

City of St. Helens
ORDINANCE NO. 3228

AN ORDINANCE TO ANNEX AND DESIGNATE THE ZONE OF CERTAIN
PROPERTY AT 60110 and 60120 BARRICK LANE

WHEREAS, applicant Eric L. Zahl and Linda M. Zahl have requested to annex to the City of St. Helens certain property at 60110 and 60120 Barrick Lane. This property is also described per **Exhibit A** and depicted per **Exhibit B**; and

WHEREAS, the applicant has consented in writing to the proposed annexation; and

WHEREAS, the applicant constitutes 1) all the owners of the property to be annexed, and 2) more than half of the owners of the property to be annexed own more than half of such property representing more than half of the assessed value pursuant to ORS 222.170(1); and

WHEREAS, the City Council must determine the incorporated Comprehensive Plan Map designation and the Zone Map designation; and

WHEREAS, appropriate notice has been given and a public hearing was held June 20, 2018 on the annexation proposal; and

WHEREAS, the Council has considered findings of compliance with criteria and law applicable to the proposal.

NOW, THEREFORE, THE CITY OF ST. HELENS DOES ORDAIN AS FOLLOWS:

Section 1. The above recitations are true and correct and are incorporated herein by this reference.

Section 2. The property described in **Exhibit A** and depicted in **Exhibit B** is hereby accepted for annexation to the City of St. Helens.

Section 3. The St. Helens Zoning Ordinance Map is hereby amended to reflect that the property described herein shall be zoned Moderate Residential, R7.

Section 4. The St. Helens Comprehensive Plan Map is hereby amended to reflect that the property described herein shall be designated as Suburban Residential, SR.

Section 5. The land is classified as "Developing" in accordance with Chapter 17.112 of the St. Helens Community Development Code (SHMC Title 17) and OAR 660-08-0005.

Section 6. In support of the above annexation and amendments described herein, the Council hereby adopts the Annexation A.1.18 Findings of Fact and Conclusions of Law, attached hereto as **Exhibit C** and made part of this reference.

Section 7. The effective date of this Ordinance shall be 30 days after approval, in accordance with the City Charter and other applicable laws.

Read the first time: July 18, 2018
Read the second time: August 15, 2018

APPROVED AND ADOPTED this 15th day of August, 2018 by the following vote:

Ayes: Carlson, Conn, Morten, Scholl

Nays: None



Rick Scholl, Mayor

ATTEST:



Kathy Payne, City Recorder

EXHIBIT A
LEGAL DESCRIPTION

Parcels 1 and 2 of Partition Plat No. 1999-16, Columbia County, Oregon;

And, a Parcel (hereinafter called Parcel 3) bounded by the following:

The South side of the Elk Ridge Estates, Phase 2 and Phase 5 Subdivisions, City of St. Helens, Columbia County, Oregon, along the North side of Parcel 3;

The North/Northwest side of Parcel 2 of Partition Plat No. 1999-16, Columbia County, Oregon, along the East and South sides of Parcel 3;

The East side of the Hankey County Road No. P-128 right-of-way along the West side of Parcel 3.

Ordinance No. 3228 - Exhibit B

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Partition Plat No. 1999-16
For Eric & Linda Zahl
Sited in The Francis Perry D.L.C.
In The S.E. 1/4
Section 32, T.5N., R.1W., W.M.
Columbia County, Oregon
April 8, 1999

Notes

This partition is subject to a 15' wide "right of way for road purposes" per D.B. 44, Pg. 144. Exact location not defined.
Adequate water supply and sewage disposal has not been proven for Parcels 1 and 2 of this partition.

REGISTERED PROFESSIONAL LAND SURVEYOR
DAVID E. LINDSAY
RENEWAL DATE: 12-31-2000



Reynolds
Lond Surveying, Inc.
Warren, Oregon, 97143
(503) 307-5516

Instrument No. 97-01987
Parcel 1

The Zehls challenge the legitimacy of the deeded transfer.

