



CITY OF TROUTDALE

PHONE (503) 665-5175 | www.troutdale.info

Staff Report

REPORT DATE: October 5, 2016
HEARING DATE: October 12, 2016

FILE NUMBER / NAME	16-014 Holder Tract		
APPLICATION TYPE	Type IV – Annexation		
PROJECT APPLICANT	Lillian & Richard Holder	PROPERTY OWNER	Same as Applicant
PROJECT LOCATION	27510 SE Sweetbriar Rd	TAX MAP / TAX LOT #	1S3E01DB-07000
LAND USE MAP	LDR – Low Density Residential	LAND USE ACTIVITY	Single-Family Detached Dwelling
ZONING DISTRICT	R-10 Single-Family Residential	OVERLAY DISTRICT	None

REQUEST

The Applicant is proposing the *annexation* of the property described above into the City of Troutdale. The Applicant intends to maintain existing zoning district and land use classification designations as currently arranged through an inter-governmental agreement with Multnomah County. The Property is entirely within the Metro Urban Growth Boundary.

PROCEDURE

This application is undergoing a Type IV quasi-judicial procedure. [TDC Sec. 2.120, 6.100 and Ch. 16] This procedure requires a Public Hearing, Planning Commission review, and City Council approval in order to be adopted. Nearby property owners, relevant review entities, and other stakeholders were notified in accordance with TDC sections 16.030 and 16.040. Supplements and modifications to this procedure to comply with state law may be required. [TDC 6.010]

VICINITY MAP



APPLICABLE CRITERIA

Listed below are governing standards that shall apply:

- *City of Troutdale Comprehensive Land Use Plan ("Comp Plan")*
- *Troutdale Development Code [TDC]: Ch. 1 Introductory Provisions; Ch. 2 Procedures for Decision Making; Sec. 3.020 R-10 Single-Family Residential; Sec. 6.000 Annexation; Ch. 16 Public Deliberations and Hearings*
- *City of Troutdale Construction Standards for Public Works Facilities*
- *Metro Code: Ch. 3.09 Local Government Boundary Changes*
- Relevant provisions in the Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR)

OVERVIEW

The Applicant has filed for annexation with the City of Troutdale. No other development proposal or land use applications are included with this file, though the Applicant is intending to connect into City water and sewer infrastructure to obtain service for the property. The property is currently developed with a single-family residential dwelling and is accessed via a shared driveway on a curved area of SE Sweetbriar Road.

Aside from the property to the south and its driveway access, the property is surrounded by single-family residential land uses and zoning within the City of Troutdale. The unincorporated property to the south is within Troutdale's Urban Planning Area (UPA), in which the City has zoning and development jurisdiction through an intergovernmental agreement with Multnomah County. Both the property in question and the property to the south are zoned R-10 in the UPA and are single-family residential in terms of land use.

APPLICATION PROCESS

The Applicant had a pre-application meeting with Staff in March 2016. The Applicant submitted materials in late August 2016 and the application was deemed complete on August 31, 2016. The Oregon Department of Land Conservation & Development (DLCD) and Metro were notified in proper timeframes, consistent with their requirements. A *Notice of Application and Public Hearing ("Notice")* was posted on the City's website, City Hall, and Planning & Building Offices on September 7, 2016. A public notice was placed on the property on September 12, 2016, and nearby property owners were mailed notices in September 2016. The period to provide testimony for the Staff Report closed on October 3. Any testimony received between that date and the hearing date will be included at the hearing as exhibits.

REVIEW ENTITY TESTIMONY

Listed below are review entities who received the *Notice*. If the entity provided testimony, they can be found in a corresponding attachment.

Review Entity	Comments	Review Entity	Comments
Planning	See Analysis (Page 3)	Multnomah County Land Use Planning	None Received
Public Works	Attachment 2	Metro	None Received
		Oregon DLCD	None Received

CITIZEN TESTIMONY / OTHER REMARKS (PERIOD ENDING OCTOBER 3, 2016)

A neighbor called the City on September 12, saying she had seen the public notice and to ask for clarification on what type of application was to occur, and if new development was being approved. No formal written testimony was entered.

