

Final Documents

For

Annexation to the
City of Cornelius

WA2303
Ordinance #838
DOR 34-1611-2003

Final to DOR:

Signature:

Date of

Mailing: 5/7/03

Final to Secretary of State

Signature:

Date of

Mailing: 5/19/03

WA2303

Sent

Received

DOR: 5/7/03 5/15/03

Sec. State: 5/19/03

Assessor: 5/19/03

Elections: 5/19/03

Mapped: Yes

Addresses: 1N333DB00100 1035 NW CORNELIUS-SCHEFLIN RD

Proposal No. WA2303

1N3W33

Annexation to the City of Cornelius

Washington Co.



R L I S
REGIONAL LAND INFORMATION SYSTEM



600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

METRO

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

County lines

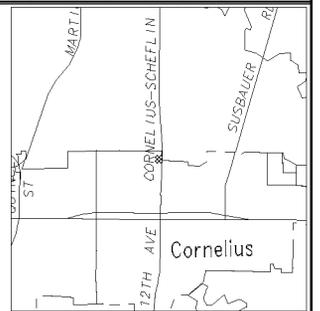
City

Annexation boundary

Urban Growth Boundary

Proposal No. WA2303
CITY OF CORNELIUS
Figure 1

Scale: 1" = 250'

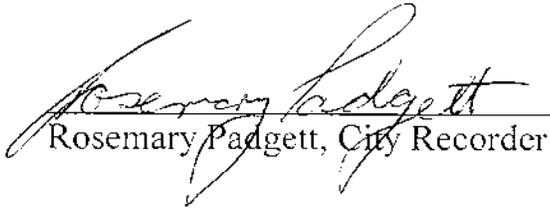




CITY OF CORNELIUS

April 24, 2003

I, Rosemary Padgett, City Recorder for the City of Cornelius, certify that this is a true copy of Ordinance No. 838, dated April 7, 2003.


Rosemary Padgett, City Recorder

4-10-03
Date

**THE CITY OF CORNELIUS, OREGON
ORDINANCE NO. 838**

AN ORDINANCE ANNEXING (WITH CONDITIONS) A CERTAIN TRACT OF LAND (TAX LOT # 100, MAP # 1N333DB AND PUBLIC ROAD RIGHT-OF-WAY) INTO THE CITY LIMITS OF CORNELIUS AND WITHDRAWING THE TRACT FROM WASHINGTON COUNTY ENHANCED LAW ENFORCEMENT DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY SERVICE DISTRICT NO. 1 FOR STREET LIGHTS, THE CORNELIUS RURAL FIRE PROTECTION DISTRICT, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT.

THE CORNELIUS CITY COUNCIL MAKES THE FOLLOWING FINDINGS:

WHEREAS, the City received a complete petition from property owners and registered voters of a certain tract of land, depicted on the attached map and described in Exhibit 1 to this ordinance, requesting that their property be annexed to the city limits of Cornelius; and

WHEREAS, the annexation shall include a portion of County Road No. 1062, NW Cornelius-Schefflin Road (60 feet of Right-of-Way) north from the north end of N. 10th Avenue to the Urban Growth Boundary, approximately the northerly right-of way line of County Road No. 1230, Spiesschaert Road; and

WHEREAS, the City received written consent from a majority of the electors in the territory proposed to be annexed and owners of more than half the land in the territory proposed to be annexed, before the date of the public hearing, as required by ORS 222.170(2); and

WHEREAS, the tract of land will be contiguous to the City; and

WHEREAS, the tract of land lies within the boundary of the Washington County Enhanced Law Enforcement District; and

WHEREAS, the tract of land lies within the boundary of the Washington County Urban Roads Maintenance District; and

WHEREAS, the tract of land lies within the boundary of the Washington County Service District No. 1 for street lights; and

WHEREAS, the tract of land lies within the boundary of the Cornelius Rural Fire Protection District; and

WHEREAS, the tract of land lies within the boundary of the Washington County Vector Control District; and

WHEREAS, the City conducted a public hearing and mailed, published and posted notice of the public hearing as required by law; and

WHEREAS, a report was prepared as required by law, and the City Council having considered the report and the testimony at the public hearing does hereby favor the annexation of the subject tract of land and withdrawal from the County districts based on findings and conclusions attached hereto as Exhibit 2; and

WHEREAS, the annexation and withdrawals are not contested by any necessary party;

NOW THEREFORE, THE CITY OF CORNELIUS ORDAINS AS FOLLOWS:

SECTION 1. The City Council for the City of Cornelius hereby approves the proposed annexation (with conditions) of the tract of land, described in Exhibit 1 and depicted on the attached map.

