Final Documents

for

Annexation to

Lake Oswego

Metro proposal number CL1311

Ordinance/Resolution: 2568, 2574

Annexation: AN 11-0001

DOR: 3-1920-2011

Secretary of State: AN 2011-0091

Secretary of State Effective Date: 12/5/2011

OFFICE OF THE SECRETARY OF STATE

KATE BROWN
SECRETARY OF STATE

BARRY PACK
DEPUTY SECRETARY OF STATE

ARCHIVES DIVISION
MARY BETH HERKERT
DIRECTOR
800 Summer Street NE
Salem, Oregon 97310
(503) 373-0701
Facsimile (503) 378-4118

December 29, 2011

Metro
Linda Martin
600 NE Grand Ave
Portland, Oregon 97232-2736

Dear Ms. Martin:

Please be advised that we have received and filed, as of the date below, the following records annexing territory to the following:

Ordinance/ Resolution Number(s)	Date	Our File Number
2568, 2574	12/ 05/ 2011	AN 2011-0091

For your records please verify the effective date through the applicable ORS.

Our assigned file number(s) are included in the above information.

Sincerely,

Linda Bjornstad
Official Public Documents

Cc: Department of Revenue
ODOT
Population Research Center

Planning & Building Services

Memorandum

TO: Linda Martin, Assistant GIS Specialist
Metro Data Resource Center

FROM: Iris McCaleb, Long Range Planning
Planning & Building Services

DATE: **November 30, 2011**

SUBJECT: Final Boundary Change Submission for AN 11-0001
Ordinances 2568 and 2574

Attached please find:

X Final signed resolution, order or ordinance (with legal description)

X Approved Notice to Taxing Districts from Oregon Department of Revenue

X Filing fee

X Staff Reports (dated 06/13/11 and 10/05/11)

X Notice of Final Decision

Property information:

5325 Oakridge Road (21E07DB01900)

This is being sent to you as required by Metro Code 3.09.030 (e). Any questions should be directed to me at:

City of Lake Oswego
P.O. Box 369
Lake Oswego, OR 97034
(503) 697-6591

Thank you.

DOR 3-1920-2011

Notice to Taxing Districts

ORS 308.225

OREGON DEPARTMENT OF REVENUE
Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
(503) 945-8297, fax 945-8737

City of Lake Oswego Planning Dept.
Attn: Annexation Planner
PO Box 369
Lake Oswego, OR 97034

Description and Map Approved
November 10, 2011
As Per ORS 308.225

☒ Description ☒ Map received from: Paul Espe
On: 7/27/2011, 10/24/2011

This is to notify you that your boundary change in Clackamas County for

Annexation to the City of Lake Oswego and withdrawl from certain districts (AN 11-0001)

Ordinance Nos. 2568, 2574

has been: ☒ Approved 11/10/2011
☐ Disapproved

Notes:

Department of Revenue File Number: 3-1920-2011

Prepared by: Sally Hood (503) 945.8881

Boundary: ☒ Change ☐ Proposed Change
The change is for:

☐ Formation of a new district
☒ Annexation of a territory to a district
☒ Withdrawal of a territory from a district
☐ Dissolution of a district
☐ Transfer
☐ Merge

LEGAL DESCRIPTION FOR AN 11-0001
ORDINANCE 2574 (Amending Ordinance 2568)

Section 1. Amended Legal Description: Section 1 of Ordinance 2568 is hereby amended to read as follows:

Lot 3, Block 2, OAKWOOD TERRACE, in the County of Clackamas and State of Oregon. **INCLUDING** therewith the public right of way of Oakridge Road lying south of said Lot 3, Block 2 of OAKWOOD TERRACE.

Ordinance No. 2574

AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL AMENDING ORDINANCE 2568 (AN 11-0001) TO CORRECT A SCRIVENER'S ERROR IN THE TEXT OF THE LEGAL DESCRIPTION TO INCLUDE THE 40 FOOT WIDE PUBLIC RIGHT OF WAY LOCATED ADJACENT AND SOUTH OF 5325 OAKRIDGE ROAD.

WHEREAS, on July 19, 2011, the City Council adopted Ordinance 2568, which became effective on August 18, 2011; and,

WHEREAS, Ordinance 2568 annexed one parcel on the north side of Oakridge Road to the City of Lake Oswego and retained or withdrew this parcel from certain service districts; and,

WHEREAS, a scrivener's error in the text of the legal description used in the adopted ordinance erroneously omitted the 40-foot Oakridge Road right of way located south of 5325 Oakridge Road (21E07DB01900); and,

WHEREAS, Section 1 of Ordinance 2568 should be amended to include the 40-foot Oakridge Road right of way located adjacent and south of 5325 Oakridge Road.

The City of Lake Oswego ordains as follows:

Section 1. Amended Legal Description: Section 1 of Ordinance 2568 is hereby amended to read as follows:

> Lot 3, Block 2, OAKWOOD TERRACE, in the County of Clackamas and State of Oregon. **INCLUDING** therewith the public right of way of Oakridge Road lying south of said Lot 3, Block 2 of OAKWOOD TERRACE.

Read by title only and enacted at the regular meeting of the City Council of the City of Lake Oswego held on 18th day of October, 2011.

AYES: Mayor Hoffman, Jordan, Moncrieff, Olson, Kehoe, Gudman

NOES: none

ABSTAIN: none

EXCUSED: Tierney

Jack D. Hoffman, Mayor

Dated: 10/18/11

ATTEST:

Robyn Christie, City Recorder

APPROVED AS TO FORM:

David Powell, City Attorney

ORDINANCE NO. 2568

AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO ONE 0.23 ACRE PARCEL AND THE ABUTTING 3200 SQUARE FOOT PUBLIC RIGHT OF WAY (LOCATED AT 5325 OAKRIDGE ROAD) DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LOC 50.05.025; AND REMOVING THE TERRITORY FROM CERTAIN DISTRICTS (AN 11-0001).

WHEREAS, annexation to the City of Lake Oswego of the territory shown in the map in Attachment "A" and described below, would constitute a contiguous boundary change under ORS 222.111, initiated by petition from the property owner as outlined in ORS 222.111(2); and,

WHEREAS, the City has received consent for the proposed annexation from 100 percent of the owners of land within the territory and 100 percent of the electors in the territory; and,

WHEREAS, the part of the territory that lies within the Lake Grove Fire District #57 will, by operation of ORS 222.520, be withdrawn from that district immediately upon approval of the annexation; and,

WHEREAS, the part of the territory that lies within the Clackamas County Enhanced Sheriff's Patrol District will, by operation of ORS 222.520, be withdrawn from the district upon approval of the annexation; and,

WHEREAS, the part of the territory that lies within the Surface Water Management Agency of Clackamas County will, by operation of ORS 222.520, be withdrawn from the district upon approval of the annexation; and,

WHEREAS, LOC 50.05.025 specifies that, where the Comprehensive Plan Map requires a specific Zoning Map designation to be placed on the territory annexed to the City, such a zoning designation shall automatically be imposed on the territory as of the effective date of the annexation; and,

WHEREAS, the staff report, which addresses applicable criteria, dated June 13, 2011, is hereby incorporated as findings supporting the annexation; and,

WHEREAS, this annexation is consistent with Chapter 14 (Urbanization) of the City of Lake Oswego's acknowledged Comprehensive Plan, Oregon Revised Statutes 222.111(2); 222.125; and 222.170 for boundary changes, and Metro Code Sections 3.09.050(b) and (d).

Now, therefore, the City of Lake Oswego ordains as follows:

Section 1. The real property described as follows is hereby annexed to the City of Lake Oswego:

Lot 3, Block 2, OAKWOOD TERRACE, in the County of Clackamas and State of Oregon

Section 2. The annexed area lies within the following districts and shall be retained within these districts upon the effective date of annexation

Lake Grove Park District
Lake Grove Water District

Section 3. Tax Lot 1900, 21E07DB lies within the following districts and shall be withdrawn from these districts upon the effective date of annexation:

Lake Grove Fire District #57
Clackamas County Enhanced Sheriff's Patrol District
Surface Water Management Agency of Clackamas County

Section 4. In accordance with LOC 50.05.025, the City zoning designation of R-15 shall be applied to Tax Lot 1900, Map 021E07DB,

Section 5. The City Council hereby adopts the findings of facts and conclusions set forth in the June 13, 2011 staff report in support of this annexation ordinance (Exhibit A-1).

Section 6. Effective Dates:

a. Effective Date of Decision to Annex. Pursuant to Metro Code 3.09.050(f), the effective date of this annexation decision shall be immediately upon adoption, unless a governmental entity that qualifies as a "necessary party" under Metro Code 3.09.020(j) has contested this annexation, in which event this annexation decision shall be effective on the 10th day following the mailing of this ordinance by the City Recorder to Metro and to all necessary parties who appeared in this proceeding.

b. Effective Date of Annexation Ordinance. Pursuant to Lake Oswego City Charter, Section 34, this ordinance shall be effective on the 30th day after its enactment.

c. Effective Date of Annexation. Following the filing of the annexation records with the Secretary of State as required by ORS 222.177, this annexation shall be effective upon the later of either:

1. the 30th day following the date of adoption of this ordinance; or
2. the date of filing of the annexation records with the Secretary of State.

Provided, however, that pursuant to ORS 222.040(2), if the effective date of the annexation as established above is a date that is within 90 days of a biennial primary or general election or after the deadline for filing notice of election before any other election held by any city, district or other municipal corporation involved in the area to be annexed, then the effective date of the annexation shall be delayed until, and the annexation shall become effective on, the day after the election.

Section 7. Mailing Copies of this Ordinance; Metro Notice.

Within 30 days following the date of adoption:

a. The City Recorder shall mail a copy of this ordinance to all persons and governmental entities that appeared at the public hearing and requested a copy of the ordinance following adoption.

b. The City Recorder shall mail a copy of this ordinance together with the applicable mapping and notice fee charged by Metro pursuant to Metro Code 3.09.110, to the Metro Data Resource Center, 600 NE Grand Ave., Portland, OR 97232.

Read by title only and enacted at the regular meeting of the City Council of the City of Lake Oswego held on 19 day of July, 2011.

AYES: Mayor Hoffman, Tierney, Jordan, Moncrieff, Olson, Gudman, Kehoe

NOES: none

ABSTAIN: none

EXCUSED: none

Jack D. Hoffman, Mayor

Dated: 7/19/11

ATTEST:

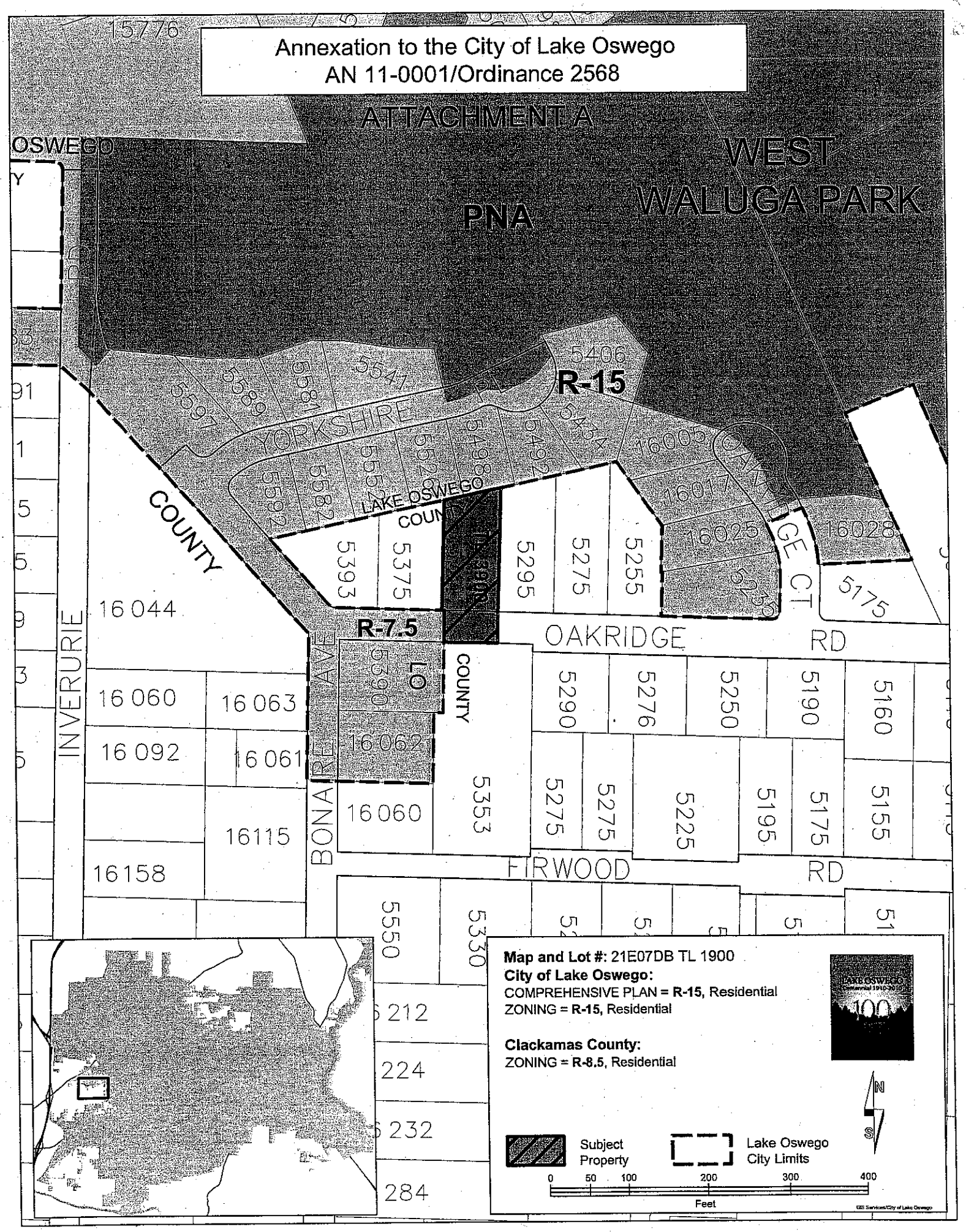
Robyn Christie, City Recorder

APPROVED AS TO FORM:

