

Agenda Bill 2019-09-09-05

Date Prepared: August 23, 2019

For Meeting Date: September 9, 2019

To: Russ Axelrod, Mayor
West Linn City Council

From: Darren Wyss, Community Development Department *DSW*

Through: John R. Williams, Community Development Director *JRW*
Eileen Stein, City Manager *ES*

Subject: Annexation of 0.93 acres at 1480 Rosemont Road

Purpose

The owners of two properties (Taxlots 1300 and 1400, Clackamas County Assessor Map 2S 1e 25CA) have petitioned for annexation to the City of West Linn.

Question(s) for Council:

Step 1: Land Use Decision

1. Does the petition for annexation meet the criteria in CDC Chapter 81 for approval of the land use decision to assign a zoning designation of R-10, Single-Family Residential Detached?

Step 2: Policy Decision

1. Does the City Council wish to annex the properties (Taxlots 1300 and 1400, Clackamas County Assessor Map 2S 1e 25CA)?
2. Does the City Council wish to hold an advisory vote prior to annexation?

Public Hearing Required:

Yes

Background & Discussion:

The applicants have petitioned for the annexation of two properties (Taxlots 1300 and 1400, Clackamas County Assessor Map 2S 1e 25CA) into the West Linn city limits. The two properties total 0.93 acres and form one of several "islands" surrounded by properties already annexed into the city limits. The properties are located within the Metro Urban Growth Boundary.

The applicants have requested a City zoning designation of R-10, which is consistent with the surrounding neighborhood of single-family homes. Taxlot 1300 (1480 Rosemont Road) contains an existing single-family home. Taxlot 1400 is currently vacant and has the potential for a maximum of two new single-family homes with the requested R-10 zoning. All necessary utilities are available to serve the properties. In addition, all adopted long-range utility and transportation plans account for the existing and potential development on the properties.

Annexations require a two-step process. Both steps can occur at the same public hearing date. Step 1 is a land use decision where City Council applies a City zoning designation to the properties. Step 2 is a policy decision where the City Council has discretion to approve/deny the petition for annexation, either with or without sending the request to an advisory vote.

Budget Impact:

The annexation would bring the properties onto the City tax roll and make them subject to City fees and assessments.

Sustainability Impact:

The annexed properties would contribute to the City tax base and existing residents on Taxlot 1300 would begin paying for services they may already be using (streets, parks, etc.).

Council Goal/Priority:

Guiding Principle #2: Land Use and Quality of Life

- A. Planning and Community & Economic Development

Guiding Principle #3: Sustainability

- A. Fiscal Sustainability

Council Options:

Step 1: Land Use Decision

1. Approve the land use application for annexation with R-10 zoning designation.
2. Deny the land use application and end consideration of annexation of the properties.

Step 2: Policy Decision

1. Approve the petition for annexation of Taxlots 1300 and 1400.
2. Decline the petition for annexation of Taxlots 1300 and 1400.
3. Consider a resolution placing the annexation petition on a ballot for an advisory vote.

Staff Recommendation:

Step 1: Land Use Decision

Staff recommends the Council approve the land use application for annexation with R-10 zoning designation.

Step 2: Policy Decision

Staff recommends the Council approve the annexation petition, without an advisory vote consistent with recent Council decisions on small island annexations, and bring the two properties into both the West Linn City Limits and the Tri-City Service District, and withdraw the two properties from the Clackamas County Enhanced Law Enforcement District.

Potential Motion:

Step 1: Land Use Decision

“I move to approve First Reading for Ordinance 1700, “An Ordinance Establishing the Zoning Designation as R-10 Upon Annexation of Taxlots 1300 and 1400, Clackamas County Assessor Map 2S 1E 25CA”, and set the matter for Second Reading.

If approved unanimously, please complete the Second Reading.

"I move to approve Second Reading for Ordinance 1700, "An Ordinance Establishing the Zoning Designation as R-10 Upon Annexation of Taxlots 1300 and 1400, Clackamas County Assessor Map 2S 1E 25CA", and adopt the ordinance.

Step 2: Policy Decision

"I move to approve First Reading for Ordinance 1701, "An Ordinance Approving the Annexation of Real Property Located in Taxlots 1300 and 1400, Clackamas County Assessor Map 2S 1E 25CA; Removing the Property from Special Districts; and Adding the Property to Special Districts", and set the matter for Second Reading.

If approved unanimously, please complete the Second Reading.

"I move to approve Second Reading for Ordinance 1701, "An Ordinance Approving the Annexation of Real Property Located in Taxlots 1300 and 1400, Clackamas County Assessor Map 2S 1E 25CA; Removing the Property from Special Districts; and Adding the Property to Special Districts", and adopt the ordinance.

Attachments:

1. Ordinance 1700 – Establishing Zoning Designation of R-10
2. Ordinance 1701 – Approving Annexation of Real Property
3. Staff Report and Findings (ANX-19-01)



**STAFF REPORT
FOR THE CITY COUNCIL**

FILE NUMBER: ANX-19-01

HEARING DATE: September 9, 2019

REQUEST: Annexation of 0.93 acres at 1480 Rosemont Road

**APPROVAL
CRITERIA:** Community Development Code (CDC) Chapter 81, West Linn
Municipal Code (WLMC) 2.920-2.930 and Metro Code 3.09.

**STAFF REPORT
PREPARED BY:** Darren Wyss, Associate Planner

Planning Manager Initials DW

TABLE OF CONTENTS

STAFF ANALYSIS AND RECOMMENDATION

GENERAL INFORMATION 2

PUBLIC COMMENTS...3

EXECUTIVE SUMMARY 4

RECOMMENDATION..... 4

ADDENDUM: APPROVAL CRITERIA AND FINDINGS 5

EXHIBITS

CC-1 APPLICANT SUBMITTAL 14

CC-2 COMPLETENESS LETTER..... 35

CC-3 AFFIDAVIT OF NOTICE AND MAILING PACKET 37

GENERAL INFORMATION

OWNERS/ APPLICANTS:	Ashley and Jerry Rhea 1480 Rosemont Road West Linn, OR 97068	Ralph and Shirley Hanson 19540 Renee Way Oregon City, OR 97045
SITE LOCATION:	1480 Rosemont Road	
DESCRIPTION:	Clackamas County Assessor Map 2S 1E 25CA tax lot 1300	2S 1E 25CA tax lot 1400
SITE SIZE:	0.45 acres	0.48 acres
COUNTY ZONING:	FU-10: Future Urban 10 Acre	
COMPREHENSIVE PLAN DESIGNATION:	Low Density Residential	
PROPOSED ZONING DESIGNATION:	R-10 (Single-Family Residential Detached: 10,000 square foot minimum lot size)	
PUBLIC NOTICE:	<p>Per ORS 197.763.2.a(A), notice was mailed on August 16, 2019 to satisfy the 20 day notice to all property owners within 500 feet (ORS only requires 100 feet), all West Linn Neighborhood Associations, DLCD, and all "Necessary Parties" as defined by Metro Code 3.09.020(J). The properties were posted with a sign on August 19, 2019. Notice was published in the West Linn Tidings on August 29, 2019 and September 5, 2019.</p> <p>The affidavit of notice (Exhibit CC-3) validates the notice requirements of Metro Code, CDC, WLMC and Oregon State statutes have been met.</p>	
PROCESS:	<p>Annexations go through a two-step process. At Council discretion, both steps can be completed on the same hearing date. Step one is a land use decision, as outlined in WLMC 2.920, and determines whether the proposed annexation is consistent with the intent of the West Linn Comprehensive Plan, CDC Chapter 81 and Metro Code 3.09. Step one includes Council assignment a zoning designation for the property at this time.</p>	

Step two review is a legislative or policy decision that applies the standards of WLMC 2.930. During step two, the Council, in its discretion may: 1) decide to set a public hearing for the annexation request; 2) delay a public hearing on the requested annexation; or, 3) pass a resolution placing the annexation request on a ballot for an advisory vote.

