



Agenda Report 2014-07-14-03

Date: July 2, 2014

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

From: Peter Spir, Planning Department

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

Subject: Annexation of 2.95 acres of land at 1430 Rosemont Road.

Purpose:

The owners of property at 1430 Rosemont Road are requesting annexation to the City.

The City of West Linn has a concurrent 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.

Question(s) for Council:

Step 1: Land Use Decision

1. Does the application for 1430 Rosemont Road meet the criteria in CDC Chapter 81 for annexation of the property?

Step 2: Policy Decision

2. Does the City Council want to place the annexation for 1430 Rosemont 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 and Discussion:**Step 1: Land Use Decision**

The subject property, which has a house, is located half a mile within the Urban Growth Boundary (UGB) and City limits. The surrounding area, particularly along Rosemont Road, is substantially built out with single family homes. Adjacent properties to the south and east have yet to be annexed. If annexed, the property is proposed to have a zoning designation of R-7 consistent with the Comprehensive Plan low density residential designation. The property has been included in all of the City's adopted long-range facility and capital improvement plans. All necessary utilities are available to serve the property. 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 an "island" 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 has used site visits and aerial photographs to confirm that no trees have been removed since the application was submitted. Also, the property owner confirms that no trees have been removed. No other modifications to natural resources, such as the ephemeral stream, are noted.

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 2014-8 placing the annexation of 1430 Rosemont Road on the November 4, 2014 ballot.
2. Decline to adopt Resolution 2014-8 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 2014-8 placing the annexation of 2.126 acres of real property at 1430 Rosemont Road before the voters on the November 4, 2014 ballot.

Potential Motions:

Step 1: Land Use Decision

I move to approve the annexation of 2.95 acres of real property at 1430 Rosemont Road (Land Use Case Number: ANX-14-01).

Step 2: Policy Decision

I move to adopt Resolution 2014-8 placing the annexation of 1430 Rosemont Road on the November 4, 2014, ballot.

Attachments:

1. Staff Report
2. Resolution 2014-8



**STAFF REPORT
FOR THE CITY COUNCIL**

FILE NUMBER: ANX-14-01

HEARING DATE: July 14, 2014

REQUEST: Annexation of 2.95 acres at 1430 Rosemont Road

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

**STAFF REPORT
PREPARED BY:** Peter Spir, Associate Planner

Community Development Director's Initials _____

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GENERAL INFORMATION

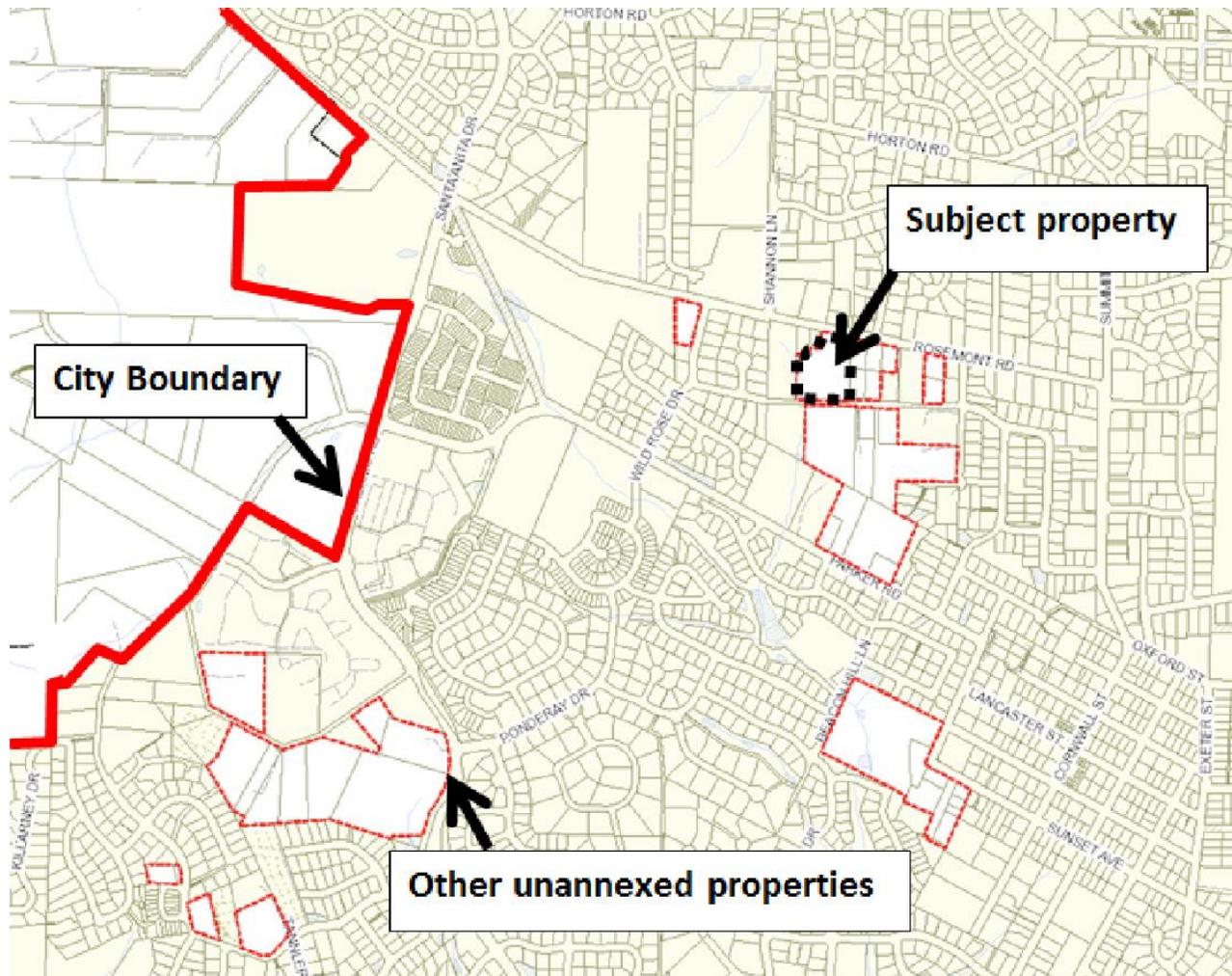
- OWNERS:** Jerry and Chris Burns
- APPLICANT:** Jerry and Chris Burns
- SITE LOCATION:** 1430 Rosemont Road
- DESCRIPTION:** The site is identified as Assessor's Map 21E25CB tax lot 100. It is a single lot of record, south of Rosemont Road.
- SITE SIZE:** 2.95 acres (128,659 square feet)
- PROPOSED ZONING (CITY):** R-7 (Single family residential detached and attached, 7,000 square foot minimum lot size)
- COUNTY ZONING:** FU-10 (Future Urbanizable 10 acre district (County))
- COMPREHENSIVE PLAN DESIGNATION:** Low Density Residential
- PUBLIC NOTICE:** Notice was mailed to all property owners within 100 feet, as well as other interested parties, on June 23, 2014 to satisfy the 20 day notice. All annexation notice requirements were fulfilled.