A neighbor notified Staff on September 25 that several neighbors had not received notification and that the public notice affixed to the sign posted on the property had been detached. Staff responded to the neighbor and followed up by sending the notifications out and re-attaching the public notice to the sign on September 26.

ANALYSIS

The Applicant provided a packet of information (Attachment 1) that included a narrative, the required survey and legal descriptions, and their responses on how they believe their application meets the decision criteria. Staff reviewed the application in consideration of the applicable criteria and testimony provided and offers the following points:

- This property is surrounded by similar types of single-family residential properties and is also designated and zoned to be of the same use based on the City's official maps and its Urban Planning Area Agreement with Multnomah County. Based on discussions with the applicants (who are also the property owners living on the site), there is no intended future development of the property and that access to utilities is the major motivator.
- The Urban Planning Area (UPA) was designed in part to encourage unincorporated properties to annex into the City to obtain services, as the City was or was planning to provide them to adjacent areas. This is an example of the URA and specifically Goal 14 of the Comprehensive Land Use Plan being put to work.
- Decision criteria to be utilized includes provisions from the Troutdale Development Code and Metro Code.

DECISION CRITERIA FROM TROUTDALE DEVELOPMENT CODE [TDC 6.010]

1. **The proposal conforms to the Comprehensive Land Use Plan, or substantial changes in conditions have occurred which render the Comprehensive Land Use Plan inapplicable to the annexation.**

FINDING: Annexation of this particular property is relatable to several goals in the Comprehensive Land Use Plan ("Comp Plan"). Goal 14 (Urbanization) in particular is relevant. Goal 14 lists six policies for urbanization, one of which states: "Annex those areas within the City's [Urban Planning Area] when services are requested [Page 66]. This application is an example of a request for services. As such, the criterion is met.

2. **Inclusion of the territory within the City would be consistent with the purpose served by the City.**

FINDING: As one of its primary services it offers, the City of Troutdale provides high quality water, sanitary sewer, and wastewater services to properties within the incorporated areas. Through Goal 14 policy, the services are also provided to continuous unincorporated properties in order to facilitate an orderly annexation into the City if and when it is requested. As such, the criterion is met.

DECISION CRITERIA FROM METRO CODE [3.09.050.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, which are as followed:

The [boundary] change is consistent with expressly applicable provisions in:

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

FINDING: The current Public Facilities Plan was adopted in May 2014. Public Works Staff has provided commentary on this application and has met with the applicants to discuss tie-in procedures and system development charges. This annexation petition is consistent with the Plan and thus the criterion is met.

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

FINDING: See the Findings associated with the Troutdale Development Code. The criterion is met.

STAFF RECOMMENDATION

Upon review of the Decision Criteria for Annexations outlined in Section 6.010 of the Troutdale Development Code, and Chapter 3.09 of the Metro Code, **Staff recommends approval** of this annexation petition, subject to compliance with the Conditions of Approval outlined in the draft Findings of Fact & Recommendation. (Attachment 3)

ATTACHMENTS

1. Application Packet from the Applicant (contains narrative, survey, legal description, and approval criteria replies)
2. Public Works Comments
3. Findings of Fact & Recommendation for City Council

Narrative
For:

Annexation Petition

Troutdale, Oregon

August 11th, 2016

Applicant/Owner:

Contact: Lillian Holder
27510 SE Sweetbriar Rd.
Troutdale, OR 97060
Phone: (503) 314-7872
Email: holderli@aol.com

Representative:

Dom Liserre
Ray Moore, P.E., P.L.S.
All County Surveyors & Planners, Inc.
P.O. Box 955
Sandy, OR 97055
Phone: 503-668-3151
Fax: 503-668-4730
Email: dom@allcountysurveyors.com
raym@allcountysurveyors.com

Job No. 16-130

Table of Contents

Exhibit A	Project Narrative
Exhibit B	8.5" x 11" map of property
Exhibit C	Approval Criteria