David Powell, City Attorney

Annexation to the City of Lake Oswego
AN 11-0001/Ordinance 2568

ATTACHMENT A



Map and Lot #: 21E07DB TL 1900

City of Lake Oswego:

COMPREHENSIVE PLAN = **R-15**, Residential

ZONING = **R-15**, Residential

Clackamas County:

ZONING = **R-8.5**, Residential

Subject Property

Lake Oswego City Limits

0 50 100 200 300 400

Feet

N

S

CITY OF LAKE OSWEGO

380 A Avenue
PO Box 369
Lake Oswego, OR 97034

503-675-3984
www.ci.oswego.or.us

COUNCIL REPORT

TO: Jack Hoffman, Mayor
Members of the City Council
Alex D. McIntyre, City Manager

FROM: Paul Espe, Associate Planner

SUBJECT: Ordinance 2574, correcting a scrivener's error in the text of the legal description of Ordinance 2568 to include the 40-foot wide public right of way located adjacent to and south of 5325 Oakridge Road. (AN 11-0001)

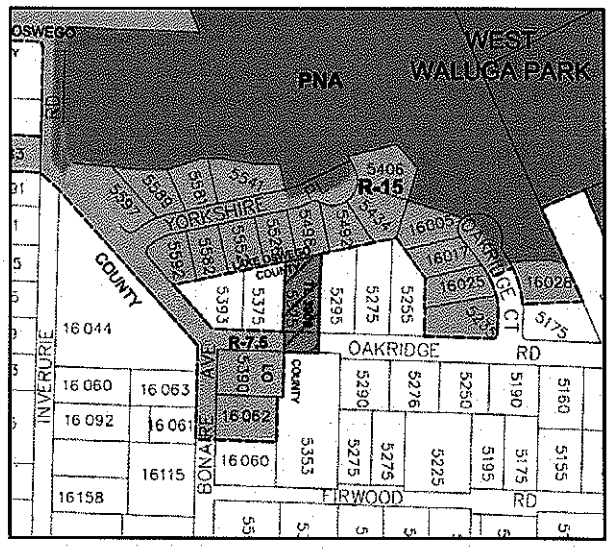
DATE: October 5, 2011

ACTION

Adopt Ordinance 2574 (Exhibit E-1).

INTRODUCTION/BACKGROUND

Upon further review of the annexation of this territory, it was found that the legal description in Ordinance 2568 omitted the 40-foot wide Oakridge Road right of way located south of 5325 Oakridge Road. The right of way extends for a length of 80 feet along the property. References to the right of way were made in the original staff report, findings, ordinance title, and graphics; but were left out of the ordinance legal description. Ordinance 2574 corrects Ordinance 2568 by including the complete legal description for this portion of right of way.



RECOMMENDATION

Staff recommends adoption of Ordinance 2574.

EXHIBITS

A. Findings and Conclusion
- A-1: Original Findings and Conclusion for Ordinance 2568

B. Minutes [No current exhibits; reserved for hearing use]

C. Staff Reports
- C-1: Original Staff Report for Ordinance 2568, dated 06/13/11

D. Graphic Exhibits [No current exhibits; reserved for hearing use]

E. Written Materials
- E-1: Original Ordinance 2568 and Map
- E-2: Annexation Petition and Application *(Not included with this staff report)*
- E-3: Ordinance 2574 and Map *(Correcting scrivener's error)*

F. Letters-None

Reviewed by:

Department Director

Finance Director

City Attorney

Asst CM - Actg CM

Alex D. McIntyre, City Manager

Exhibit A-1
Criteria, Findings, Conclusion, and Effective Date

APPLICABLE CRITERIA:

A. Oregon Revised Statutes (ORS), Boundary Changes; Mergers and Consolidations.

1. ORS 222.111(2) - Annexation of Contiguous Territory, Authority and Procedure for Annexation, Generally.
2. ORS 222.125 - Annexation by consent of all owners of land and the majority of electors.
3. ORS 222.170 - Annexation by consent of more than half of the owners of land in the territory to be annexed, who also own more than half of the land in the territory.

B. Metro Code

1. 3.09.040(a)(1-4) Minimum Requirements for Petitions.
2. 3.09.050 Uniform Hearing Requirements for Final Decisions
   Subsections (b)(1-3) and (d).

FINDINGS:

A. Oregon Revised Statutes (ORS), Boundary Changes; Mergers and Consolidations.

1. ORS 222.111(2) Annexation of Contiguous Territory, Authority and Procedure for Annexation, Generally.

ORS 222.111(2) provides that a proposal for annexation of territory to a City may be initiated by the legislative body of the City, on its own motion, or by a petition to the legislative body of the City by owners of real property in the territory to be annexed. The property owners have petitioned the City for annexation.

2. ORS 222.125 - Annexation by consent of all owners of land and the majority of electors.

ORS 222.125 states that an election need not be held on the question of annexation within the area proposed to be annexed if all of the owners of land in the territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation. Both property owners have signed the annexation application. In addition to the property owners, the two registered voters residing at 5325 Oakridge Road have also signed the Petition for Annexation. One hundred percent of the property owners and one hundred percent of the electors have consented to this annexation.

3. ORS 222.170 - Annexation by consent of more than half of the owners of land in the territory to be annexed, who also own more than half of the land in the territory.

ORS 222.170 states that an election need not be held on the question of annexation within the area proposed to be annexed if not less than 50 percent of the owners of land residing on the property consent in writing to the annexation. These owners must also own more than half of the land in the territory to be annexed. The property owners have consented to the annexation on the attached annexation petition (Exhibit E-2). The proposed annexation complies with the statute.

B. <u>Metro Code</u>

1. **3.09.040 - Minimum Requirements for Petitions.**

   (a) A petition for a boundary change shall be deemed complete if it includes the following information:

   1) The jurisdiction of the approving entity to act on the petition;

   2) A map and a legal description of the affected territory in the form prescribed by the reviewing entity;

   3) For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk; and,

   4) For boundary changes under ORS 198.855 (3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.

The above information was submitted as required by Metro Code. The property owners have signed the application and petition. A map and legal description have been included in the application materials and are attached as Exhibit E-2. The property owners own the private property to be annexed and have consented to the annexation on the attached annexation petition (Exhibit E-2). The proposed annexation complies with the statutes.

2. **3.09.050 Uniform Hearing and Decision Requirements for Final Decisions Other Than Expedited Decisions.**

   (b) Not later than 15 days prior to the date set for a boundary change decision, the approving entity shall make available to the public a report that addresses the criteria in subsection (d) below, that includes at a minimum, the following:

   (1) The extent to which urban services presently are available to serve the affected territory including any extra-territorial extensions of service.

The property is located within the Urban Growth Boundary and the City's Urban Services Boundary. Metro Code section 3.09.020 defines urban services as including sanitary sewer, water, fire protection, parks, open space, recreation, streets, roads and mass transit.

<u>Water:</u> The Lake Grove Water District has a six-inch water main in Oakridge Road. There is a fire hydrant located approximately 125 feet west of the property at the southeast corner of the intersection of Oakridge Road and Bonaire Avenue. This property will remain a customer of Lake Grove Water District after annexation.

<u>Fire</u>: Lake Grove Fire District #57 provides fire protection services to all of the property to be annexed by agreement with the City of Lake Oswego Fire and Rescue. Upon annexation, the property will be withdrawn from this fire district and will be served directly by the City. The Jean Road Fire Station, located south of the site, would be able to respond to emergencies under the eight minute goal established in the Comprehensive Plan.

<u>Sanitary Sewer</u>: There is an existing City of Lake Oswego eight-inch diameter sanitary sewer line located in Bonaire Avenue. Extension from the intersection of Bonaire Avenue and Oakridge Road to the upstream property line would be required. In this case, an eight inch diameter main line would need to be extended approximately 220 feet to the eastern property boundary. The existing septic tank would need to be decommissioned prior to

connecting to the main line.

Upon completion of the sewer extension, the applicant will qualify for the formation of a Zone of Benefit per LOC 40.04, which will establish a means through which the applicant can recover a pro rata share of the cost of construction when other properties directly connect to this sewer extension.

Surface Water Management: There is no public storm drain system along this segment of Oakridge Road. Runoff from the street surface flows west along the existing curb (north side of street) and a shallow drainage ditch on the south side of street toward Bonaire Avenue. Storm water continues north to a piped storm system that outfalls north of Yorkshire Place. After annexation, onsite surface water management will be subject to the provisions of the Lake Oswego Code.

Police: The property is currently served by the Clackamas County Sheriff's Department. Upon annexation, the property will be withdrawn from the Clackamas County Enhanced Sheriff's Patrol District and will be served by the City of Lake Oswego. The police department has reviewed the proposal and indicated that they would not have any concerns serving this property upon annexation.

Parks: The City has 537 acres of park and open space lands, or 14.6 acres per 1,000 population. The nearest park to this property is Waluga Park, north of the subject property.

Lake Grove Park District: The Lake Grove Swim Park, managed by the Lake Oswego School District, is located at 3800 Lakeview Boulevard. The swim park is approximately 1.3 acres in size with rest room play and swim facilities. This property will remain within the Lake Grove Park District following annexation.

Transportation - Streets and Mass Transit:

Oakridge Road is a local street, and there are no sidewalks or street lights in the immediate vicinity. The pavement width is approximately 20 feet. It is a two lane facility with no curbs or sidewalks. The intersection of Oakridge Road with Bonaire Avenue to the west is uncontrolled. The subject segment of Oakridge Road is a Clackamas County unmaintained "public road."

Transit: The nearest bus line is Line 37, which operates along a portion of Boones Ferry Road to the east. Line 37 travels between the Lake Oswego Transit Center and Tualatin.

(2) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties.

The City has entered into four ORS 195.065 agreements with: 1) Clackamas County (for roadways), 2) Lake Oswego School District, 3) Lake Grove Fire District; and, 4) the Southwood Park Water District. Three of these agreements are applicable to this proposal.

Lake Oswego School District: The City and the Lake Oswego School District entered into an ORS 195.065 urban service agreement for park services in July, 2003. The School District operates the Lake Grove Swim Park located at 3800 Lakeview Boulevard. The agreement states that the annexation of property by the City within the Lake Grove Park District shall not cause the withdrawal of the property from the district.

Lake Grove Fire District #57: The City and District entered into an ORS 195.065 urban service agreement for fire protection in July 2003. The agreement states that upon annexation by the City of property within the District, the annexed property shall be withdrawn from the District and the City shall provide fire protection services.

Clackamas County Agreement: The City and Clackamas County entered into an ORS 195.065 urban service agreement for roads in July 2003. The agreement states that the City shall initiate proceedings for the transfer of jurisdiction and maintenance to the City of all County roads within annexed areas.

(3) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;

Consistency of the proposed boundary change with comprehensive plan policies is discussed in section (d)(3), below.

The City's Public Facilities Plan does not identify any sanitary service, water, or storm water projects in this area that would affect the subject property.

There are no regional framework plans or regional urban growth goals or objectives that are directly applicable to this annexation.

Compliance with urban planning agreements and other agreements with necessary parties is discussed in section (d)(2), below.

(4) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party.

