

**Agenda Report 2014-07-14-03**

Date: July 2, 2014

To: John Kovash, Mayor  
Members, West Linn City Council

From: Sara Javoronok, Planning Department

Through: Chris Kerr, Community Development Director CK  
Chris Jordan, City Manager *CJ*

Subject: Annexation of five acres at 22850 and 22848 S. Weatherhill Road

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**Purpose**

The owners of 22850 and 22848 S. Weatherhill Road are requesting annexation to the City of West Linn. The City Council has a concurrent two-step process for consideration of annexation requests. Step 1 is a land use decision, and Step 2 is a policy decision. The Council may, in its discretion, pass a resolution placing the annexation request on a ballot, as required by the City Charter. Annexation to the City is not effective unless it is approved by a majority vote among the City's electorate.

**Question(s) for Council:**

Step 1: Land Use Decision

1. Does the application for 22850 and 22848 S. Weatherhill Road meet the criteria in CDC Chapter 81 for annexation of the property?

Step 2: Policy Decision

2. Does the City Council want to adopt Resolution 2014-10 to place the annexation for 22850 and 22848 S. Weatherhill Road on the November 4, 2014, ballot?

**Public Hearing Required:**

Yes, but a hearing is only required for the Step 1: Land Use Decision.

**Background & Discussion:**

Step 1: Land Use Decision

The subject property, which has an existing single family home and pole barn, is located at 22850 and 22848 S. Weatherhill Road. It is one of several properties that form an "island" of unincorporated properties surrounded by the City. It is located within the Metro Urban Growth Boundary, is suitable for development, and can be serviced with utilities. Tanner Springs Assisted Living is located immediately to the north (R-3) and there are residential neighborhoods (R-7) to the south. The applicant requests the R-7, single family residential zone, consistent with properties west and south of the subject property. The approval criteria for annexations are contained in CDC Chapter 81, Boundary Changes. The Staff Report for this project is attached discussing all of the land use criteria. Staff finds that the application meets all of the criteria.

**Step 2: Policy Decision**

This property is among an “island” of properties that are not annexed to the City, as such, annexation to the City would promote the timely, orderly, and economic provision of public facilities and services. The City’s water, sewer, surface water, transportation system plans anticipated annexation of this area and can accommodate serving this property.

In 2006, the City Council adopted Policies Discouraging Destruction of Natural Resources and Significant Trees. The applicant has confirmed that there have not been modifications to the trees or other natural resources on the site. Staff reviewed aerial photography and visited the site and there do not appear to have been changes.

**Budget Impact:**

Annexation would bring this property, which has utilized many City facilities for years, onto the City’s tax rolls and make it subject to all fees and assessments.

**Council Options:**

**Step 1: Land Use Decision**

1. Approve the annexation application.
2. Deny the annexation application and end consideration of this property for annexation.

**Step 2: Policy Decision**

1. Adopt Resolution 2014-10 placing the annexation of 22850 and 22848 S. Weatherhill Road on the November 4, 2014 ballot.
2. Decline to adopt Resolution 2014-10, ending consideration of this property for annexation.

**Staff Recommendation:**

**Step 1: Land Use Decision**

Staff recommends the City Council approve the annexation application.

**Step 2: Policy Decision**

Staff recommends the City Council adopt Resolution 2014-10 placing the annexation of 4.9 acres of real property at 22850 and 22848 S. Weatherhill Road before the voters on the November 4, 2014 ballot.

**Potential Motion:**

**Step 1: Land Use Decision**

I move to approve the annexation of 4.9 acres of real property at 22850 and 22848 S. Weatherhill Road (Land Use Case Number: ANX-14-02).

**Step 2: Policy Decision**

I move to adopt Resolution 2014-10 placing the annexation of 22850 and 22848 S. Weatherhill Road on the November 4, 2014, ballot.

**Attachments:**

1. Staff Report
2. Resolution 2014-10



**STAFF REPORT  
FOR THE CITY COUNCIL**

**FILE NUMBER:** ANX-14-02

**HEARING DATE:** July 14, 2014

**REQUEST:** Annexation of 4.9 acres at 22850 and 22848 S. Weatherhill Rd.

**APPROVAL  
CRITERIA:** Community Development Code (CDC) Chapter 81

**STAFF REPORT  
PREPARED BY:** Sara Javoronok, Associate Planner

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Community Development Director's Initials \_\_\_\_\_

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## GENERAL INFORMATION

- OWNER:** John C. DeVries, 22850 S. Weatherhill Rd., West Linn, OR 97068
- APPLICANT:** JT Smith Companies, 5285 Meadows Rd, Suite 171, Lake Oswego, OR 97035
- CONSULTANT:** Andrew Tull, 3J Consulting, Inc., 10445 SW Canyon Rd., Ste. 245, Beaverton, OR 97005
- SITE LOCATION:** 22850 and 22848 S. Weatherhill Rd., West Linn, OR 97068
- LEGAL DESCRIPTION:** Clackamas County Assessor's Map 2-1E-35A, Tax Lots 1200 and 1202
- SITE SIZE:** 4.9 acres
- PROPOSED CITY ZONING:** R-7, Single-Family Residential Detached and Attached
- COUNTY ZONING:** Future Urban 10-acre District (FU-10)
- COMP. PLAN DESIGNATION:** Low-Density Residential
- PUBLIC NOTICE:** Public notice was mailed to the Savanna Oaks Neighborhood Association and affected property owners on June 23, 2014. In addition, the application has been posted on the City's website. The notice requirements have been met.