At the conclusion of step two, the Council may approve an annexation request if it finds that the annexation is in the best interest of the City based on the report prepared by the Planning Director; testimony and evidence presented at the public hearing; and any other information, evidence, or analysis the City or the Council deems relevant to the application.

The Council may deny an annexation acting in its legislative capacity even after it has approved the annexation application through the step one process.

PUBLIC COMMENTS: As of August 23, 2019, there have been no comments submitted.

EXECUTIVE SUMMARY

The hearing is to consider the request for annexation of 0.93 acres at 1480 Rosemont Road (tax lots 1300 and 1400 of Clackamas County Assessor Map 2S 1E 25CA). The properties are located within the Urban Growth Boundary (UGB) and form an “island” surrounded by properties already annexed into West Linn City Limits. Taxlot 1300 currently contains one single-family home and Taxlot 1400 is currently vacant and has the potential to be developed with a maximum of two single-family homes in the future.

The step one process will be evaluated at the September 9th public hearing. The applicant has requested a West Linn zoning designation of R-10, which is consistent with the Comprehensive Plan designation and the surrounding neighborhood. The properties are suitable for development and can be serviced with City utilities. The current County zoning designation of Future Urban (FU-10) signifies both the City and County have anticipated the annexation/development of these properties.

Council has the option to also complete Step 2 at the September 9th hearing. If Council chooses to delay the Step 2 hearing, a date must be selected for that action.

Approval of the annexation will also annex the properties into the Tri-City Service District and remove them from the Clackamas County Enhanced Law Enforcement District.

RECOMMENDATION

Staff recommends approval of both the Step One “Land Use Decision” (Ordinance 1700) and the Step Two “Policy Decision” (Ordinance 1701) to annex 0.93 acres at 1480 Rosemont Road into the West Linn City Limits, establish a West Linn zoning designation of R-10 per the applicant’s request, annex the properties into the Tri-City Service District, and remove the properties from the Clackamas County Enhanced Law Enforcement District.

ADDENDUM
APPLICABLE REGULATIONS AND ASSOCIATED FINDINGS

STEP ONE: LAND USE DECISION

*West Linn Municipal Code
Chapter 2, Government and Administration*

2.920 Step 1: Land Use Decision.

When an annexation application has been properly initiated pursuant to ORS 222.111, 222.125, 222.170, or 222.840, Step 1 shall include review of the land use aspect of the petition pursuant to Community Development Code Chapter 81. If the application receives Council approval through the Step 1 process, the Council shall proceed to Step 2. A determination that the application meets the land use requirements does not obligate the City to approve the annexation application.

Finding 1: The annexation petition was properly initiated by the owners of real property in the territory to be annexed (Tax Lots 1300 and 1400), pursuant to ORS 222.111(2). Please see Findings 2 to 6 for review of the land use aspect pursuant to CDC Chapter 81. The petitioners are aware of the two step process. The criteria are met.

*West Linn Community Development Code
Chapter 81, Boundary Changes
81.050 Approval Criteria*

The City Council shall approve a boundary change proposal based on findings and conclusions that the proposal complies with the criteria of Metro Code Section 3.09.050(D) and:

Metro Code Section 3.09.050(D). To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (D) and (E) of section 3.09.045.

Metro Code Section 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*

Finding 2: The properties are located within the adopted Urban Growth Boundary (UGB), which is acknowledged and approved by Metro and the State of Oregon. The UGB is

recognized as the means of identifying lands that are appropriate and serviceable for annexation and urban level development.

The City of West Linn and Clackamas County have a signed Urban Growth Management Agreement (UGMA). The UGMA establishes a cooperative planning agreement outlining the responsibility for comprehensive planning activities, public facility planning, annexation proposals, and noticing and coordination requirements.

The City of West Linn is responsible for public facility planning, per the UGMA, and has adopted master plans for water, sanitary sewer, surface water management, and transportation. The master plans anticipate the future annexation and development of unincorporated lands within the UGB, including the properties subject to this petition. The annexation proposal is consistent with the public facility plans and the UGMA.

The petitioners have requested a West Linn zoning designation of R-10 (Single-Family Residential, Detached), which is consistent with the West Linn Comprehensive Plan designation of Low Density Residential. The criteria are met.

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.

Finding 3: The City of West Linn and Clackamas County have a signed Urban Growth Management Agreement (UGMA). The UGMA establishes a cooperative planning agreement that identifies the City as responsible for public facility planning. The City has adopted master plans for water, sanitary sewer, surface water management, and transportation. The master plans anticipate the future annexation and development of unincorporated lands within the UGB, including the properties subject to this petition and no upgrades in capacity are needed.

Annexation of the properties will eliminate the need for Clackamas County Sheriff's officers to respond to calls at the properties, which are well within the city limits. West Linn Police are better positioned to provide coverage and eliminate duplication of services, thus promoting a more efficient economic provision of public safety services. The criteria are met.

- 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.

Finding 4: The properties under petition for annexation are located within the adopted Urban Growth Boundary (UGB). The criteria are met.

- A. West Linn Municipal Code Section 2.920, Step 1: Land Use Decision.
 1. The application of the zoning designation shall follow the criteria in CDC [81.055](#).

81.055 Zoning Designation

A decision on annexation shall also incorporate a decision on a zoning designation. 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 5: The West Linn Comprehensive Plan designation for the properties, and all adjacent properties, is Low Density Residential. The petitioners have requested a West Linn zoning designation of R-10 (Single-Family Residential, Detached) for the properties. The zoning request is consistent with the Low Density Residential designation and no comprehensive plan amendment is required. The criteria are met.

Where the 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 6: The properties under petition for annexation slope from the northwest to southeast at an average of 5.8 percent. There are no drainage channels, wetlands, or significant vegetation on site. All surrounding properties are zoned R-10 and contain single-family detached housing. Please see Findings 3 and 4 for information on the capacity of public facilities to service the site. The criteria are met.

STEP TWO: LEGISLATIVE/POLICY DECISION

West Linn Municipal Code
Chapter 2, Government and Administration

2.930 Step 2: Policy Decision.

(1) Step 2 of the annexation process is a policy decision and shall follow the steps in the subsections below.