18" WIDE ROAD EASEMENT FOR THE BENEFIT OF SUBJECT TRACT PER INSTR. NO. 88-05237

PROPERTY LINE OF SUBJECT TRACT PER INSTR. NO. 88-05237 & PER INSTRUMENT NO. 88-05234

ADDITIONAL (1977) RIGHT OF WAY DEDICATION

FOUND N 88°48'07"E 63.0' HELD FOR ALIGNMENT (SEE NARRATIVE)

5/8" IRON ROD (1 1/2" UP & LEAVING) WITH 3/4" BRASS WASHER STAMPED "REYNOLDS LAND SURVEYING, INC." HELD FOR ALIGNMENT (SEE NARRATIVE)

FOUND N 88°48'07"E 63.0' HELD FOR ALIGNMENT (SEE NARRATIVE)

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Curve Data

CURVE	RADIUS	LENGTH	DELTA	CHORD	CHANGING
C-1	702.04'	53.58'	4°11'58"	53.58'	N 35°43'19"W
C-2	35.00'	58.78'	9°11'71"	50.00'	N 02°53'49"E
C-3	35.00'	72.37'	8°49'53"	53.38'	N 51°34'31"E
C-4	35.00'	72.37'	8°49'53"	53.38'	N 51°34'31"E
C-5	683.04'	274.15'	24°52'56"	273.37'	N 27°24'15"W
C-6	708.04'	57.83'	4°38'21"	57.83'	N 35°43'19"W

Line Data

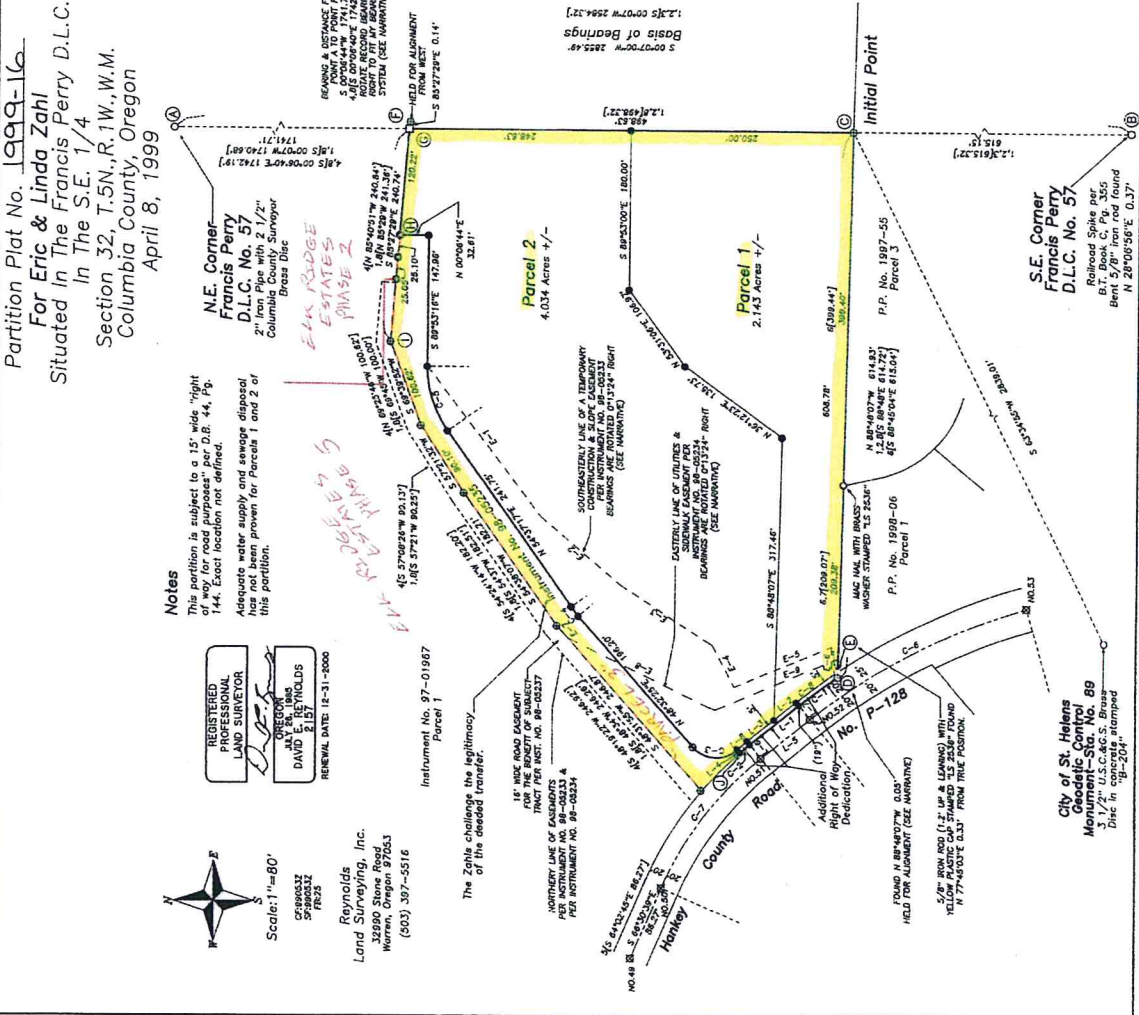
COURSE	BEARING	DISTANCE
L-1	N 35°43'19"W	70.32'
L-2	N 02°53'49"E	50.00'
L-3	N 51°34'31"E	53.38'
L-4	N 51°34'31"E	53.38'
L-5	N 27°24'15"W	273.37'
L-6	N 35°43'19"W	57.83'
L-7	N 40°38'34"W	14.81'