EXECUTIVE SUMMARY

This is a hearing to review the land use aspects of a requested annexation of property located at 1430 Rosemont Road. If annexed, the property is proposed to have a zoning designation of R-7. The applicable approval criteria are located in Community Development Code (CDC) Chapter 81, which refer to the Metro Code, West Linn Municipal Code, and Oregon Revised Statutes. The property is a part of an unincorporated "island" surrounded by the City. It is located within the Urban Growth Boundary (UGB), is suitable for development, and can be serviced with utilities

BACKGROUND

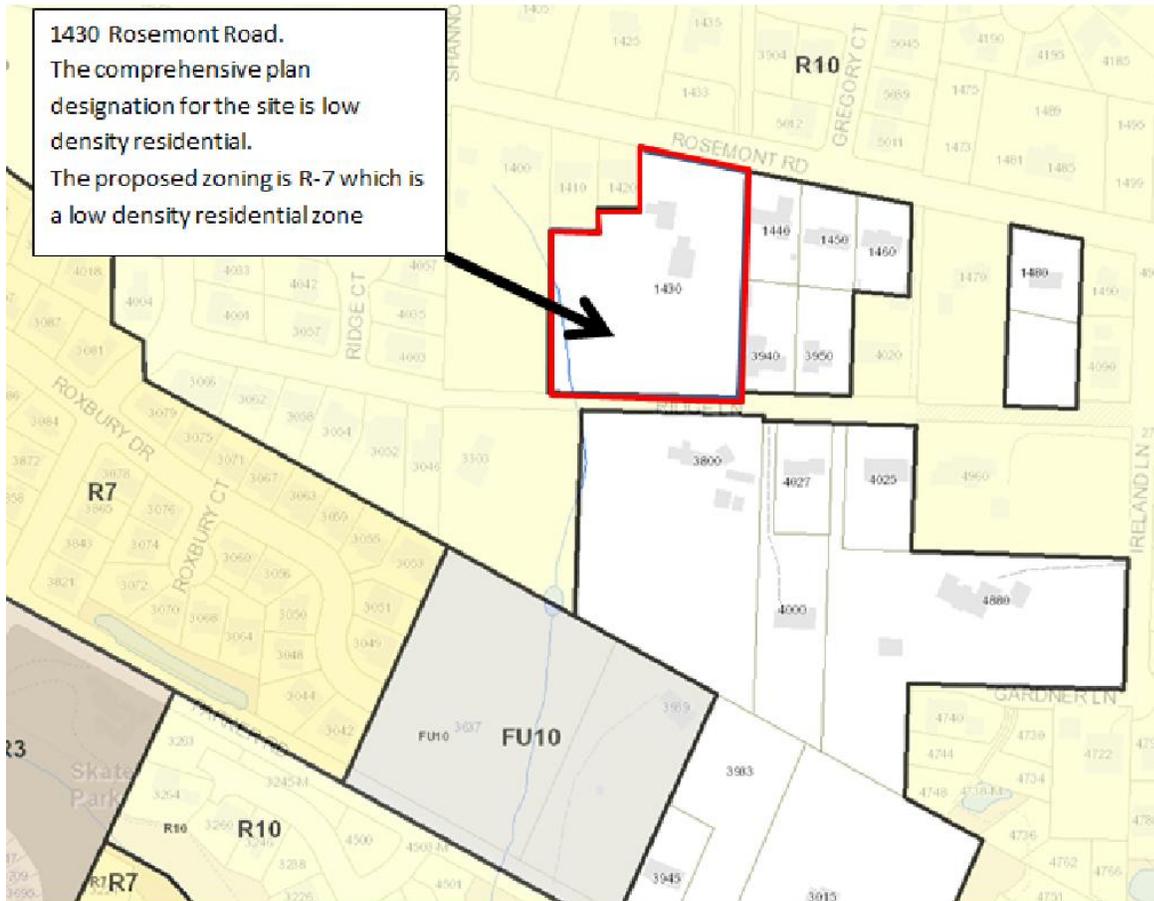
Site Conditions: The area to be annexed, outlined in red below, comprises 2.95 acres. The property is a single tax lot of record owned by Jerry and Chris Burns. The property is a half mile within the UGB and the City limits. In addition to the single family home, there are a number of accessory buildings. The surrounding area is substantially built out with single family homes at urban densities.