(2) If the annexation is approved in the Step 1 process, the Planning Director shall prepare a report which includes the following information:

(a) General information on the property or properties, including but not limited to location, size, access to infrastructure, recommended zone, protected resource areas and infrastructure status;

Finding 7: The two properties under petition for annexation (Taxlot 1300 is 0.45 acres, Taxlot 1400 is 0.48 acres) are “island” properties that are surrounded by property already annexed into the City. The properties are located within the adopted Urban Growth Boundary (UGB), which is acknowledged and approved by Metro and the State of Oregon. There are no protected resource areas (drainage channels, wetlands, floodplain, or significant vegetation) on site. All surrounding properties are zoned R-10 and contain single-family detached housing. It is recommended to assign a zoning designation of R-10 as requested by the petitioners.



Taxlot 1300 contains an existing single-family home that takes access from Rosemont Road and is connected to City water service in Rosemont Road. The home was connected to City sanitary sewer service in Ireland Lane, in early 2019, due to a septic system failure. Taxlot 1400 is currently vacant and has the potential to be partitioned for the construction of two new single-family homes. Taxlot 1400 has frontage on the undeveloped Ridge Lane right-of-way and will be required to construct a portion of Ridge Lane to gain access, as well as extend the sanitary sewer infrastructure from Ireland Lane to the property boundary. The 2016 West Linn Transportation Plan recommends Ridge Lane to connect from Ireland Lane to the developed portion of Ridge Lane 150 feet west of Taxlot 1400. The Ridge Lane right-of-way contains an existing water service line. All public facilities have the capacity to serve the properties (see Findings 3 and 4).

(b) Impact on the school district, including but not limited to impacted schools, taxes, and anticipated number of additional students;

Finding 8: The two properties under petition for annexation are located within the catchment boundaries of Sunset Primary School, Rosemont Ridge Middle School, and West Linn High School. Taxlot 1300 contains an existing single-family home and currently pays school district taxes. Taxlot 1400 is currently vacant and has potential for a maximum of two new single-family homes. It is anticipated that two new homes would add 0.57 primary school students, 0.22 middle school students, and 0.25 high school students (WLWV 2019 Long Range Facility Plan).

In regards to impact on school district taxes, Tim Woodley, WLWV Director of Operations, states *“The school district is not bounded by city limits and we serve all children in the district regardless of location or address. There are nearly 10,000 students enrolled in 16 schools; a few more, or less, has minimal impact. Financial impact is also negligible because funding for education is collected at the state level and then evenly distributed to all districts in the state based enrollment. Capital bonds and the local option levy are voted on by the patrons of the district with each property tax payer paying their share regardless of where they live. Thus, annexation of property from county to city is only a function of density from the school district perspective. If population is increased by annexation and more children are enrolled in schools, state funding for education is provided for each; and each property owner pays their county-calculated share of the local option and capital bond”*.

In addition to annual school district taxes of approximately \$4,200 per single-family home (\$500,000 assessed value), the construction of two new homes on Taxlot 1400 would generate a one-time school district Construction Excise Tax of approximately \$4,000 per home (3,200 sq. ft. home).

(c) Cost to City of infrastructure that is not funded by SDCs; and

Finding 9: West Linn has the highest SDC rates and among the lowest property tax rates in the metro area. SDCs are fees specifically levied on new development to help fund capital projects/infrastructure, capacity increasing projects, and facility upgrades, etc. By covering a significant share of projects associated with growth, SDCs reduce the reliance on general fund monies (property taxes, voter approved bonds, and monthly water, waste water, storm water, parks fees) as a funding source.

This part of the analysis focuses on non-SDC funded infrastructure costs directly associated with new home development on annexed properties. Infrastructure costs are defined as the “brick and mortar” or the constructed facility only. Infrastructure costs do not include the long term maintenance of the facility or the cost of operation and staffing.

For the discussion of infrastructure costs, staff relied on the West Linn Six Year Capital Improvement Plan 2020-2025 (2020 CIP) and City Master Plans to identify needed projects and funding sources.

Parks

According to the 2020 CIP, parks projects are funded from four sources.

- 1. Bond Funds – 63 percent**
- 2. Parks Systems Development Charges – 24 percent**
- 3. Grant Funds – 7 percent**
- 4. Fees – 6 percent**

The existing home on Taxlot 1300, and potential new homes on Taxlot 1400, would add new contributions to the monthly parks maintenance fee and payment of bond debt through property taxes. Potential new homes on Taxlot 1400 would also pay the one-time Parks SDC during the construction phase.

Except for new parks and park facilities (which are paid for largely by SDCs and regional/state grants), existing facilities constitute “sunk costs” in that their maintenance would be required regardless of whether the properties were annexed or not.

Environmental Fund

The existing home on Taxlot 1300 currently pays monthly wastewater and surface water fees. Potential new homes on Taxlot 1400, would add new contributions to the monthly wastewater and surface water fee for the maintenance and operation of the City’s systems. No new infrastructure is required for Taxlot 1300. If Taxlot 1400 were to develop, it would be required to construct a sanitary sewer line from Ireland Lane to the west edge of the property. This new line could then be extended in the future if necessary.

The West Linn sanitary sewer and storm water facilities have sufficient capacity to serve the properties, as does the Tri-City system. Homes on both properties would contribute to the long-term maintenance, operation, and facility upgrades of Tri-City infrastructure through payment of a monthly fee.

The existing single-family home on Taxlot 1300 recently connected to the City's sanitary sewer system and paid the one-time sanitary sewer SDC. Potential new homes on Taxlot 1400 would be required to do the same.

Water

No future storage or transmission upgrades are needed to serve the properties. All water lines near the proposed annexation are relatively new, so most of the monthly fee revenue paid by homes on the properties are expected to go to older neighborhoods for infrastructure maintenance or upgrades.

The existing single-family home on Taxlot 1300 is connected to City water service and paid the one-time SDC fee to the City and South Fork Water Board. Potential new homes on Taxlot 1400 would be required to pay the SDC fees upon connection to the City system.

Streets Fund

The proposed annexation has the potential to generate 19 new trips per day (2 new homes X 9.4 ADT), distributed over the City, Regional, and State road network. The proposed annexation will not modify programmed or future capital upgrades to those facilities as the West Linn Transportation System Plan (TSP), the Metro Regional Transportation Plan (RTP), and the Statewide Transportation Improvement Program (STIP) anticipate future population growth, including the development of unincorporated urban islands, including these properties.

Taxlot 1300 requires no new street infrastructure. If new homes were built on Taxlot 1400, the developer would be responsible for their proportional share of costs to construct half-street improvements from Ireland Lane to the west edge of the property. Long term maintenance of streets would be applicable, however all single-family homes pay a monthly street maintenance fee and any new homes constructed would pay one-time street and pedestrian/bicycle SDCs.

Significant capital improvements projects on Highway 43 (North City Limits to Mary S Young Park) are 91 percent covered by Federal Transportation grants and SDCs. The City GO Bond and fees are expected to contribute to these improvements, as well as other transportation projects around the community. Approval of this annexation request will fractionally accelerate the retirement of GO Bond obligations.