Easement Data

COURSE	BEARING	DISTANCE
E-1	S 53°13'47"W	212.82'
E-2	S 49°13'37"W	718.02'
E-3	S 82°20'14"W	54.26'
E-4	S 22°53'39"E	118.27'
E-5	S 49°13'37"W	18.58'
E-6	S 49°13'37"W	18.58'
E-7	S 23°07'03"E	150.19'

Legend

- Denotes monument found as noted.
- ⊗ Denotes 5/8" iron rod with 1 1/2" aluminum cap stamped "REYNOLDS LAND SURVEYING, INC." found per C.S. No. 4423 (Hankey Road Survey). Caps are stamped with numbers per C.S. No. 4423.
- ⊙ Denotes 5/8" iron rod found per C.S. No. L-368.
- ⊖ Denotes 5/8" iron rod found with yellow plastic cap marked "MARTINEZ LS 2538" per proposal for abandonment of parcel of land North of subject tract. Origin as yet unrecorded.
- ⊕ Denotes 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING, INC." 4ft. Length of iron rod is 30" unless otherwise noted in parenthesis.
- ⊗ Denotes Map Nub with 1 1/2" brass washer stamped "REYNOLDS L.S. 2157" set in bedrock.
- Denotes calculated position.
- 1) Denotes record date per C.S. No. L-368.
- 2) Denotes record date per C.S. No. L-385.
- 3) Denotes record date per C.S. No. L-377.
- 4) Denotes record date per C.S. No. 4337.
- 5) Denotes record date per C.S. No. 4423.
- 6) Denotes record date per C.S. No. P.P. 1997-55.
- 7) Denotes record date per C.S. No. P.P. 98-06.
- 8) Denotes record date per instrument No. 98-05237, Parcel 1 (body of description or exception).