SECTION 2. The tract of land described in Section 1 shall be withdrawn from Washington County Enhanced Law Enforcement District, Washington County Urban Roads Maintenance District, Washington County Service District No. 1 for street lights, the Cornelius Rural Fire Protection District and the Washington County Vector Control District.

SECTION 3. The findings and conclusions attached as Exhibit 2 are adopted. The City Recorder shall immediately file a certified copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(g) and ORS 222.005.

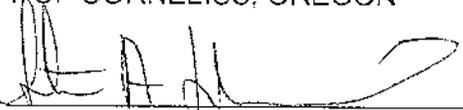
SUBMITTED to the Cornelius City Council and read into the record at a regularly scheduled meeting thereof on the 7th day of April 2003, and read for a second time by title only this same day.

ENACTED this the 7th day of April 2003, by the City Council by the following votes:

YEAS 5

NAYS 0

CITY OF CORNELIUS, OREGON

By: 

Steve Heinrich, Mayor

ATTEST:

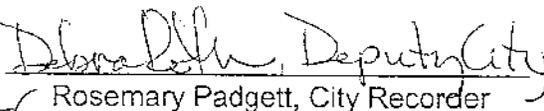
By:  Deputy City Recorder
for Rosemary Padgett, City Recorder

EXHIBIT 1

The following described property is a portion of Lot 30 and Lot 31, CORNELIUS ENVIRONS, a plat of record, Washington County, Oregon, is located in Section 33, Township 1 North, Range 3 West, Willamette Meridian, and is more specifically described as follows:

Beginning at the Northeast corner of the aforesaid Lot 30, CORNELIUS ENVIRONS; thence South $1^{\circ} 50' 08''$ West on the East line of said Lot 30 a distance of 200.25 feet to the true place of beginning of the tract herein described; thence continuing South $1^{\circ} 50' 08''$ West on the East line of said Lot 30 and Lot 31 a distance of 310.0 feet; thence North $89^{\circ} 59' 13''$ West a distance of 265.0 feet; thence North $1^{\circ} 50' 08''$ East parallel to the East line of said Lot 30 and 31 a distance of 310.0 feet; thence South $89^{\circ} 59' 13''$ East, 265.0 feet to the place of beginning.

100'