ORS 222.520 authorizes the City to withdraw the property from the Lake Grove Fire District #57, Clackamas County Enhanced Sheriff's Patrol District, Clackamas County Service District #5 and the Surface Water Management Agency of Clackamas County. Upon approval of the annexation, the ordinance will withdraw the property from these service districts.

(5) The proposed effective date of the decision.

The proposed effective date of the decision is outlined in the final section of this report.

(d) An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

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

ORS 195.065 agreements are discussed above under Metro Code Section 3.09.050(b)(2).

(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.

The Metro Code defines necessary party as "a county, city or district whose jurisdictional boundary or adopted urban service area includes any part of the affected property, or who provides any urban service to any portion of the affected." The list of necessary parties for the proposed annexation includes:

- Clackamas County
- Clackamas County Enhanced Sheriff's Patrol District
- Surface Water Management Agency of Clackamas County
- Lake Grove Water District
- Lake Grove Fire District #57
- Lake Grove Park District
- Tri-County Metropolitan Transportation District

The only agreement with directly applicable provisions is the City's Urban Growth Management Agreement with Clackamas County:

Clackamas County Urban Growth Management Agreement/City of Lake Oswego: The City currently has an urban planning agreement with Clackamas County. This agreement ensures coordination and consistency between the City and County comprehensive plans and outlines responsibilities in providing services and managing growth within the Dual Interest Area. Subsections 6 and 7, provided below, are applicable to annexations.

"6. City and County Notice and Coordination:
The City shall provide notification to the County, and an opportunity to participate, review and comment, at least 35 days prior to the first public hearing on all proposed public facilities plans, legislative changes to the City Comprehensive Plan, or quasi-judicial land use actions adjacent to, or in close proximity to unincorporated areas. The City shall provide notice to the County of private or City initiated annexation requests within five days of the filing of an application with the Portland Metropolitan Boundary Commission."

The Urban Growth Management Agreement specifies that the City notify the County of an annexation request within five days of when it is submitted to the Boundary Commission. There is no longer a Boundary Commission for the Portland Metropolitan area. Staff relies on the notice requirements of Metro Code 3.09.030, which requires notice 20 days prior to the scheduled hearing for an annexation for all necessary parties (other governmental entities), unless a shorter time is agreed upon. The County is a necessary party under the Metro Code definition and has been notified.

"7. City Annexations
A. The City may undertake annexations in the manner provided for by law within the Dual Interest Area. The City annexation proposals shall include adjacent road right-of-way to property proposed for annexation. The County shall not oppose such annexations.
B. Upon annexation, the City shall assume jurisdiction of the County roads and local access roads pursuant to a separate road transfer agreement between the City and county."

The City is undertaking this annexation in the manner provided for in the applicable ORS and Metro Code for the territories that lie within the Dual interest area. The City and County entered into an Urban Growth Management Agreement in 1997 which stipulates a mutual interest in coordinated land use planning, compatible comprehensive plans and provision of urban services and facilities. This annexation will be consistent with the City and County comprehensive plans which will be coordinated in the dual interest area within the Regional Urban Growth Boundary (UGB). This territory will be served by two outside service providers

listed below:

Lake Grove Fire District #57-City of Lake Oswego Agreement: The City and District entered into an ORS 195.065 urban service agreement for fire protection in July 2003. The agreement states that upon annexation of territory by the City within the District, the annexed territory shall be withdrawn from the District and the City shall provide fire protection services. In addition, upon annexation of the entire remaining area of the District by the City, the District shall be extinguished and the City shall be charged with the functions and obligations of the District.

Lake Grove Water District #15-City of Lake Oswego Agreement: The City and the Water District entered into an agreement in 1994 stipulating that areas within the 1994 district boundary will not be withdrawn from the Water District unless a cooperative agreement is entered into setting forth roles and responsibilities for future planning and provision of water service within the district boundary. The City and the Water District have not entered into any discussions about the cooperative agreement at this time.

The separate road agreement referenced in 7(B) is now expired. This parcel takes direct access from Oakridge Road which will be annexed with this property. The subject segment of Oakridge Road is a Clackamas County unmaintained "public road" and will remain under county jurisdiction until the City and the County execute a transfer of jurisdiction agreement.

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

Comprehensive Plan Map: The subject property is currently designated R-8.5 Low Density Residential on Clackamas County's Comprehensive Plan Map, with a zone of R-8.5. The property is designated as Low Density Residential R-15 on the City's Comprehensive Plan Map. Upon annexation, a City zoning designation of R-15 will be applied to the property.

The City and County have coordinated their comprehensive plans within the "Dual Interest Area" outlined in the City/County Urban Growth Management Agreement (dated February 4, 1992 and updated November 18, 1997), hence the City/County designations have been determined to be compatible. Therefore, this annexation is compatible with the City's Comprehensive Plan Map.

Comprehensive Plan Policies: The relevant Comprehensive Plan policies are addressed below:

> *Goal 14, Urbanization - Policy 10: The Urban Services Boundary is Lake Oswego's ultimate growth area within which the City shall be the eventual provider of the full range of urban services.*

The property to be annexed is within the City's Urban Services Boundary as outlined in the Comprehensive Plan. City services are available or can be made available to the property. The annexation of this property is consistent with this policy.

> *Goal 14, Urbanization - Policy 13: Ensure that annexation of new territory or expansion of Lake Oswego's Urban Service Boundary does not:*

a) Detract from the City's ability to provide services to existing City residents;

b) Result in property owners paying for urban services which do not benefit their property:

The approval of this annexation will result in the addition of 0.29 acres to be served by the City.

As stated in Section 2b 1, the addition of this territory will not detract from the City's ability to provide police and fire protection to existing City residents. Annexation of this property will not affect the city's ability to provide parks and recreation services. Public facilities such as sewer and water are also found to be adequate to serve his site.

In regard to subsection b) of Policy 13, the policy ensures that existing City property owners do not subsidize newly annexed areas in the provision of urban services. The City has established systems development charges, and imposes rates that result in payment by users for different City services such as sewer, water, surface water, parks and recreation, and transportation systems. Therefore, existing City property owners will not pay for urban services that do not benefit their property.

> *Goal 14, Urbanization - Policy 14: Prior to the annexation of non-island property, the City shall ensure urban services are available and adequate to serve the subject property or will be made available in a timely manner by the City or a developer commensurate with the scale of the proposed development. Urban services consist of water, sanitary sewer, surface water management, police and fire protection, parks, and transportation including: streets, transit, pedestrian and bicycle facilities.*

Community Development Code Section 50.64.015 requires that all development be provided with the following utility services: sanitary sewer, water, sidewalks, pedestrian and bicycle paths, traffic control signs and devices, street lights, streets, and TV cable. These utilities are now in place or can be put in place to serve this property.

In the event that future development occurs, an applicant for development is obligated to construct all necessary public facilities to serve their development. [Community Development Code 50.87.020, see also discussion of consistency with Public Facilities Plan (Section 2, Metro Code 3.09.050 above) and discussion regarding effect on service of existing City residents (Section 2, Goal 14, Policy 13) for current impacts and planned improvements.]

As noted above, police and fire services are available upon annexation. The amount of protection provided will be similar to protection provided to other City residents because the property proposed to be annexed is not isolated from other areas of the City.

(4) Consistency with specific standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan.

There are no Regional Framework Plan or Functional Plan criteria or standards applicable to annexations at this time.

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

Due to the proximity of the property to existing City services, this annexation will promote the timely, orderly and economical extension of public facilities and services. If and when additional development occurs in the area, provision of public facilities and services will

occur.

CONCLUSION:

Based on the criteria and findings set forth above, the City Council concludes that AN 11-0001 complies with all applicable criteria and should be annexed to the City.

EFFECTIVE DATE:

A. Effective Date of Annexation Ordinance. Pursuant to Lake Oswego City Charter, Section 34, the ordinance shall be effective on the 30th day after its enactment.

B. Effective Date of Annexation. Following the filing of the annexation records with the Secretary of State as required by ORS 222.177, this annexation shall be effective upon the later of:

1. the 30th day following the date of adoption of this ordinance; or
2. the date of filing of the annexation records with the Secretary of State;

provided however that pursuant to ORS 222.040(2), if the effective date of the annexation as established above is a date that is within 90 days of a biennial primary or general election or after the deadline for filing notice of election before any other election held by any City, district or other municipal corporation involved in the area to be annexed, then the effective date of the annexation shall be delayed until, and the annexation shall become effective on, the day after the election.

CITY OF LAKE OSWEGO

380 A Avenue
PO Box 369
Lake Oswego, OR 97034

503-675-3984
www.ci.oswego.or.us

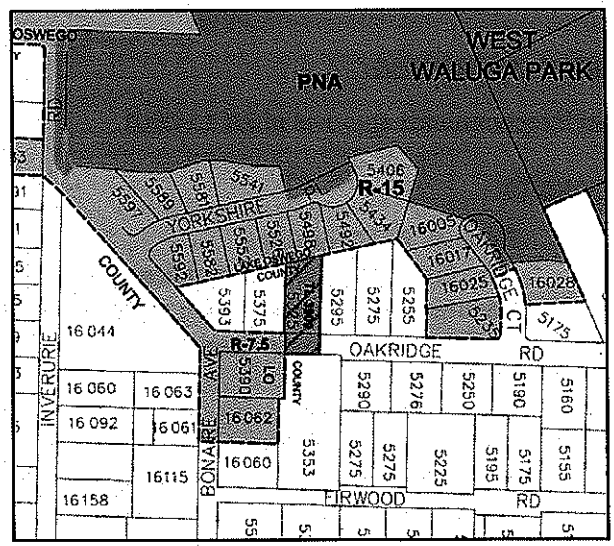
COUNCIL REPORT

TO: Jack Hoffman, Mayor
Members of the City Council
Alex D. McIntyre, City Manager

FROM: Paul Espe, Associate Planner
SUBJECT: Ordinance 2568, 5325 Oakridge Road (AN 11-0001)
DATE: June 13, 2011

ACTION

Adopt Ordinance 2568 (Exhibit E-1), annexing property located at 5325 Oakridge Road and the abutting public right-of-way.



INTRODUCTION/BACKGROUND

The proposed annexation is owner-initiated and will result in the addition of 0.23 acres (approx 10,018 sq. feet) of residential land and a 3,200 square foot section of public right of way to the City. This Council report describes the reasons for the annexation and provides basic background information. The criteria for approving annexations and the findings in support of this annexation are included in Exhibit A-1.

Owner/Applicant : Carl Welander / Cindy Swenson

Location/Size: The subject property is 0.23 acres (10,018 square feet) in size. The public right-of-way section is 3,200 square feet. It is located on the north side of Oakridge Road, approximately 150 feet east of the intersection of Oakridge Road and Bonaire Avenue. The address is 5325 Oakridge Road, Tax Lot 1900 (Tax Map 21E07DB). The property is shown on **Exhibit E-1, Attachment A.**

Existing Land Use: Tax Lot 1900 is developed with one single family dwelling that is currently occupied. The parcel has direct driveway access to Oakridge Road.

Neighborhood: The property is located within the Lake Forest Neighborhood Association.

Purpose of Annexation: The property owners initiated the annexation to connect to city sewer service.

DISCUSSION

Plan and Zone Designation:

The subject property is currently under Clackamas County's jurisdiction and is zoned Low Density Residential R-8.5. This area is designated R-15 on the City of Lake Oswego Comprehensive Plan Map and will be zoned R-15 upon annexation.

EXHIBIT C-1

Development Potential: The property is developed with a single-family dwelling. Based on the R-15 zoning standards, the property cannot be further divided.

Sensitive Lands: There are no sensitive lands designated on this property.

Sewer and Water Service: There is an eight-inch sewer line in Bonaire Avenue, which will need to be extended by the property owner, approximately 200 feet to the site. There is a six-inch Lake Grove Water District (LGWD) water line in Oakridge Road. This is within the LGWD's service boundary. The existing house is connected to this water line and will continue being a LGWD customer.

Service Districts: Upon annexation, the property will be removed from the Lake Grove Fire District #57, the Clackamas County Enhanced Sheriff's Patrol District and the Surface Water Management Agency of Clackamas County.

Issues: There are no known issues that would complicate annexation of this property.

ALTERNATIVES & FISCAL IMPACT

The draft findings provided in Exhibit A-1 conclude that the proposed annexation complies with all applicable State statutes and Metro code requirements. This annexation is for one parcel of approximately 0.23 acres and the abutting 3,200 square foot public right-of-way. The estimated assessed value of the residential property is $150,648. Once the property is annexed, the annual tax gain would be approximately $389.00

RECOMMENDATION

Staff recommends approval of AN 11-0001.

