

**BEFORE THE WEST LINN CITY COUNCIL  
FINAL ORDER**

ANX-09-01

*Regarding the Step One Annexation of an approximate 7.5 acre site located at 3332 and 3151 Parker Rd.*

At the hearing date of December 14, 2009, the West Linn City Council held a meeting pursuant to the provisions of Community Development Code, Chapter 81 to consider a Step One Annexation approval of approximately 7.5 acres located at 3332 and 3151 Rosemont Road; including the adjacent right-of-way. They concluded that:

**FINDINGS OF FACT**

1. The City Council conducted a public hearing on December 14, 2009 and heard and accepted the staff report and findings included therein.
2. The City Council found that the Step One Annexation request met the approval criteria of Community Development Code, Section 81.050, which includes meeting Municipal Code, Section 2.920(1.) Specifically, the Council found that the following conditions necessary to process an annexation were met:
  - (a) The subject site is located within the Portland Metropolitan Urban Growth Boundary.
  - (b) The site is designated as Medium High Density Residential on the West Linn Comprehensive Plan Map.
  - (c) The site is contiguous to the existing city limits on all sides.
  - (d) Written consent from the property owner has been provided in accordance with ORS Section 222.111.
  - (e) The property has been included in all applicable capital facility improvements plans and, accordingly, has been planned for all needed City infrastructure.
3. The City Council found that the proposal complies with the criteria of Metro Code, Section 3.09.050(d,) and that Section 3.09.050(e) was not applicable. The City has not adopted an annexation plan under ORS 195.065, and there are no urban service agreements in place for the area.
4. The City Council found that the proposal complies with the Comprehensive Plan, the Sanitary Sewer Master Plan, Water System Master Plan, and Storm Drainage Master Plan.

5. The City Council found that the site proposed for annexation is adjacent and contiguous to recent development, and is timely, and will not interfere with economic provision of the public facilities or services. The County Enhanced Law Enforcement District is the only unit of government that would lose territory as a result of annexation to the City. The Tri-City Sewer Service District annexation will be required subsequent to the City's annexation of the property.
  
6. In accordance with the Comprehensive Plan Designation of Medium High Density Residential, which provides for compatible zoning districts of either R-2.1 or R-3, the City Council determined that the site should be zoned R-3 (one dwelling per 3,000 square feet) if annexed into the city, because the site is principally located adjacent to land zoned R-3 and GC; therefore, the R-3 zoning is consistent with the prevailing zoning in the area.
  
7. A motion was made and seconded to approve the Step One Annexation, including removal from the County Enhanced Law Enforcement District. The Step One Annexation was approved, with no additional conditions of approval.

This decision is final upon the date of the signature on this notice. Those parties with standing may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) according to the rules adopted by LUBA.

\_\_\_\_\_  
 PATTI GALLE, MAYOR

\_\_\_\_\_  
 DATE

MAILED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2009.

APPROVED AS TO FORM:  
 \_\_\_\_\_

**STAFF REPORT**

**CITY COUNCIL HEARING**

**MEETING DATE: DECEMBER 14, 2009**

**FILE NO.:** ANX 09-01 ("PARKER ROAD ANNEXATION")

**REQUEST:** STEP ONE PUBLIC HEARING FOR THE PROPOSED ANNEXATION OF AN APPROXIMATE 7.5 ACRE PROPERTY LOCATED AT 3332 AND 3151 PARKER ROAD, AND WHICH INCLUDES THE ADJACENT RIGHT-OF-WAY

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**City of West Linn  
PLANNING DEPARTMENT**

TO: Chris Jordan, City Manager  
FROM: Chris Kerr, Senior Planner   
DATE: November 23, 2009 (for City Council meeting on December 14, 2009)  
FILE NO.: ANX-09-01  
SUBJECT: Step One public hearing regarding an annexation request for the property located at 3332 and 3151 Parker Road.

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Planning Director's Initials 

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**SPECIFIC DATA**

**OWNERS:** West Linn-Wilsonville School District

**APPLICANT:** City of West Linn

**SITE LOCATION:** 3332 and 3151 Parker Road. The site straddles Parker Road (see attached map)

**SITE SIZE:** 7.5 acres

**DESCRIPTION:** The site is identified as Tax Lot 21E26D00500. It is a single lot of record, and is bisected by a section of Parker Road. The annexation request includes the right-of-way adjacent to the site.