IN 3 33

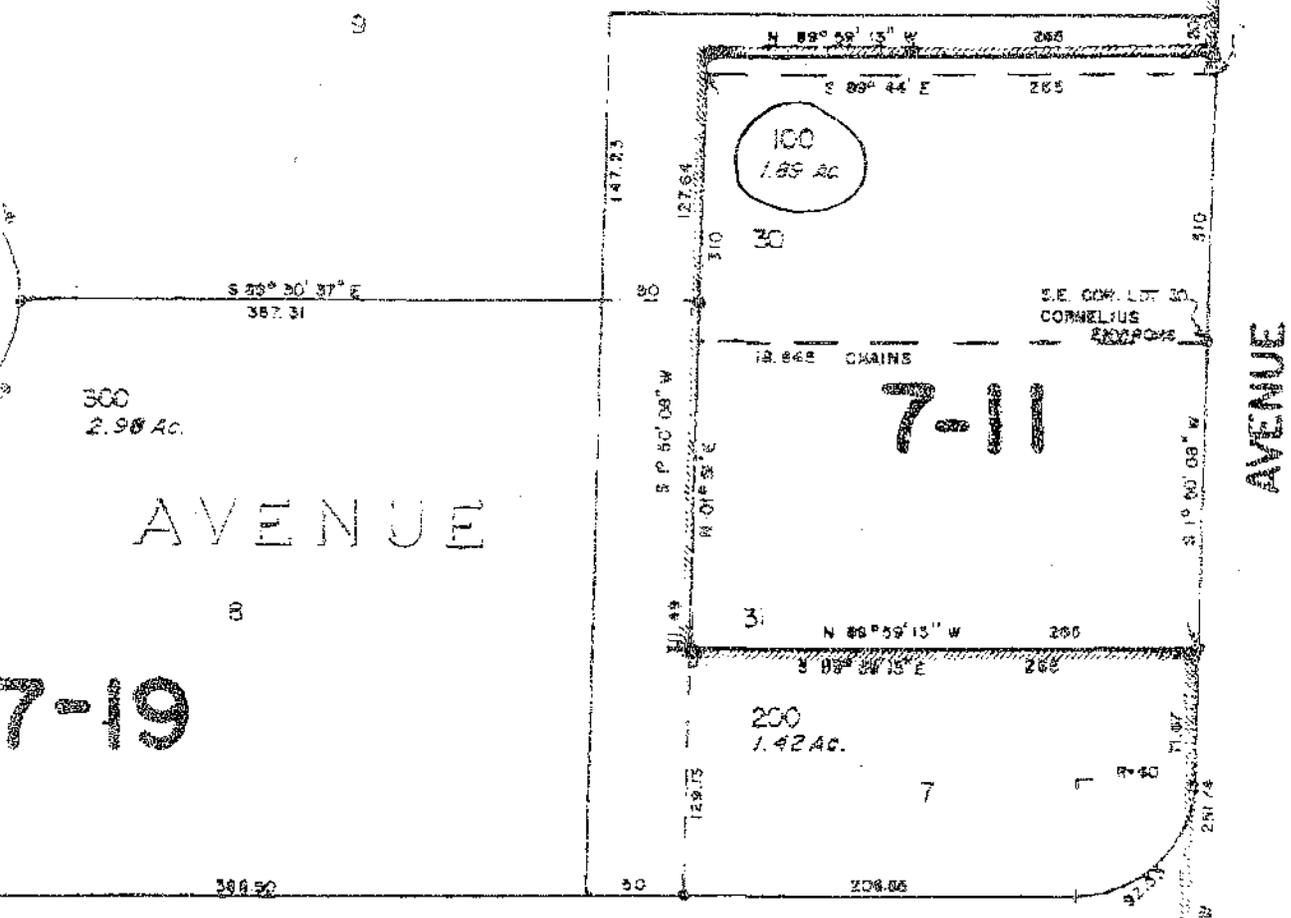
SPIESSCHAERT ROAD

ORTH LINE BENJAMIN Q. TUCKER D.L.C. No. 65

DISCREPANCY IN CA
DESCRIPTION
OF C.R. ON Q.L.C.
BEG. PT. IN E. OF N. 1
C.R. MAP HAS SHOWN
E. 8' NORTH OF D.L.C.
BEG. PT. ON THE EAS
N. 10th AVE

00
1.77 Ac.

CANCELLED
800
900
1400



AVENUE

AVENUE

7-19

7-11

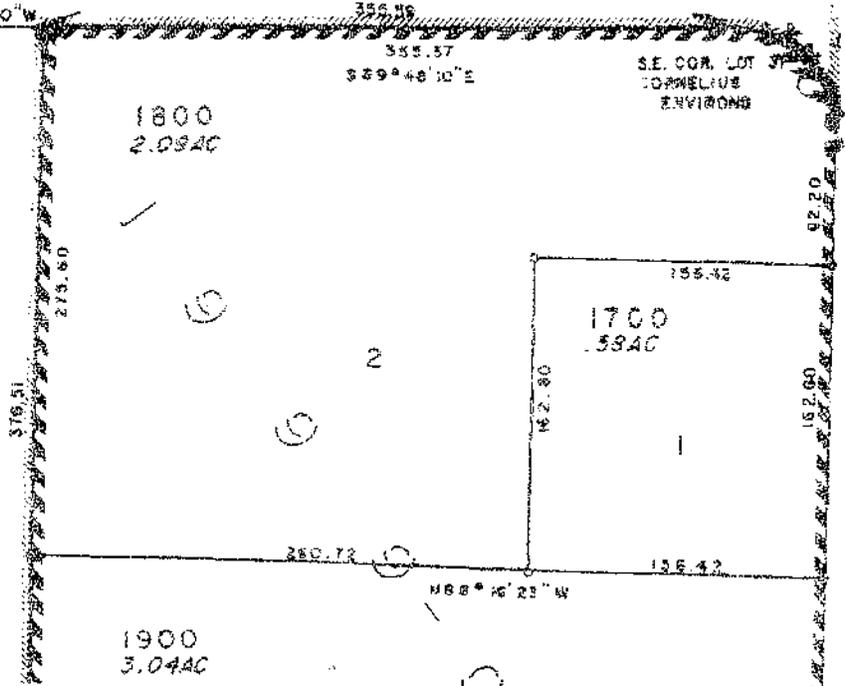
PRIVATE STREET

DAY STREET

1300
1.99 Ac.

SEE MAP
IN 3 33DA

ER



10th

C.R. 1052 (60' WIDE)

EXHIBIT 2



CITY OF CORNELIUS

STAFF REPORT

Duyck Annexation/AN-01-03 Annexation of Approximately 1.89 Acres into the City of Cornelius

Date: March 25, 2003
To: City Council
From: Planning Commission
Applicant: Jeff Duyck
Owner: Jeff Duyck
Address: 1035 NW Cornelius-Schefflin Road, Cornelius

FILE

Project: A request for approval of a City boundary change that would result in annexation of approximately 1.89 acres and a portion of NW Cornelius-Schefflin Road into the City of Cornelius.

Legal Description: Tax Lot # 100 Map # 1N3-33DB
Lot Size: 1.89 Acres
Existing Zoning: Future Development, FD-10 (County Zoning)

Process: The proposal AN-01-00 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirements of initiation set forth in ORS 222.170 (2), Double Majority Annexation Law and Metro Code 3.09.40.(a), Metro Minimum Requirements for a Petition. The City Council shall review the proposal and determine whether it is in compliance with all applicable criteria.