EXHIBITS

A. Findings and Conclusion
- A-1: Criteria, Findings, Conclusion, and Effective Date

B. Minutes [No current exhibits; reserved for hearing use]

C. Staff Report [No current exhibits; reserved for hearing use]

D. Graphic Exhibits

E. Written Materials
- E-1: Ordinance 2568 and Map
- E-2: Annexation Petition and Application

F. Letters-None

Reviewed by:

_____

Department Director

_____

Finance Director

_____

City Attorney

_____

Alex D. McIntyre, City Manager

ORDINANCE NO. 2568

AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO ONE 0.23 ACRE PARCEL AND THE ABUTTING 3200 SQUARE FOOT PUBLIC RIGHT OF WAY (LOCATED AT 5325 OAKRIDGE ROAD) DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LOC 50.05.025; AND REMOVING THE TERRITORY FROM CERTAIN DISTRICTS (AN 11-0001).

WHEREAS, annexation to the City of Lake Oswego of the territory shown in the map in Attachment "A" and described below, would constitute a contiguous boundary change under ORS 222.111, initiated by petition from the property owner as outlined in ORS 222.111(2); and,

WHEREAS, the City has received consent for the proposed annexation from 100 percent of the owners of land within the territory and 100 percent of the electors in the territory; and,

WHEREAS, the part of the territory that lies within the Lake Grove Fire District #57 will, by operation of ORS 222.520, be withdrawn from that district immediately upon approval of the annexation; and,

WHEREAS, the part of the territory that lies within the Clackamas County Enhanced Sheriff's Patrol District will, by operation of ORS 222.520, be withdrawn from the district upon approval of the annexation; and,

WHEREAS, the part of the territory that lies within the Surface Water Management Agency of Clackamas County will, by operation of ORS 222.520, be withdrawn from the district upon approval of the annexation; and,

WHEREAS, LOC 50.05.025 specifies that, where the Comprehensive Plan Map requires a specific Zoning Map designation to be placed on the territory annexed to the City, such a zoning designation shall automatically be imposed on the territory as of the effective date of the annexation; and,

WHEREAS, the staff report, which addresses applicable criteria, dated June 13, 2011, is hereby incorporated as findings supporting the annexation; and,

WHEREAS, this annexation is consistent with Chapter 14 (Urbanization) of the City of Lake Oswego's acknowledged Comprehensive Plan, Oregon Revised Statutes 222.111(2); 222.125; and 222.170 for boundary changes, and Metro Code Sections 3.09.050(b) and (d).

EXHIBIT E-1
AN 11-0001

Now, therefore, the City of Lake Oswego ordains as follows:

Section 1. The real property described as follows is hereby annexed to the City of Lake Oswego:

Lot 3, Block 2, OAKWOOD TERRACE, in the County of Clackamas and State of Oregon

Section 2. The annexed area lies within the following districts and shall be retained within these districts upon the effective date of annexation

Lake Grove Park District
Lake Grove Water District

Section 3. Tax Lot 1900, 21E07DB lies within the following districts and shall be withdrawn from these districts upon the effective date of annexation:

Lake Grove Fire District #57
Clackamas County Enhanced Sheriff's Patrol District
Surface Water Management Agency of Clackamas County

Section 4. In accordance with LOC 50.05.025, the City zoning designation of R-15 shall be applied to Tax Lot 1900, Map 021E07DB,

Section 5. The City Council hereby adopts the findings of facts and conclusions set forth in the June 13, 2011 staff report in support of this annexation ordinance (Exhibit A-1).

Section 6. Effective Dates:

a. Effective Date of Decision to Annex. Pursuant to Metro Code 3.09.050(f), the effective date of this annexation decision shall be immediately upon adoption, unless a governmental entity that qualifies as a "necessary party" under Metro Code 3.09.020(j) has contested this annexation, in which event this annexation decision shall be effective on the 10th day following the mailing of this ordinance by the City Recorder to Metro and to all necessary parties who appeared in this proceeding.

b. Effective Date of Annexation Ordinance. Pursuant to Lake Oswego City Charter, Section 34, this ordinance shall be effective on the 30th day after its enactment.

c. Effective Date of Annexation. Following the filing of the annexation records with the Secretary of State as required by ORS 222.177, this annexation shall be effective upon the later of either:

1. the 30th day following the date of adoption of this ordinance; or
2. the date of filing of the annexation records with the Secretary of State.

Provided, however, that pursuant to ORS 222.040(2), if the effective date of the annexation as established above is a date that is within 90 days of a biennial primary or general election or after the deadline for filing notice of election before any other election held by any city, district or other municipal corporation involved in the area to be annexed, then the effective date of the annexation shall be delayed until, and the annexation shall become effective on, the day after the election.

Section 7. Mailing Copies of this Ordinance; Metro Notice.

Within 30 days following the date of adoption:

a. The City Recorder shall mail a copy of this ordinance to all persons and governmental entities that appeared at the public hearing and requested a copy of the ordinance following adoption.

b. The City Recorder shall mail a copy of this ordinance together with the applicable mapping and notice fee charged by Metro pursuant to Metro Code 3.09.110, to the Metro Data Resource Center, 600 NE Grand Ave., Portland, OR 97232.

Read by title only and enacted at the regular meeting of the City Council of the City of Lake Oswego held on _____day of _____, 2011.

AYES:

NOES:

ABSTAIN:

EXCUSED:

_____
Jack D. Hoffman, Mayor

Dated:

_____

ATTEST:

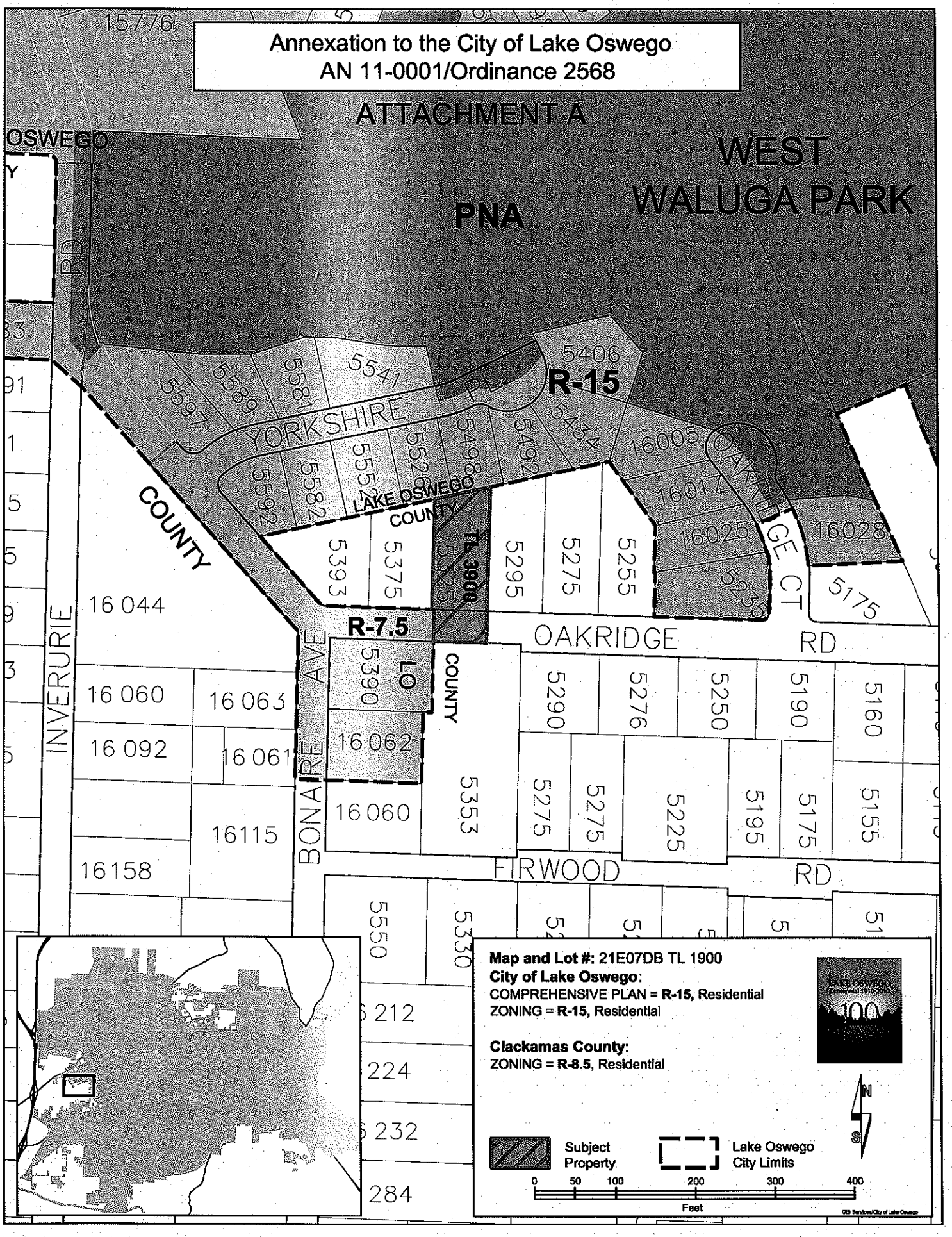
_____
Robyn Christie, City Recorder

APPROVED AS TO FORM:

_____
David Powell, City Attorney

Annexation to the City of Lake Oswego
AN 11-0001/Ordinance 2568

ATTACHMENT A



Map and Lot #: 21E07DB TL 1900
City of Lake Oswego:
COMPREHENSIVE PLAN = **R-15,** Residential
ZONING = **R-15,** Residential

Clackamas County:
ZONING = **R-8.5,** Residential

Subject Property

Lake Oswego City Limits

0 50 100 200 300 400
Feet

GIS Services/City of Lake Oswego

Ordinance No. 2574

AN ORDINANCE OF THE LAKE OSWEGO CITY COUNCIL AMENDING ORDINANCE 2568 (AN 11-0001) TO CORRECT A SCRIVENER'S ERROR IN THE TEXT OF THE LEGAL DESCRIPTION TO INCLUDE THE 40 FOOT WIDE PUBLIC RIGHT OF WAY LOCATED ADJACENT AND SOUTH OF 5325 OAKRIDGE ROAD.

WHEREAS, on July 19, 2011, the City Council adopted Ordinance 2568, which became effective on August 18, 2011; and,

WHEREAS, Ordinance 2568 annexed one parcel on the north side of Oakridge Road to the City of Lake Oswego and retained or withdrew this parcel from certain service districts; and,

WHEREAS, a scrivener's error in the text of the legal description used in the adopted ordinance erroneously omitted the 40-foot Oakridge Road right of way located south of 5325 Oakridge Road (21E07DB01900); and,

WHEREAS, Section 1 of Ordinance 2568 should be amended to include the 40-foot Oakridge Road right of way located adjacent and south of 5325 Oakridge Road.

The City of Lake Oswego ordains as follows:

Section 1. Amended Legal Description: Section 1 of Ordinance 2568 is hereby amended to read as follows:

> Lot 3, Block 2, OAKWOOD TERRACE, in the County of Clackamas and State of Oregon. **INCLUDING** therewith the public right of way of Oakridge Road lying south of said Lot 3, Block 2 of OAKWOOD TERRACE.

Read by title only and enacted at the regular meeting of the City Council of the City of Lake Oswego held on _____day of _____, 2011.