## EXECUTIVE SUMMARY

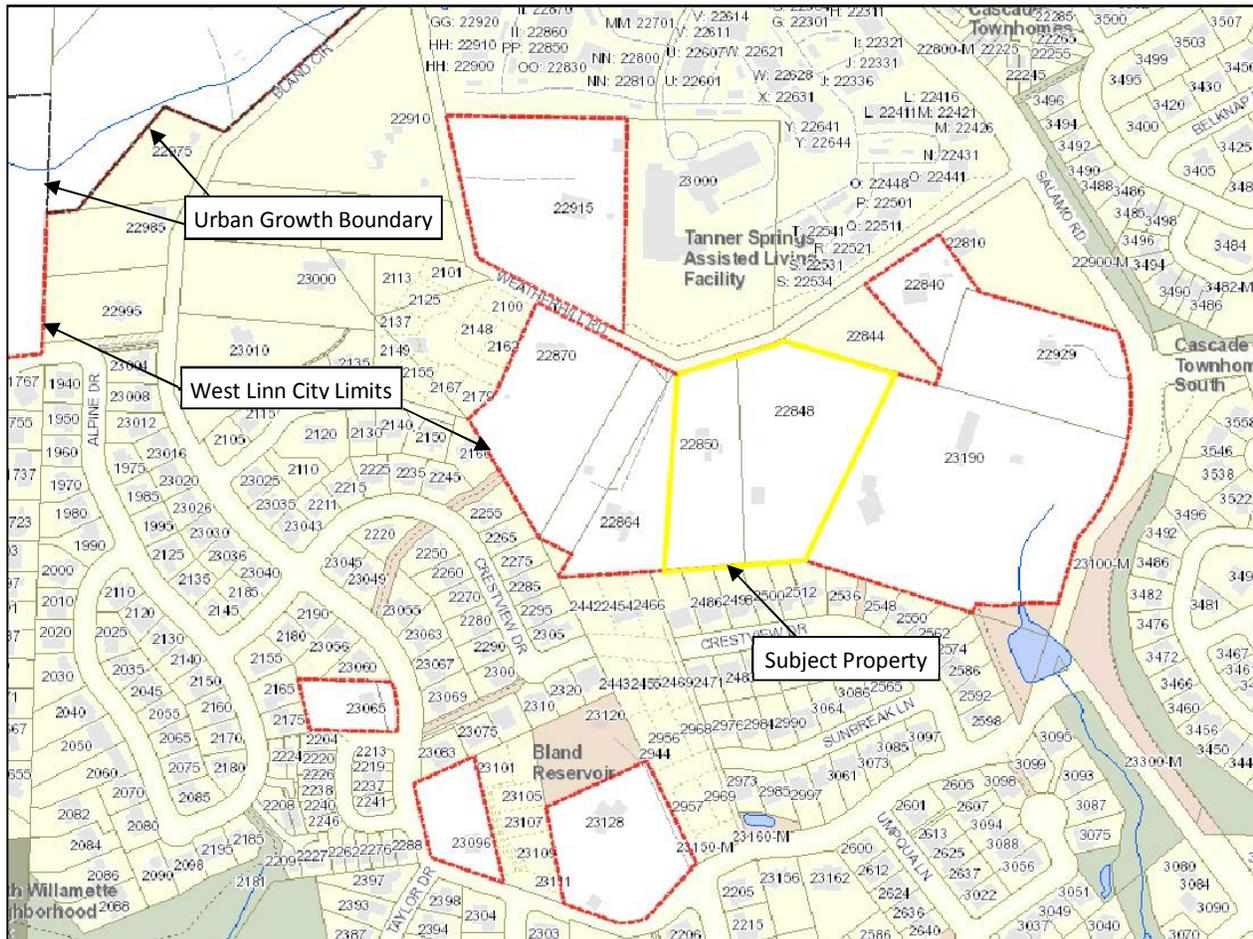
The application is to annex 4.9 acres located west of Salamo Road on the south side of Weatherhill Road. If annexed, the applicant has requested a zoning designation of R-7. The applicable approval criteria are located in Community Development Code (CDC) Chapter 81, which refer to the Metro Code, West Linn Municipal Code, and Oregon Revised Statutes. The property is one of several that form an "island" surrounded by the City. It is located within the Urban Growth Boundary, is suitable for development, and can be serviced with utilities.

## BACKGROUND

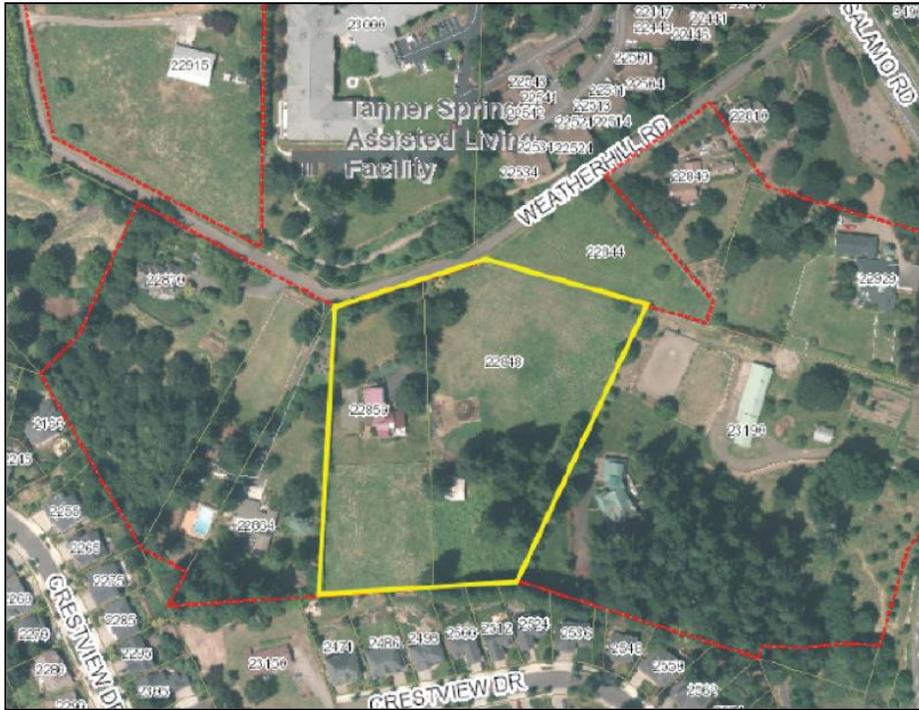
Site Conditions: The proposed site is located to the south of Weatherhill Road. It is one of several unincorporated parcels that comprise an "island" surrounded by the City. Below the City boundary is depicted in red, the Metro Urban Growth Boundary in black, and the proposed site in yellow. Tanner Springs Assisted Living is located immediately to the north (R-3) and there are residential neighborhoods (R-7) to the south. The property is has an



existing single family home and pole barn. The site has few trees, but several may be significant.