APPEAL RIGHTS

The Planning Commission will make a recommendation to City Council concerning the request. City Council will make a decision. An appeal of a decision by City Council shall be made to the State Land Use Board of Appeals (LUBA) per ORS 197.830. In order for an issue to be considered for appeal to the Land Use Board of Appeals, it must be raised before the close of the record of the Public Hearing. Such issues must be raised with sufficient specificity so as to afford the hearing body and the parties an adequate opportunity to respond to each issue. If there is no continuance granted at the hearing, any participant in the hearing may request that the record remain open for at least seven days after the hearing.

APPLICABLE CRITERIA

There are no specific criteria for deciding city boundary changes within state statutes. However, the Legislature has directed Metro Regional Services (Metro) to establish criteria, which must be used by all cities within the Metro boundary.

BACKGROUND FACTS

1. The subject property is located at 1035 NW Cornelius-Schefflin Road.
2. The area proposed for annexation is south of Council Creek. It is relatively flat with a gentle slope towards Council Creek. The property to the west, south and north is located within the City. The subject property is located within the Urban Growth Boundary. The properties to the east are located within the Urban Growth Boundary and/or within the City limits.
3. The subject property is zoned by Washington County as Future Development, FD-10.
4. The ownership of the subject property is the same as the property on three sides of the site.
5. The subject site has an existing agricultural equipment and supplies sales business currently operating on it.

FINAL FINDINGS

The City Comprehensive Plan identifies the following annexation policies in *Chapter II, Urbanization, Policies, 4:*

a. Annexation will be permitted if:

- (1) *The City is able to provide adequate services to the area, including sewer, water, administration, and fire protection. The new area can meet city standards for roads, sewers, water, and other services and appropriate amendments to the City's Public Facilities Master Plans have been considered.*

Water – Cornelius is supplied by two connections to an 18-inch secondary supply line serving the City of Hillsboro. The water source is the upper Tualatin River at the Haines Falls intake station. This diversion primarily serves satellite water systems along the 18-inch transmission line and is an auxiliary supply source for the City of Hillsboro. During the high runoff season (November through June), the natural flow in the Tualatin River exceeds the intake capacity, allowing Haines Falls to fully supply areas along the 18-inch transmission line. In the dry season, the withdrawal is from the natural flow augmented by storage releases, conveyed by gravity, from Barney Reservoir on the North Fork of the Trask River. Water from the reservoir is discharged into the Tualatin River and impounded again at Haines Falls. After settling at Haines Falls, water is chlorinated and is discharged into the 18-inch secondary Hillsboro supply line or it is returned to the Tualatin River. The Cornelius water system runs off the pressure of Hillsboro's 18-inch supply line, which runs through the center of the City along Baseline Road (Tualatin Valley Highway). In addition, Cornelius has a 1.5 mg reservoir and pump station, which are used for standby purposes only.

The area proposed for annexation can be served by an extension of an existing 12-inch water line located in N. 10th Avenue or from N. Holladay Street. This provides two options for connection to City water.

Sewer – The City of Cornelius and the subject property within the Urban Growth Boundary is located within the Cleanwater Service area that is served by the Hillsboro regional treatment plant. Cleanwater Services (CWS) has a standard agreement with the large cities within the service area, including Cornelius. In that agreement the Cities agree to:

1. Comply with the CWS's construction and maintenance standards for sanitary and storm water sewer facilities.
2. Follow and accomplish the CWS's work program for storm and surface water.

3. Obtain the CWS's consent before issuing construction permits within wetlands, floodways and floodplains. The agreement provides that the city owns and is responsible for sanitary sewer lines under 24-inches in diameter within the City limits and for storm water facilities within the City limits as identified on a map, which is virtually all of the facilities. CWS agreed not to extend sanitary sewer service to areas outside the City within the City's Urban Planning Area unless the City approves.

Storm Drainage – CWS has responsibility for surface water management within the Washington County urban growth boundary. CWS has entered into an intergovernmental agreement with Cornelius for allocation of the City and CWS responsibilities. The City has responsibilities for operations and maintenance of storm and surface water facilities within the City. In the County, responsibility for maintaining drainage associated with roads remains with their Department of Land Use and Transportation. Therefore, road related drainage facilities do not transfer to the City upon annexation, unless the road transfers to the City. The City may not issue permits for construction within or modification to a wetland, floodway, or without first receiving approval from CWS.

