R-7 zone is permitted by Section 1 above and, therefore, no changes are proposed.

The requirements of this section have been satisfied.

Metro Code

3.09.050 Hearing and Decision Requirements for Decisions Other Than Expedited Decisions

A. The following requirements for hearings on petitions operate in addition to requirements for boundary changes in ORS Chapters 198, 221 and 222 and the reviewing entity's charter, ordinances or resolutions.

Applicant's Finding: The Applicant acknowledges all requirements for hearings on petitions of annexation as required by the Metro Code.

The requirements of this section have been satisfied.

B. Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria identified in subsection (D) and 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's process for conducting the public hearing.

The requirements of this section have been satisfied.

C. The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.

Applicant's Finding: The Applicant has provided adequate information to demonstrate that the proposed boundary change meets the applicable criteria.

The requirements of this section have been satisfied.

D. 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.

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;**

Applicant's Finding: The City does not have any urban service provider agreements on these properties 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 these properties 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. These properties have 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 these properties. 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 parcels and provide all services to this site; thus the boundary change will allow development in a timely, orderly and economic manner. The development of these parcels 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 these properties are of adequate quality and contain adequate quantity to serve the sites 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 or services is proposed or anticipated.

The requirements of this section have been satisfied.

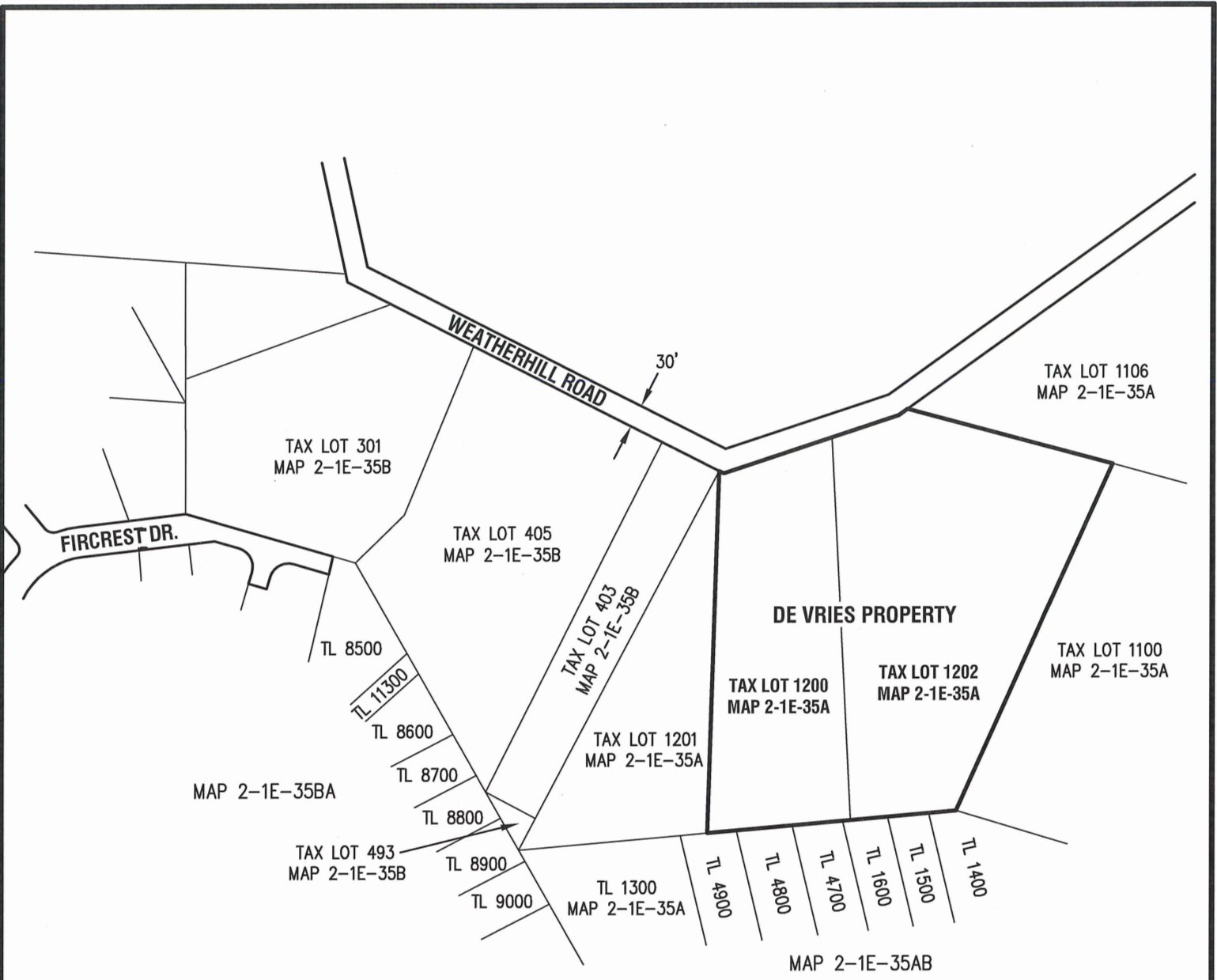
3.09.045.E. A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.

Applicant's Finding: These properties proposed for annexation are all 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 Step One Annexation proposal.



Scale: 1" = 200'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]
OREGON
JULY 14, 1978
DON DEVLAEINCK
1634

DATE OF SIGNATURE: *4/9/14*
EXPIRES 12/31/2015

ANNEXATION EXHIBIT MAP

7314 Exh.dwg

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

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