Exhibit A

Project Narrative

Project Narrative

The affected property is specifically described as Tax Lot 7000 on Multnomah County Assessor's Map 1S3E01DB totaling 2 acres. The applicant and owner of the property is Lillian Holder. The property is completely within the Urban Growth Boundary. The property is zoned UPAR-10 (Urban Planning Area - Residential). There is currently a dwelling built near the center of the property, with street access to Sweetbriar Road. The driveway is partially paved, and is partially gravel. The street address is 27510 SE Sweetbriar Rd. The property is 2.00 acres. There is an ingress and egress easement over the most easterly 20 feet for access to the property directly to the South.

The purpose of the proposed annexation is to gain access to the City services. Currently, the Troutdale City Limits border 3 sides of the territory in question. The territory is not in the 100 year floodplain, and has no natural water features. The Multnomah County Assessor has a current tax assessed value of \$289,350.

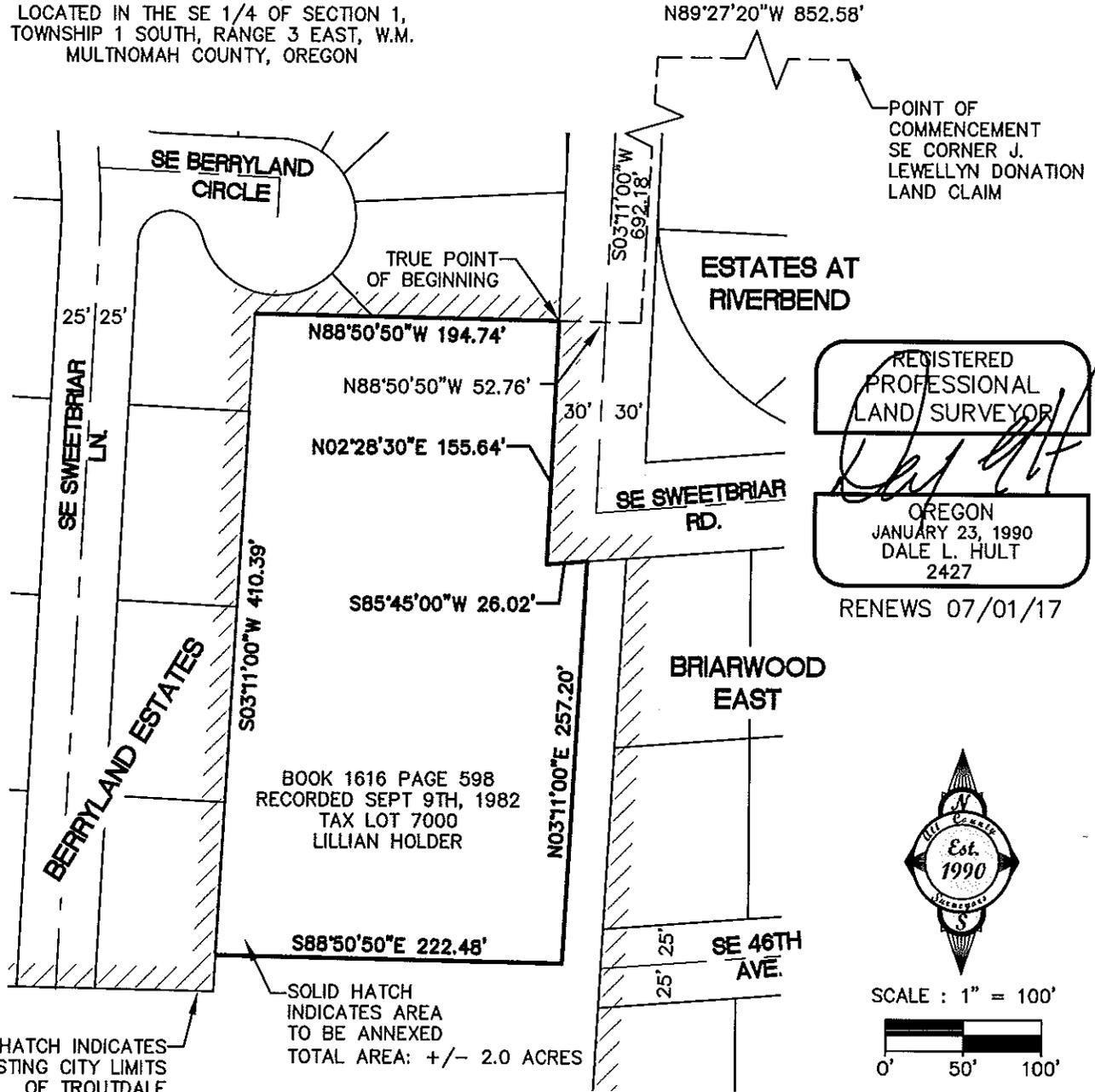
Exhibit B

Map of Property

CLIENT: LILLIAN HOLDER

ANNEXATION PETITION FOR:
LILLIAN HOLDER

TAX LOT 7000,
LOCATED IN THE SE 1/4 OF SECTION 1,
TOWNSHIP 1 SOUTH, RANGE 3 EAST, W.M.
MULTNOMAH COUNTY, OREGON



REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]

OREGON
JANUARY 23, 1990
DALE L. HULT
2427

RENEWS 07/01/17



SCALE : 1" = 100'



HATCH INDICATES
EXISTING CITY LIMITS
OF TROUTDALE

SOLID HATCH
INDICATES AREA
TO BE ANNEXED
TOTAL AREA: +/- 2.0 ACRES

NOTE:
THIS MAP IS DESIGNED FOR AN ANNEXATION PETITION. NO
CORNER MARKERS WERE SET AND THE LOCATION DATA
SHOWN IS BASED ON EXISTING PLATS, SURVEYS AND DEEDS.
THE PURPOSE OF THIS MAP IS TO SHOW THE LOCATION OF
THE PROPOSED TERRITORY TO BE ANNEXED. NO LIABILITY IS
ASSUMED BY ALL COUNTY SURVEYORS & PLANNERS FOR ANY
USE OF THE DATA FOR CONSTRUCTION OF NEW