Topography: The northern portion of the property is relatively flat near Rosemont Road. To the rear of the house, the property begins a downward 9-11% slope to the southwest corner. The elevation on Rosemont Road is 660 feet while the elevation at the southwest corner of the lot is 620 feet. The grades at the rear of the lot are shaped by an ephemeral stream along the west property line. As an ephemeral stream, it only carries water very briefly during downpours to the extent that most water runoff is surficial and there is no defined channel. Setbacks for this stream class are 15 feet from the stream edge. The property is home to a collection of trees around the house. Several of the trees may be classified as significant. The rear of the property is pasture/grassland. Ridge Lane forms the southern boundary to the property. These site conditions are not expected to represent an impediment to development.



Zoning: The property has a Comprehensive Plan designation of Low Density Residential and, if annexed, the property could receive an R-7 zoning district designation. The R-7 zone is a single-family residential detached and attached district with a 7,000 square foot minimum lot size. This zone is consistent with nearby zoning and the pattern of nearby residential development.



Utilities: In accordance with City Master Plans, the area can be served by water, sanitary sewer, and storm water. 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 approval of the Step 1 Land Use Decision by approving the annexation application for 1430 Rosemont Road, and, if annexed, designate the property R-7, single family residential.

ADDENDUM
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 part of an “island” of properties that are 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 (Jerry and Christine Burns). 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 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 or an 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 which poses no development limitations. All City utilities are adjacent to the property within the Rosemont Road right of way. 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.

Regarding subsection (D) (2) staff finds that annexing the property and subsequent development will provide the City with frontage improvements on Rosemont Road and Ridge Lane (including curb and sidewalks on Rosemont Road). Depending on future development, a connecting north-south street through this property could be anticipated. This would serve the Transportation Planning Rule and the need for improved multi-modal connectivity. Also, with future development could come a north to south extension of water and sewer lines which could facilitate development of other nearby properties. Regarding unnecessary duplication of facilities or services, by

annexing the property, it would eliminate the need for Clackamas County Sheriff's officers having to respond to properties well within the City limits.

Regarding subsection (E) staff finds that the 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:

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

Finding 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, which would be consistent with other properties in this area. The criterion is met.

Direction	Comprehensive Plan designation	Zoning	Land Use
West	Low density residential	R-10	Single family homes
East	Low density residential	R-10	Single family homes
North	Low density residential	R-10	Single family homes
South	Low density residential	Unincorporated County property and R-10	Single family homes

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 property is relatively flat near Rosemont Road. To the rear of the house, the property begins a downward 9-11% slope to the southwest corner. The elevation on Rosemont Road is 660 feet while the elevation at the southwest corner of the lot is 620 feet. The grades at the rear of the lot are shaped by an ephemeral stream along the west property line. As an ephemeral stream, it only carries water very briefly during downpours to the extent that most water runoff is surficial and typically there is no defined channel. Setbacks for this stream class are 15 feet from the stream edge. The property is home to a collection of trees around the house. Several of the trees may be classified as significant. The rear of the property is pasture/grassland. Ridge Lane forms the southern boundary to the property. These site conditions are not expected to represent an impediment to development.