**APPROVAL CRITERIA:** CDC Chapter 81 and Municipal Code, Sections 2.915 through 2.960

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

**COMPREHENSIVE PLAN DESIGNATION:** Medium High Density Residential (City)

**PUBLIC NOTICE:** Notice was mailed to all interested parties, including property owners within 500 feet on November 24, 2009. Public notice was posted on the property, and in four public places within the City on November 20, 2009. The hearing was noticed in the West Linn Tidings on both November 26 and December 2, 2009. All notice requirements for a Step One annexation hearing were fulfilled.

**PUBLIC COMMENTS:** As of the date of this report, Staff had not received any written comments regarding this application.

## **RECOMMENDATION**

Staff recommends approval of the Step One annexation of this property and recommends that the R-3 (one dwelling per 3,000 square feet) Zoning District be applied to the property if it is ultimately annexed into the City.

## **BACKGROUND**

On November 9, 2009, the West Linn City Council passed a motion directing Staff to initiate an annexation application for the property located at 3332 and 3151 Parker Road. Staff has submitted the application for annexation with the consent of the West Linn/Wilsonville School District, property owner, to consider the annexation of the property. Following the Step One Council hearing, the Council will be asked to make a motion to approve or deny the Step One portion of the annexation and determine the appropriate zoning district for the site, if it is annexed. If the Council approves the Step One annexation, staff will request that the Step Two hearing be scheduled, at which time the City Council will hear testimony regarding whether the annexation should be referred to the voters. If the Council approves the Step Two portion of the annexation, they will set a date for the election.

The area to be annexed is approximately seven (7) acres in area, and will include the adjacent right-of-way. The property is a single tax lot of record and is currently owned by the West Linn-Wilsonville School District. The property owner has provided written consent for this annexation application. The property is within the limits of the Urban Growth Boundary and the City limits. It has a Comprehensive Plan designation of Medium High Density and it is recommended that, if annexed, the property should receive an R-3 zoning district designation.

The annexation application includes the adjacent Parker Road right-of-way, which was dedicated to the City for public right-of-way purposes in December of 1998, but which was never formally annexed into the City.

## **SITE CONDITIONS**

The site is mostly vacant and primarily flat. An open drainage ditch runs adjacent to Parker Road along property's frontage. Stormwater run-off from the site ultimately feeds into Tanner

Creek. An area along the eastern boundary of the site includes a designated wetland and small stream. These features are regulated in the City's Community Development Code (CDC) which will be applied when a specific development application is submitted.

#### **SURROUNDING LAND USES**

The site is bordered by a variety of uses and zoning districts. To the west is multi-family housing as well as a small private school with the Cascade shopping center behind the school. Tanner Creek Park borders the eastern property line and both multi-family and single-family housing are found south of the site. The surrounding zoning districts include General Commercial (GC), single-family and multi-family residential (R-3) and a Park to the east.

#### **FINDINGS**

The approval criteria for annexations in the City are found in the following applicable portions of the Community Development Code (CDC), City of West Linn Municipal Code and Metro Code.

#### **COMMUNITY DEVELOPMENT CODE**

##### **81.050 APPROVAL CRITERIA**

*A. The City Council shall approve or deny a boundary change proposal based on findings and conclusions addressing the following criteria:*

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

Code Section 2.920(1) refers back to CDC Chapter 81. Consistency with the applicable Metro Code Sections are found in the next section of this report.

##### **81.055 ZONING DESIGNATION**

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

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

**FINDING NO. 1:** The site is predominantly flat and devoid of any significant vegetation. It does include a small area encumbered by a creek located in the northeast corner. That area will be subject to the CDC provisions regarding water resource areas and should not significantly impact the future development potential or the anticipated zoning designation of the site.

*2. The existing zoning and development pattern of surrounding properties.*

**FINDING NO. 2:** As described above, the site is surrounded by a multitude of zoning districts, but the predominant zoning is either General Commercial (GC) or Multi-family residential (R-3). The surrounding land uses include a school, park, and multi-family housing. Although both R-2.1 or R-3 may be consistent with the surrounding properties, based on the amount of adjacent R-3 zoning, Staff recommends R-3 zoning for the property.