IMPROVEMENTS OR FENCES. THIS MAP SHOULD NOT BE
CONSIDERED AS A BOUNDARY SURVEY UNDER O.R.S.
CHAPTERS 92 AND 209.

All County
Surveyors & Planners, Inc.

Surveying, Planning
and Civil Engineering
P.O. Box 955 Sandy, OR 97055
Phone: (503) 668-3151
Fax: (503) 668-4730
Subject to General Conditions 2006 ©

16-133 Annexation.dwg
DATE OF PLOT: 8/15/16



All County Surveyors & Planners, Inc.

PO Box 955

• Sandy, Oregon 97055

• Phone: 503-668-3151

• Fax: 503-668-4730

Exhibit "A"

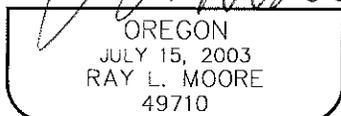
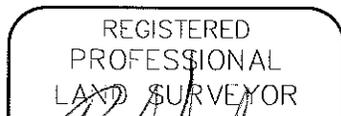
LEGAL DESCRIPTION FOR AN ANNEXATION TO THE City of Troutdale

August 15th, 2016

A tract of land situated in the Southeast one-quarter of Section 1, Township 1 South, Range 3 East, of the Willamette Meridian, in the County of Multnomah and State of Oregon, more particularly described as follows:

COMMENCING at the Southeast corner of the J. Lewellyn Donation Land Claim; thence North 89°27'20" West along the South line of said Lewellyn Donation Land Claim, a distance of 852.58 feet; thence South 3°11'00" West a distance of 692.18 feet; thence North 88°50'50" West a distance of 52.76 feet to a point in the West line of Sweetbriar Road and the POINT OF BEGINNING of the tract herein to be described; thence North 88°50'50" West a distance of 194.74 feet to a corner in that tract to be described in deed recorded January 9, 1957 in Book 1824 page 173, Deed Records; thence South 3°11'00" West a distance of 410.39 feet; thence South 88°50'50" East a distance of 222.48 feet to an iron rod; thence North 3°11'00" East a distance of 257.20 feet to an iron rod in the South line of Sweetbriar Road; thence South 85°45'00" West along said South line a distance of 26.02 feet to an angle point; thence North 02°28'30" East along the West line of Sweetbriar Road, a distance of 155.64 feet to the point of beginning.