AYES:

NOES:

ABSTAIN:

EXCUSED:

_____
Jack D. Hoffman, Mayor

Dated: _____

EXHIBIT E-3
AN 11-0001

ATTEST:

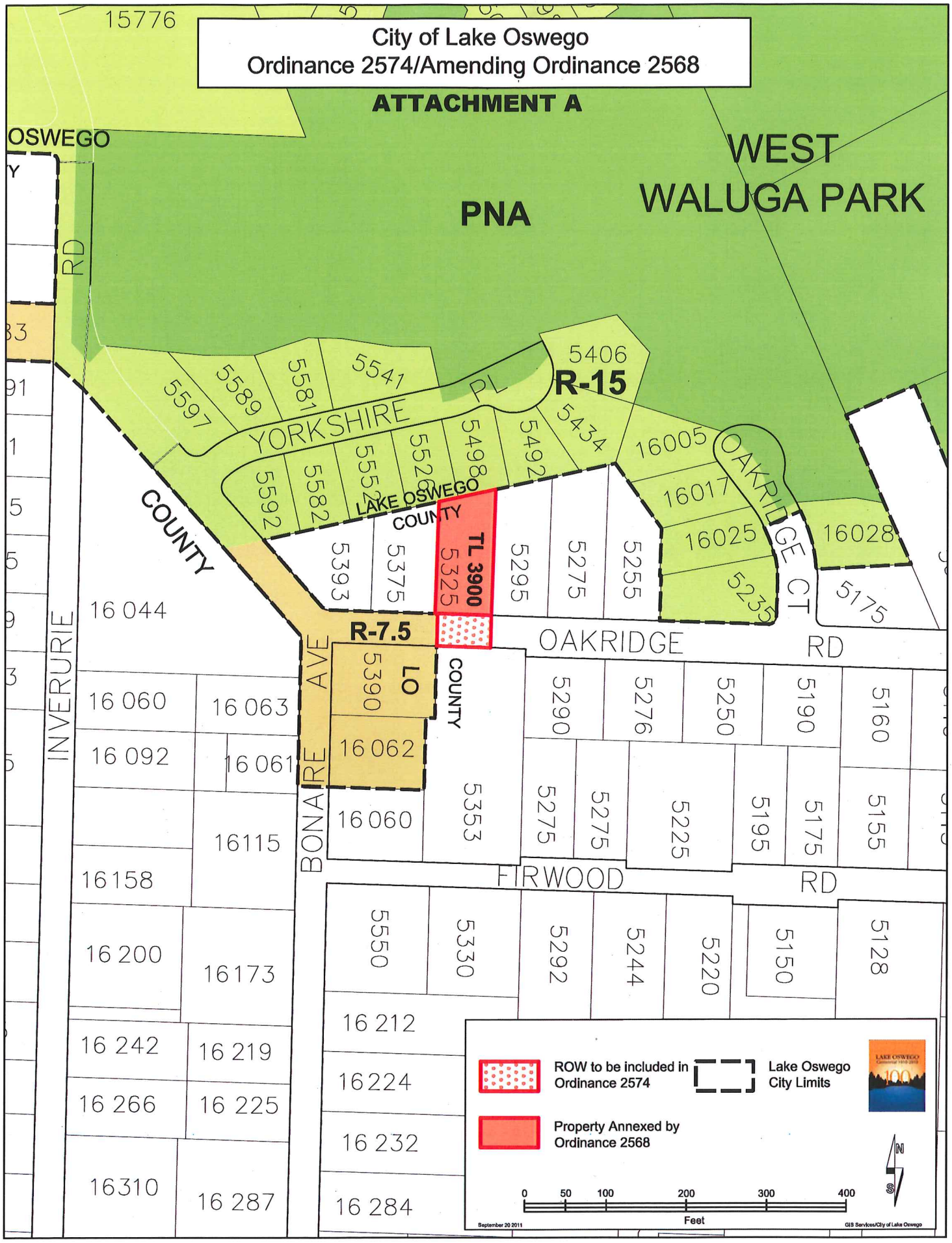
_____

Robyn Christie, City Recorder

APPROVED AS TO FORM:

_____

David Powell, City Attorney


City of Lake Oswego
Ordinance 2574/Amending Ordinance 2568
ATTACHMENT A
WEST WALUGA PARK
PNA
R-15
R-7.5
LO
TL 3900
LAKE OSWEGO COUNTY
YORKSHIRE PL
OAKRIDGE CT
OAKRIDGE RD
FIRWOOD RD
BONARE AVE
INVERURIE RD
ROW to be included in Ordinance 2574
Lake Oswego City Limits
Property Annexed by Ordinance 2568
0 50 100 200 300 400
Feet
September 20 2011
GIS Services/City of Lake Oswego

CITY OF LAKE OSWEGO

380 A Avenue
PO Box 369
Lake Oswego, OR 97034

503-675-3984
www.ci.oswego.or.us

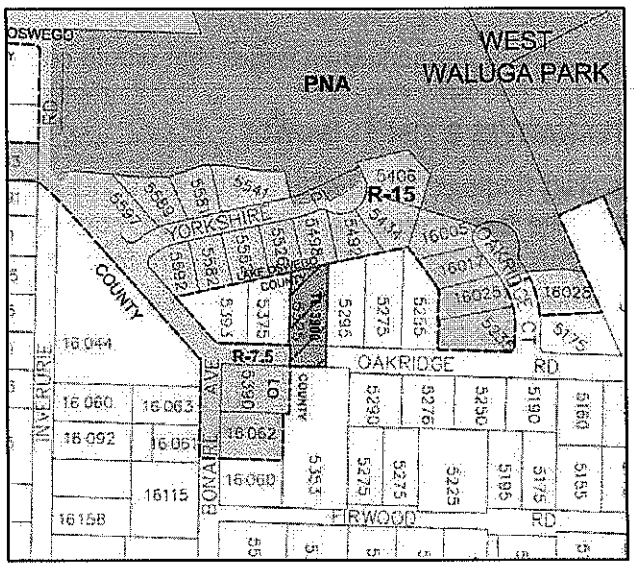
COUNCIL REPORT

TO: Jack Hoffman, Mayor
Members of the City Council
Alex D. McIntyre, City Manager

FROM: Paul Espe, Associate Planner
SUBJECT: Ordinance 2568, 5325 Oakridge Road (AN 11-0001)
DATE: June 13, 2011

ACTION

Adopt Ordinance 2568 (Exhibit E-1) annexing property located at 5325 Oakridge Road and the abutting public right of way.



INTRODUCTION/BACKGROUND

The proposed annexation is owner-initiated and will result in the addition of 0.23 acres (approx 10,018 sq. feet) of residential land and a 3,200 square foot section of public right of way to the City. This Council report describes the reasons for the annexation and provides basic background information. The criteria for approving annexations and the findings in support of this annexation are included in Exhibit A-1.

Owner/Applicant : Carl Welander / Cindy Swenson

Location/Size: The subject property is 0.23 acres (10,018 square feet) in size. The public right of way section is 3,200 square feet. It is located on the north side of Oakridge Road, approximately 150 feet east of the intersection of Oakridge Road and Bonaire Avenue. The address is 5325 Oakridge Road, Tax Lot 1900 (Tax Map 21E07DB). The property is shown on **Exhibit E-1, Attachment A.**

Existing Land Use: Tax Lot 1900 is developed with one single family dwelling that is currently occupied. The parcel has direct driveway access to Oakridge Road.

Neighborhood: The property is located within the Lake Forest Neighborhood Association.

Purpose of Annexation: The property owners initiated the annexation to connect to city sewer service.

DISCUSSION

Plan and Zone Designation:

The subject property is currently under Clackamas County's jurisdiction and is zoned Low Density Residential R-8.5. This area is designated R-15 on the City of Lake Oswego Comprehensive Plan Map and will be zoned R-15 upon annexation.

Development Potential: The property is developed with a single family dwelling. Based on the R-15 zoning standards, the property cannot be further divided.

Sensitive Lands: There are no sensitive lands designated on this property.

Sewer and Water Service: There is an eight inch sewer line in Bonaire Avenue, which will need to be extended by the property owner, approximately 200 feet to the site. There is a six-inch Lake Grove Water District (LGWD) water line in Oakridge Road. This is within the LGWD's service boundary. The existing house is connected to this water line and will continue being a LGWD customer.

Service Districts: Upon annexation, the property will be removed from the Lake Grove Fire District #57, the Clackamas County Enhanced Sheriff's Patrol District and the Surface Water Management Agency of Clackamas County.

Issues: There are no known issues that would complicate annexation of this property.

ALTERNATIVES & FISCAL IMPACT

The draft findings provided in Exhibit A-1 conclude that the proposed annexation complies with all applicable State statutes and Metro code requirements. This annexation is for one parcel of approximately 0.23 acres and the abutting 3,200 square foot public right of way. The estimated assessed value of the residential property is $150,648. Once the property is annexed, the annual tax gain would be approximately $389.00

RECOMMENDATION

Staff recommends approval of AN 11-0001.

EXHIBITS

- **A.** Findings and Conclusion
  - A-1: Criteria, Findings, Conclusion, and Effective Date
- **B.** Minutes [No current exhibits; reserved for hearing use]
- **C.** Staff Report [No current exhibits; reserved for hearing use]
- **D.** Graphic Exhibits
- **E.** Written Materials
  - E-1: Ordinance 2568 and Map
  - E-2: Annexation Petition and Application
- **F.** Letters-None

Reviewed by:

_____
Department Director

_____
Finance Director

_____
City Attorney

_____
Alex D. McIntyre, City Manager

Exhibit A-1
Criteria, Findings, Conclusion, and Effective Date

APPLICABLE CRITERIA:

A. Oregon Revised Statutes (ORS), Boundary Changes; Mergers and Consolidations.

1. ORS 222.111(2) - Annexation of Contiguous Territory, Authority and Procedure for Annexation, Generally.
2. ORS 222.125 - Annexation by consent of all owners of land and the majority of electors.
3. ORS 222.170 - Annexation by consent of more than half of the owners of land in the territory to be annexed, who also own more than half of the land in the territory.

B. Metro Code

1. 3.09.040(a)(1-4) Minimum Requirements for Petitions.
2. 3.09.050 Uniform Hearing Requirements for Final Decisions
   Subsections (b)(1-3) and (d).

FINDINGS:

A. Oregon Revised Statutes (ORS), Boundary Changes; Mergers and Consolidations.

1. ORS 222.111(2) Annexation of Contiguous Territory, Authority and Procedure for Annexation, Generally.

ORS 222.111(2) provides that a proposal for annexation of territory to a City may be initiated by the legislative body of the City, on its own motion, or by a petition to the legislative body of the City by owners of real property in the territory to be annexed. The property owners have petitioned the City for annexation.

2. ORS 222.125 - Annexation by consent of all owners of land and the majority of electors.

ORS 222.125 states that an election need not be held on the question of annexation within the area proposed to be annexed if all of the owners of land in the territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation. Both property owners have signed the annexation application. In addition to the property owners, the two registered voters residing at 5325 Oakridge Road have also signed the Petition for Annexation. One hundred percent of the property owners and one hundred percent of the electors have consented to this annexation.

3. ORS 222.170 - Annexation by consent of more than half of the owners of land in the territory to be annexed, who also own more than half of the land in the territory.

ORS 222.170 states that an election need not be held on the question of annexation within the area proposed to be annexed if not less than 50 percent of the owners of land residing on the property consent in writing to the annexation. These owners must also own more than half of the land in the territory to be annexed. The property owners have consented to the annexation on the attached annexation petition (Exhibit E-2). The proposed annexation complies with the statute.

B. <u>Metro Code</u>

1. **3.09.040 - Minimum Requirements for Petitions.**

   (a) A petition for a boundary change shall be deemed complete if it includes the following information:

   1) The jurisdiction of the approving entity to act on the petition;

   2) A map and a legal description of the affected territory in the form prescribed by the reviewing entity;

   3) For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk; and,

   4) For boundary changes under ORS 198.855 (3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.

The above information was submitted as required by Metro Code. The property owners have signed the application and petition. A map and legal description have been included in the application materials and are attached as Exhibit E-2. The property owners own the private property to be annexed and have consented to the annexation on the attached annexation petition (Exhibit E-2). The proposed annexation complies with the statutes.

2. **3.09.050 Uniform Hearing and Decision Requirements for Final Decisions Other Than Expedited Decisions.**

   (b) Not later than 15 days prior to the date set for a boundary change decision, the approving entity shall make available to the public a report that addresses the criteria in subsection (d) below, that includes at a minimum, the following:

   (1) The extent to which urban services presently are available to serve the affected territory including any extra-territorial extensions of service.

The property is located within the Urban Growth Boundary and the City's Urban Services Boundary. Metro Code section 3.09.020 defines urban services as including sanitary sewer, water, fire protection, parks, open space, recreation, streets, roads and mass transit.

<u>Water:</u> The Lake Grove Water District has a six-inch water main in Oakridge Road. There is a fire hydrant located approximately 125 feet west of the property at the southeast corner of the intersection of Oakridge Road and Bonaire Avenue. This property will remain a customer of Lake Grove Water District after annexation.

<u>Fire</u>: Lake Grove Fire District #57 provides fire protection services to all of the property to be annexed by agreement with the City of Lake Oswego Fire and Rescue. Upon annexation, the property will be withdrawn from this fire district and will be served directly by the City. The Jean Road Fire Station, located south of the site, would be able to respond to emergencies under the eight minute goal established in the Comprehensive Plan.

<u>Sanitary Sewer</u>: There is an existing City of Lake Oswego eight-inch diameter sanitary sewer line located in Bonaire Avenue. Extension from the intersection of Bonaire Avenue and Oakridge Road to the upstream property line would be required. In this case, an eight inch diameter main line would need to be extended approximately 220 feet to the eastern property boundary. The existing septic tank would need to be decommissioned prior to

connecting to the main line.

Upon completion of the sewer extension, the applicant will qualify for the formation of a Zone of Benefit per LOC 40.04, which will establish a means through which the applicant can recover a pro rata share of the cost of construction when other properties directly connect to this sewer extension.