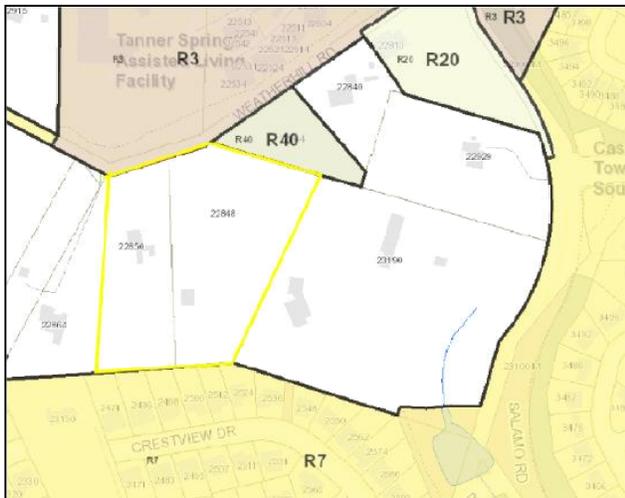
Vicinity Map



Aerial Photo

**Topography:** The site slopes downhill from Weatherhill Road. The grade is the steepest immediately south of Weatherhill, and it is steeper on the western portion of the site. Much of the northern and eastern areas of the site have slopes from 10-25%. There are no known natural hazards or environmental constraints.

**Zoning:** The Comprehensive Plan indicates that the property is to be developed as Low Density residential and, in accordance with this, the applicant is proposing R-7 single family zoning.



Zoning Map



Comprehensive Plan

**Utilities:** In accordance with City Master Plans, the area can be served by water, sanitary sewer, and storm water. Easements through private properties may be required to provide

these services. The owner or developer is financially and technically responsible for construction of the connections.

**Public comments:**

No public comments have been received to date.

**RECOMMENDATION**

Staff recommends the City Council approve the annexation application for the Step 1: Land Use Decision for 22850 and 22848 S. Weatherhill Road, and, if annexed, designate the property R-7, single family residential.



# ADDENDUM

## CITY COUNCIL STAFF REPORT

### APPLICABLE REGULATIONS AND ASSOCIATED FINDINGS

#### OREGON REVISED STATUTES

##### ***222.111 Authority and procedure for annexation.***

*(1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.*

**Finding 1: The property is appropriate for annexation since it is within the Metro Urban Growth Boundary and is one of several that form a “island” that is surrounded by the City. It is adjacent to incorporated properties and right-of-way. The criterion is met.**

#### METRO CODE

##### ***3.09.040 Requirements for Petitions***

*A. A petition for a boundary change must contain the following information:*

...

*4. For boundary changes under ORS 198.855(3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.*

**Finding 2: This annexation application was initiated pursuant to ORS 222.125. The applicant submitted statements of consent to the annexation signed by all of the owners and electors within the property proposed to be annexed. The criterion is met.**

##### ***3.09.045 EXPEDITED DECISIONS***

*A. The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.*

*B. The expedited process must provide for a minimum of 20 days' notice prior to the date set for decision to all necessary parties and other persons entitled to notice by the laws of the city or Metro. The notice shall state that the petition is subject to the expedited process unless a necessary party gives written notice of its objection to the boundary change.*

*C. At least seven days prior to the date of decision the city or Metro shall make available to the public a report that includes the following information:*



1. *The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;*
2. *Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and*
3. *The proposed effective date of the boundary change.*

*D. To approve a boundary change through an expedited process, the city shall...*

**Finding 3: The subject property can be considered an expedited annexation since 100% of the property owners and electors have provided written consent regarding the annexation (John and Norma DeVries). These signatures have been reviewed and validated by the County Assessor’s Office. Notice and the information required in Subsection (C) will be made as required. The criteria are met.**

**COMMUNITY DEVELOPMENT CODE  
CHAPTER 81, BOUNDARY CHANGES**

**81.050 APPROVAL CRITERIA**

- A. The City Council shall approve or deny a boundary change proposal based on findings and conclusions addressing the following criteria:*
1. *If an annexation, the proposal complies with the requirements of Municipal Code Section 2.920(1); and*
  2. *For all boundary changes, the proposal complies with the criteria of Metro Code Section 3.09.050(d) and, if applicable, (e).*

**Finding 4: Regarding Subsection (A)(1) above, before that subsection was amended on June 16, 2014, it read, “Consideration of a proposal to annex property the City shall follow a two-step process. Step one shall include review of the land use aspect of the petition pursuant to Community Development Code Section 81.” Thus, it was a reference back to Chapter 81, but it did not contain any additional criteria to apply. The amended WLMC 2.920 no longer has subsections. Similarly, WLMC 2.920 contains a reference to Chapter 81, and it does not contain any additional criteria. This application complies with the provisions of 2.920(1), now 2.920, through responses to Metro Code 3.09.045(D) and (E) below.**

*Metro 3.09.045*

- D. To approve a boundary change through an expedited process, the city shall:*
1. *Find that the change is consistent with expressly applicable provisions in:*
    - a. Any applicable urban service agreement adopted pursuant to ORS 195.065;*
    - b. Any applicable annexation plan adopted pursuant to ORS 195.205;*

- c. *Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;*
- d. *Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;*
- e. *Any applicable comprehensive plan;*
- f. *Any applicable concept plan; and*

2. *Consider whether the boundary change would:*

- a. *Promote the timely, orderly and economic provision of public facilities and services;*
- b. *Affect the quality and quantity of urban services; and*
- c. *Eliminate or avoid unnecessary duplication of facilities or services.*

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

**CDC 81.050 (A)(2), requires compliance with Metro Code Section 3.09.050(d), and that Metro provision refers to Metro Code 3.09.045(D) and (E). These criteria are shown above, and addressed below.**