S.E. Corner
Francis Perry
D.L.C. No. 57
Railroad Spike per
B.T. Book C, Pg. 355
Bent 5/8" iron rod found
N 28°00'36"E 0.37'

City of St. Helens
Monument - Sta. No. 89
Dug in corner, stamped
10-2-204

FOUND N 88°48'07"E 63.0'
HELD FOR ALIGNMENT (SEE NARRATIVE)

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**CITY OF ST. HELENS PLANNING DEPARTMENT
FINDINGS OF FACT AND CONCLUSIONS OF LAW
Annexation A.1.18**

APPLICANT: Eric & Linda Zahl
OWNERS: Same
ZONING: Columbia County's Single-Family Residential, R-10 Zoning
LOCATION: 5N1W-32DC-1900 & 2000
PROPOSAL: The property owner filed consent to annex to develop the property using City development standards

SITE INFORMATION / BACKGROUND

The subject property contains two adjacent parcels that total approximately 6.64 acres. The parcels are accessed by Barrick Lane, which is a driveway and variable width access easement originally described in Instrument No. 98-05237 as 16 feet in width. The variable access easement was widened with Elk Ridge Estates Phase 2. The location of the access easement appears to coincide with the actual location of the driveway. The driveway is gravel, except for a small asphalt portion adjacent to Hankey Road. Hankey Road has sidewalks and curb for the entire length of the subject properties. There are two street stubs that terminate on the subject properties, one off Wapiti Drive in the Elk Ridge Estates subdivision to the north and one off Skyline Drive in the Sunrise Heights subdivision to the south.

Each parcel is developed with a detached single-family dwelling and other smaller accessory buildings. The parcels slope generally towards the northwest property line with a cliff drop off down to Hankey Road below. There are multiple large, mature trees on the property. The property is bordered on the east with Weyerhaeuser-owned property which is zoned County Primary Forest. The other three borders of the property are zoned the City's Moderate Residential, R7 zone.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: May 8, 2018 before the Planning Commission and June 20, 2018 before the City Council.

At their May 8, 2018 public hearing, the Commission unanimously recommended approval of the annexation and that the property be zoned R7.

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on April 25, 2018 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in the The Chronicle on April 25, 2018. Notice was sent to the Oregon Department of Land Conservation and Development on March 29, 2018 via e-mail.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.20.120 – Standards for Legislative Decision

(1) The recommendation by the commission and the decision by the council shall be based on consideration of the following factors:

- (a) The statewide planning goals and guidelines adopted under ORS Chapter 197, including compliance with the Transportation Planning Rule (TPR) as described in SHMC 17.08.060
- (b) Any federal or state statutes or guidelines found applicable;
- (c) The applicable comprehensive plan policies, procedures, appendices and maps; and
- (d) The applicable provisions of the implementing ordinances; and
- (e) A proposed change to the St. Helens zoning district map that constitutes a spot zoning is prohibited. A proposed change to the St. Helens comprehensive plan map that facilitates a spot zoning is prohibited.

(2) Consideration may also be given to:

- (a) Proof of a change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.

Findings:

(1)(a) The statewide planning goals and compliance with the Transportation Planning Rule (TPR) are addressed later.

(1)(b) Section 3 of the City’s Charter states that “annexation, delayed or otherwise, to the City of St. Helens, may only be approved by a prior majority vote among the electorate.” However, during the 2016 Legislative Assembly, Senate Bill 1578 was passed. It states that a City shall annex the territory without submitting the proposal to the electors if certain criteria are met:

- 1. Property is within the UGB
- 2. Property will be subject to the City’s Comprehensive Plan
- 3. Property is contiguous to the City limits or is separated by only a public right of way or body of water
- 4. Property conforms to all other City requirements

As this proposal meets these criteria, this property will not be subject to a majority vote among the electorate.

There are no other known federal or state statutes applicable to this proposal.

(1)(c) The Comprehensive Plan designation for the subject property is Rural Suburban Unincorporated Residential (RSUR). Applicable designation and zoning district for annexation are discussed later.

There is no known conflict with the general Comprehensive Plan policies identified in Chapter 19.08 SHMC. Note that SHMC 19.08.030 discusses public services and facilities and includes utility provisions (e.g., water and sewer) as well as services such as police and library. In sum, all services are intertwined; the consent to annexation allows connection to City sewer to support existing and future development on the subject property, and, once annexed, all other City services/facilities. By this process, the proposal complies with this aspect of the Comprehensive Plan.