Previous studies on the cost of annexation had assigned the cost of I-205 and Highway 43 improvements to the future residents of annexed properties. That approach doesn't acknowledge that these projects are "sunk costs" and would be undertaken regardless of the

annexation. Also, most future residents already live in the State of Oregon and pay both state and federal taxes, Oregon gas tax, and vehicle title/registration fees. All of which contribute to the principal sources of funding for upgrades to I-205 and Highway 43. Other future residents, who are not currently Oregon residents, but live elsewhere in the United States, are already contributing their federal taxes towards those projects.

(d) *Tax implications for the City.*

Finding 10: The permanent property tax rate for the City of West Linn is currently \$2.12 per \$1,000 of taxable assessed value. Bonds currently require \$0.42 per \$1,000 of assessed value. According to the City of West Linn Finance department website, that tax rate is *“the lowest property tax rate for cities in the surrounding area”*.

For a house and land with an assessed valuation of \$500,000, the City tax and bond share would be \$1,270. Three homes (existing home on Taxlot 1300 and two potential new homes on Taxlot 1400) would yield \$3,810 in taxes annually towards needed City infrastructure, operations, maintenance and programs, as well as retirement of the bonds, which would fractionally reduce existing City of West Linn property owner costs.

Potential Revenue from Annexation (ANX-19-01)	
Tax and Revenue Source	Amount
Potential City Tax Value*	\$3810 (annual)
Potential Parks Maintenance Fees*	\$569 (annual)
Potential Sewer and Storm Fees**	\$1,260 (annual)
Potential Water Fees**	\$591 (annual)
Potential Street Maintenance Fees*	\$498 (annual)
Total	\$6,728 (annual)
Potential Park SDC Revenue**	\$23,070
Potential Sewer and Storm SDC Revenue**	\$10,198
Potential Street SDC Revenue**	\$6,336
Potential Water SDC Revenue**	\$18,850
Total	\$58,454

*Assuming 3 homes (1 existing, 2 new)

** Assuming 2 new homes

All homes assumed valuation of \$500,000

As part of the Step 1 process, the applicant shall provide to the Planning Director the information required above at the applicant's cost.

(3) Following delivery of the report and consideration of the report by the City Council at a public meeting, the Council may, in its discretion, decide to set a public hearing for the annexation request, delay a public hearing on the requested annexation or pass a resolution placing the annexation request on a ballot for an advisory vote, at any election. At the public meeting, any person may appear and be heard on the questions of whether the annexation should proceed and whether the request should be placed on the ballot for an advisory vote.

(4) If City Council decides to proceed to a public hearing on the requested annexation without an advisory vote, a public hearing will be scheduled. Notice of the Step 2 public hearing shall be published in accordance with State law and the Metro Code.

(5) The City Council may approve an annexation request if it finds that the annexation is in the best interest of the City based on the report prepared by the Planning Director; testimony and evidence presented at the public hearing; and any other information, evidence, or analysis the City or the Council deems relevant to the application.

(6) The City Council may deny an annexation acting in its legislative capacity even after it has approved the annexation application through the Step 1 process. A decision to deny an annexation in Step 2 shall be specifically stated in the record and noted as a legislative act separate and apart from the land use decision in Step 1.

Finding 11: Staff recommends approval of both the Step One "Land Use Decision" (Ordinance 1700) and the Step Two "Policy Decision" (Ordinance 1701) to annex 0.93 acres at 1480 Rosemont Road into the West Linn City Limits, establish a West Linn zoning designation of R-10 per the applicant's request, annex the properties into the Tri-City Service District, and remove the properties from the Clackamas County Enhanced Law Enforcement District.

EXHIBIT CC-1: APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>Darren Wyss</i>	PROJECT NO(S). <i>ANX-19-01</i>	
NON-REFUNDABLE FEE(S) <i>15000.00</i>	REFUNDABLE DEPOSIT(S)	TOTAL <i>15,000.00</i>

Type of Review (Please check all that apply):

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

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

Site Location/Address: <i>1480 Rosemont Rd West Linn, Or 97068</i>	Assessor's Map No.: <i>21E25CA</i>
	Tax Lot(s): <i>1300, 1400</i>
	Total Land Area: <i>.93</i>

Brief Description of Proposal:

*Annexation of two tax lots, one which has a home
The property is an island property in West Linn*

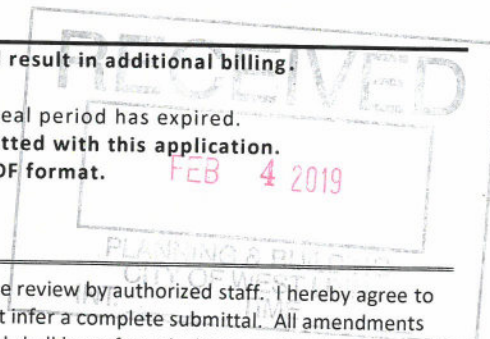
Applicant Name: <i>RALPH + SHIRLEY HANSON</i> <small>(please print)</small>	Phone: <i>503-656-5355</i>
Address: <i>1480 Rosemont Rd</i>	Email: <i>rasah2@comcast.net</i>
City State Zip: <i>West Linn, Or 97068</i>	
Owner Name (required): <i>RALPH + SHIRLEY HANSON</i> <small>(please print)</small>	Phone: <i>503-656-5355</i>
Address: <i>1480 Rosemont Rd</i>	Email: <i>rasah2@comcast.net</i>
City State Zip: <i>WEST LINN, OR 97068</i>	
Consultant Name: <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. **Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.**
One (1) complete set of digital application materials must also be submitted on CD in PDF format.
If large sets of plans are required in application please submit only two sets.

* No CD required / ** Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

<i>Shirley + Ralph Hanson</i>	<i>1/28/19</i>	<i>Shirley Hanson</i>	<i>1/28/19</i>
Applicant's Signature	Date	Owner's signature (required)	Date



DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT	PROJECT NO(S).	
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S)	TOTAL

Type of Review (Please check all that apply):

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

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

Site Location/Address: 1480 Rosemont Rd West Linn, OR 97068	Assessor's Map No.: Tax Lot(s): Total Land Area:
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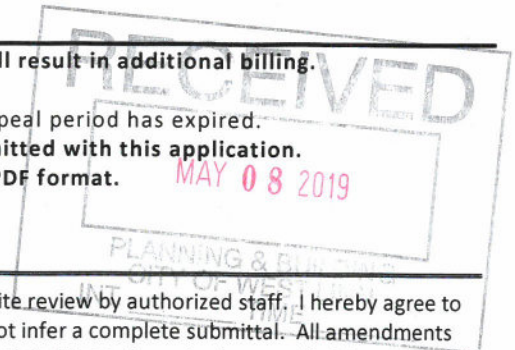
Brief Description of Proposal:

Applicant Name: Ashley Rhea <small>(please print)</small> Address: 1480 Rosemont Rd City State Zip: West Linn, OR 97068	Phone: 971-645-6164 Email: ashley@barnardcommercial.com
Owner Name (required): Ashley & Jerry Rhea <small>(please print)</small> Address: 1480 Rosemont Rd. City State Zip: West Linn, OR 97068	Phone: 971-645-6164 Email: ashley@barnardcommercial.com
Consultant Name: <small>(please print)</small> Address: City State Zip:	Phone: Email:

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. **Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.**
 One (1) complete set of digital application materials must also be submitted on CD in PDF format.
 If large sets of plans are required in application please submit only two sets.