**Finding 5: Regarding Subsection (D), the City does not have in place an urban service agreement, cooperative planning agreement, or annexation plan. The City and County Comprehensive Plans designate this property to be developed as Low Density Residential. The City’s water, sewer, and surface water management plans anticipated annexation of this area and can accommodate serving this property.**

**As mentioned above, the City’s Comprehensive Plan contemplates annexation of this property to the City and designates it as Low Density Residential. The proposed R-7 zoning designation is consistent with the City’s Comprehensive Plan. It is consistent with Policy 7 in Goal 2: Land Use Planning that calls for low density residential zoning on lands with limited capacity for development because of existing services and development limitations due to topography, soil characteristics, drainage, high water table, and flooding. This property has a moderate slope and is not immediately adjacent to existing utilities that can service the site. The R-7 zone, which is the most dense of the low density zones, is appropriate for the site. It is also consistent with Goal 10: Housing and Policy 2 for providing the opportunity for development of various housing types, including single family homes. The R-7 zone provides for single family detached and attached residences.**

**This property is among an “island” of properties that are not annexed to the City, as such, annexation to the City would promote the timely, orderly, and economic provision of public facilities and services. Any subsequent development would include street improvements on Weatherhill Road and the extension of utilities to serve this site could facilitate development on other nearby properties. These improvements could improve the quality and quantity of urban services available in the City. The incorporation of these areas could decrease the need for the County Sheriff or other departments to respond to issues in this area, potentially eliminating the duplication of facilities and services.**



**In terms of Subsection (E), this property lies within the Metro Urban Growth Boundary. The criteria are met.**

**81.055 ZONING DESIGNATION**

*A decision on annexation shall also incorporate a decision on a zone change. The applicant may concurrently apply for a comprehensive plan amendment if desired. Any approval of an annexation shall designate the City zone to be applied if the annexation is approved by the voters. The City zone shall be designated based upon the existing West Linn comprehensive plan/land use designation, pursuant to the following table:*

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

**Finding 6: The Comprehensive Plan designation for this property and surrounding properties is Low Density Residential, which permits R-7 to R-40 zones. The applicant proposes and staff recommends an R-7 designation. The property to the north is designated Medium-High Density Residential in the Comprehensive Plan and is zoned R-3, a higher density. There is an assisted living facility on this property and an application has been submitted to partition the property, potentially providing for additional development. The incorporated properties to the west and south are designated Low Density Residential in the Comprehensive Plan and zoned R-7. Given the Comprehensive Plan designation for the property and the zoning designation on the surrounding properties, particularly the higher density property to the north, the proposed R-7 zone is appropriate for this property. The criterion is met.**

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

- A. Specific site characteristics such as topography, drainage, and existing vegetation.*
- B. The existing zoning and development patterns of surrounding properties.*
- C. The capacity of the City to provide road, sanitary sewer, storm drainage, and water service to the site.*



**Finding 7: The specific site characteristics are well suited for the development of the parcels under R-7 zoning. The site has a moderate slope, the drainage can be accommodated, and vegetation is sparse. Properties adjacent to the subject property are developed and provided with City services. The City's water, sanitary sewer, and storm water master plans contemplate service to this area and there is sufficient capacity to serve the subject property. The criteria are met.**



EXHIBITS

ANX-14-02

# 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-14-02 Applicant's Name JT Smith Companies - J. Wyland  
Development Name \_\_\_\_\_  
Scheduled Meeting/Decision Date July 14, 2014

**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) 6/23/14 (signed) S. Shroyer  
B. Affected property owners (date) 6/23/14 (signed) S. Shroyer  
C. School District/Board (date) \_\_\_\_\_ (signed) \_\_\_\_\_  
D. Other affected gov't. agencies (date) 6/23/14 (signed) S. Shroyer  
E. Affected neighborhood assns. (date) 6/23/14 (All) (signed) S. Shroyer  
F. All parties to an appeal or review (date) 6/23/14 (signed) S. Shroyer

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

Tidings (published date) N/A (signed) \_\_\_\_\_  
City's website (posted date) 6/23/14 (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) \_\_\_\_\_ (signed) \_\_\_\_\_

**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) \_\_\_\_\_

# PUBLIC NOTICE CHECKLIST

ANX  
FILE NO.: 14-02 SITE ADDRESS: 22850/22848 Weatherhill Rd.

PROJECT MANAGER: Sara Javoronok DATE: 6/13/14  
MAILING DEADLINE DATE - ~~14~~-day or 20-day (circle one): Two weeks prior to meeting  
PUBLISH IN LOCAL PAPER (10 days prior): Yes  No   
MEETING DATE: 7/14/14

SEND TO (check where applicable): 5285 Meadows Rd, Ste. 171  
Applicant: Name: John Wyland Applicant Address: Lake Oswego, OR 97035  
J.T. Smith Companies

If Applicant Representative or Owner to receive please list in others below:

100' notice

School District/Board \_\_\_\_\_  
Metro  \_\_\_\_\_  
Tri-Met \_\_\_\_\_  
Clackamas County  \_\_\_\_\_  
ODOT (if on State Hwy. or over 40 dwelling units) \_\_\_\_\_  
Neighborhood Assn(s). \_\_\_\_\_  
(please specify) All

Division of State Lands \_\_\_\_\_  
US Army Corps of Engineers \_\_\_\_\_  
Stafford-Tualatin CPO \_\_\_\_\_  
City of Lake Oswego \_\_\_\_\_  
Dept. of Fish & Wildlife \_\_\_\_\_  
Other(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other(s): \_\_\_\_\_  
John DeVries  
22850 S. Weatherhill Rd.  
West Linn, OR 97068

Other(s): Andrew Tull  
3J Consulting  
5075 SW Griffith Dr. Ste. 150  
Beaverton, OR 97005

Other(s): \_\_\_\_\_  
all utilities + TVF + R

Other(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other(s): \_\_\_\_\_  
\_\_\_\_\_  
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**CITY OF WEST LINN  
CITY COUNCIL  
PUBLIC HEARING NOTICE**

**ANNEXATION OF 4.9 ACRES AT 22848 and 22850 S. WEATHERHILL ROAD  
FILE NO. ANX-14-02**

The West Linn City Council, is meeting on **Monday, July 14, 2014**, 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 4.9 acres at 22848 and 22850 S. Weatherhill Road. The applicant is requesting the R-7 zoning district, single family residential with a minimum 7,000 square foot lot size. The area is identified by Clackamas County as Assessor's Map 2S 1E 35 A, tax lots 1200 and 1202. The decision will be based on the criteria of Community Development Code, Chapter 81. The approval criteria from the CDC are available for review at City Hall, at the City Library, and at <http://www.westlinnoregon.gov/cdc>. The 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.