The subject site lies within the boundary of the Council Creek Drainage Basin. The section of NW Cornelius-Schefflin Road that abuts subject property is proposed to be annexed into the City. The City shall assume

Fire – The proposed lands to be annexed are located within the Cornelius Rural Fire Protection District. The City may withdraw these lands from the District upon annexation per ORS 222.111(4), 222.520 and 222.120(5). If the City declares the territory withdrawn from the district on the effective date of the annexation the District's tax levy value shall no longer apply.

Police – The territory is within the Washington County Enhanced Sheriff's Patrol District, which, in addition to the basic County-wide level of protection, provides 93 officers. The City may withdraw these lands from the District upon annexation per ORS 222.111(4), 222.520 and 222.120(5). If the City declares the territory withdrawn from the district on the effective date of the annexation the District's tax levy value shall no longer apply. Upon annexation police services shall be provided by the City of Cornelius Police Department, which provides 24 hour/day service. The City's population is 9,652 and is served by 12 sworn officers for a level of service of 1.24 officers per 1000 population.

Parks & Recreation – Cornelius has on community park, four neighborhood parks, and four natural area parks (two are undeveloped) for a total of nine parks.

Transportation – The proposed annexation territory is within the boundary of the Washington County Urban Road Maintenance District. The City may withdraw the territory from the District upon annexation per ORS 222.111(4), 222.520 and 222.120(5). If the City declares the territory withdrawn from the district on the effective date of the annexation the District's tax levy value shall no longer apply.

Site access is currently from NW Cornelius-Schefflin Road on the east side of the parcel. NW Cornelius-Schefflin Road (aka N. 10th Avenue) is designated a major collector on the City's Transportation System Plan. The City Public Works Public Utilities Design Standards require collector streets to have a 60-foot right-of-way, with at least 36 feet of pavement width.

The applicant has included in their request to annex the existing street and right-of-way for NW Cornelius-Schefflin Road along the frontage of the subject property. Staff supports the inclusion of NW Cornelius-Schefflin Road along the subject property. The two properties directly north of the subject site are currently located within the City limits. Staff finds that the opportunity for efficiencies would direct the frontage along these two parcels to be included in the annexation request. Therefore, prior to the

application being submitted to the City Council for review the applicant shall amend the proposal to include and legally describe NW Cornelius-Schefflin Road to the northern right-of-way of Spiesschaert Road, within the Urban Growth Boundary. This shall be made a condition of approval.

Street Lights – The territory is within the boundary of Washington County Service District No. 1. The City may withdraw the territory from the District upon annexation.

Vector Control - The territory is within the boundary of Washington County Service District for Vector Control. The City may withdraw the territory from the District upon annexation.

Staff find that adequate services including, water, sewer, police, administration, fire and streets are available to serve the proposed area.

- (2) *The proposed use of the area to be annexed conforms with the Comprehensive Plan, or has been Master Planned, including all adjacent and intervening properties. The City does not intend to support piecemeal annexations.*

Washington County granted the City of Cornelius comprehensive planning authority within the regional urban growth boundary (See Urban Planning Area Agreement, provision III.2). The portion of the territory that is inside the regional urban growth boundary (UGB) is zoned Future Development, FD-10. The County Community Development Code states the following concerning the FD-10 district:

309-1 Intent & Purposes - This zoning applies to the unincorporated portions of some city active planning areas, where these cities are the only available source of urban services. The FD-10 district provides recognition of the desirability of encouraging and retaining limited interim uses until a need for more intensive urban land use develops and such lands are annexed to a city.

The County's plan designation and zoning designation continue to apply upon annexation to the City until the City makes a change to these designations (ORS 215.130). The City and County have provided that the City is responsible for comprehensive planning within the UGB. The City's comprehensive plan designates the area within the UGB as Industrial. As previously mentioned the applicant is proposing only to annex lands within the UGB. Upon annexation the City may change the zoning on the annexed lands to a City zoning designation. The applicant has submitted a request for a zone change from County FD-10 zone to City General Industrial zone. The City has an Urban Planning Area Agreement with Washington County. It specifies that the City is responsible for comprehensive planning within the City's urban planning area. The City's urban planning area is bounded by the regional UGB. The City has done and currently does comprehensive planning within this area as required by the Urban Planning Area Agreement. As mentioned earlier in this report adequate services can be provided to the subject property.

Therefore, the staff find that the proposed annexation is consistent with the Comprehensive Plan.

- (3) *A substantial portion of the area to be annexed is contiguous to the City and represents a logical direction for city expansion.*

The City's Comprehensive Plan identifies the subject site for industrial use. The property is surrounded on three sides by property within the City that is currently zoned for industrial use. Discussions and proposals from the City to Metro Regional Services have consistently requested expansion of industrial lands to the north. The general design and plan of the City infrastructure and services support expansion in this direction. Consequently, the proposed annexation would expand the City boundary in a logical direction.