* No CD required / ** Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.



 Applicant's signature	4-8-19 Date	 Owner's signature (required)	4-8-19 Date
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To: West Linn Planning and City Council
Re: 1480 Rosemont Rd annexation
Owners: Ralph and Shirley Hanson

January 29th, 2019

This cover letter is submitted to the City of West Linn in an effort to expedite an **"Island Property"** annexation to the city. We are Ralph and Shirley Hanson, West Linn residents since purchasing .93 acres on two tax lots at 1480 Rosemont Rd in 1967.

After 51 years in the 3 story home we had built, and both of us in our 80's... it is time to downsize to a single level home. Our home has never been on the market since 1967, and as part of the home sale process, we were pro-active and had our original septic system tested as required by the DEQ.

Unfortunately, the septic system failed inspection and cannot be repaired, but **MUST** be connected to the city sewer system as soon as feasible out of necessity.

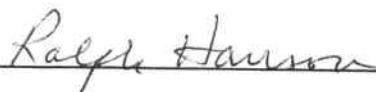
However, as part of connecting to the City sewer, the property **MUST** be annexed to receive sewer services. We certainly agree to apply and pay for annexation to receive permits to begin the sewer connection process, which we have applied and submitted.

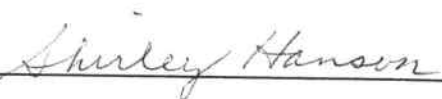
It is our hope and desire to expedite whatever process that must occur in order to begin the sewer connection and avoid any further leaking into the surrounding soil area.

We have signed a contract with American On-site to begin the permitting process, however, we need City approval to issue the proper permits in order to provide a safe and proper sanitary system for the home we have enjoyed here in West Linn since 1967

Cordially,

Ralph and Shirley Hanson





Introduction

General Proposal:

This application and responses to criteria is for an annexation into the City of West Linn of 1480 Rosemont Rd. The applicants have been residents of this property since 1967 and since then the property has become one of many “Island” properties in the area. They require this annexation in order to connect to feasible sanitary services.

Site Conditions:

This Property is referred to as Parcel #21E25CA01400. The parcel is a flat tract of land in Clackamas County with a less than 10% grade on the back portion of the property sloping west to east.

Surrounding Land Uses:

The surrounding area is comprised of residential lots of similar size all zoned R-10. Other “Island” properties are located south and east of the property. Several of these are in process for annexation. Wilderness park lies 3 blocks to the south.

Why you believe the application should be approved as you propose it:

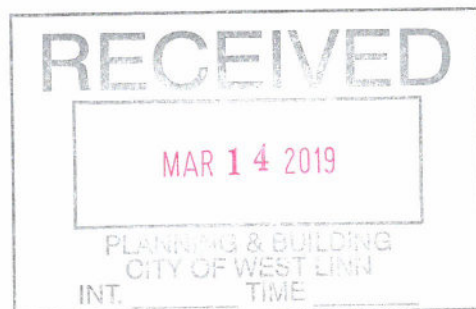
The applicants have been long-standing members of the community and have lived in this house since 1967. They have recently been told that the current septic system is inoperable and unable to be repaired. Therefore, they must connect to City sanitary services in order to maintain acceptable standards of public hygiene and safety. In order to connect to City services, the property must be annexed into the City.

81.040 PETITION

A. A petition to annex to the City of West Linn may be initiated by a property owner(s) of the area to be annexed, or the City, as set forth in Section 2.950(1) of the City Code.

Applicant’s Finding:

The applicant has submitted the petition for annexation into the City of West Linn. Please see project #ANX-19-01.



A prerequisite to the filing of an annexation petition is a pre-application conference at which time the Director shall explain the requirements and provide the appropriate forms as specified in CDC 99.030(B) and (C).

Applicant’s Finding:

Client has completed all necessary pre-application requirements and has been provided the necessary forms. Please see file #PA-18-35.

B. A petition to annex shall include the completed petition form and three copies of each of the following, except for each drawing submitted, there shall be three copies at the original scale and three copies reduced to a paper size not greater than 11 inches by 17 inches.

- 1. The minimum petition requirements of Metro Code Section 3.09.040.*
- 2. A narrative which addresses the approval criteria set forth in Municipal Code Section 2.920 and Metro Code Sections 3.09.050(d) and, if applicable, (e).*
- 3. Vicinity, legal, and other descriptive maps necessary to show compliance with Municipal Code Section 2.920 and Metro Code 3.09.040.*

Applicant’s Finding:

The applicant has completed all petition forms and provided all required copies as requested.

C. 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.

Applicant’s Finding:

This petition for annexation is proposed in accordance with all applicable sections of the CDC and metro chapter 3.09

D. The applicant shall pay the requisite fee. The fee for a boundary change shall be established by resolution of the City Council. (Ord. 1442, 1999)

Applicant’s Finding:

Appropriate fees are included with this application.

81.050 APPROVAL CRITERIA

The City Council shall approve a boundary change proposal based on findings and conclusions that the proposal complies with the criteria of Metro Code Section 3.09.050(D) and:

A. West Linn Municipal Code Section 2.920, Step 1: Land Use Decision.

- 1. The application of the zoning designation shall follow the criteria in CDC 81.055.*

Applicant’s Finding:

See below for responses to applicable criteria to Metro Code sections.

B. *West Linn Municipal Code Section 2.930, Step 2: Policy Decision. (Ord. 1442, 1999; Ord. 1635 § 29, 2014; Ord. 1675 § 52, 2018)*

Applicant’s Finding:

See below for responses to applicable Sections of the West Linn Municipal Code.

81.055 ZONING DESIGNATION

A decision on annexation shall also incorporate a decision on a zoning designation. 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

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

A. *Specific site characteristics such as topography, drainage, and existing vegetation.*

Applicant’s Finding:

The site is well suited for a R-10 designation. The topography is flat with minimal vegetation. Site slopes west to east at not more than 10% grade. A small stand of trees is located at the rear of the property.

B. *The existing zoning and development patterns of surrounding properties.*

Applicant’s Finding:

The surrounding properties in all directions are zoned R-10 and are developed with single-family homes. There are several properties to the west which are also zoned FU-10 and are future candidates for annexation. Other “Island” properties within the City are going through similar processes. Additionally, this site is designated as low density residential. This criteria is met.

C. *The capacity of the City to provide road, sanitary sewer, storm drainage, and water service to the site. (Ord. 1442, 1999; Ord. 1528, 2005; Ord. 1590 § 1, 2009;*

Ord. 1635 § 30, 2014)

Applicant's Finding:

The property is on a main road with City services being provided to adjacent properties. There is an 8" water main as well as sanitary line at the rear of the property. Stormwater connection is 100' from the rear of the property.

105.050 QUASI-JUDICIAL AMENDMENTS AND STANDARDS FOR MAKING DECISION

A decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:

A. The standards set forth in CDC 99.110(A), which provide that the decision shall be based on consideration of the following factors:

1. The applicable Comprehensive Plan policies as identified in subsection C of this section and map designation.

2. The applicable standards of any provision of this code or other applicable implementing ordinance.

B. The standards set forth in CDC 99.110(B), which provide that, in making the decision, consideration may also be given to the following:

1. Proof of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Zoning Map as it relates to the property which is the subject of the development application.