*3. The capacity of the city to provide road, sanitary sewer, storm drainage, and water service to the site.*

**FINDING NO. 3:** The site is located within the existing limits of the City and is included in all of the City's adopted facility master plans and capital improvement plans consistent with the Comprehensive Plan designation of Medium High Residential. The R-3 zoning district is compatible with this Comprehensive Plan designation. The site can be fully and adequately served by each of these types of facilities: including streets, water, sanitary sewer system, and storm drainage if developed under the R-3 zoning district.

It's important to note that the Water Master Plan identifies the Rosemont Pressure Zone as being currently deficient under Emergency Conditions. This deficiency will need to be addressed prior to the development of this site.

#### **MUNICIPAL CODE**

The following Conditions for Annexation are contained within Municipal Code, Section 2.920(2):

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

**FINDING NO. 4:** The site is within the Portland Metropolitan Urban Growth Boundary.

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

**FINDING NO. 5:** The site is designated as Medium High Density Residential on the West Linn Comprehensive Plan Map.

*(c) The subject site must be contiguous to the existing City limits, or separated from it only by a public right-of-way, or a stream, bay, lake, or other body of water.*

**FINDING NO. 6:** The site is contiguous to the existing city limits all sides.

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

**FINDING NO. 7:** Oregon Revised Statute (ORS) Section 222.111 addresses the requirements for the initiation of the annexation process. Written consent from the property owner has been provided.

- (e) *The subject area has been included within each of the adopted City facility master plans and capital improvement plans and the subject area is planned for all needed City infrastructure.*

**FINDING NO. 8:** The property has been within the Urban Growth Boundary (UGB) for a considerable period of time. It is included in all applicable facility and capital improvement plans and has been planned for all needed infrastructure.

**SECTION 2.955: ZONING DESIGNATIONS**

- (1) *Upon approval of the voters of the annexation question, the City zone will automatically be applied as part of the annexation decision pursuant to the table provided below:*

<i>COMPREHENSIVE PLAN/LAND USE DESIGNATION</i>	<i>ASSIGNED</i>
<i>Medium High Density Residential</i>	<i>R-3 OR R-2.1</i>

**FINDING NO. 9:** Based on the Comprehensive Plan designation, zoning classification, and use of the surrounding properties, should the property be annexed, the appropriate zoning district is R-3.

**METRO CODE SECTION 3.09.050(d):**

- (1) *Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;*

**FINDING NO. 10:** The City does not have any urban service provider agreements or annexation plans adopted pursuant to ORS 195.065. Therefore, this criterion does not apply.

- (2) *Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;*

**FINDING NO. 11:** The City of West Linn and Clackamas County have an Urban Growth Management Agreement with regards to this property. The agreement calls for the annexation and the provision of city services as part of any urban development. Therefore, the application is consistent with this criterion.

- (3) *Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;*

**FINDING NO. 12:** The site has a Comprehensive Plan designation of Medium High Density Residential, which allows for a compatible zoning district designation of either R-3 or R-2.1. The proposed annexation is consistent with each of the City’s public facilities plans. The site is located in the Rosemont Water Pressure zone, and is surrounded by water and sanitary sewer lines. An open stormwater channel runs adjacent to Parker Road. The stormwater from the site ultimately feeds into Tanner Creek.

An area along the eastern boundary of the site includes a designated wetland and small stream. The Community Development Code (CDC) provides for transition areas on the subject property for any water resources areas, even if they are located off-site. Any future development applications will have to meet all City codes. The City's criteria for annexations are found in our Municipal Code and CDC, as outlined in this report.

- (4) *Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;*

**FINDING NO. 13:** There are no specific directly applicable standards and criteria for boundary changes relevant to this proposal.

- (5) *Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;*

**FINDING NO. 14:** The City's facilities master plans include the subject parcel and provide all services to this site in a timely, orderly and economic manner.