Staff find the proposed annexation is consistent with the annexation policies and represents a logical direction for City expansion.

Metropolitan Regional Service Code

The Metro Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The Metro Code requires the findings and conclusions to address the following minimum criteria.

1. *Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans. ORS 195 agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195, but none are currently in place. Annexation plans are timelines for annexations that may only be done after all of the required 195 agreements are in place and that must have been voted on by the City residents of the area to be annexed.*

It is the county's responsibility to facilitate the creation of agreements between providers of urban services. ORS 195 was enacted in 1993, but no service agreements have yet been adopted in this part of Washington County.

2. *Consistency with directly applicable provisions of Urban Planning Area Agreements between the annexing entity and a necessary party.*

Urban Growth Management Agreement – The City of Cornelius has an Urban Planning Area Agreement (UPAA) with Washington County. It specifies that the City is responsible for comprehensive planning within the City's urban planning area. The City's urban planning area is bounded by the regional UGB. The UPAA identifies the following planning responsibilities:

- (2) The CITY shall be responsible for comprehensive planning in the incorporated and unincorporated portions of the CITY's urban planning area, and shall implement the planning process outlined in the CITY's comprehensive plan. The COUNTY shall support the planning process and participate as necessary.
- (9) Urban development in the urban planning area shall be served with adequate urban services including sewer, water, storm drainage, streets, police and fire protection.
- (10) As required by OAR 660-11-010, the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer and transportation facilities within the urban planning area. Exceptions include facilities provided by other service providers subject to the terms of any intergovernmental agreement the CITY may have with other service providers; facilitated under the jurisdiction of other service providers not covered by an intergovernmental agreement; and future facilities that are more appropriately provided by an agency other than the CITY. The CITY shall provide urban services consistent with annexation and fiscal policies.
- (11) The CITY has developed a transportation plan, which addresses the existing and future traffic needs of the urban planning area. The CITY shall coordinate local transportation plans, proposals and improvements with the County.
- (13) The CITY shall monitor and regulate the conversion of vacant and agricultural land to urban uses through the extension of water and sewer service, land partitioning requirements and

annexations within the urban planning area. Unincorporated urbanizable land shall not be converted to urban development prior to annexation to the CITY.

The City has done comprehensive planning for the area as the UPAA requires. If urban services can be provided, the proposed annexation is consistent with the UPAA. As discussed in the Findings below, adequate services can be provided to the subject property.

3. *Consistency with directly applicable standards for boundary changes contained in Comprehensive Plans (land use) and public facility plans.*

Washington County - The Metro Code (Section 3.09.050.d.3) states that the decision on this boundary change should be consistent with specific directly applicable criteria for boundary changes contained in comprehensive land use plans and public facility plans. Therefore, the applicable plans must be examined for specific directly applicable criteria.

Through the Section III.2 of the Urban Area Planning Agreement with the City of Cornelius, Washington County granted Cornelius comprehensive planning authority within the regional urban growth boundary. The portion of the territory that is inside the regional urban growth boundary (UGB) is zoned Future Development, FD-10. The applicant is requesting to only annex property zoned Future Development, FD-10. Section 309-1 of the County Community Development Code states that, Future Development, FD-10 zoning applies to the unincorporated portions of some city active planning areas, where these cities are the only available source of urban services. The FD-10 district recognizes the desirability of encouraging and retaining limited interim uses until a need for more intensive urban land use activities develops and such lands are annexed into a city.

The County's plan and zoning designation continue to apply upon annexation to the City until the City adopts new designations. Specifically ORS 215.130.2. (a) provides that an ordinance designed to carry out a county comprehensive plan and a county comprehensive plan shall apply to:

- (a) The area within the county also within the boundaries of a city as a result of extending the boundaries of the city or creating a new city unless, or until the city has by ordinance or other provision provided otherwise;

The City and County have agreed that the City is responsible for comprehensive planning within the UGB. The City's current plan designation for the area proposed for annexation inside the UGB is Industrial. The County zoning designation remains on the property until it is changed by the City. Annexation of the property within the UGB into the City shall provide the opportunity to change the zoning to a City designation. The City's Comprehensive Plan (Urbanization Element, 2.c.) states that lands outside of the UGB will retain the natural resources planning designation and zoning classification. As mentioned before the applicant has is only applying to annex the lands that are zoned FD-10.

Washington County reviewed it's role in the provision of services during its County 2000 program (County's Financial Management Plan). This program established a policy of supporting a service delivery system, which distinguishes between municipal and countywide services. In an effort to achieve fairness and expenditure equity in the provision of public services the County's policy is to provide only countywide services with general fund revenues. The county favors municipal services being provided either by cities or special districts.