2. Factual oral testimony or written statements from the parties, other persons and other governmental agencies relevant to the existing conditions, other applicable standards and criteria, possible negative or positive attributes of the proposal or factors in sub-section A or (B)(1) of this section.

C. The Comprehensive Plan, Plan and Ordinance Revision Process, and Specific Policy No. 4, which provides that the decision shall be based on consideration of the following criteria:

1. Conformance with the Comprehensive Plan policies and criteria.

2. There is a public need for the change or the change can be demonstrated to be in the interest of the present and future community.

3. The changes will not adversely affect the health, safety and welfare of the community.

Applicant's Finding:

A. The Comprehensive Plan Designation for this property is R-10 Low Density Residential. This request for assignment to zone R-10 is consistent with the goals of the Comprehensive Plan.

B. This request for annexation is consistent with the surrounding neighborhood and no mistakes have been found with the Comprehensive

Plan as it relates to this property.

- C. This application conforms to the requirements of the Comprehensive Plan. Furthermore, it is in the public's best interest to annex these "island" properties into the City. This will provide neighborhood cohesion, uniform access to services and will add to the land use cohesion of the area.

D. *Transportation Planning Rule compliance.*

1. *Review of applications for effect on transportation facilities. When a development application, whether initiated by the City or by a private interest, includes a proposed comprehensive plan amendment zone change or land use regulation change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (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:*

1) *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;*

2) *Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or*

3) *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.*

Applicant's Finding:

In accordance with Oregon Administrative Rule (OAR) 660-012-0060, all concerns are met because the annexation of this property and designation as R-10 conforms to the City of West Linn Comprehensive Plan and therefore will not, (i) change the functional classification of an existing or planned transportation facility, (ii) *Change standards implementing a functional classification system,* and (iii) *allow land uses that would produce traffic inconsistent* with the classification, reduce or worsen the performance of existing or planned transportation facility. This annexation and subsequent rezoning to R-10 will not significantly affect a transportation facility and is consistent with the City of West Linn Comprehensive Plan.

Chapter 2 GOVERNMENT AND ADMINISTRATION

2.915 Annexation Purpose Statement.

(1) *The purpose of Sections 2.915 to 2.940 is to establish a two-step process for annexation applications. The first step is a land use decision. The second step is a policy decision by the City Council to determine if the annexation should be approved. The Step 1 and Step 2 decisions can occur at the same meeting. An annexation to the City shall not be effective unless it is approved by the City Council at its discretion and by Metro pursuant to its authority regarding annexations within its boundaries.*

Applicant's Finding:

The applicant/owner of the subject site has reviewed the section and is aware of the process prescribed in the above section.

(2) *The procedures and standards established in this chapter are required for review of proposed annexations in order to:*

(a) *Provide adequate public notice, information and sufficient time for public review before annexation hearings and elections;*

(b) *Maximize citizen involvement in the annexation review process; and*

(c) *Provide information to the public concerning the physical, environmental, financial and related social effects of annexation.*

Applicant's Finding:

The applicant/owner of the subject site has reviewed above section and has met this provision by providing the City required information and analysis in this application.

2.920 Step 1: Land Use Decision.

When an annexation application has been properly initiated pursuant to ORS 222.111, 222.125, 222.170, or 222.840, Step 1 shall include review of the land use aspect of the petition pursuant to Community Development Code Chapter 81. If the application receives Council approval through the Step 1 process, the Council shall proceed to Step 2. A determination that the application meets the land use requirements does not obligate the City to approve the annexation application.

Applicant's Finding:

Acknowledged. The annexation application/or the subject site has been initiated and the application follows the land use designation of the applicable CDC.

2.930 Step 2: Policy Decision.

(1) Step 2 of the annexation process is a policy decision and shall follow the steps in the subsections below.

(2) If the annexation is approved in the Step 1 process, the Planning Director shall prepare a report which includes the following information:

(a) General information on the property or properties, including but not limited to location, size, access to infrastructure, recommended zone, protected resource areas and infrastructure status;

(b) Impact on the school district, including but not limited to impacted schools, taxes, and anticipated number of additional students;

(c) Cost to City of infrastructure that is not funded by SDCs; and

(d) Tax implications for the City.

(e)

(3) Following delivery of the report and consideration of the report by the City Council at a public meeting, the Council may, in its discretion, decide to set a public hearing for the annexation request, delay a public hearing on the requested annexation or pass a resolution placing the annexation request on a ballot for an advisory vote, at any election. At the public meeting, any person may appear and be heard on the questions of whether the annexation should proceed and whether the request should be placed on the ballot for an advisory vote.

(4) If City Council decides to proceed to a public hearing on the requested annexation without an advisory vote, a public hearing will be scheduled. Notice of the Step 2 public hearing shall be published in accordance with State law and the Metro Code.

(5) The City Council may approve an annexation request if it finds that the annexation is in the best interest of the City based on the report prepared by the Planning Director; testimony and evidence presented at the public hearing; and any other information, evidence, or analysis the City or the Council deems relevant to the application.

(6) The City Council may deny an annexation acting in its legislative capacity even after it has approved the annexation application through the Step 1 process. A decision to deny an annexation in Step 2 shall be specifically stated in the record and noted as a legislative act separate and apart from the land use decision in Step 1.

Applicant's Finding:

Section 2.930 is met with the following response:

Applicant acknowledges the implications considered in weighing this decision for annexation and has responded to such concerns. The applicant agrees to the process as required by the City Council. This property conforms to surrounding zoning characteristics and therefore is a good candidate for annexation.

West Linn's Comprehensive Plan

The following Goals and Policies within the City of West Linn's Comprehensive Plan are applicable and provide guidance regarding the annexation of properties into the City. The City's Comprehensive Plan provides a series of over-arching guidance for growth and development within the City. Structured as a goal setting and policy document, the guidance provided by the Comprehensive plan is meant to inform decisions and create a framework for the Community Development Code, which implements the visions, goals, and policies of the Plan.

Goal 2: Land Use Planning

Goal 11: Public Facilities and Services

Goal 14: Urbanization

Applicant's Finding:

Goal 2: Land Use Planning (Residential Development, Comprehensive Plan) calls for "low density residential" zoning in "Areas with limited capacity for development because of existing facilities such as sewer, water and drainage and/or development limitations due to topography, soil characteristics, drainage, high water table, and flooding."

Goal 11: Annexation will allow this property to access City services including sanitary and stormwater which are both accessible from the back of the property.

Goal 14: This property is within the UGB. With no infrastructure limitations and few site constraints. Annexation will bring this property more into conformity with the City and the surrounding neighborhood. Due to the site conforming to the Comprehensive Plan, R-10 zone is appropriate for the site.

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.

Applicant's Finding:

Pursuant to ORS 222.125, the applicant submitted certificates of consent signed by 100% of the owners of the property. The criteria are 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 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.*

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.