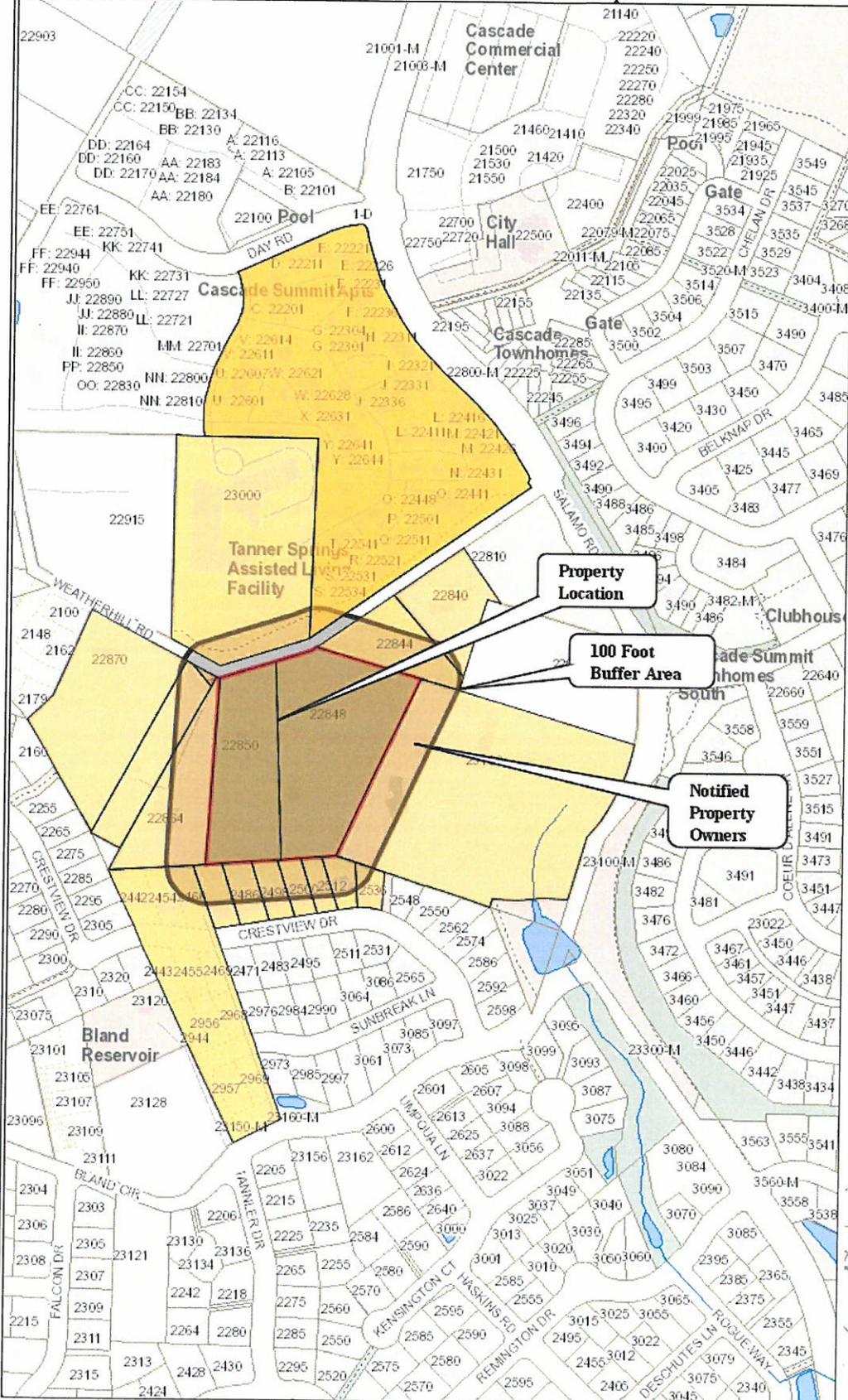
The City of West Linn has a two-step process for consideration of annexation requests. Step 1 will include a hearing to consider the land use aspects of the annexation request. Step 2 is a policy decision. The Council may, in its discretion, pass a resolution placing an annexation request on a ballot before the voters, as required by the City Charter. An annexation to the City is not effective unless it is approved by a majority vote among the City's electorate. If the City Council approves the Step 2 portion of the annexation, the Council will set a date for the election. Staff is recommending a November 4, 2014, election date if the annexation application is approved.

The annexation application is available for inspection at City Hall or via the web site at <http://westlinnoregon.gov/planning/22850-22848-weatherhill-road-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 Sara Javoronok at 503-722-5512 or at [sjavoronok@westlinnoregon.gov](mailto:sjavoronok@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.

SHAUNA SHROYER  
Planning Administrative Assistant

# 22850/22848 Weatherhill Road, Public Notice Map



**Property Location**

**100 Foot Buffer Area**

**Notified Property Owners**



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: 23-Jun-14 08:43 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. Source: West Linn GIS (Geographic Information System) MapOptix.