There is no known conflict with the addendums to the Comprehensive Plan which includes Economic Opportunities Analysis (Ord. No. 3101), Waterfront Prioritization Plan (Ord. No. 3148), the Transportation Systems Plan (Ord. No. 3150), the Corridor Master Plan (Ord. No. 3181), and the Parks & Trails Master Plan (Ord. No. 3191).

Finally, there is no evidence that this proposal will be contrary to the health, safety and welfare of the community.

(1)(d) Relevant implementing ordinances are discussed later in the annexation criteria.

(1)(e) This criteria prohibits spot zoning. The Development Code defines “spot zoning” as:

Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan.

The Planning Commission recommended the R7 zoning so that it does not constitute a spot zoning. The Planning Commission finds any other zoning would be incompatible with the surrounding area because the (1) subject property is too small to warrant a different zoning district than that surrounding it, (2) there is R7 zoning on multiple sides, and (3) there is no contiguous other zoning.

The Council agrees with the Planning Commission. In addition to the Commission’s findings the Council finds that the R5 zoning requested by the owner would allow uses not compatible with the area dominated by R7 zoning; R5 would not be an appropriate fit for the area. The Council also finds that due to poor visibility of intersections at Hankey Road, allowing a higher residential density would exacerbate that problem, whereas R7 is fair because it is consistent with the area. Allowing a lower density (i.e., R10) due to potential transportation issues would not be fair given the preponderance of R7.

(2)(a) There is no evidence of a change in neighborhood, or mistake or inconstancy in the Comprehensive Plan or Zoning Map.

SHMC 17.08.060 – Transportation planning rule compliance

- (1) Review of Applications for Effect on Transportation Facilities. A proposed comprehensive plan amendment, zone change or land use regulation change, whether initiated by the city or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-012-0060 (the Transportation Planning Rule (“TPR”). “Significant” means the proposal would:
 - (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or
 - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (i) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

- (ii) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or
 - (iii) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
- (2) Amendments That Affect Transportation Facilities. Comprehensive plan amendments, zone changes or land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:
- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
 - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of OAR 660-012-0060.
 - (c) Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation.
 - (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
- (3) Traffic Impact Analysis. A traffic impact analysis shall be submitted with a plan amendment or zone change application, as applicable, pursuant to Chapter 17.156 SHMC.

Discussion: This section reflects State law regarding the Transportation Planning Rule (TPR): Transportation Planning Rule (TPR), OAR 660, Division 12. The TPR requires that where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures to assure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility. **This proposal is an annexation, not a zone change or a Comprehensive Plan amendment.**

Finding: No traffic impact analysis is warranted at this time.

SHMC 17.28.030 (1) – Annexation criteria

- (a) Adequate public facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and
- (b) Comply with comprehensive plan amendment standards and zoning ordinance amendment standards and not be in conflict with applicable comprehensive plan policies and implementing ordinances; and
- (c) Complies with state laws; and
- (d) Abutting roads must meet city standards or property owner will be required to sign and record an irrevocable consent to local improvement district; and
- (e) Property exceeding 10 acres in gross size must show a need on the part of the city for such land if it is designated residential (e.g., less than five years' supply of like designated lands in current city limits).

Findings:

(a) City water is available to the site from Hankey Road to the west, Wapiti Drive to the north, and Skyline Drive to the south. The City's current water capacity is 6 million gallons/day and the peak flow, usually in the summer, is 3 to 4 million gallons/day. Additionally, the City has the capacity of approximately 10 million gallons to meet future demands. Any additional uses that

occur on the subject property can be accommodated by the City's municipal water system as infrastructure has substantial capacity available.

City sanitary sewer is available from the same rights-of-way as water. Should the property owner wish to connect to City sanitary sewer, the City's waste water treatment plant currently has the capacity (physically and as permitted by DEQ) to handle 50,000 pounds of Biochemical Oxygen Demand (BOD), which is the "loading" or potency of the wastewater received by the plant. The average daily BOD is well below this at only 1,500 pounds. Thus, any potential uses that occur on the subject property can be accommodated by the City's sanitary sewer system as infrastructure is in place or can be upgraded and there is substantial capacity available.