Said tract also being Tax Lot 7000 of Assessor Map 1S3E1DB.



RENEWAL DATE: 12/31/16

Exhibit C

Approval Criteria

6.000 ANNEXATION

6.010 Annexation Criteria. A proposal to annex territory to the City shall be conducted under the Type IV procedure with supplements or modifications required to comply with state law. When an annexation proposal has been initiated and the Director has determined the territory is eligible for annexation, it shall be referred to the Planning Commission. The Commission shall base its recommendation to the City Council on whether the following criteria have been met:

A. The proposal conforms to the Comprehensive Land Use Plan, or substantial changes in conditions have occurred which render the Comprehensive Land Use Plan inapplicable to the annexation.

Many of the goals of the Comprehensive Land Use Plan are not applicable. The annexation meets generally meets those that do apply. Specifically, it meets Goals 1, 2, 6, 10, and 14.

B. Inclusion of the territory within the City would be consistent with the purpose served by the City.

Inclusion of the territory within the City would further the City purposes to control the extension of utility services to this site.

Metro Code 3.09.050(d)

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;

Water and sanitary services are available from SE Sweetbriar Road which abuts the property.

2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

The affected territory will not withdraw from any other necessary party.

3. The proposed effective date of the boundary change.

??

Date: October 3, 2016
To: Chris Damgen, Planning Director
CC: File
Steve Gaschler, Public Works Director
David Schaffer, Water & Streets Superintendent
Greg McIntire, Wastewater Superintendent
From: Travis Hultin, Chief Engineer *TH*
RE: Type IV Annexation Review, Holder Annexation (File No. 16-014)

The Public Works Department has reviewed the Type IV submittal for the Holder Annexation. These comments are divided into two categories: general comments and proposed conditions. General comments are informational points to guide the applicant in the proper planning of public works infrastructure for this project, to inform the applicant of possible extraordinary issues and/or to provide the basis for findings. Proposed conditions are requirements that Public Works recommends be formally imposed on the developer in the final order. Note that references to the "City Standards" herein refer to the *Construction Standards for Public Works Facilities*.

General Comments/Findings

1. Any and all utility and transportation plans submitted with this application have been reviewed for the purpose of determining the feasibility of providing utility and transportation facilities for the property in accordance with City Standards. This land use approval does not constitute final approval of details, including but not limited to alignments, materials and points of access, connection or discharge, that are depicted or suggested in the application. The applicant is required to submit detailed construction drawings and/or plat drawings for the project, as applicable. The City of Troutdale Public Works Department will review plans, in detail, when they are submitted and approve, reject or require modifications to the plans or drawings based upon conformance with City Standards, the TDC and the professional engineering judgment of the Chief Engineer.
2. It is the opinion of the Public Works Department that the proposed Annexation can be implemented in accordance with the requirements of the Troutdale Development Code (as it pertains to Public Works requirements) and Construction Standards, provided it fully addresses the comments and conditions contained herein, and can be approved.
3. There are no extraordinary traffic impacts anticipated on City streets from this annexation. Future redevelopment of the property may generate additional traffic impacts, and additional transportation related requirements may apply at the time of such future redevelopment. Any transportation related requirements associated with the County road system shall be as determined by the County. Access permits to the County road for the property are the purview of the County. The geometry of the property and relation to adjacent stub streets may not lend itself to proper street connections at the

time of future redevelopment. The owner should examine this carefully and consider property line adjustments to facilitate development when planning for redevelopment in the future.