BRIGGS C C & C J VAUGHN-BRIGGS  
2474 CRESTVIEW DR  
WEST LINN, OR 97068

CONLIN ROBERT S & CINDY S  
2498 CRESTVIEW DR  
WEST LINN, OR 97068

DEAN DAVID E & DIANA E  
22870 S WEATHERHILL RD  
WEST LINN, OR 97068

DEVRIES JOHN C TRUSTEE  
22850 S WEATHERHILL RD  
WEST LINN, OR 97068

GUSTAFSON MICHAEL L & POLYXENI G  
3306 NE OREGON ST  
PORTLAND, OR 97232

HAWK KARIN S  
2512 CRESTVIEW DR  
WEST LINN, OR 97068

LF 3 LLC  
23150 BLAND CIR  
WEST LINN, OR 97068

PAKULA JENNIFER L & SCOT GELFAND  
2500 CRESTVIEW DR  
WEST LINN, OR 97068

PARKER CHARLES H & THERESA A  
2486 CRESTVIEW DR  
WEST LINN, OR 97068

SEAVEY STEVEN  
22840 S WEATHERHILL RD  
WEST LINN, OR 97068

SEQUOIA HEIGHTS CAPITAL PARTNERS  
1101 FIFTH AVE STE 300  
SAN RAFAEL, CA 94901

SIMPSON REALTY GROUP LP  
8110 EAST UNION AVE  
DENVER, CO 80237

SLOOP DAVID & DRUCILLA A  
23190 BLAND CIR  
WEST LINN, OR 97068

WARREN JOSHUA W & STEPHANIE A  
2536 CRESTVIEW DR  
WEST LINN, OR 97068

WEI LI & LI LI  
22864 S WEATHERHILL RD  
WEST LINN, OR 97068

WOODWORTH KENDALL & KELLI  
2524 CRESTVIEW DR  
WEST LINN, OR 97068

MIRANDA BATESCHELL  
METRO  
600 NE GRAND AVE  
PORTLAND OR 97232

MIKE MCCALLISTER  
CLACKAMAS COUNTY PLANNING  
150 BEAVERCREEK RD  
OREGON CITY OR 97045

STEVE GARNER  
BHT NA PRESIDENT  
3525 RIVERKNOLL WAY  
WEST LINN OR 97068

SALLY MCLARTY  
BOLTON NA PRESIDENT  
19575 RIVER RD # 64  
GLADSTONE OR 97027

ERIK VAN DE WATER  
HIDDEN SPRINGS NA PRESIDENT  
6433 PALOMINO WAY  
WEST LINN OR 97068

JEF TREECE  
MARYLHURST NA PRESIDENT  
1880 HILLCREST DR  
WEST LINN OR 97068

BILL RELYEA  
PARKER CREST NA PRESIDENT  
3016 SABO LN  
WEST LINN OR 97068

AARON BUFFINGTON  
ROBINWOOD NA PRESIDENT  
3820 RIDGEWOOD WAY  
WEST LINN OR 97068

KEN PRYOR  
SAVANNA OAKS NA VICE PRES  
2119 GREENE ST  
WEST LINN, OR 97068

ED SCHWARZ  
SAVANNA OAKS NA PRESIDENT  
2206 TANNLER DR  
WEST LINN OR 97068

TRACY GILDAY  
SKYLINE RIDGE NA PRESIDENT  
1341 STONEHAVEN DR  
WEST LINN OR 97068

TONY BREAULT  
SUNSET NA PRESIDENT  
1890 SUNSET CT  
WEST LINN OR 97068

JULIA SIMPSON  
WILLAMETTE NA PRESIDENT  
1671 KILLARNEY DR  
WEST LINN OR 97068

ALMA COSTON  
BOLTON NA DESIGNEE  
PO BOX 387  
WEST LINN OR 97068

WEST LINN CHAMBER OF  
COMMERCE  
1745 WILLAMETTE FALLS DR  
WEST LINN OR 97068

KEVIN BRYCK  
ROBINWOOD NA DESIGNEE  
18840 NIXON AVE  
WEST LINN OR 97068

DOREEN VOKES  
SUNSET NA SEC/TREAS  
4972 PROSPECT ST  
WEST LINN OR 97068

PORTLAND GENERAL ELECTRIC  
209 WARNER-MILNE RD  
OREGON CITY, OR 97045

NW NATURAL  
220 NW 2ND  
PORTLAND, OR 97209

TVF&R  
TY DARBY  
8445 SW ELLIGSEN RD  
WILSONVILLE, OR 97070

JOHN WYLAND  
J T SMITH COMPANIES  
5285 MEADOWS RD., STE 171  
LAKE OSWEGO, OR 97035

ANDREW TULL  
3J CONSULTING, INC  
5075 SW GRIFFITH, STE 150  
BEAVERTON, OR 97005

ANX-14-02

**MAILED**  
6-23-14 SS



CITY OF  
**West Linn**

May 16, 2014

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

SUBJECT: Annexation for 22850 Weatherhill Drive (ANX -14-02)

Dear Andrew:

Your re-submittal was received on May 15, 2014 and has been found to be complete. The tentative hearing date with City Council is July 21, 2014.

Please contact me at 503-742-2539, or by email at [pspir@westlinnoregon.gov](mailto:pspir@westlinnoregon.gov) if you have any questions or comments.

Sincerely,

*Peter Spir*

Peter Spir  
Associate Planner

APPLICANT'S SUBMITTAL

ANX-14-02

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

<b>Site Location/Address:</b>  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

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

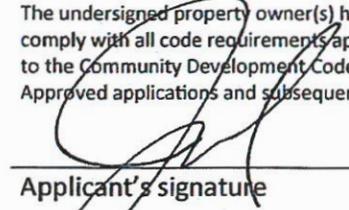
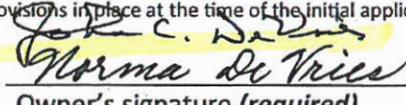
<b>Owner Name (required):</b> John C. Devries Trustee <small>(please print)</small> Address: 22850 S Weatherhill Road City State Zip: West Linn, OR 97068	Phone: Email:
--------------------------------------------------------------------------------------------------------------------------------------------------------------------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