City Council adopted a policy in 2006 requiring that owners of properties under review for annexation shall not remove significant trees. Staff has used site visits and aerial photographs to confirm that no trees have been removed since the application was submitted. Natural features, such as the ephemeral stream, have also not been modified.

Regarding existing zoning and development patterns of surrounding properties, staff finds surrounding properties are zoned R-10 although Rosemont Summit 3 subdivision to the southwest has an R-7 zone designation. Staff recommends an R-7 zoning designation. The pattern of development indicates ongoing urbanization. Both sides of Rosemont Road are developed at urban densities while the recent approval of a nearby subdivision to the north provides clear indication of the future of this property. However, there is no subdivision plan proposed at this time.

Regarding the capacity of the City to provide road, sanitary sewer, storm drainage, and water service to the site, staff finds that the site is fully serviceable by existing streets and utilities. At such time that development of the property was proposed, the applicant would be responsible for improvements to Rosemont Road and Ridge Lane and extension of utilities consistent with the provisions of CDC Chapter 85.

EXHIBITS

ANX-14-01

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-14-01 Applicant's Name Servy: Christine Burns
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. Shoyer
- B. Affected property owners (date) 6/23/14 (signed) S. Shoyer
- C. School District/ Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) 6/23/14 (signed) S. Shoyer
- E. Affected neighborhood assns. (date) 6/23/14 (signed) S. Shoyer
- F. All parties to an appeal or review (date) 6/23/14 (signed) S. Shoyer

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. Shoyer

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) _____

**CITY OF WEST LINN
CITY COUNCIL
PUBLIC HEARING NOTICE
ANNEXATION OF 2.95 ACRES AT 1430 ROSEMONT ROAD
FILE NO. ANX-14-01**

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 a 2.95 acre parcel at 1430 Rosemont Road. The applicant is requesting an R-7 zone designation, single family residential with a 7,000 square foot minimum lot size. The area is identified by Clackamas County as Tax Lots 2S 1E 25CB tax lot 100. 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> . This annexation petition is subject to the expedited process unless a "necessary party" gives written notice of its objection to the boundary change. A "necessary party" is defined as any county, city, district, or unit of local government that includes any part of the affected territory: 1) in its jurisdictional boundary or adopted urban service area; or 2) in any agreement providing an urban service.

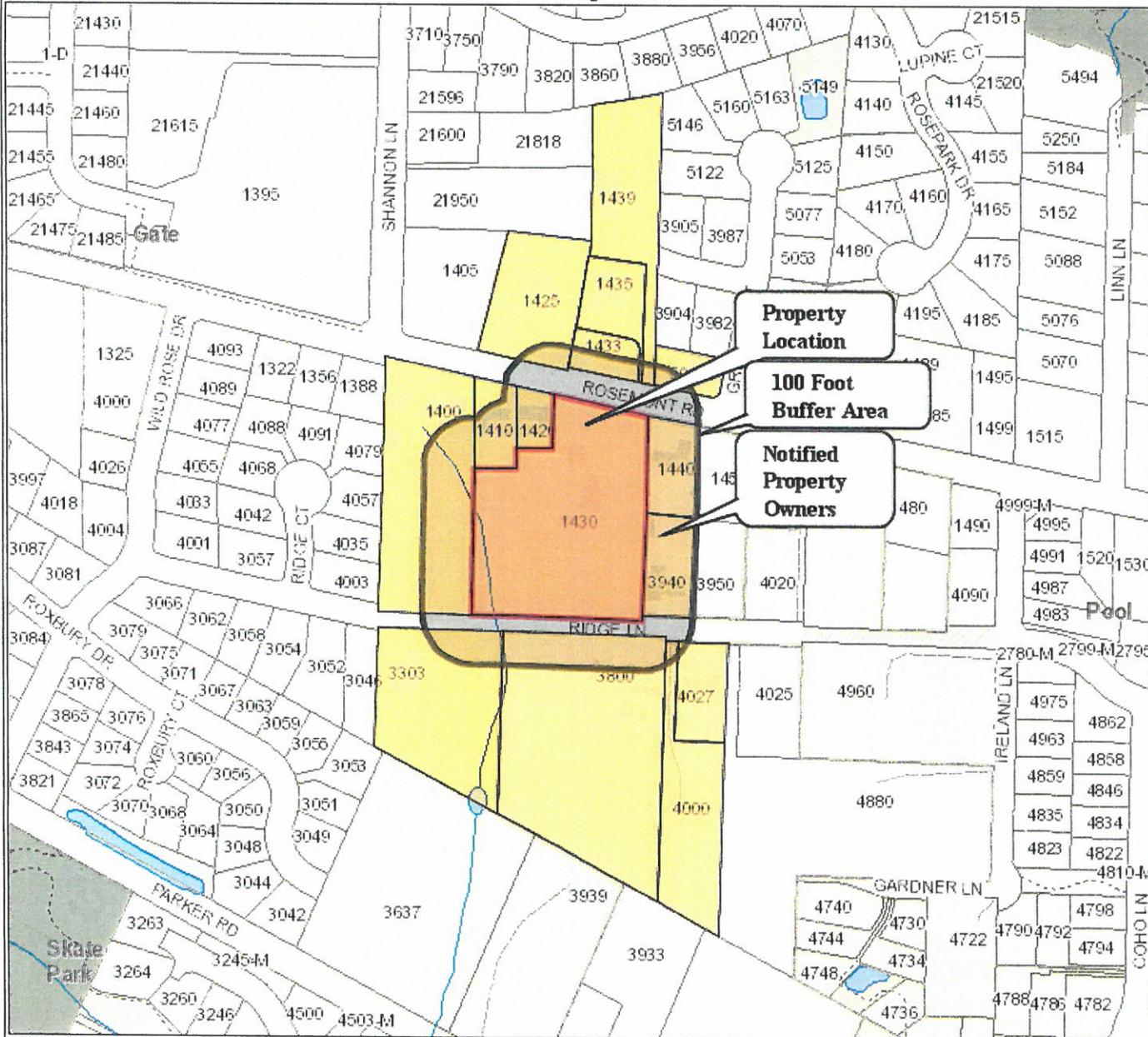
The City of West Linn has a two-step process for consideration of annexation requests. Step 1 will include a hearing to consider the land use aspects of the annexation request. Step 2 is a policy decision. The Council may, in its discretion, pass a resolution placing an annexation request on a ballot 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 <https://westlinnoregon.gov/planning/1430-rosemont-road-annexation-295-acres> . Copies of the annexation application can be obtained for a minimal charge per page. At least 10 days prior to the City Council meeting, a copy of the staff report will be available for inspection at no cost. For further information, please contact Peter Spir at 503-723-2539 or at pspir@westlinnoregon.gov .