4. There are public storm sewer mains in the vicinity of the site. Storm water management can be sufficiently addressed on the site at the time of future redevelopment. Connection and/or discharge to the stormwater system in the County road is the purview of the County.
5. The subject property is part of the City's Urban Planning Area and has been considered in the development of the City's Water, Sewer and Stormwater Master Plans. Public Works foresees no concerns with providing utility service to the existing home on the property. However, the Sanitary Sewer master plan does identify anticipated downstream capacity issues in sanitary sewer collection system Basin C, which serves the subject lands. Future redevelopment of this property that results in a significant increase in demand may require resolution of the identified capacity limitations, depending on timing. The City's capital improvement plan includes a future project (SA-056) to resolve these anticipated capacity limitations, currently designated long term due to cost. The City has sufficient sanitary sewer treatment capacity to accommodate development of the lands proposed for annexation, both now and for future redevelopment.
6. Existing water and sewer service are readily available on the Sweetbriar Road frontage of the site. A single residential water service stub was extended to the site's Sweetbriar Road frontage when the respective water main was installed, in anticipation of future annexation and future connection of the property. The City has sufficient water supply and distribution facilities to serve the property. Future redevelopment of the site may require extensions of the water distribution system, to be determined at that time.
7. A sanitary sewer main is readily accessible on the site's frontage, but the owner will be responsible for installing a lateral to this main when sewer service is desired or required. Additionally, connection to the City sewer will require decommissioning of the existing septic system on site in accordance with DEQ requirements. Future redevelopment of the site may require extensions of the sanitary sewer collection system, to be determined at that time.
8. The owner is not required to connect the existing home to water and sewer service upon annexation, but will be required to connect if a new structure is built on the property or the existing structure(s) is expanded. The owner may elect to connect to water and sewer prior to that, which requires a Public Works Permit, a Utility Connection Application, and payment of applicable water and sewer SDC's and other associated fees. Water and Sewer SDC's are required only upon connection to those respective systems.
9. Transportation, Stormwater, and Parks SDC's are applicable to all residences within the City. The owner must pay these SDC's following completion of annexation. See proposed condition 1.

Proposed Conditions

1. The owner shall pay applicable Transportation, Storm Water and Parks SDC's within thirty calendar days of completion of Annexation.



CITY OF TROUTDALE

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Findings of Fact & Recommendation

FILE NUMBER / NAME	16-014 Holder Tract		
APPLICATION TYPE	Type IV – Annexation		
PROJECT APPLICANT	Lillian & Richard Holder	PROPERTY OWNER	Same as Applicant
PROJECT LOCATION	27510 SE Sweetbriar Rd	TAX MAP / TAX LOT #	1S3E01DB-07000
LAND USE MAP	LDR – Low Density Residential	LAND USE ACTIVITY	Single-Family Detached Dwelling
ZONING DISTRICT	R-10 Single-Family Residential	OVERLAY DISTRICT	None

REQUEST

The Applicant is proposing the *annexation* of the property described above into the City of Troutdale. The Applicant intends to maintain existing zoning district and land use classification designations as currently arranged through the Urban Planning Area under an intergovernmental agreement with Multnomah County (City of Troutdale: Resolution 1364). The Property in Question is entirely within the established Metro Urban Growth Boundary.

PROCEDURE

This application has undergone a Type IV quasi-judicial procedure. [TDC Sec. 2.120, 6.100 and Ch. 16] This procedure required a Public Hearing, Planning Commission review, and City Council approval in order to be adopted. Nearby property owners, relevant review entities, and other stakeholders were notified in accordance with TDC sections 16.030 and 16.040, Metro Code, and governing state statutes and administrative rules.