Applicant's Finding:





Although this application does not intend to ask for an expedited decision, if the subject site is qualified, and if such a process is initiated at the City's discretion, the applicant/owner is willing to cooperate with the City for all proper procedures prescribed in this Metro Code Section. This property lies within the UGB.

Summary/Conclusion

This request for annexation into the City of West Linn conforms to all applicable codes, urban growth planning, and the West Linn Comprehensive Plan. This site has been a long-established residence and is one of a handful of “Island” properties within the City limits. Furthermore, the current infrastructure of the property has decayed to the point that connection to City services is essential. It is in the best interest of the community and neighborhood for this annexation to be approved without delay. We respectfully request you approve our request for annexation into the City of West Linn.

To the Council of the City of West Linn, Oregon

We, the undersigned owner(s) of the property described below and/or elector(s) residing at the referenced location and give consent to, annexation of said property to the City of West Linn. We understand that the City will review this request in accordance with ORS Chapter 222, and applicable regional and local policies prior to approving or denying the request for annexation.

Signature	Printed Name	I am a			Address	Property Description				Date
		PO	RV	OV		Township/ Section	Map	Tax Lot	Precinct	
	Ralph Hanson	X			1480 Rosemont Rd West Linn, OR 97148	21E25CA		1400		1/28/19
	Shirley Hanson	X			1480 Rosemont Rd West Linn, OR 97148	" "		1400		1/28/19
	Ashley Rhea	X			1480 Rosemont Rd West Linn, OR 97148			1300		4/8/19
	Jerry Rhea	X			1480 Rosemont Rd West Linn, OR 97148			1300		4/8/19

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

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

Initial DSW

CITY OF WEST LINN

CERTIFICATION OF PROPERTY OWNERSHIP

I hereby certify that the attached petition for annexation of the territory described herein to the City of West Linn contains the names of the owners* of a majority of the land area of the territory to be annexed, as shown on the last available complete assessment roll.



NAME CRAIG FERRIS *Craig Ferris*

TITLE CARTOGRAPHER III

DEPARTMENT ASSESSMENT & TAX
CLACKAMAS COUNTY ASSESSOR'S OFFICE

DATE 1-28-2019



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

* * * * *

CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition for annexation of territory described herein to the City of West Linn contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME Rebekah Stern Doll *Rebekah Stern Doll*

TITLE Deputy Clerk

DEPARTMENT Elections
CLACKAMAS COUNTY ASSESSOR'S OFFICE

DATE 1/29/2019

No Registered Voters at this address



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 21E25CA) 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 CRAIG FERRIS *Craig Ferris*
TITLE CARTOGRAPHER III
DEPARTMENT ASSESSMENT & TAX
CLACKAMAS COUNTY ASSESSOR'S OFFICE
DATE 1-28-2019



CITY OF WEST LINN

CERTIFICATION OF PROPERTY OWNERSHIP

I hereby certify that the attached petition for annexation of the territory described herein to the City of West Linn contains the names of the owners* of a majority of the land area of the territory to be annexed, as shown on the last available complete assessment roll.



NAME JOSHUA BOLL
TITLE GIS CARTOGRAPHER 2
DEPARTMENT ASSESSMENT & TAX
CLACKAMAS COUNTY ASSESSOR'S OFFICE
DATE 5/8/19

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

* * * * *

CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition for annexation of territory described herein to the City of West Linn contains the names of at least a majority of the electors registered in the territory to be annexed.



NAME Jennifer wessels
TITLE Deputy Clerk
DEPARTMENT Elections
CLACKAMAS COUNTY ASSESSOR'S OFFICE
DATE 5-8-19

CERTIFIED COPY OF THE ORIGINAL
SHERRY HALL, COUNTY CLERK

BY: [Signature]

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 21E25CA) 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 JOSHUA BOLL

TITLE GIS CARTOGRAPHER 2

DEPARTMENT ASSESSMENT & TAX
CLACKAMAS COUNTY ASSESSOR'S OFFICE

DATE 5/18/19



Annexation Description

LEGAL DESCRIPTION

PROPERTY DESCRIPTION: Tax Lots 1300 & 1400 – 21E25CA

Date: January 28, 2019

Annexation

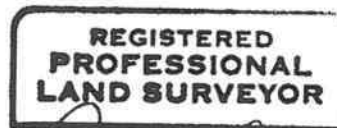
FOR USE ON LEGAL INSTRUMENT

EXHIBIT "A"

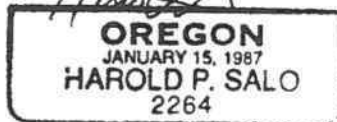
A tract of land situated in the Southwest one-quarter of Section 25, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon, being a part of Lots 34 and 35, "Shannon Acre Tracts, being more particularly described as follows:

Beginning at the northeast corner of that certain tract of land conveyed to Ralph A. Hanson and Shirley A. Hanson, trustees of the Ralph A. Hanson and Shirley A. Hanson Trust as recorded in Fee No. 2000-054801, Clackamas County deed records, said northeast corner being on the southerly right of way line of Rosemont Road; thence leaving said southerly right of way line, South 00°04'18" East along the westerly line of Partition Plat No. 2000-063, Clackamas County Plat records, a distance of 302.01 feet to the southeast corner of that certain tract of land conveyed to Ralph A. Hanson and Shirley A. Hanson, trustees of the Ralph A. Hanson and Shirley A. Hanson Trust as recorded in Fee No. 2000-054802, Clackamas County deed records, said southeast corner being on the northerly right of way line of Ridge Lane; thence South 89°42'20" West along said northerly right of way line, a distance of 129.60 feet to the southwest corner of said Hanson tract; thence leaving the northerly right of way line of Ridge Lane, North 00°08'06" East along the westerly line of said Hanson tracts, a distance of 324.53 feet to the southerly right of way line of said Rosemont Road; thence South 80°20'31" East along said right of way line, a distance of 130.30 feet to the Point of Beginning.

Containing 40,423 square feet, more or less.



Handwritten signature of Harold P. Salo



Expires: 6/30/20

EXHIBIT CC-2: COMPLETENESS LETTER



CITY OF
West Linn

July 15, 2019

Ralph and Shirley Hanson
Ashley and Jerry Rhea
1480 Rosemont Road
West Linn, OR 97068

SUBJECT: ANX-19-01 application for the annexation of Taxlots 1300 and 1400 of Clackamas County Assessor Map 2S-1E-25CA (1480 Rosemont Road)

Greetings:

You submitted this application on February 4, 2019. You submitted additional information on March 14, 2019, May 8, 2019, and June 11, 2019. The City finds that this application is now **complete**.

We are determining, with our City Council, the best date to schedule your application for a public hearing. You will receive notice of the hearing date.

Please contact me at 503-742-6064, or by email at dwyss@westlinnoregon.gov if you have any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads "Darren Wyss".