Surface Water Management: There is no public storm drain system along this segment of Oakridge Road. Runoff from the street surface flows west along the existing curb (north side of street) and a shallow drainage ditch on the south side of street toward Bonaire Avenue. Storm water continues north to a piped storm system that outfalls north of Yorkshire Place. After annexation, onsite surface water management will be subject to the provisions of the Lake Oswego Code.

Police: The property is currently served by the Clackamas County Sheriff's Department. Upon annexation, the property will be withdrawn from the Clackamas County Enhanced Sheriff's Patrol District and will be served by the City of Lake Oswego. The police department has reviewed the proposal and indicated that they would not have any concerns serving this property upon annexation.

Parks: The City has 537 acres of park and open space lands, or 14.6 acres per 1,000 population. The nearest park to this property is Waluga Park, north of the subject property.

Lake Grove Park District: The Lake Grove Swim Park, managed by the Lake Oswego School District, is located at 3800 Lakeview Boulevard. The swim park is approximately 1.3 acres in size with rest room play and swim facilities. This property will remain within the Lake Grove Park District following annexation.

Transportation - Streets and Mass Transit:

Oakridge Road is a local street, and there are no sidewalks or street lights in the immediate vicinity. The pavement width is approximately 20 feet. It is a two lane facility with no curbs or sidewalks. The intersection of Oakridge Road with Bonaire Avenue to the west is uncontrolled. The subject segment of Oakridge Road is a Clackamas County unmaintained "public road."

Transit: The nearest bus line is Line 37, which operates along a portion of Boones Ferry Road to the east. Line 37 travels between the Lake Oswego Transit Center and Tualatin.

(2) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties.

The City has entered into four ORS 195.065 agreements with: 1) Clackamas County (for roadways), 2) Lake Oswego School District, 3) Lake Grove Fire District; and, 4) the Southwood Park Water District. Three of these agreements are applicable to this proposal.

Lake Oswego School District: The City and the Lake Oswego School District entered into an ORS 195.065 urban service agreement for park services in July, 2003. The School District operates the Lake Grove Swim Park located at 3800 Lakeview Boulevard. The agreement states that the annexation of property by the City within the Lake Grove Park District shall not cause the withdrawal of the property from the district.

Lake Grove Fire District #57: The City and District entered into an ORS 195.065 urban service agreement for fire protection in July 2003. The agreement states that upon annexation by the City of property within the District, the annexed property shall be withdrawn from the District and the City shall provide fire protection services.

Clackamas County Agreement: The City and Clackamas County entered into an ORS 195.065 urban service agreement for roads in July 2003. The agreement states that the City shall initiate proceedings for the transfer of jurisdiction and maintenance to the City of all County roads within annexed areas.

(3) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;

Consistency of the proposed boundary change with comprehensive plan policies is discussed in section (d)(3), below.

The City's Public Facilities Plan does not identify any sanitary service, water, or storm water projects in this area that would affect the subject property.

There are no regional framework plans or regional urban growth goals or objectives that are directly applicable to this annexation.

Compliance with urban planning agreements and other agreements with necessary parties is discussed in section (d)(2), below.

(4) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party.

ORS 222.520 authorizes the City to withdraw the property from the Lake Grove Fire District #57, Clackamas County Enhanced Sheriff's Patrol District, Clackamas County Service District #5 and the Surface Water Management Agency of Clackamas County. Upon approval of the annexation, the ordinance will withdraw the property from these service districts.

(5) The proposed effective date of the decision.

The proposed effective date of the decision is outlined in the final section of this report.

(d) An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

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

ORS 195.065 agreements are discussed above under Metro Code Section 3.09.050(b)(2).

(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.

The Metro Code defines necessary party as "a county, city or district whose jurisdictional boundary or adopted urban service area includes any part of the affected property, or who provides any urban service to any portion of the affected." The list of necessary parties for the proposed annexation includes:

- Clackamas County
- Clackamas County Enhanced Sheriff's Patrol District
- Surface Water Management Agency of Clackamas County
- Lake Grove Water District
- Lake Grove Fire District #57
- Lake Grove Park District
- Tri-County Metropolitan Transportation District

The only agreement with directly applicable provisions is the City's Urban Growth Management Agreement with Clackamas County:

Clackamas County Urban Growth Management Agreement/City of Lake Oswego: The City currently has an urban planning agreement with Clackamas County. This agreement ensures coordination and consistency between the City and County comprehensive plans and outlines responsibilities in providing services and managing growth within the Dual Interest Area. Subsections 6 and 7, provided below, are applicable to annexations.

"6. City and County Notice and Coordination:
The City shall provide notification to the County, and an opportunity to participate, review and comment, at least 35 days prior to the first public hearing on all proposed public facilities plans, legislative changes to the City Comprehensive Plan, or quasi-judicial land use actions adjacent to, or in close proximity to unincorporated areas. The City shall provide notice to the County of private or City initiated annexation requests within five days of the filing of an application with the Portland Metropolitan Boundary Commission."

The Urban Growth Management Agreement specifies that the City notify the County of an annexation request within five days of when it is submitted to the Boundary Commission. There is no longer a Boundary Commission for the Portland Metropolitan area. Staff relies on the notice requirements of Metro Code 3.09.030, which requires notice 20 days prior to the scheduled hearing for an annexation for all necessary parties (other governmental entities), unless a shorter time is agreed upon. The County is a necessary party under the Metro Code definition and has been notified.

"7. City Annexations
A. The City may undertake annexations in the manner provided for by law within the Dual Interest Area. The City annexation proposals shall include adjacent road right-of-way to property proposed for annexation. The County shall not oppose such annexations.
B. Upon annexation, the City shall assume jurisdiction of the County roads and local access roads pursuant to a separate road transfer agreement between the City and county."

The City is undertaking this annexation in the manner provided for in the applicable ORS and Metro Code for the territories that lie within the Dual interest area. The City and County entered into an Urban Growth Management Agreement in 1997 which stipulates a mutual interest in coordinated land use planning, compatible comprehensive plans and provision of urban services and facilities. This annexation will be consistent with the City and County comprehensive plans which will be coordinated in the dual interest area within the Regional Urban Growth Boundary (UGB). This territory will be served by two outside service providers

listed below:

Lake Grove Fire District #57-City of Lake Oswego Agreement: The City and District entered into an ORS 195.065 urban service agreement for fire protection in July 2003. The agreement states that upon annexation of territory by the City within the District, the annexed territory shall be withdrawn from the District and the City shall provide fire protection services. In addition, upon annexation of the entire remaining area of the District by the City, the District shall be extinguished and the City shall be charged with the functions and obligations of the District.

Lake Grove Water District #15-City of Lake Oswego Agreement: The City and the Water District entered into an agreement in 1994 stipulating that areas within the 1994 district boundary will not be withdrawn from the Water District unless a cooperative agreement is entered into setting forth roles and responsibilities for future planning and provision of water service within the district boundary. The City and the Water District have not entered into any discussions about the cooperative agreement at this time.

The separate road agreement referenced in 7(B) is now expired. This parcel takes direct access from Oakridge Road which will be annexed with this property. The subject segment of Oakridge Road is a Clackamas County unmaintained "public road" and will remain under county jurisdiction until the City and the County execute a transfer of jurisdiction agreement.

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

Comprehensive Plan Map: The subject property is currently designated R-8.5 Low Density Residential on Clackamas County's Comprehensive Plan Map, with a zone of R-8.5. The property is designated as Low Density Residential R-15 on the City's Comprehensive Plan Map. Upon annexation, a City zoning designation of R-15 will be applied to the property.

The City and County have coordinated their comprehensive plans within the "Dual Interest Area" outlined in the City/County Urban Growth Management Agreement (dated February 4, 1992 and updated November 18, 1997), hence the City/County designations have been determined to be compatible. Therefore, this annexation is compatible with the City's Comprehensive Plan Map.

Comprehensive Plan Policies: The relevant Comprehensive Plan policies are addressed below:

> *Goal 14, Urbanization - Policy 10: The Urban Services Boundary is Lake Oswego's ultimate growth area within which the City shall be the eventual provider of the full range of urban services.*

The property to be annexed is within the City's Urban Services Boundary as outlined in the Comprehensive Plan. City services are available or can be made available to the property. The annexation of this property is consistent with this policy.

> *Goal 14, Urbanization - Policy 13: Ensure that annexation of new territory or expansion of Lake Oswego's Urban Service Boundary does not:*

a) Detract from the City's ability to provide services to existing City residents;

b) Result in property owners paying for urban services which do not benefit their property:

The approval of this annexation will result in the addition of 0.29 acres to be served by the City.

As stated in Section 2b 1, the addition of this territory will not detract from the City's ability to provide police and fire protection to existing City residents. Annexation of this property will not affect the city's ability to provide parks and recreation services. Public facilities such as sewer and water are also found to be adequate to serve his site.

In regard to subsection b) of Policy 13, the policy ensures that existing City property owners do not subsidize newly annexed areas in the provision of urban services. The City has established systems development charges, and imposes rates that result in payment by users for different City services such as sewer, water, surface water, parks and recreation, and transportation systems. Therefore, existing City property owners will not pay for urban services that do not benefit their property.

> *Goal 14, Urbanization - Policy 14: Prior to the annexation of non-island property, the City shall ensure urban services are available and adequate to serve the subject property or will be made available in a timely manner by the City or a developer commensurate with the scale of the proposed development. Urban services consist of water, sanitary sewer, surface water management, police and fire protection, parks, and transportation including: streets, transit, pedestrian and bicycle facilities.*

Community Development Code Section 50.64.015 requires that all development be provided with the following utility services: sanitary sewer, water, sidewalks, pedestrian and bicycle paths, traffic control signs and devices, street lights, streets, and TV cable. These utilities are now in place or can be put in place to serve this property.

In the event that future development occurs, an applicant for development is obligated to construct all necessary public facilities to serve their development. [Community Development Code 50.87.020, see also discussion of consistency with Public Facilities Plan (Section 2, Metro Code 3.09.050 above) and discussion regarding effect on service of existing City residents (Section 2, Goal 14, Policy 13) for current impacts and planned improvements.]

As noted above, police and fire services are available upon annexation. The amount of protection provided will be similar to protection provided to other City residents because the property proposed to be annexed is not isolated from other areas of the City.

(4) Consistency with specific standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan.

There are no Regional Framework Plan or Functional Plan criteria or standards applicable to annexations at this time.

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

Due to the proximity of the property to existing City services, this annexation will promote the timely, orderly and economical extension of public facilities and services. If and when additional development occurs in the area, provision of public facilities and services will

occur.

CONCLUSION:

Based on the criteria and findings set forth above, the City Council concludes that AN 11-0001 complies with all applicable criteria and should be annexed to the City.

EFFECTIVE DATE:

A. Effective Date of Annexation Ordinance. Pursuant to Lake Oswego City Charter, Section 34, the ordinance shall be effective on the 30th day after its enactment.

B. Effective Date of Annexation. Following the filing of the annexation records with the Secretary of State as required by ORS 222.177, this annexation shall be effective upon the later of:

1. the 30th day following the date of adoption of this ordinance; or
2. the date of filing of the annexation records with the Secretary of State;

provided however that pursuant to ORS 222.040(2), if the effective date of the annexation as established above is a date that is within 90 days of a biennial primary or general election or after the deadline for filing notice of election before any other election held by any City, district or other municipal corporation involved in the area to be annexed, then the effective date of the annexation shall be delayed until, and the annexation shall become effective on, the day after the election.

ORDINANCE NO. 2568

AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO ONE 0.23 ACRE PARCEL AND THE ABUTTING 3200 SQUARE FOOT PUBLIC RIGHT OF WAY (LOCATED AT 5325 OAKRIDGE ROAD) DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LOC 50.05.025; AND REMOVING THE TERRITORY FROM CERTAIN DISTRICTS (AN 11-0001).

WHEREAS, annexation to the City of Lake Oswego of the territory shown in the map in Attachment "A" and described below, would constitute a contiguous boundary change under ORS 222.111, initiated by petition from the property owner as outlined in ORS 222.111(2); and,

WHEREAS, the City has received consent for the proposed annexation from 100 percent of the owners of land within the territory and 100 percent of the electors in the territory; and,

WHEREAS, the part of the territory that lies within the Lake Grove Fire District #57 will, by operation of ORS 222.520, be withdrawn from that district immediately upon approval of the annexation; and,

WHEREAS, the part of the territory that lies within the Clackamas County Enhanced Sheriff's Patrol District will, by operation of ORS 222.520, be withdrawn from the district upon approval of the annexation; and,

WHEREAS, the part of the territory that lies within the Surface Water Management Agency of Clackamas County will, by operation of ORS 222.520, be withdrawn from the district upon approval of the annexation; and,

WHEREAS, LOC 50.05.025 specifies that, where the Comprehensive Plan Map requires a specific Zoning Map designation to be placed on the territory annexed to the City, such a zoning designation shall automatically be imposed on the territory as of the effective date of the annexation; and,

WHEREAS, the staff report, which addresses applicable criteria, dated June 13, 2011, is hereby incorporated as findings supporting the annexation; and,

WHEREAS, this annexation is consistent with Chapter 14 (Urbanization) of the City of Lake Oswego's acknowledged Comprehensive Plan, Oregon Revised Statutes 222.111(2); 222.125; and 222.170 for boundary changes, and Metro Code Sections 3.09.050(b) and (d).