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

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:**

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

**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.**

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

**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.

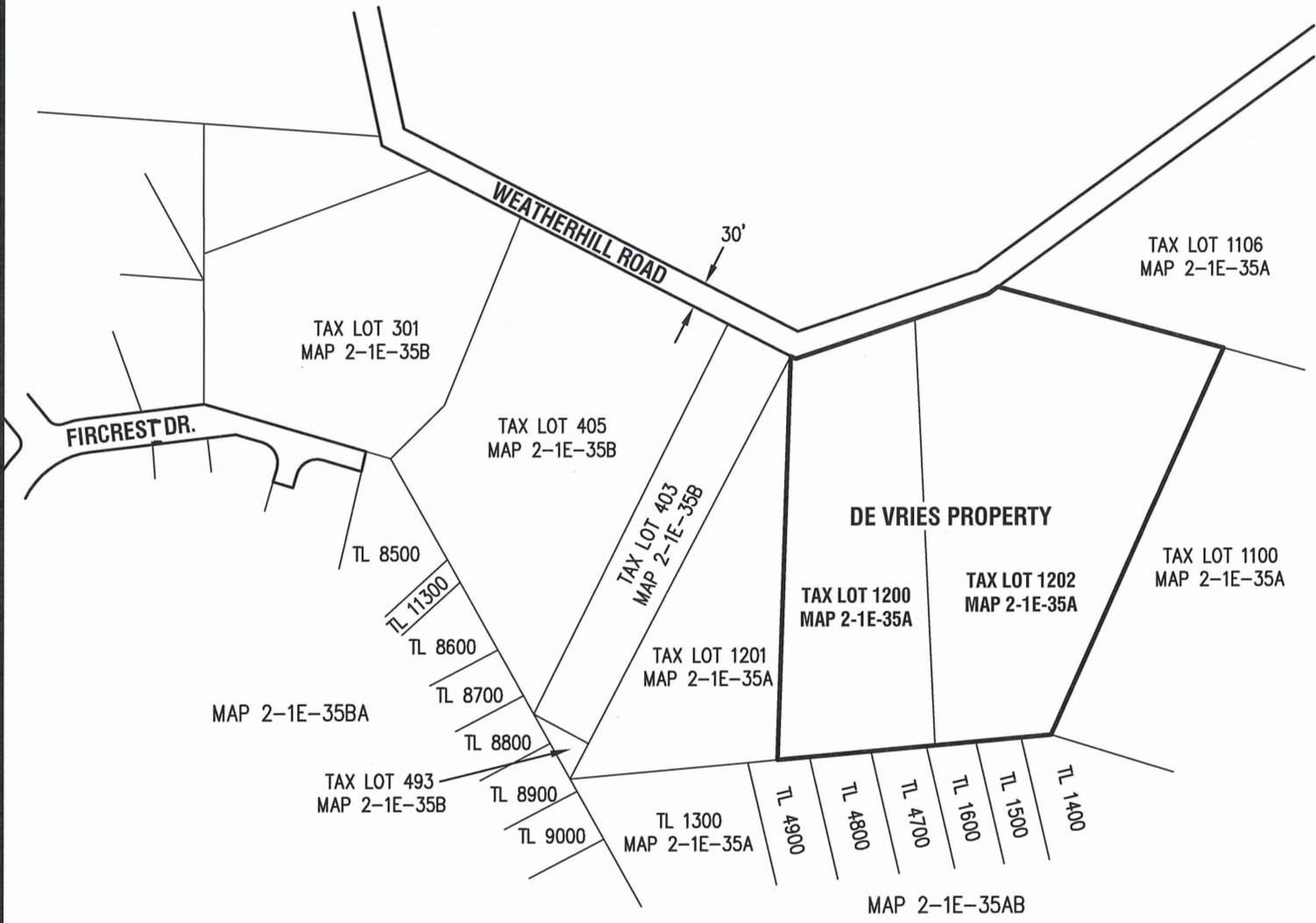
**3.09.045.E. A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.**

**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**

SUPPLEMENTAL SUBMITTAL

ANX-14-02



May 15, 2014

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

**SUBJECT: Annexation for 22850 Weatherhill Drive (ANX -14-02)**

Dear Peter

I am writing on the behalf of the owners of the property located at 22850 Weatherhill Road to request that the annexation application for the property be deemed complete upon receipt of this letter. We have prepared this response as well as a revised map of the territory to be annexed and a Certification of Property Ownership, a Certification of Registered Voters and a Certification of Legal Description and tax map. We believe that all issues have been satisfactorily resolved within our resubmission to allow for the petition to be presented before the City Council for consideration and placement before the electorate.

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', is positioned above the typed name.

Andrew Tull  
Principal Planner  
3J Consulting, Inc.

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

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 5-14-14

\* "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 FLOYD THOMAS  
TITLE DEPUTY CLERK  
DEPARTMENT ELECTIONS  
~~CLACKAMAS COUNTY ASSESSOR'S OFFICE~~  
DATE 5-14-14

*Floyd Thomas*

CLACKAMAS COUNTY ELECTIONS  
SHERRY HALL, COUNTY CLERK  
1710 RED SOILS CT, SUITE 100  
OREGON CITY, OR 97045

CITY OF WEST LINN

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

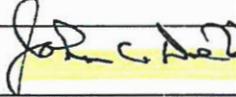
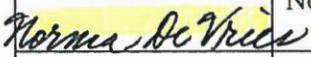
I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 21E35A) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME DJ Storm  
TITLE GIS Cartographer 2  
DEPARTMENT AIT  
CLACKAMAS COUNTY ASSESSOR'S OFFICE  
DATE 5-19-14



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	
	John C. DeVries			X	22850 S Weatherhill Road	21E	35A	01200 01202	320	John C. DeVries
	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 \_\_\_\_\_

**SECTION 1: LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED. THE PROPERTY DESCRIBED AS FOLLOWS IS HEREBY ANNEXED TO THE CITY OF WEST LINN:**