Failure to raise an issue in person or by letter at some point prior to the close of the meeting, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the appelland body with jurisdiction based on that issue.

Shauna Shroyer
Planning Department Administrative Asst.

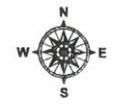
1430 Rosemont Road, Public Notice Map



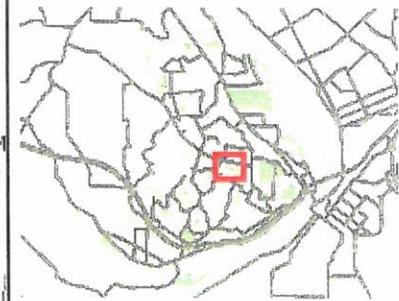
Property Location

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: 20-Jun-14 12:32 PM

WEST LINN GIS

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

ALLEN JESSE
3303 RIDGE LN
WEST LINN, OR 97068

BOWERLY HEATHER J & TODD D
1440 S ROSEMONT RD
WEST LINN, OR 97068

BURNS JERRY W & CHRISTINE C
1430 S ROSEMONT RD
WEST LINN, OR 97068

EVANS JOHN G
4000 S RIDGE LN
WEST LINN, OR 97068

FOSTER SCOTT LEE
1400 ROSEMONT RD
WEST LINN, OR 97068

GRIMMETT JARETT J
5012 GREGORY CT
WEST LINN, OR 97068

GUEST CLAUDIA B TRUSTEE
4027 S RIDGE LN
WEST LINN, OR 97068

KOEHN HELMUT A
1420 ROSEMONT RD
WEST LINN, OR 97068

MCLEOD RODERICK G & JANELLE
PINKNEY
1425 ROSEMONT RD
WEST LINN, OR 97068

MORGAN JANET E & CHRISTOPHER
3800 S RIDGE LN
WEST LINN, OR 97068

NESS MELVIN G & MARLENE
PO BOX 32
WEST LINN, OR 97068

OSULLIVAN STEPHEN P & KRISTEN T
1410 ROSEMONT RD
WEST LINN, OR 97068

STONEKING MELINDA
3940 S RIDGE LN
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 BREAUULT
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

STAPLES

label size 1" x 2 5/8" compatible with Avery®5160/8160
Etiquette de format 25 mm x 67 mm compatible avec Avery®5160/8160

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

ANX-14-01

MAILED
6-23-14 SS



CITY OF
West Linn

May 27, 2014

Jerry and Christine Burns
1430 Rosemont Road
West Linn, OR 97068

SUBJECT: ANX-14-01

Mr. and Mrs. Burns:

The Planning Department has declared the application for annexation of the property at 1430 Rosemont Road as proposed in planning file number ANX 14-01 **complete**. The application is tentatively scheduled for a City Council hearing on July 21, 2014. You will receive mailed notice of the actual hearing date.

Please contact me at (503) 723-2539, or pspir@westlinnoregon.gov if you have any questions or comments.