4. *Consistency with directly applicable standards for boundary changes contained in the Metro Regional Framework and Functional Plans.*

Metropolitan Regional Services - The Metro Regional Framework Plan requires Metro to adopt criteria for boundary changes that include compliance with adopted regional urban growth goals and objectives, functional plans and the Regional Framework Plan. The urban growth goals, objectives and functional plans are now part of Metro's Regional Framework Plan, which also includes the 2040 Growth Concept. Metro has adopted on functional plan, the Urban Growth Management Functional Plan. They have codified this functional plan in the Metro Code, Chapter 3.07, which is included as an appendix to the Regional Framework Plan.

The Urban Growth Management Functional Plan requires cities and counties to amend their Comprehensive Plans and implementing ordinances to comply with the elements in the Functional Plan. Included in these requirements are minimum density standards, limitations on parking standards, mandated adoption of water quality standards and rules relating to Urban Growth Boundary expansion into Urban Reserve Areas. None of these requirements relate directly to the issue of annexation to a city.

The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

5. *Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.*

Washington County reviewed its role in the provision of service in its' County 2000 Program, the County's financial management plan. The County established a policy of supporting a service delivery system that distinguishes between municipal and countywide services. To achieve tax fairness and expenditure equity in the provision of public services the County's policy is to provide only countywide services with general fund revenues. The County policy favors municipal services being provided either by cities or special districts. Please see discussion above under City Comprehensive Plan, *Chapter II, Urbanization, Policy # 4.a.(1)*, concerning the provision of adequate services. The discussion demonstrates that adequate service can be provided to the area to be annexed.

6. *If the boundary change is reviewed by Metro, determination by the Metro Council, if the territory should be inside the UGB shall be the primary criteria.*

The territory proposed for annexation is located within the regional urban growth boundary.

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

Consistency with the City's Comprehensive Plan is demonstrated above under Final Findings. The applicable Statewide Planning Goals are addressed below.

The Metro Code also contains a second set of ten (10) factors, which are to be considered where:

- (1) No ORS 195 agreements have been adopted, and
- (2) A necessary party is contesting the boundary change.

These ten (10) factors are not applicable to this annexation request, because no necessary party has contested the proposed annexation.

Statewide Planning Goals:

Goal 1 – Citizen Involvement

Upon receipt of a complete application from the applicant the City prepared and published a public notice announcing public hearings to be held before the Planning Commission and the City Council concerning the request. Notice was sent to the surrounding property owners within 250 feet of the subject property of the hearing before the Planning Commission. The Planning Commission hearing is scheduled for 7:00 PM on Tuesday, March 25, 2003 in the "Old Fire Hall", 120 N. 13th Avenue, Cornelius. The City Council hearing shall be scheduled at the first available date in the "Old Fire Hall", 120 N. 13th Avenue, Cornelius. Notice shall be provided in a local newspaper two consecutive weeks prior to the City Council hearing. Citizens shall have the opportunity to submit comment, testimony, ask questions, receive answers or challenge the proposed request. Once a decision is rendered a ten (10) day appeal period follows, which allows the opportunity to request a review of the decision at the Land Use Board of Appeals.

Staff finds that the City has provided citizens the opportunity to be involved in the review of this request and the planning process.

Staff find the goal has is met.

Goal 2 – Land Use Planning

The City of Cornelius has an established procedure identified in *Section 11.10.00*, which addresses the application, review, notice, decision and appeal procedures. The applicant has submitted on application forms provided by the City of Cornelius the required information to review the proposal. The applicant has addressed the appropriate approval criteria as identified in the City Comprehensive Plan requesting approval of an annexation. The City application procedure provides a planning process for review of a request, which must comply with approval criteria. The policy framework of the Comprehensive Plan drives this process.

Annexation requests are coordinated with the County and Metro Regional Services.

Staff find the goal is met.

Goal 3 – Agricultural Land

The lands that are proposed for annexation are currently zoned by Washington County as Future Development, FD-10. This zoning is does not apply to resource and/or agricultural designations.

Staff find this goal is not applicable.

Goal 4 – Forest Land

Staff find the goal is not applicable.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces.

The subject property requesting to be annexed into the City currently is County zoning Future Development, FD-10. The applicant is requesting to change the annex the portion of his property identified as Future Development, FD-10. There are no portions of the lands proposed for annexation that have natural resource, scenic, historic or open space designations or functional values.

Staff find goal is met.

Goal 6 – Air, Water and Land Resources Quality

City services for water delivery and sanitary sewer are available and have the capacity to accept build out of this parcel to industrial standards. The property is currently zoned for future urbanized development by the County. The property is located within the Urban Growth Boundary and is zoned by the County Future Development, FD-10, which designates the property for more intense urbanized uses.

Staff find goal is met.