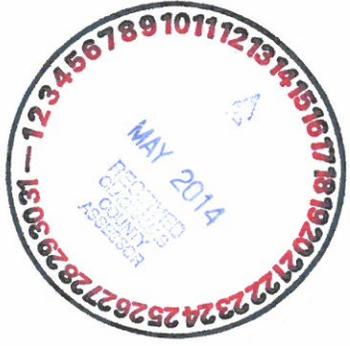
A TRACT OF LAND SITUATED IN THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING THAT PROPERTY CONVEYED TO JOHN C. DE VRIES AND VIRGINIA N. DE VRIES, TRUSTEES, OR THEIR SUCCESSORS IN TRUST, UNDER THE DE VRIES LIVING TRUST, DATED AUGUST 17, 1995, AND ANY AMENDMENTS THERETO, A REVOCABLE LIVING TRUST, BY WARRANTY DEED RECORDED AS DOCUMENT NUMBER 98-106410, CLACKAMAS COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF LOT 22, "BLAND ACRES", A PLAT OF RECORD IN CLACKAMAS COUNTY, OREGON; THENCE ALONG THE EAST LINE OF SAID LOT 22, SOUTH 24°14'17" WEST 499.81 FEET TO THE SOUTHEAST CORNER OF SAID LOT 22; THENCE ALONG THE SOUTH LINE OF SAID LOT 22 SOUTH 84°55'10" WEST 329.85 FEET TO THE SOUTHWEST CORNER OF THE AFOREMENTIONED DE VRIES TRACT; THENCE ALONG THE WEST LINE OF SAID DE VRIES TRACT NORTH 01°47'40" EAST 476.53 FEET TO THE INTERSECTION OF THE SOUTHEASTERLY LINE OF LOT 23, "BLAND ACRES" WITH THE SOUTH RIGHT OF WAY LINE OF WEATHERHILL ROAD (COUNTY ROAD NO. 1367); THENCE ALONG SAID RIGHT OF WAY LINE SOUTH 63°02'00" EAST 6.50 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE NORTH 71°42'01" EAST 243.38 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY LINE; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE NORTH 54°20'47" EAST 14.48 FEET TO THE SOUTH LINE OF LOT 10, "BLAND ACRES"; THENCE ALONG SAID SOUTH LINE SOUTH 74°49'59" EAST 279.94 FEET TO THE POINT OF BEGINNING.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
JULY 14, 1978  
DON DEVLAEINCK  
1634



DATE OF SIGNATURE: 5/13/14  
EXPIRES 12/31/2015



100' 0 100'  
Scale: 1" = 100'

TAX LOT 1106  
MAP 2-1E-35A

SOUTH LINE OF LOT  
10, "BLAND ACRES"

WEATHERHILL ROAD  
N71°42'01"E 243.38'

N54°20'47"E  
14.48'

S74°49'59"E 279.94'

TAX LOT 405  
MAP 2-1E-35B

S63°02'00"E  
6.50'



POINT OF  
BEGINNING  
MOST EASTERLY CORNER  
LOT 22, "BLAND ACRES"

TAX LOT 1100  
MAP 2-1E-35A

N01°47'40"E 476.53'

TAX LOT 1200  
MAP 2-1E-35A

TAX LOT 1202  
MAP 2-1E-35A

S24°14'17"W 499.81'

TAX LOT 1201  
MAP 2-1E-35A

SOUTHEAST CORNER LOT  
22, "BLAND ACRES"

S84°55'10"W 329.85'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 14, 1978  
DON DEVLAMINCK  
1634

DATE OF SIGNATURE: 5/13/14  
EXPIRES 12/31/2015

TL 4900

TL 4800

TL 4700

TL 1600

TL 1500

TL 1400

TL 1300  
MAP 2-1E-35A

MAP 2-1E-35AB

### ANNEXATION EXHIBIT MAP

7314 Exh2.dwg

**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

**RESOLUTION NO. 2014 – 10**

**A RESOLUTION TO SUBMIT A MEASURE TO VOTERS TO ANNEX 4.9-ACRES OF REAL PROPERTY AT 22850 AND 22848 S. WEATHERHILL ROAD**

**WHEREAS**, the 4.9 acres of real property at 22850 and 22848 S. Weatherhill Road are located within the Metro Urban Growth Boundary;

**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 approved Step 2, the policy decision; and

**WHEREAS**, the West Linn City Charter requires a vote of the citizenry for the annexation of any territory.

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

**SECTION 1:** An election is hereby called in and for the City of West Linn, Clackamas County, Oregon, for the purpose of submitting the following question to the legal voters of the City: Shall the City annex 4.9 acres of real property at 22850 and 22848 S. Weatherhill Road?

**SECTION 2:** Tuesday, November 4, 2014, is designated as the date for holding the election for the purpose of voting on the measure. The precinct for the election shall be all of the territory within the corporate limits of the City of West Linn, and the election will be conducted by the Clackamas County Elections Department by mail.

**SECTION 3:** 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 4:** The City Elections Officer shall file the ballot title with the county clerk as required by ORS 254.095 and include the proposed measure in the statement of city measures to be voted on.

**SECTION 5:** 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 6:** The ballot title to appear on the ballots shall be:

CAPTION

Annexation of 4.9 acres into the City of West Linn

QUESTION

Shall the City annex 4.9 acres of real property at 22850 and 22848 S. Weatherhill Road?

SUMMARY

West Linn Charter, Chapter 1, Section 3 requires that annexation of any territory be approved by the voters of the City, unless state law mandates otherwise. This measure, if approved, would annex 4.9 acres of real property at 22850 and 22848 S. Weatherhill Road. The West Linn City Council has determined that the proposed annexation complies with all relevant land use criteria for annexations. Upon annexation, the City would designate the zone of the property as R-7, single family residential 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 annexed, the owner would be subject to City taxes and fees.

**SECTION 7:** If a majority of eligible voters vote “yes” on the measure, the City will annex the 4.9 acres of real property at 22850 and 22848 S. Weatherhill Road. The City’s Comprehensive Plan contemplates the annexation of this property and it is designated a low density residential. The public facility plans anticipate annexation of this property and the City can accommodate serving this property.

This resolution was PASSED and ADOPTED this 14<sup>th</sup> day of July, 2014, and takes effect upon passage.

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John Kovash, Mayor

ATTEST:

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Kathy Mollusky, City Recorder

APPROVED AS TO FORM:

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City Attorney