Regarding **transportation**, as described above, this annexation does not warrant a transportation impact analysis at this time. Should the property be subdivided in the future for development, a transportation impact analysis would likely be required at that time.

Adequate public facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area.

(b) The subject property is surrounded by the City's Moderate Residential, R7 zone on three sides and County Primary Forest, PF-80 on the east side. The City's Comprehensive Plan designation for the subject property is Rural Suburban Unincorporated Residential (RSUR).

Per SHMC 19.12.060 Rural Suburban Unincorporated Residential Goals and Policies:

- (1) Goals. To provide sufficient area for urban development that will accommodate a variety of housing types.
- (2) Policies. It is the policy of the city of St. Helens to:
 - (a) Work with the county on partition and subdivision applications for these lands to ensure that they are divided in a manner that does not hinder future urbanization.
 - (b) Zone the rural suburban-unincorporated residential at R7 or R10 upon annexation to the city unless circumstances listed in subsection (2)(c) of this section exist.
 - (c) Consider zoning lands with the rural suburban-unincorporated residential category for R5 or AR if the following conditions are found:
 - (i) The parcel is vacant and larger than two acres in size.
 - (ii) The carrying capacity of the public services, including but not limited to streets, sewer, and water, are sufficient for higher density development.
 - (iii) The county and city determine, due to the pattern of development in the city and within the urban growth area, that other lands are more appropriate for these designations.

The Comprehensive Plan requires that upon annexation, Rural Suburban Unincorporated Residential, RSUR would be (incorporated) Suburban Residential, RS. There are two zoning options under that designation: Suburban Residential, R10 or Moderate Residential, R7, unless criteria under (2)(c) are met. Excluding the developed portions of the sites, the property is larger than two acres, so (2)(c)(i) is met. As noted above, the carrying capacity of the public services is also sufficient for the higher density development, so (2)(c)(ii) is met. In order to meet (2)(c)(iii), the Planning Commission and City Council must determine the zoning designation (R10, R7, R5 or AR) that follows the development pattern within the urban growth area and in the City to ensure it will not conflict with the City's Comprehensive Plan policies.

The Council finds that R7 is the most appropriate zoning district (see above).

The existing uses (detached single-family dwelling and manufactured home) are possible with all possible City residential zoning designations upon annexation.

(c) With regards to Oregon Revised Statutes (ORS), city annexations of territory must be undertaken consistent with ORS 222.111 to 222.183.

Pursuant to ORS 222.111(1), a City may only annex territory that is not within another City, and the territory must either be contiguous to the annexing City or be separated from the City only by a body of water or public right-of-way. The subject property is not within another City's jurisdiction and City of St. Helens corporate limits lies on three sides of the subject property.

Although undertaking an annexation is authorized by state law, the manner in which a city proceeds with annexation is also dictated in the city charter. ORS 222.111(1) references a city's charter as well as other ORS. St. Helens' Charter requirements pertaining to annexations are noted above.

Per ORS 222.111(2) an annexation may be initiated by the owner of real property or the city council. This annexation request was initiated by the property owners. Further, ORS 222.125 requires that that all property owners of the subject property to be annexed and at least half of the electors residing on the property consent in writing to the annexation. These documents were submitted with the annexation application.

ORS 197.175(1) suggests that all annexations are subject to the statewide planning goals. The statewide planning goals that could technically apply or relate to this proposal are Goals 1, 2, 11 and 12.

- ***Statewide Planning Goal 1: Citizen Involvement.***
Goal 1 requires the development of a citizen involvement program that is widespread, allows two-way communication, provides for citizen involvement through all planning phases, and is understandable, responsive, and funded.