Darren Wyss

Associate Planner

EXHIBIT CC-3: AFFIDAVIT OF NOTICE AND MAILING PACKET

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. AVX-19-01 Applicant's Name Ralph & Shirley Hanson / Ashley & Jerry Rhee
Development Name 1480 Rosemont Rd Annexation
Scheduled Meeting/Decision Date 9-9-2019

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) 8-16-2019 (signed) [Signature]
- B. Affected property owners (date) 8-16-2019 (signed) [Signature]
- C. School District/Board (date) 8-16-2019 (signed) [Signature]
- D. Other affected gov't. agencies (date) 8-16-2019 (signed) [Signature]
- E. Affected neighborhood assns. (date) 8-16-2019 (signed) [Signature]
- F. All parties to an appeal or review (date) _____ (signed) _____

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

Tidings (published date) 8-29-2019 & 9-5-2019 (signed) [Signature]
City's website (posted date) 8-16-2019 (signed) [Signature]

SIGN

At least ²⁰10 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) 8-19-2019 (signed) [Signature]

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. Available 15 days prior to public hearing

(date) 8-23-2019 (signed) [Signature]

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 0.93 ACRES AT 1480 Rosemont Road
FILE NO. ANX-19-01**

The West Linn City Council will hold a public hearing on **Monday, September 9, 2019, starting at 6:30 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider an annexation request for 0.93 acres at 1480 Rosemont Road. The applicants are requesting an R-10 zone designation, single-family residential detached with a 10,000 square foot minimum lot size. The area is identified by Clackamas County as assessor's map 2S 1E 25CA tax lots 1300 and 1400. The decision will be based on the criteria of Community Development Code (CDC), Chapter 81, West Linn Municipal Code 2.920-2.930 and Metro Code 3.09.045 and 3.09.050(D). The approval criteria from the CDC and Municipal Code are available for review at City Hall, at the City Library, and at <http://www.codepublishing.com/OR/WestLinn/CDC.html>.

Metro Code "LOCAL GOVERNMENT BOUNDARY CHANGES" may be found at https://www.oregonmetro.gov/sites/default/files/2014/06/05/309_eff_071112_final.pdf.

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. All "Necessary parties" have been noticed.

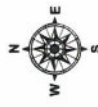
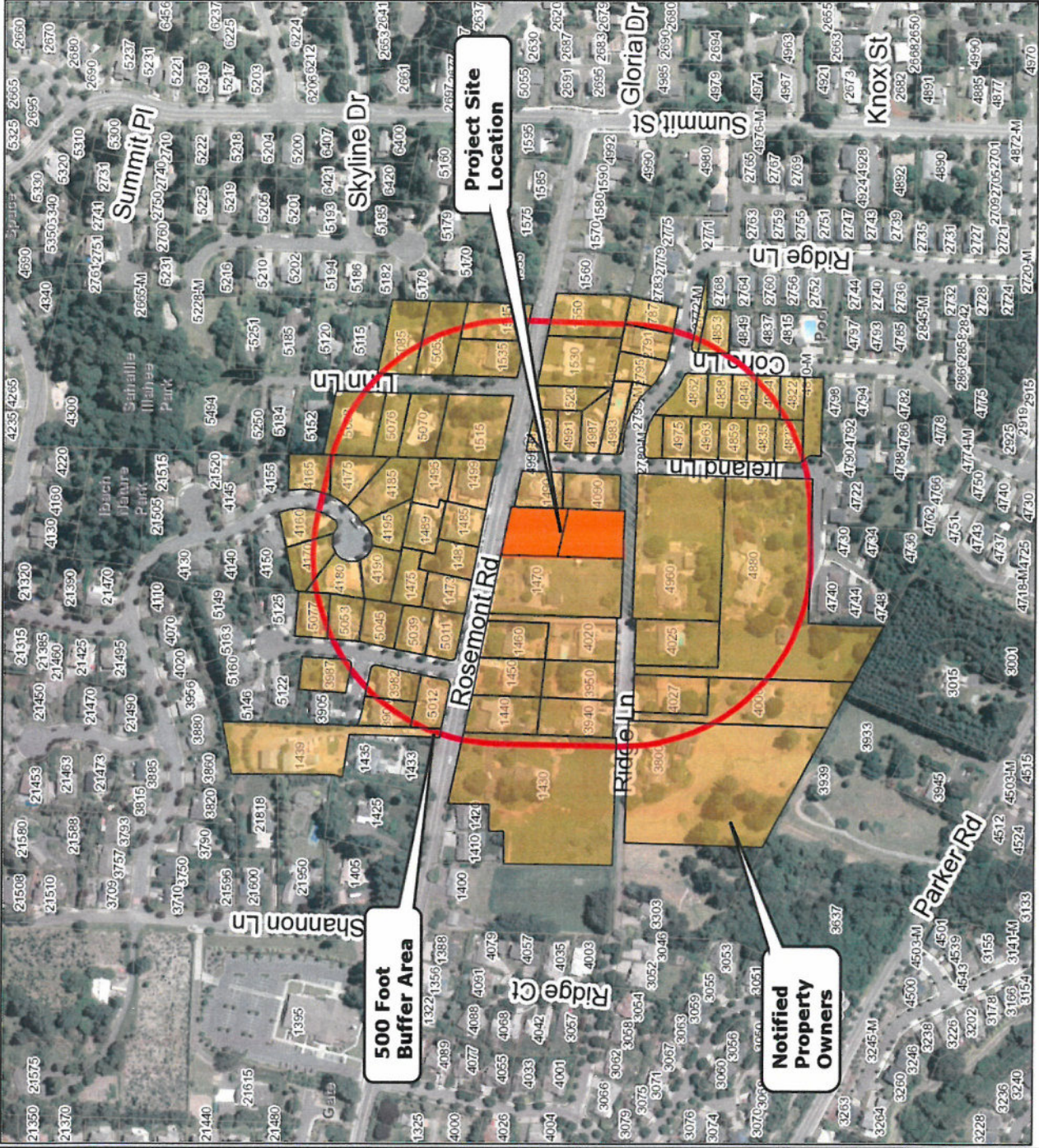
Annexations go through a two-step hearing process. Step one is a land use decision. The Council determines whether the proposed annexation is consistent with the intent of the West Linn Comprehensive Plan and CDC Chapter 81. The Council will assign a zone for the property. At the conclusion of step one, the Council may, in its discretion: 1) decide to set a public hearing for the annexation request (step two), 2) delay a public hearing on the requested annexation or 3) pass a resolution placing the annexation request on a ballot for an advisory vote.

Step two review for annexation proposals is a policy decision that applies the standards of WLMC 2.930. Both Step 1 and Step 2 can occur on the same night.

The annexation application is available for inspection at City Hall or via the web site at <https://westlinnoregon.gov/planning/1480-rosemont-road-annexation-93-acres>. Copies of the annexation application can be obtained for a minimal charge per page. At least 15 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 Darren Wyss at 503-742-6064 or at dwyss@westlinnoregon.gov

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

1480 Rosemont Road, Public Notice Map



Scale 1:4,800 - 1 in = 400 ft
Scale is based on 8-1/2 x 11 paper size



Map created by: DWYSS
Date Created: 14-Aug-19 04:54 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. Map scale is approximate. Source: West Linn GIS (Geographic Information System) MapOptix.



**NOTICE OF UPCOMING
CITY COUNCIL DECISION**

**PROJECT # ANX-19-01
MAIL: 8/16/2019 TIDINGS: 8/29/2019 and 9/5/2019**

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets and land use application notice, and to address the concerns of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.