

Final Documents
for
Annexation to
Lake Oswego

CL1610
Ordinance/Resolution: 2554
Annexation: AN 10-0003
DOR: 3-1903-2010
Secretary of State: AN 2010-0086

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

October 5, 2010

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 **October 5, 2010**, the following records annexing territory to the following:

Ordinance/Resolution Number(s)

2554 [Lake Oswego]

Our File Number

AN 2010-0086

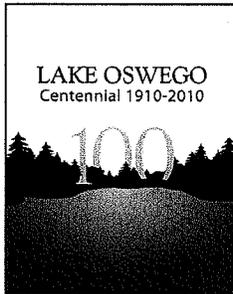
For your records please verify the effective date through the application of ORS 199.519.

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

Sincerely,

Linda Bjornstad
Official Public Documents

cc: County Clerk(s)
Department of Revenue
ODOT
Population Research Center



Planning & Building Services

Memorandum

TO: Carol Hall
Metro Data Resource Center

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

DATE: **September 29, 2010**

SUBJECT: Final Boundary Change Submission for AN 10-0003
Ordinance 2554

Attached please find:

- Final signed resolution, order or ordinance (with legal description)
- Approved Notice to Taxing Districts from Oregon Department of Revenue
- Filing fee
- Staff Report
- Notice of Final Decision

Property information:

18420 Donlee Way (21E18CC04500)

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.

LEGAL DESCRIPTION FOR AN 10-0003

A tract of land located in the southwest quarter of Section 18, Township 2 South, Range 1 East of the Willamette Meridian, County of Clackamas, State of Oregon, more particularly described as follows:

All of Lot 10, Block 3, plat of Highland Terrace (Plat #927) plat records of Clackamas County, together with that portion of SW Donlee Way right of way (50 feet wide) lying southeasterly of the southeast right of way line of Lakeview Blvd (60 feet wide) and northerly of a line which is the southwesterly projection of the southerly line of said Lot 10. Said road segment being approximately 114 feet in length.

Notice to Taxing Districts

ORS 308.225

DOR 3-1903-2010



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
August 11, 2010
As Per ORS 308.225

Description Map received from: Paul Espe
On: 8/10/2010

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

Annexation to City of Lake Oswego
Withdrawal from certain districts

Ordinance No. 2554

has been: Approved 8/11/2010
 Disapproved

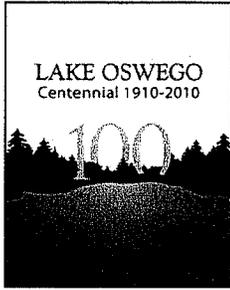
Notes:

Department of Revenue File Number: 3-1903-2010

Prepared by: Barbara Callahan 503-945-8303

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



COUNCIL REPORT

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

FROM: Paul Espe, Associate Planner

SUBJECT: Ordinance 2554, an Ordinance Annexing Approximately 0.26 Acres of real property and 0.13 acres (5700 sq. ft.) of abutting right of way. Located at 18420 Donlee Way (AN 10-0003)

DATE: June 28, 2010

ACTION

Adopt Ordinance 2554 (Exhibit F-1).

INTRODUCTION/BACKGROUND

The proposed annexation is owner initiated and will result in the addition of 0.26 acres of residential land to the City and 0.13 (5700 square feet) of abutting public right of way. 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 B-1.

Owner/Applicant : John A. and Virginia L. Richey

Location/Size: The subject property (without the Donlee right of way) is 0.26 acres (11,325 square feet) in size. It is located on the east side of Donlee Way, approximately 70 feet south of the intersection with Lakeview Blvd. The address is 18420 Donlee Way, Tax Lot 4500 (Tax Map 21E18CC). The annexation also includes approximately 114 linear feet (5700 square feet) of street right of way. The property is shown on **Exhibit F-1, Attachment A.**

Existing Land Use: Tax Lot 4500 is developed with one single family dwelling that is currently unoccupied. The parcel has direct driveway access to Donlee Way.

Neighborhood: The property is located within the Rosewood Neighborhood association.

Purpose of Annexation: The property owners have initiated the annexation because of a failed septic system and they wish to connect to city sewer service. A portion of Donlee Way is being annexed so that the sewer can be extended through the right of way.

DISCUSSION

Plan and Zone Designation:

The subject property is currently under Clackamas County's jurisdiction and is zoned Low Density Residential R-10. This area is designated R-10 on the City of Lake Oswego Comprehensive Plan Map and will be zoned R-10 upon annexation.

Development Potential: The property is developed with a single family dwelling. Based on the R-10 zoning standards, the property cannot be divided or partitioned.

Sensitive Lands: A grove of trees occupies this property and surrounding properties. This area was examined as part of the 1998 Natural Resources Inventory but it was determined that the area did not meet the criteria for designation as a significant natural resource. Removal of any trees would be subject to the Tree Code (LOC Article 55.02).

Sewer and Water Service: The Rivergrove Water District provides water service to Tax Lot 4500. There is no sanitary sewer service available in Donlee Way. Sewer service will need to be extended through the Donlee Way right of way and connected to the existing sewer in Lakeview Blvd.

Service Districts: Upon annexation, the property will be removed from the Lake Grove Fire District (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 B-1 conclude that the proposed annexation complies with all applicable State statutes and Metro code requirements. This annexation is for one parcel of approximately 0.26 acres and 120 linear feet of street right of way. The estimated assessed value of the residential property is \$138,061. Once the property is annexed, the annual tax gain would be approximately \$358.00.

RECOMMENDATION

Staff recommends approval of AN 10-0003.

EXHIBITS

- A. Notice of Appeal [No current exhibits; reserved for hearing use]
- B. Findings and Conclusion
 - B-1: Criteria, Findings, Conclusion, and Effective Date
- C. Minutes [No current exhibits; reserved for hearing use]
- D. Staff Report [No current exhibits; reserved for hearing use]
- E. Graphic Exhibits
- F. Written Materials
 - F-1: Ordinance 2554 and Map
 - F-2: Annexation Petition and Application
- G. Letters-None

Reviewed by:



Department Director

Finance Director

City Attorney

Alex D. McIntyre
City Manager

Exhibit B-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 applicants 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 allows the legislative body of the city the option to waive holding an election 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. There are no registered Clackamas County voters residing on the property. The property owners signed the petition consenting 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 allows the legislative body of the city the option to waive holding an election 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. Except for the right of way, the property owners own all of the property to be annexed and have consented to the annexation on the attached annexation petition (Exhibit F-2). The proposed annexation complies with the statutes.

B. Metro Code

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. The providers of urban services include; Lake Grove Fire District #57, