



STAFF REPORT

CITY COUNCIL HEARING

MEETING DATE: February 23, 2009

FILE NO.: ANX 08-01

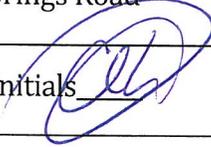
REQUEST: STEP TWO (2) PUBLIC HEARING FOR THE PROPOSED ANNEXATION OF AN APPROXIMATE 21 ACRE PROPERTY LOCATED THE SOUTH SIDE OF HIDDEN SPRINGS ROAD AND EAST OF ROSEMONT ROAD; INCLUDING A PORTION OF THE ROSEMONT ROAD RIGHT-OF-WAY

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**City of West Linn
PLANNING DEPARTMENT**

TO: West Linn City Council
FROM: Chris Kerr, Senior Planner
DATE: February 2, 2009 (City Council Meeting February 23, 2009)
FILE NO.: ANX-08-01
SUBJECT: Step 2 hearing on an annexation request for the property located at 1025 Rosemont Road and 20800 Hidden Springs Road

Planning Director's Initials 

SPECIFIC DATA

OWNERS: West Linn-Wilsonville School District / Palmer & Darlene Erickson

CONSULTANT: Parsons Brinckerhoff
400 SW Sixth Avenue, Suite 802,
Portland, OR 97204

SITE LOCATION: 1025 Rosemont Road and 20800 Hidden Springs Road

SITE SIZE: Approximately 21 acres

DESCRIPTION: Generally located on the south side of Hidden Springs Road, east of Rosemont Road at the south end of Suncrest Drive. The area is identified by Clackamas County as Tax Lots 21E23CD, lots 12300, 12301, 12500, 12700, and 12800. A portion of the unincorporated Rosemont Road right-of-way is included in this annexation.

APPROVAL CRITERIA: Municipal Code Section 2.900 et. seq.

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

COMPREHENSIVE PLAN DESIGNATION: Low Density Residential (City)

PROPOSED ZONING

(CITY): R-10 (single-family residential)

PUBLIC NOTICE: Notice was mailed to all property owners within 500 feet as well as interested property owners on February 2, 2009. Public notice was posted on the site, and in four public places within West Linn on February 3, 2009. The hearing was noticed in the West Linn Tidings on February 12th and 19th, 2009 and was posted to the City website on February 2, 2009. All notice requirements for Step 2 Annexations were fulfilled.

PUBLIC

COMMENTS: Please see the attached correspondence that has been received for this Step 2 hearing.

RECOMMENDATION

Annexations require a majority vote from the City’s electorate. Staff finds that the request meets all of the requirements for annexation. If approved and developed residentially, it would result in a logical development pattern that is consistent with the adjacent properties; and, if developed as an elementary school, would be in accordance with the City’s Policies regarding the preferred locations for such facilities. Staff recommends that the Council adopt the attached Resolution which will place the proposed annexation before the voters on the May 19, 2009 ballot.

MAJOR ISSUES

In November of this year the School District received voter approval of a Capital Bond that proposed, among other improvements, a new 300 student primary school to be constructed within West Linn. This annexation is the first step towards developing and constructing this school. If annexed, the property will be assigned a zoning designation of R-10, which permits single-family housing with a minimum lot size of 10,000 square feet. Construction of a school on the property would require a Conditional Use approval.

BACKGROUND

The property owners, Palmer Erickson co-Trustee and the West Linn/Wilsonville School District, submitted a petition requesting that the City Council consider the annexation of the property. At the January 26th City Council meeting, the Council approved the Step One hearing, assigning a zoning district of R-10 if the property is annexed into the City. As part of the Step Two hearing on February 23, 2009 City Council legislative hearing, the Council decide whether or not to place the application on the May 19, 2009 ballot.

It should be noted that Staff is including the adjacent and corresponding portions of the Rosemont Road right-of-way as part of this annexation. This is appropriate since this is the only segment of Rosemont Road that borders the City which is not currently within the City’s jurisdiction. Additionally, as the attached map indicates, the single family home located at 1045

Rosemont Road is not included with this annexation request. Staff has spoken with the owner of that property and confirmed that they did not wish to be a part of this application.

The site generally lacks any steep slopes, but it does include several distinguishable environmentally sensitive areas that will ultimately impact its future development. These include Trillium Creek, which runs both north and then east through the property, as well as two identified wetlands and a large tree canopy. Staff has made the applicant aware of these designated areas and informed them that the City has development restrictions that will apply to these areas.

The property has frontage on two arterials, Hidden Springs Road and Rosemont Road. Additionally, both Suncrest Drive and Bay Meadows Drive terminate abruptly at the north and south borders of this property. The City's Transportation System Plan (both the previous one and the one most recently adopted) recommend that the future development of this site include a local street connection between these two streets.