EXHIBIT E-1
AN 11-0001

Now, therefore, the City of Lake Oswego ordains as follows:

Section 1. The real property described as follows is hereby annexed to the City of Lake Oswego:

Lot 3, Block 2, OAKWOOD TERRACE, in the County of Clackamas and State of Oregon

Section 2. The annexed area lies within the following districts and shall be retained within these districts upon the effective date of annexation

Lake Grove Park District
Lake Grove Water District

Section 3. Tax Lot 1900, 21E07DB lies within the following districts and shall be withdrawn from these districts upon the effective date of annexation:

Lake Grove Fire District #57
Clackamas County Enhanced Sheriff's Patrol District
Surface Water Management Agency of Clackamas County

Section 4. In accordance with LOC 50.05.025, the City zoning designation of R-15 shall be applied to Tax Lot 1900, Map 021E07DB,

Section 5. The City Council hereby adopts the findings of facts and conclusions set forth in the June 13, 2011 staff report in support of this annexation ordinance (Exhibit A-1).

Section 6. Effective Dates:

a. Effective Date of Decision to Annex. Pursuant to Metro Code 3.09.050(f), the effective date of this annexation decision shall be immediately upon adoption, unless a governmental entity that qualifies as a "necessary party" under Metro Code 3.09.020(j) has contested this annexation, in which event this annexation decision shall be effective on the 10th day following the mailing of this ordinance by the City Recorder to Metro and to all necessary parties who appeared in this proceeding.

b. Effective Date of Annexation Ordinance. Pursuant to Lake Oswego City Charter, Section 34, this ordinance shall be effective on the 30th day after its enactment.

c. Effective Date of Annexation. Following the filing of the annexation records with the Secretary of State as required by ORS 222.177, this annexation shall be effective upon the later of either:

1. the 30th day following the date of adoption of this ordinance; or
2. the date of filing of the annexation records with the Secretary of State.

Provided, however, that pursuant to ORS 222.040(2), if the effective date of the annexation as established above is a date that is within 90 days of a biennial primary or general election or after the deadline for filing notice of election before any other election held by any city, district or other municipal corporation involved in the area to be annexed, then the effective date of the annexation shall be delayed until, and the annexation shall become effective on, the day after the election.

Section 7. Mailing Copies of this Ordinance; Metro Notice.

Within 30 days following the date of adoption:

a. The City Recorder shall mail a copy of this ordinance to all persons and governmental entities that appeared at the public hearing and requested a copy of the ordinance following adoption.

b. The City Recorder shall mail a copy of this ordinance together with the applicable mapping and notice fee charged by Metro pursuant to Metro Code 3.09.110, to the Metro Data Resource Center, 600 NE Grand Ave., Portland, OR 97232.

Read by title only and enacted at the regular meeting of the City Council of the City of Lake Oswego held on _____day of _____, 2011.

AYES:

NOES:

ABSTAIN:

EXCUSED:

_____
Jack D. Hoffman, Mayor

Dated:

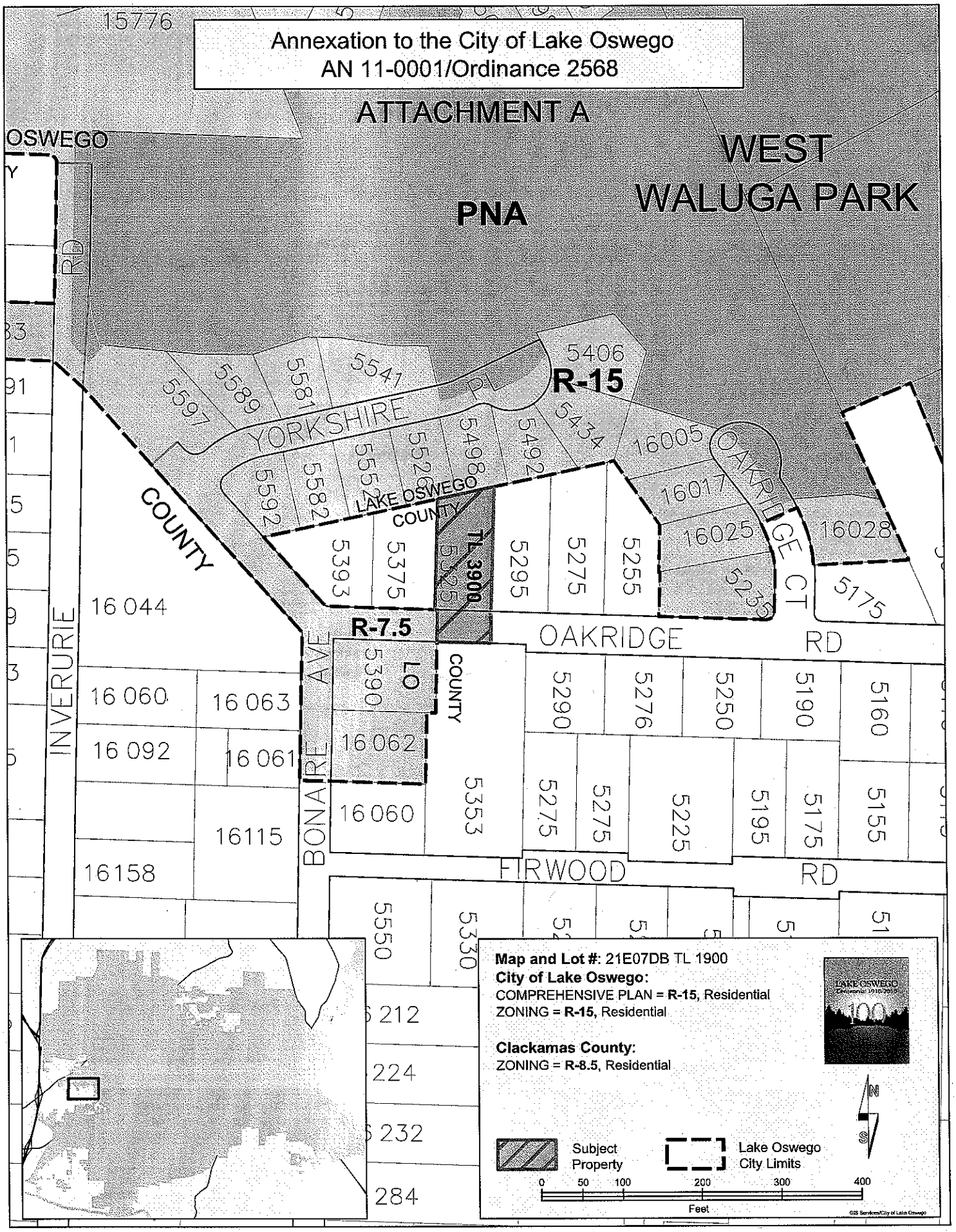
_____

ATTEST:

_____
Robyn Christie, City Recorder

APPROVED AS TO FORM:

_____
David Powell, City Attorney


Annexation to the City of Lake Oswego
AN 11-0001/Ordinance 2568
ATTACHMENT A
WEST
WALUGA PARK
PNA
R-15
R-7.5
LO
TL 3900
LAKE OSWEGO
COUNTY
YORKSHIRE PL
OAKRIDGE RD
OAKRIDGE CT
INVERURIE RD
BONARE AVE
FIRWOOD RD
15776
5406
5541
5581
5589
5597
5434
5492
5498
5520
5552
5582
5592
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16028
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5250
5190
5160
5353
5275
5275
5225
5195
5175
5155
5550
5330
212
224
232
284
Map and Lot #: 21E07DB TL 1900
City of Lake Oswego:
COMPREHENSIVE PLAN = R-15, Residential
ZONING = R-15, Residential
Clackamas County:
ZONING = R-8.5, Residential
Subject Property
Lake Oswego City Limits
0 50 100 200 300 400
Feet
GIS Services/City of Lake Oswego

RECEIVED
APR 22 2011
CITY OF LAKE OSWEGO
Community Development Dept.

ANNEXATION APPLICATION

Department of Planning and Building Services
380 A Avenue
Post Office Box 369
Lake Oswego, OR 97034
503-635-0270
www.ci.oswego.or.us

FILE NAME: Swenson-Welander 5325 Oakridge Rd. SUBMIT: 4/22/11 REVIEW: 5/5
RESUBMIT: REVIEW:
FILE NUMBER(S): ANN-0001 HEARING DATE: July
CITY FEE RECEIVED: $ Ø METRO FEE RECEIVED: $ 150.00 CHECK #: 1883
NEIGHBORHOOD ASSN.: Lake Forest RECEIPT #: 395039
CHECKLIST: ☐ Legal Description ☐ Title Report COMPLETENESS DATE:
☐ Assessor's Map ☐ Petition ☐ Fees (City and Metro)
☐ Delineation of Natural Resources (if required)
☐ Resolution 04-38 given to Applicant on (date)
Septic Failure notice from WES (Clackamas County)

PRINT OR TYPE ALL INFORMATION BELOW

APPLICANT ☐ USE MAILING ADDRESS FOR HEARING NOTIFICATION

Cindy Swenson (503) 706-7807
YOUR NAME PHONE #
BUSINESS NAME FAX #
14345 SW Fanno Creek Loop
ADDRESS SUITE
Tigard OR 97224
CITY STATE ZIP
cmyfamily@hotmail.com
E-MAIL ADDRESS
X Cindy Swenson 4-21-2011
SIGNATURE (ORIGINAL REQUIRED) DATE
Note: I consent to an on-site inspection by an employee(s) of the City of Lake Oswego

PROPERTY OWNER ☒ (ADDITIONAL OWNER-SEE PAGE 2)

Carl Welander 541 280 7344
YOUR NAME PHONE #
BUSINESS NAME FAX #
59658 Saskatoon Lane
ADDRESS SUITE
Bend OR 97702
CITY STATE ZIP
cwelander@yahoo.com
E-MAIL ADDRESS
X 4-17-2011
SIGNATURE (ORIGINAL REQUIRED) DATE
Note: I consent to an on-site inspection by an employee(s) of the City of Lake Oswego

Revised: 03/29/10

EXHIBIT E-2

ATTACH ANNEXATION PETITION AND LEGAL DESCRIPTION FROM DEED

ADDITIONAL PROPERTY OWNER ☒ IF MORE THAN ONE OWNER

YOUR NAME: Jennifer Welander	PHONE #: 541 948 6206
BUSINESS NAME:	FAX #:
ADDRESS: 596583 Saskatoon Lane	SUITE:
CITY: Bend	STATE: OR ZIP: 97702
E-MAIL ADDRESS: jenniferwelander@yahoo.com	
SIGNATURE (ORIGINAL REQUIRED):	DATE: 4-17-2011

Note: I consent to an on-site inspection by an employee(s) of the City of Lake Oswego

PROPERTY/ZONING DATA

Address: 5325 Oakridge Lake Oswego, Oregon 97035

Location Description:

MAP & TAX LOT (list one per line) (DO NOT USE LOT & BLOCK)	SITE AREA	ZONING/PROPERTY INFORMATION: TRIS/METRO/COUNTY ZONING DESIGNATION	CITY COMPREHENSIVE PLAN DESIGNATION	ESTIMATED ASSESSED VALUE	TOTAL EXISTING POPULATION
21E07DB TL 1900	.23 ac	R-8.5	R-15	150,648	2
TOTAL OF PARCEL AREAS:	ACRES	SQ FT			

RIGHTS-OF-WAY TO BE INCLUDED:

REASON FOR ANNEXATION: Septic system drainfield has failed, need annexed to be able to hook up to City Sewer

DESCRIBE NUMBER AND TYPES OF STRUCTURES ON THE PARCEL(S) (USE TAX LOTS AS REFERENCE): Single family dwelling

EXISTING USE OF AREA TO BE ANNEXED: Single family dwelling

PROPOSED USE OF AREA TO BE ANNEXED: Single family dwelling

DESCRIBE SURROUNDING LAND USES (USE TAX LOTS AS REFERENCE)

NORTH —

SOUTH —

EAST —

WEST —

All single family dwellings

Revised: 03/29/10

EXHIBIT E-2

PETITION FOR ANNEXATION TO THE CITY OF LAKE OSWEGO, OREGON

To the City Council of the City of Lake Oswego:

We, the undersigned owners and/or electors, petition and consent to be annexed to the City of Lake Oswego.