Generally, Goal 1 is satisfied when a local government follows the public involvement procedures set out in the statutes and in its acknowledged comprehensive plan and land use regulations. The City's Development Code is consistent with State law with regards to notification requirements. Pursuant to SHMC 17.20.080 at least one public hearing before the Planning Commission and City Council is required. Legal notice in a newspaper of general circulation is also required. The City has met these requirements and notified DLCD of the proposal.

- ***Statewide Planning Goal 2: Land Use Planning.***
Goal 2 requires that a land use planning process and policy framework be established as a basis for all decisions and actions relating to the use of land. All local governments and state agencies involved in the land use action must coordinate with each other. City, county, state and federal agency and special districts plans and actions related to land

use must be consistent with the comprehensive plans of cities and counties and regional plans adopted under Oregon Revised Statutes (ORS) Chapter 268.

Generally, Goal 2 requires that actions related to land use be consistent with acknowledged Comprehensive Plans and coordination with affected governments and agencies and be based on an adequate factual base. The City has an adopted Comprehensive Plan, compliance of this proposal which is addressed herein. Moreover, explanation and proof of coordination with affected agencies and factual base are described herein, as well, including inventory, needs, etc.

- ***Statewide Planning Goal 11: Public Facilities and Services.***

Goal 11 requires cities and counties to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The goal requires that urban and rural development be "guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable and rural areas to be served."

City water and sewer capacities are adequate to serve the subject property. This is explained above. Moreover, there is no evidence that adequate infrastructure cannot be made available to serve the annexed area if redeveloped. The existing development is adequately served.

- ***Statewide Planning Goal 12: Transportation.***

Goal 12 requires cities, counties, metropolitan planning organizations, and ODOT to provide and encourage a "safe, convenient and economic transportation system." This is accomplished through development of Transportation System Plans based on inventories of local, regional and state transportation needs. Goal 12 is implemented through OAR 660, Division 12, also known as the Transportation Planning Rule ("TPR"). The TPR contains numerous requirements governing transportation planning and project development.

Traffic impacts and the City's provisions that address the TPR are explained above. This proposal does not warrant a transportation impact analysis at this time.

(d) The subject property abuts Hankey Road, which is a County road at this location.

The City's Transportation Systems Plan designates Hankey Road as a Minor Arterial and is subject to Minor Arterial standards. Hankey Road was allowed to be developed to an alternate standard based on subdivisions that have been developed. This alternate standard is met and will be reviewed further when the subject property is developed. At a minimum, some right-of-way dedication is anticipated around the Hankey Road/Barrick Lane intersection.

(e) The subject property is not greater than 10 acres in size, so this criterion does not apply.

Finding: The annexation approval criteria are met for this proposal.

SHMC 17.28.030 (2) – Annexation criteria

The plan designation and the zoning designation placed on the property shall be the city's zoning district which most closely implements the city's comprehensive plan map designation.

Finding: As noted above the Planning Commission and City Council finds that the R7 zone most closely implements the SR comprehensive plan designation at this location.

SHMC 17.112.020 – Established & Developed Area Classification criteria

- (1) Established Area.
 - (a) An "established area" is an area where the land is not classified as buildable land under OAR 660-08-0005;
 - (b) An established area may include some small tracts of vacant land (tracts less than an acre in size) provided the tracts are surrounded by land which is not classified as buildable land; and
 - (c) An area shown on a zone map or overlay map as an established area.
- (2) Developing Area. A "developing area" is an area which is included in the city's buildable land inventory under the provisions of OAR except as provided by subsection (1)(b) of this section.

Discussion: OAR 660-008-0005 generally defines "Buildable Land" as vacant residential property not constrained by natural hazards or resources, and typically not publicly owned. The subject property is considered "buildable."

Finding: The subject property should be designated as "developing."

CONCLUSION & DECISION

Based upon the facts and findings herein, the Council approves this annexation and that upon annexation: the subject property have a Comprehensive Plan designation of Suburban Residential, SR, be zoned Moderate Residential, R7, and designated as "developing."



Rick Scholl, Mayor

8-15-18
Date