Goal 7 – Areas Subject to Natural Disasters and Hazards

Development shall only be possible through the City's implementation of its Development & Zoning Code. The City does identify areas of natural disasters and hazards (i.e. 100 year Floodplain) and the proposed territory for annexation is located outside of this area. The subject property is not located in any natural disaster or hazard zone.

Staff find goal is met.

Goal 8 – Economic Development

The applicant's proposal requests annexation into the City of Cornelius from Washington County. The subject property currently operates a wholesale farm equipment and supply business. The applicant is proposing to develop a fertilizer manufacturing operation in compliance with the City Code. This would provide economic development for the City. Therefore, staff find that the proposed annexation would enhance the local economy and City tax base.

Staff find the goal is met.

Goal 10 – Housing

The existing County zoning, Future Development, FD-10 on the subject parcel is a designation that identifies land for future more intensive urbanized uses. The subject parcel currently has an agricultural related business in operation on it. It will not affect housing numbers or need through annexation into the City.

Staff find the goal is met.

Goal 12 – Transportation

The subject property abuts NW Cornelius-Schefflin Road (aka N. 10th Avenue), which is designated on the City Transportation System Plan as a collector street. The current business operation has two unimproved access points onto NW Cornelius-Schefflin Road (aka N. 10th Avenue) where there is no street frontage improvements. When the subject parcel annexes into the City, the applicant will be required to provide safe and convenient access to NW Cornelius-Schefflin Road (aka N. 10th Avenue). The applicant shall be required to provide a security for the improvement and construction of street frontage and public improvements to City standards

Staff find the goal is met.

Goal 13 – Energy Conservation

The proposed annexation into the City would implement a more intensive industrial use on the subject property than currently exists. Any development that occurs on the subject property shall comply with the requirements found in the City Development & Zoning Code and the Unified Building Code for energy efficiency.

Staff find the goal is met.

Goal 14 – Urbanization

As mentioned above, the subject property is currently zoned by Washington County as Future Development, FD-10. The County code states that this zoning applies to the unincorporated portions of some city active planning areas where these cities are the only available source of urban services. The FD-10 District provides recognition of the desirability of encouraging and retaining limited interim uses until a need for more intensive land use activities develops and such lands are annexed to a city. The applicant is requesting annexation of the subject property zoned FD-10 into the City of Cornelius, where the use of the property will become more intensely urbanized. This is the intent and purpose of both the City and the County for such lands zoned FD-10 by Washington County. Public utilities such as water, sewage and electricity are accessible to the subject parcel via established systems that either serve or are accessible to the subject property. Therefore, staff find that the approval of the request does provide for an orderly and efficient transition from rural to urban land use.

Staff find the goal is met.

Goal 15 – Willamette River Greenway

Staff find the goal is not applicable.

Goal 16 – Estuarine Resources

Staff find the goal is not applicable.

Goal 17 – Coastal Shorelands

Staff find the goal is not applicable.

Goal 18 – Beaches and Dunes

Staff find the goal is not applicable.

Goal 19 – Ocean Resources

Staff find the goal is not applicable.

CONCLUSION

The request is for approval of an annexation AN-01-03 (J. Duyck Annexation) to change the City boundary by adding approximately 1.89 acres, as identified in the proposal. The territory proposed for annexation is located within the Urban Growth Boundary. Washington County identifies the subject property as land for future urbanization that is located adjacent to cities. The proposal is consistent with the Urban Planning Area Agreement between the City and the County for comprehensive planning and zoning of the subject property. The City

Comprehensive Plan has designated this area for Industrial use. The proposed annexation is consistent with the Comprehensive Plan and is in compliance with Metro and the Statewide Planning Goals.

RECOMMENDATION

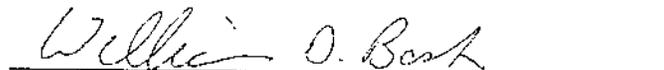
Based upon the facts, findings and conclusions in the staff report, testimony and evidence presented at hearing the Planning Commission recommends to City Council approval of AN-01-03 (J. Duyck Annexation), subject to the following conditions:

1. The only area to be annexed into the City shall be the portion property that is located within the Urban Growth Boundary and currently zoned by Washington County Future Development, FD-10.
2. The applicant shall provide a security as approved by the City Engineer for the construction of required public improvements to city standards along NW Cornelius-Schefflin Road (aka N. 10th Avenue).
3. The applicant shall provide a security as approved by the City Engineer for connection to public services.
4. Prior to the application being submitted to the City Council for review the applicant shall amend the proposal to include and legally describe NW Cornelius-Schefflin Road to the northern right-of-way of Spiesschaert Road within the Urban Growth Boundary for inclusion in the annexation request.

EFFECTIVE DATE OF RECOMMENDATION

March 25, 2003

 FOR
Richard Meyer, Planning Director


William Bash, Planning Commission Chairman