A map is attached, marked Exhibit A, showing the affected territory and its relationship to the present City boundaries.

PETITION SIGNERS							
Signature	Printed Name	I Am A* (check both if applicable)		Owner's /Elector's Mailing Address	Property Description		Date**
		PO	RV		Tax Map	Tax Lot	
	WHIT MIDDLECOFF		X	5325 OAKRIDGE ROAD LAKE OSWEGO OR 97035	21E7DB	1900	4/19/2011
	Michele Middlecoff		X	5325 Oakridge Rd Lake Oswego, OR 97035	21E7DB	1900	4/19/2011

* PO = Property Owner, RV = Registered Voter

**Within 1 year from the date of filing petition with City

EXHIBIT E-2

Revised: 03/29/10

This map was prepared for assessment purpose only.

NW 1/4 SE 1/4 SEC 7 T.2S. R.1E. W.M.
CLACKAMAS COUNTY
1"=100'

2 1E 7DB

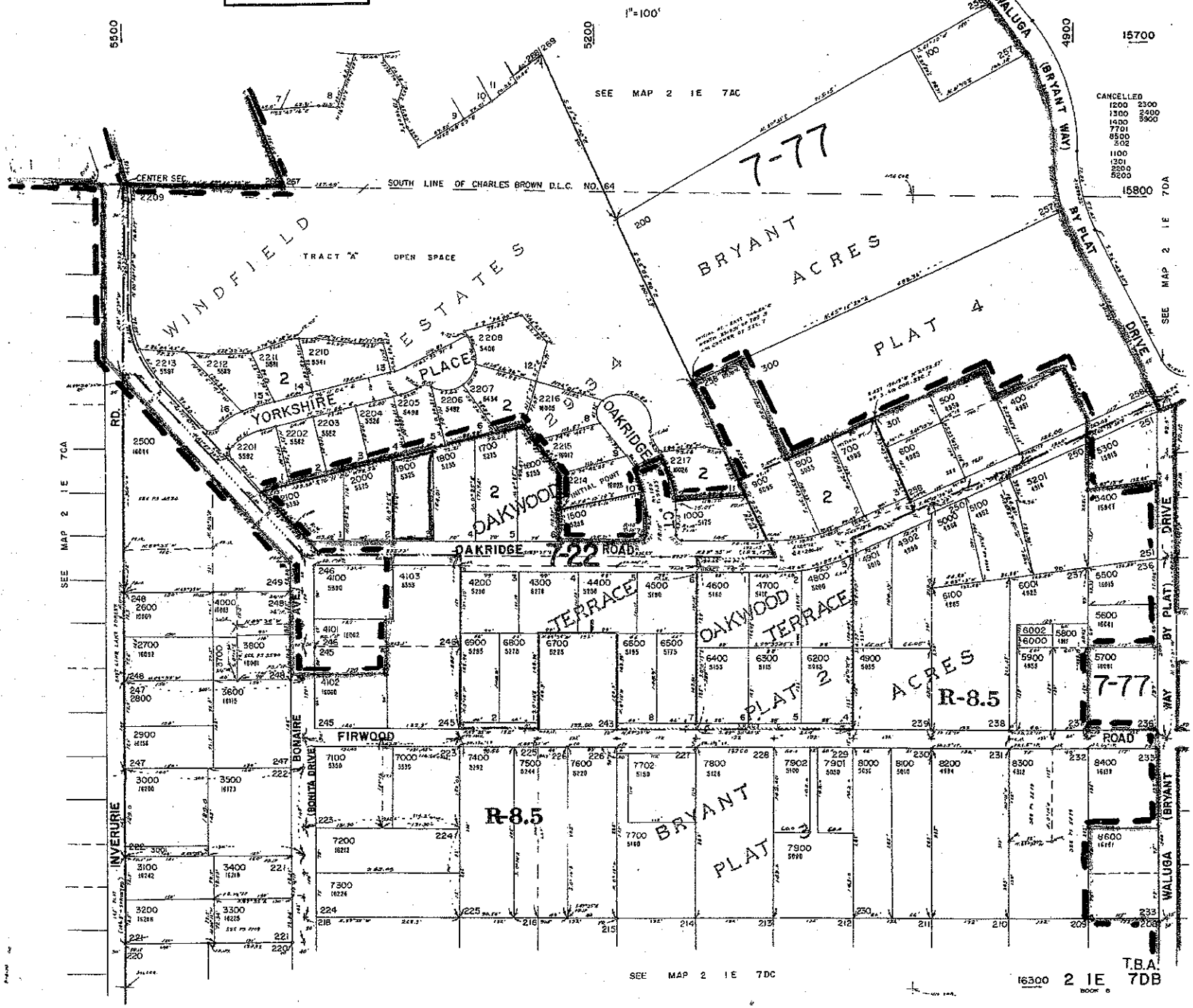

EXHIBIT E-2

NOTICE OF FINAL CITY COUNCIL DECISION ON ANNEXATION

Date Mailed: July 22, 2011

Owner/Applicant: Jennifer Rue Welander & Carl Welander (O/A); Cindy Swenson (A)

Location of Property: 5325 Oakridge Road (21E07DB01900)

File No.: AN 11-0001

In accordance with LOC 50.05.025, the City zoning designation of R-15 will be applied to the subject property (21E07DB01900), immediately upon the effective date of annexation.

Date of Final City Council Decision:

The City Council approved this annexation as set forth in Ordinance 2568 on July 19, 2011.

Effective Dates:

1. The effective date of the annexation Ordinance 2568 shall be on the 30th day after its enactment, August 18, 2011, pursuant to the Lake Oswego City Charter.

2. Effective Date of Annexation.

   Following the filing of the annexation with the Secretary of State, the effective date of the annexation shall be upon the **<u>later of either</u>** (see note below):

   a. The 30th day following the date of adoption of the ordinance, or
   b. The date of filing of the annexation records with the Secretary of State.

   Note: Pursuant to ORS 222.040(2), if the effective date of the annexation as established above is a date that is within 90 days of a biennial primary or general election or after the deadline for filing notice of election before any other election held by any city, district or other municipal corporation involved in the area to be annexed, then the effective date of the annexation shall be delayed until, and the annexation shall become effective on, the day after the election.

To Learn More About the Effective Date of an Annexation

Once the City of Lake Oswego has been notified that the Secretary of State has filed the documents (generally 3 to 4 weeks from the City Council's decision), the effective date of the annexation will be posted to the City's web site at:

http://www.ci.oswego.or.us/plan/Annexations/AnnexationCases.htm

(select annexation file number AN 11-0001)

For additional information on the effective date, you may also contact:

Iris McCaleb
City of Lake Oswego – Planning Division
503/697-6591 or by e-mail at imccaleb@ci.oswego.or.us

Right to Appeal: This decision may be appealed by filing a written Notice of Intent to Appeal with the State of Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of the decision, August 9, 2011. For more information, contact LUBA at:

Land Use Board of Appeals
550 Capitol St. NE, Suite 235
Salem, OR 97301-2552
(503) 373-1265

How to Obtain More Information: The decision is available for review, and a copy may be obtained at cost at the following address:

Lake Oswego Building & Planning Services
Planning Department
Lake Oswego City Hall
P. O. Box 369
380 A Avenue
Lake Oswego, OR 97034
Phone (503) 697-6591

Or call

Paul Espe, Associate Planner
Phone (503) 697-6577

ORDINANCE NO. 2568

AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO ONE 0.23 ACRE PARCEL AND THE ABUTTING 3200 SQUARE FOOT PUBLIC RIGHT OF WAY (LOCATED AT 5325 OAKRIDGE ROAD) DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LOC 50.05.025; AND REMOVING THE TERRITORY FROM CERTAIN DISTRICTS (AN 11-0001).

WHEREAS, annexation to the City of Lake Oswego of the territory shown in the map in Attachment "A" and described below, would constitute a contiguous boundary change under ORS 222.111, initiated by petition from the property owner as outlined in ORS 222.111(2); and,

WHEREAS, the City has received consent for the proposed annexation from 100 percent of the owners of land within the territory and 100 percent of the electors in the territory; and,

WHEREAS, the part of the territory that lies within the Lake Grove Fire District #57 will, by operation of ORS 222.520, be withdrawn from that district immediately upon approval of the annexation; and,

WHEREAS, the part of the territory that lies within the Clackamas County Enhanced Sheriff's Patrol District will, by operation of ORS 222.520, be withdrawn from the district upon approval of the annexation; and,

WHEREAS, the part of the territory that lies within the Surface Water Management Agency of Clackamas County will, by operation of ORS 222.520, be withdrawn from the district upon approval of the annexation; and,

WHEREAS, LOC 50.05.025 specifies that, where the Comprehensive Plan Map requires a specific Zoning Map designation to be placed on the territory annexed to the City, such a zoning designation shall automatically be imposed on the territory as of the effective date of the annexation; and,

WHEREAS, the staff report, which addresses applicable criteria, dated June 13, 2011, is hereby incorporated as findings supporting the annexation; and,

WHEREAS, this annexation is consistent with Chapter 14 (Urbanization) of the City of Lake Oswego's acknowledged Comprehensive Plan, Oregon Revised Statutes 222.111(2); 222.125; and 222.170 for boundary changes, and Metro Code Sections 3.09.050(b) and (d).

Now, therefore, the City of Lake Oswego ordains as follows:

Section 1. The real property described as follows is hereby annexed to the City of Lake Oswego:

Lot 3, Block 2, OAKWOOD TERRACE, in the County of Clackamas and State of Oregon

Section 2. The annexed area lies within the following districts and shall be retained within these districts upon the effective date of annexation

Lake Grove Park District
Lake Grove Water District

Section 3. Tax Lot 1900, 21E07DB lies within the following districts and shall be withdrawn from these districts upon the effective date of annexation:

Lake Grove Fire District #57
Clackamas County Enhanced Sheriff's Patrol District
Surface Water Management Agency of Clackamas County

Section 4. In accordance with LOC 50.05.025, the City zoning designation of R-15 shall be applied to Tax Lot 1900, Map 021E07DB,

Section 5. The City Council hereby adopts the findings of facts and conclusions set forth in the June 13, 2011 staff report in support of this annexation ordinance (Exhibit A-1).

Section 6. Effective Dates:

a. Effective Date of Decision to Annex. Pursuant to Metro Code 3.09.050(f), the effective date of this annexation decision shall be immediately upon adoption, unless a governmental entity that qualifies as a "necessary party" under Metro Code 3.09.020(j) has contested this annexation, in which event this annexation decision shall be effective on the 10th day following the mailing of this ordinance by the City Recorder to Metro and to all necessary parties who appeared in this proceeding.

b. Effective Date of Annexation Ordinance. Pursuant to Lake Oswego City Charter, Section 34, this ordinance shall be effective on the 30th day after its enactment.

c. Effective Date of Annexation. Following the filing of the annexation records with the Secretary of State as required by ORS 222.177, this annexation shall be effective upon the later of either:

1. the 30th day following the date of adoption of this ordinance; or
2. the date of filing of the annexation records with the Secretary of State.

Provided, however, that pursuant to ORS 222.040(2), if the effective date of the annexation as established above is a date that is within 90 days of a biennial primary or general election or after the deadline for filing notice of election before any other election held by any city, district or other municipal corporation involved in the area to be annexed, then the effective date of the annexation shall be delayed until, and the annexation shall become effective on, the day after the election.

Section 7. Mailing Copies of this Ordinance; Metro Notice.

Within 30 days following the date of adoption:

a. The City Recorder shall mail a copy of this ordinance to all persons and governmental entities that appeared at the public hearing and requested a copy of the ordinance following adoption.

b. The City Recorder shall mail a copy of this ordinance together with the applicable mapping and notice fee charged by Metro pursuant to Metro Code 3.09.110, to the Metro Data Resource Center, 600 NE Grand Ave., Portland, OR 97232.

Read by title only and enacted at the regular meeting of the City Council of the City of Lake Oswego held on 19 day of July, 2011.

AYES: Mayor Hoffman, Tierney, Jordan, Moncrieff, Olson, Gudman, Kehoe

NOES: none

ABSTAIN: none

EXCUSED: none

Jack D. Hoffman, Mayor

Dated: 7/19/11

ATTEST:

Robyn Christie, City Recorder

APPROVED AS TO FORM:

David Powell, City Attorney

Annexation to the City of Lake Oswego
AN 11-0001/Ordinance 2568

ATTACHMENT A