While there are several environmental issues on the site (described above), its important to state that a development application is not required for annexations, and specific development review type issues are not to be considered as part of the annexation process.

STAFF ANALYSIS

Step 2 annexations are legislative decisions for the City Council. There are no specific criteria for the City Council to apply to their decision; however, the Council has the authority to:

"...approve or deny placing an annexation before the voters based upon, but not limited to, matters such as taxation, infrastructure, environmental impacts, housing supply, school capacity, availability of park land and other considerations deemed by the City council as relevant". (Muni. Code 2.930)

Code Section 2.950(2)(b)(i) states that staff shall prepare a summary as follows:

"The staff shall prepare a report that summarizes the effect of the annexation based on the most intensive land use permitted by the designated City zone for the site. The staff shall also describe the physical, environmental, social and economic impacts of the annexation on the community as a whole and on the neighborhood of which it will be a part."

Please note that the School District is proposing to construct a primary school on the site. However, 'schools' are not a 'permitted' use in this zoning district and therefore, Staff's analysis is based on the most intensive use 'permitted' on the site. Conditional Use approvals are unique uses with impacts that are specific to the individual request. They require additional scrutiny and are subject to more restrictive conditions and approval criteria by the City.

MOST INTENSIVE LAND USE PERMITTED ON THE SITE IF ANNEXED

The site is approximately 21 acres in size. Under the presumed R-10 zoning district, Staff estimates that the maximum number of dwelling units that could be developed on the site is 46

single-family units. This was determined by applying the existing CDC's provisions that reduce the development density on environmentally constrained lands (wetlands, riparian corridors, tree canopies), which constitute a significant portion of this property.

PHYSICAL IMPACTS

The subject site is located within the UGB and annexation of the site represents a natural progression to annex properties that can be served into the City. Rosemont Road serves as the obvious boundary to delineate the line between urban and rural services. Excepting the single-family home at 1045 Rosemont Rd. which is not included in this annexation application, approval of this request will result in all of property on the east side of Rosemont Road (and the Rosemont Road right-of-way) being under the jurisdiction of the City of West Linn. This allows the City to anticipate development and provide for it in a predictable manner in accordance with the City's aspirations.

The development of up to 46 single-family homes on this site would provide a continuation of the development that is adjacent to the site, albeit at a lesser density. The existing local street patterns adjacent to the site result in the abrupt 'stubbing' of streets at the perimeter of the subject site. Future development will provide for the logical expectation that they will continue onto the subject property. The property is already served and has access directly onto two City arterials, Rosemont Road and Hidden Springs Road.

ENVIRONMENTAL IMPACTS

Development of up to 46 dwelling units on the site, which includes significant natural areas, could adversely impact West Linn as a whole if the city's development standards were not followed. However, Community Development Code requirements that reduce residential density in these areas, protect significant tree canopies, and reduce downstream impacts to the Willamette River would make city-wide environmental impacts negligible.

The City's development/environmental standards are significantly stricter than they were when the surrounding neighborhoods were developed. This means that the future development of this site will result in a more sensitive site planning, far more riparian areas being preserved and much less impact on the environmentally constrained lands on the property than has occurred on the surrounding properties. It is only through the annexation of the site that the City is able to apply these environmental standards. Not annexing the site would result in the inability of the City to apply our environmental regulations. The site would be subject to the County's environmental regulations, which are generally considered to be inferior to the City's.

It's important to note that the City's environmental regulations are based on the specific aspect of the site (wetlands, trees, etc.) and generally not the proposed use or zoning district. This means that the setbacks and restrictions for the subject riparian areas and wetlands will be the same for a residential development or for a conditional use application for a school.

A marginal positive environmental benefit would result from accommodating demand for new housing in West Linn on a site within the urban growth boundary such as this property

represents, instead of on land in the Stafford Triangle or other areas not within the urban growth boundary.

SOCIAL IMPACTS

As noted above, development of up to 46 residences on this site would result in development substantially consistent with the character with the existing single-family residential nature of West Linn. Unlike the current residents of the existing single-family home on the site, residents of this site if annexed would have the opportunity to fully participate in the affairs of city government, and in return would be subject to the same city regulations and standards as surrounding areas already within West Linn.

The City's existing planning documents, and good planning principles in general, prefer that schools be located along arterials, yet within the neighborhoods that they will serve. It would be a safe assumption that, presuming the vote is in favor of the annexation and since the citizens have already voted in favor of the bond measure that specifically called for the construction of a primary school at this location, the residents of the City believe that there are significant benefits to the overall quality of life in the City if the school were built.

ECONOMIC IMPACTS OF ANNEXATION

While it is not possible to determine all of the long-term economic impacts of an annexation, Staff can provide a accurate summary of the System Development Charges (SDC's) and related fees that would be collected if it is assumed that 46 new single-family homes were to be constructed on the annexed property, as follows:

Streets: Any future subdivision of the site will be required to pay Street Systems Development Charges, for improvement of significant citywide streets. The current charge is \$5,508 per new dwelling unit (total Street SDC's \$253,368.00). The recently instituted roadway maintenance fee will be charged to any new development on this site (and the existing residence) to help pay for ongoing maintenance of city streets.