APPLICABLE CRITERIA

Listed below are governing standards that were applied:

- *City of Troutdale Comprehensive Land Use Plan ("Comp Plan")*
- *Troutdale Development Code (TDC): Ch. 1 Introductory Provisions; Ch. 2 Procedures for Decision Making; Sec. 3.020 R-10 Single-Family Residential; Sec. 6.000 Annexation; Ch. 16 Public Deliberations and Hearings*
- *City of Troutdale Construction Standards for Public Works Facilities*
- *Multnomah County – Troutdale Urban Planning Area Agreement (1998)*
- *Metro Code: Ch. 3.09 Local Government Boundary Changes*
- Relevant provisions in the Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR)

FINDINGS OF FACT

The Troutdale Planning Commission hereby finds the following in this matter:

1. The Affected Territory is generally described as Tax Lot 7000 on Multnomah County Tax Assessor's Map 1S3E01DB, totaling two (2) acres, more or less as specifically described in attached in the map (page 5 of 7) and legal description (exhibit A of the map), both contained within Exhibit B of the Applicant Packet as prepared by All County Surveyors & Planners, Inc.

2. Pursuant to Troutdale Development Code (TDC) Section 6.010, the proposal for annexation of the Affected Territory to the City of Troutdale was conducted as a Type IV Quasi-Judicial procedure. The Director determined that the Affected Territory is eligible for annexation, as it is entirely within the Metro Urban Growth Boundary.
3. Pursuant to TDC Section 6.030, the current Comprehensive Land Use Plan Map designation of Low Density Residential, and the Zoning District Map designation of R-10 Single-Family Residential was adopted by Multnomah County through an Urban Planning Area Agreement with the City of Troutdale, and no map changes are necessary.
4. Pursuant to TDC Section 16.030:
 - a. A public hearing was held before the Troutdale Planning Commission on October 12, 2016 to consider annexation of the Affected Territory into the City of Troutdale.
 - b. Notice of the hearing was mailed to property owners within 250 feet of the Affected Territory and to necessary parties as defined by Metro Code.
 - c. Notice of the hearing was posted on the Affected Territory on Sweetbriar Road frontage.
 - d. Notice of the hearing was posted at City Hall, at the Building Planning offices, and on the City website.
 - e. There was testimony (...)
5. Pursuant to TDC Section 6.010, the following findings are made with regards to the decision criteria:

(A) The proposal conforms to the Comprehensive Land Use Plan, or substantial changes in conditions have occurred which render the Comprehensive Land Use Plan inapplicable to the annexation.

FINDING: Annexation of this particular property is relatable to several goals in the Comprehensive Land Use Plan ("Comp Plan"). Goal 14 (Urbanization) in particular is relevant. Goal 14 lists six policies for urbanization, one of which states: "Annex those areas within the City's [Urban Planning Area] when services are requested [Page 66]. This application is an example of a request for services. As such, the criterion is met.

(B) Inclusion of the territory within the City would be consistent with the purpose served by the City.

FINDING: As one of its primary services it offers, the City of Troutdale provides high quality water, sanitary sewer, and wastewater services to properties within the incorporated areas. Through Goal 14 policy, the services are also provided to continuous unincorporated properties in order to facilitate an orderly annexation into the City if and when it is requested. As such, the criterion is met.

6. Pursuant to Metro Code Section 3.09.050(d), the annexation is consistent with the City-County Urban Planning Area Agreement of 1998; is consistent with the City's Public Facilities Plan; is consistent with the City's Comprehensive Land Use Plan; is consistent with the Metro Regional Framework and Functional Plans; will promote the timely, orderly, and economic provisions of public facilities and services; and is consistent with other applicable criteria for annexation under state and local laws. Upon annexation, the City of Troutdale Public Works, Multnomah County Sheriff's Office, Gresham Fire & Emergency Services, and the Gresham-Barlow School District will provide urban services to the Affected Territory. Upon annexation, the Affected Territory will be de-annexed from Fire District #10.

RECOMMENDATION

Based upon the foregoing, the Troutdale Planning Commission hereby recommends to the Troutdale City Council approval of the annexation of approximately 2 acres of real property (Affected Territory) generally identified as Tax Lot 7000 on Multnomah County Tax Assessor's Map 1S3E01DB and the abutting Sweetbriar Road right-of-way.

ADOPTED THIS 12th DAY OF OCTOBER 2016

Tanney Staffenson, Planning Commission Chair