Sincerely,

Peter Spir

Peter Spir
Associate Planner

APPLICANT'S SUBMITTAL

ANX-14-01



DEVELOPMENT REVIEW APPLICATION

FOR STAFF COMPLETION	
PROJECT NO.	ANX-14-01
STAFF CONTACT	Peter Spiv
NON-REFUNDABLE FEE(S)	
REFUNDABLE DEPOSIT(S)	
TOTAL FEES	18,000

Type of Review (Please check all that apply):

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Annexation | <input type="checkbox"/> Historic Review | <input type="checkbox"/> Quasi-Judicial Plan or Zone Change |
| <input type="checkbox"/> Appeal and Review * | <input type="checkbox"/> Legislative Plan or Change | <input type="checkbox"/> Street Vacation |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Lot Line Adjustment */** | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Minor Partition (Preliminary Plat or Plan) | <input type="checkbox"/> Temporary Uses * |
| <input type="checkbox"/> Easement Vacation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Tualatin River Greenway |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities | <input type="checkbox"/> One-Year Extension * | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Final Plat or Plan | <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Water Resource Area Protection/Wetland |
| <input type="checkbox"/> Flood Plain Construction | <input type="checkbox"/> Pre-Application Conference * | <input type="checkbox"/> Willamette River Greenway |
| <input type="checkbox"/> Hillside Protection and Erosion Control | | |

Home Occupation, Pre-Application, Sidewalk Use Application*, Sign Review Permit Application*, and Temporary Sign Permit Application require different or additional application forms, available on the City Website or at City Hall.

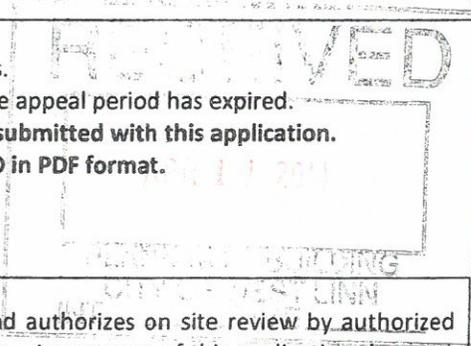
Site Location/Address <i>1430 Rosemont Rd</i>	Assessor's Map No.
	Tax Lot
	Total Land Area <i>2.95 Acres</i>
Brief Description of Proposal <i>Annexation into West Linn</i>	
Owner Name & Address <i>Jerry W. & Christine C. Burns</i>	<input checked="" type="checkbox"/> Check if this is the applicant. Phone <i>503 475-8007</i> Email <i>Jerryburns1@comcast.net</i>
Consultant Name & Address	<input type="checkbox"/> Check if this is the applicant. Phone Email

- All application fees are non-refundable (excluding deposit).
- The owner/applicant or their representative should be present at all public hearings.
- A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
- 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 copy 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. The applicant waives the right to the provisions of ORS 94.020. 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.

		<i>4/9/14</i>
Applicant's signature		Date
		<i>4/9/14</i>
Owner's signature		Date



Annexation application 1430 Rosemont Rd. West Linn, OR 97068

NARRATIVE

The area to be annexed is approximately 2.95 acres in area. The property is a single tax lot of record and is currently owned by Jerry W. and Christine C. Burns. The property owners have provided written consent for this annexation application. The property is well within the limits of the Urban Growth Boundary and the City limits. Staff has recommended and applicants' request that the property be zoned R-7 consistent with nearby zoning.

81.040 COMMUNITY DEVELOPMENT CODE SECTION

A. A petition to annex into the city of West Linn may be initiated by a property owner of the area to be annexed.

Condition met. The property owner initiated the annexation application.

B. A pre-application conference shall be held prior to submitting an application.

Condition met. A pre-application conference was held April 3rd, 2014.

C. A petition to annex shall include the completed petition form and three copies of the following:

1. Compliance with Metro Code Section 3.09.040.
2. A narrative addressing Code Section 2.920 and Metro Code Sections 3.09.50(D) and (E), if applicable.
3. Vicinity, legal and other maps necessary to show compliance with Code Section 2.920 and Metro Code 3.09.040.

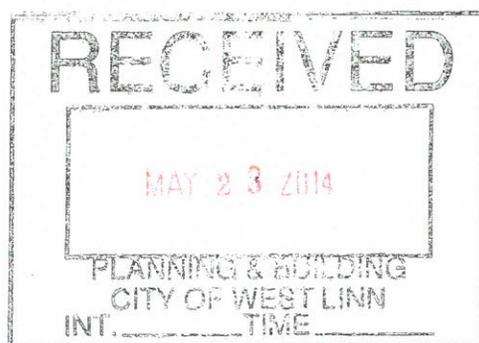
Condition met. These materials and information are provided in the application.

D. A petition of any type of boundary change, other than annexation shall be processed as provided by State law and Metro Code Chapter 3.09.

Not applicable. Only annexation is sought.