- (6) *If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval; Metro Code 3.09.050(d)(7). Consistency with other applicable criteria for the boundary change in question under state and local law.*

**FINDING NO. 15:** This application is not for annexation inside Metro's boundaries and therefore is not applicable.

- (7) *Consistency with other applicable criteria for the boundary change in question under state and local law.*

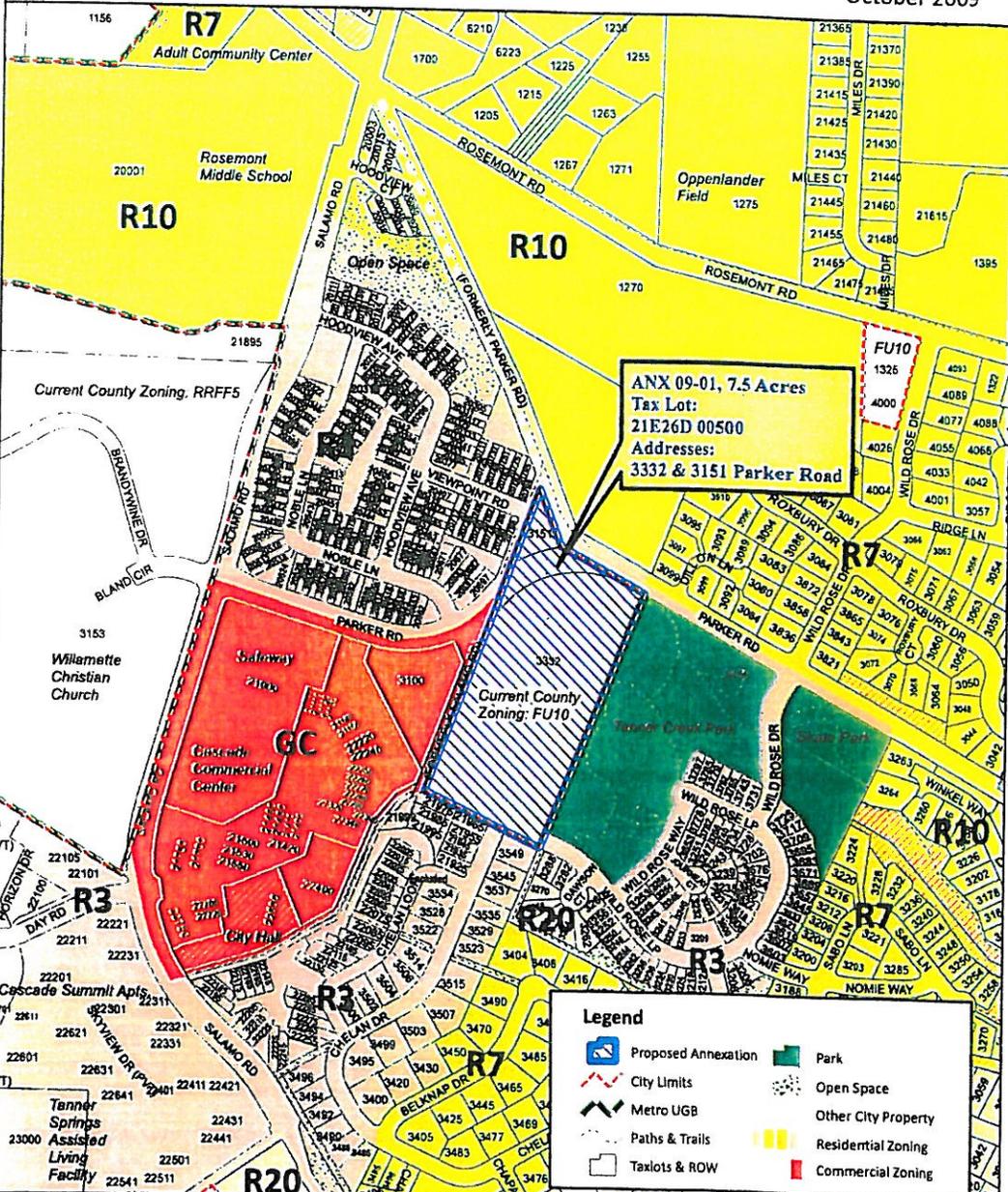
**FINDING NO. 16:** The subject property complies with the approval criteria for the City of West Linn, and the annexation process complies with the procedures set forth under state law.

If annexed, the property would be removed from the County's Enhanced Law Enforcement District and the City would provide police services. Staff determined that the submittal requirements for a CD of the application and oversized appraiser maps were not necessary for this application.



# ANX09-01

October 2009



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