Water: Any future subdivision of this site will be required to pay Water Systems Development Charges for improvements to the city's overall water system. Assuming that the units provide a 5/8" meter, the city would receive \$4,628 per additional dwelling unit, and the South Fork Water Board would receive \$1,363 per additional dwelling unit. Assuming that the units provide a 3/4" meter, these numbers would be \$6,942 and \$2,042, respectively (total Water SDC's \$344,425). These charges would also be imposed upon the owner of the existing home if it is connected to the city's water system. The property is located within the City's Rosemont Water Pressure zone. Utility charges for any new development will also pay for city-wide water system maintenance and improvements.

Sanitary Sewer: A Systems Development Charge for citywide sewer facilities will be collected for any future subdivision lots approved, and for the existing home if it is connected to public sewer. The city would receive \$2,632 per dwelling unit and the Tri-City Sewer Service District would receive \$2,020 per dwelling unit (total Sewer SDC's \$213,992). Utility charges for any

new development will also help pay for city-wide sewer system maintenance and improvements.

Storm Drainage: West Linn will collect a Systems Development Charge of \$916 per dwelling unit for citywide storm drainage facilities for any future development (total storm SDC's \$42,136). Utility charges for any new development will also help pay for city-wide storm drainage system maintenance and improvements.

Parks: Any development of the property will require payment of Parks Systems Development Charges. West Linn would collect \$8,029 per additional dwelling unit (total Park SDC's \$369,334). The recently instituted parks maintenance utility fee will be charged to any new development on this site (and the existing residence) to help pay for ongoing maintenance of city parks.

TOTAL ESTIMATED SDC's FROM ABOVE: \$1,223,255.00

For comparative purposes, Staff estimates that the construction of a school on the property would result in a total SDC payment of approximately \$411,000.

Schools: 2007 changes in state law allow school districts to collect a construction impact fee for new development, at a maximum rate per square foot. The West Linn-Wilsonville School District recently instituted a construction impact fee of \$1.00 per square foot, which will be paid for by any new residences developed on this site. Property taxes paid by any new residences will help pay for ongoing operation of the district's school system.

Fire Protection: West Linn is part of the Tualatin Valley Fire & Rescue District (TVF&R). TVF&R has indicated that it will improve all required fire station facilities within existing tax levies without the need for new facility bond measures or levies. TVF&R will make these improvements regardless of whether new growth occurs or not. Therefore, fire station improvements to serve this development will not cost existing city residents any additional money.

Police Services: Development on this site will not materially affect the city's ability to provide effective police service to the community.

General City Services: General city services are financed through property tax revenues. This Erickson property proposed to be annexed currently has an assessed value of \$1,029,000. This property is currently tax-exempt, and will remain tax-exempt so long as it is publicly owned and to be developed for public purposes. If the property was not tax-exempt, based upon current tax rates, upon annexation West Linn would receive an additional \$2,181 annually from the City's basic property tax levy. The City would also receive \$396 annually toward repayment of existing city bond obligations. Any new residences would increase assessed values and thus proportionally increase tax revenues.

PUBLIC COMMENTS RECEIVED FOR STEP 2 HEARING

(as of the date of this report)

From: James Talavs [jamestalavs@hotmail.com]
Sent: Wednesday, February 04, 2009 12:00 PM
To: Kerr, Chris
Subject: RE: FILE NO. ANX-08-01

Thanks for getting back to us. If all goes well, what kind of time line are we looking at as far as the school being built and opened? We have 4 little kids ages 6 and under, and the site backs to our cul-de-sac. We are very excited about the prospect of a primary school being built.

Thanks,
Jacey

Subject: RE: FILE NO. ANX-08-01
Date: Wed, 4 Feb 2009 08:26:15 -0800
From: ckerr@westlinnoregon.gov
To: jamestalavs@hotmail.com

Good morning - The District is planning on building a 300 student primary school on this property. The first step to do so is to annex the property into the City. They already own the majority of the site. At the Step 2 City Council hearing on Feb 23rd, the Council will vote on whether or not to place the annexation question on a City-wide ballot. Then the resident's will vote up or down on the annexation in May.

Call me with any questions - Thanks

Chris Kerr

Senior Planner

723-2538

From: James Talavs [mailto:jamestalavs@hotmail.com]
Sent: Wednesday, February 04, 2009 6:17 AM
To: Kerr, Chris
Subject: FILE NO. ANX-08-01

Chris,

My wife and I are interested in attending the meeting for this property. Can you tell us if they are looking to build an elementary school here or something else?

Thanks,

James and Jacey Talavs