E. The applicant shall pay the requisite fee.

Condition Met. The fee is included with the application.



Annexation application 1430 Rosemont Rd. West Linn, OR 97068

81.050 APPROVAL CRITERIA

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 Code Section 2.920 (1); and,*
2. *For all boundary changes, the proposal complies with the criteria of the Metro Code Section 3.09.050 (d) and, if applicable, (e)*

81.055 ZONING DESIGNATION

The Comprehensive Plan designation for is property and surrounding properties is low density residential. That designation contemplates R-7 t R-40 zones as being acceptable. Staff recommends and applicants request that the property be zoned R-7 consistent with nearby R-7 zoning. It is reasonable to anticipate that the un-annexed properties to the south will propose R-7 zoning.

A. Site Conditions

the property is relatively flat near Rosemont Road. To the rear of the house, the property begins a downward 9-11% slope to the southwest corner. The elevation on Rosemont Road is 660 feet while the elevation at the southwest corner of the lot is 620 feet. An ephemeral stream exists along the west property line. As an ephemeral stream it only carries water very briefly during downpours to the extent that most water runoff is surficial and there is no defined channel. Ridge lane forms the southern boundary to the property. Ridge Lane is a 12 foot wide gravel driveway with steep grades west of the creek.

B. Development patterns of surrounding properties

Direction	Comprehensive Plan designation	Zoning	Land use
West	Low density residential	R-10	Single family homes
East	Low density residential	R-10	Single family homes
North	Low density residential	R-10	Single family homes
South	Low density residential	Unincorporated County property and R-10	Single family homes

C. Utilities and streets

The existing house has already hooked up to City water and sanitary sewer main for services, and is accessed via Rosemont Rd.

Annexation application 1430 Rosemont Rd. West Linn, OR 97068

Water

This property is located within Rosemont Pressure Zone. There is an existing water main located along the property frontage on Rosemont Rd. There are existing water dead end mains located just east and west of the property on Ridge Ln. for connectivity and these two dead ends would be required to be looped/connected if used for future development.

Sanitary Sewer

Existing public sanitary sewer main on Rosemont Rd is 10' deep in average. Services connecting to this main will be limited due to topography if used for future development, existing house is already connected to City water and sanitary services.

Municipal Code 2.920

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

This site is within the Portland Metropolitan Urban Growth Boundary.

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

This site is designated as Low Density Residential on the West Linn Comprehensive Plan Map.

- (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.

This site is contiguous to the existing city limits on three sides.

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

Condition met. The annexation application meets all of the relevant city of West Linn and Metro code requirement, which are consistent with the Oregon Revised Statutes.

- (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.

Condition met. The property has been within the UGB and the city's planning are for an extended period. Therefore, it has been considered in recent facilities and capital improvement plans.

**Annexation application 1430 Rosemont Rd.
West Linn, OR 97068**

Metro Code 3.09.040 Requirements for Petitions

- A. A petition for a boundary change must contain the following information:
1. The jurisdiction of the reviewing entity to act on the petition;
 2. A map and a legal description of the affected territory in the form prescribed by the reviewing entity;
 3. For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk and
 4. For boundary changes under ORS 198.855(3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.

Condition met. The annexation application meets all of the relevant Metro Code requirements.

- B. A city, county and Metro may charge a fee to recover its reasonable costs to carry out its duties and responsibilities under this chapter.

Condition Met. The fee is included with the application.

Metro Code 3.09.045(D) Expedited Decisions

Not applicable.

**Annexation application 1430 Rosemont Rd.
West Linn, OR 97068**

Metro Code 3.09.50 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.
- 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.
- C. The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.
- 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.

Condition met. The annexation application meets all of the relevant Metro Code requirements.

Order No. 250505

LEGAL DESCRIPTION

A tract of land situated in the Southwest one-quarter of Section 25, Township 2 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, being Tract 31 and a portion of Tracts 30 and 32, SHANNON ACRE TRACTS, being more particularly described as follows:

Beginning at a point on the Southerly right of way line of Rosemont Drive (County Road No. 82), which bears South 80°13'47" East 81.08 feet from a 1/2 inch iron pipe at the Northwest corner of Tract 32, SHANNON ACRES TRACTS; thence South 00°07'36" West along the Northerly extension of the Westerly line of LIVERMORE'S SUBDIVISION NO. 1, and the Westerly line thereof, 407.32 feet to a 5/8 inch iron rod on the Northerly right of way line of Ridge Lane; thence North 89°46'02" West along said Northerly right of way line, 348.00 feet; thence North 00°00'24" West parallel with and 180.00 feet Easterly when measured at right angles to the Westerly line of said Tract 30 a distance of 280.19 feet to a 5/8 inch iron rod; thence North 89°59'16" East 84.00 feet to a 5/8 inch iron rod; thence North 00°00'24" West 43.50 feet to a 5/8 inch iron rod; thence North 89°59'36" East 73.20 feet to a 5/8 inch iron rod thence North 05°46'13" East 113.54 feet to a 5/8 inch iron rod on the Southerly right of way line of Rosemont Drive; thence South 80°13'47" East along said right of way line, 175.00 feet to the point of beginning.

21E25CB 00100

Encumbrances, continued

1. Covenants, conditions and restrictions, but excluding restrictions if any, based on race, color, religion, sex, handicap, familial status or national origin, unless and only to the extent that said covenant, (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, imposed by instrument, including the terms and provisions thereof.

Recorded: April 30, 1962
Book: 602
Page: 791
(Affects Lot 30)

APR 30 1962
CLACKAMAS COUNTY
ASSESSOR

(2)

5500-37420-1111
5500-37420-005
5500-37420-2
CHICAGO TITLE INSURANCE COMPANY

AFTER RECORDING RETURN TO:
Jerry W. Burns
Christine C. Burns
1430 Rosemont Road
West Linn, OR 97068

Clackamas County Official Records 2003-066496
Sherry Hall, County Clerk
\$31.00
00480160200300644960070024
05/27/2003 02:13:15 PM
D-0 Clerk Sherry BEVERLY
\$10.00 \$11.00 \$10.00

Until a change is requested all tax statements shall be sent to the following address:
Jerry W. Burns
Christine C. Burns
1430 Rosemont Road
West Linn, OR 97068
Order No: 250505

WARRANTY DEED - STATUTORY FORM
(INDIVIDUAL or CORPORATION)

JAY W. JORGENSEN and ANGELA K. JORGENSEN, as tenants by the entirety

Grantor, conveys and warrants to JERRY W. BURNS and CHRISTINE C. BURNS,
husband and wife

Grantee, the following described real property is of encumbrance S except as specifically set forth herein:
(Continued)

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

ENCUMBRANCES:
(Continued)

WD

The true consideration for this conveyance is \$440,000.00

Dated April 24, 2003, if a corporate grantor, it has caused its name to be signed by its board of directors.

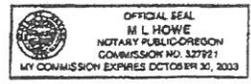
Jay W. Jorgensen
JAY W. JORGENSEN

Angela K. Jorgensen
ANGELA K. JORGENSEN

01660081

STATE OF OREGON, County of Multnomah ss.
This instrument was acknowledged before me on April 24, 2003
by Jay W. Jorgensen and Angela K. Jorgensen
This instrument was acknowledged before me on _____
by _____ ss _____
of _____

Notary Public for Oregon
My commission expires: _____



CITY OF WEST LINN

CERTIFICATION OF PROPERTY OWNERSHIP

I hereby certify that the attached petition for the 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 Sporn
TITLE GIS Cartographer 2
DEPARTMENT A&T
CLACKAMAS COUNTY ASSESSOR'S OFFICE
DATE 4-9-14

Owner means the owner of the title to real property or the contract purchaser of real property.



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 251E25CB, has been checked by me and it is a true and exact description of the property under consideration and the description corresponds to the attached map indicating the property under consideration.

NAME DS Sporn
TITLE GIS Cartographer 2
DEPARTMENT A&T
CLACKAMAS COUNTY ASSESSOR'S OFFICE
DATE 4-9-14

CERTIFICATION OF REGISTERED VOTERS
(District Double Majority Method)

I hereby certify that the attached petition for annexation of territory described herein to the CITY OF WEST LINN District 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

COUNTY OF CLACKAMAS

DATE 4-9-14

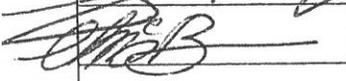
Floyd Thomas

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



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, hereby petition for, 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	
	Jerry W. Burns			X	1430 Rosemont Rd Westlinn	21E25CB		100	320	4/9/14
	Christine C Burns			X	1430 Rosemont Rd Westlinn	21E25CB		100	320	4/9/14

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

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

Initial _____

**RESOLUTION NO. 2014-08
WEST LINN, OREGON**

**A RESOLUTION TO SUBMIT A MEASURE TO VOTERS TO ANNEX 2.95-ACRES OF REAL
PROPERTY AT 1430 ROSEMONT ROAD**

WHEREAS, the 2.95-acres of real property at 1430 Rosemont Road are located within the Metro Urban Growth Boundary and are eligible for annexation into the City of West Linn;

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

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

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

WHEREAS, the West Linn City Council 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 2.95 acres of real property at 1430 Rosemont 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 2.95 acres into the City of West Linn

QUESTION

Shall the City annex 2.95 acres of real property at 1430 Rosemont 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 2.95 acres of real property at 1430 Rosemont 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 2.95-acres of real property at 1430 Rosemont 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 14th day of July, 2014, and takes effect upon passage.

John Kovash, Mayor

ATTEST:

Kathy Mollusky, City Recorder

APPROVED AS TO FORM:

City Attorney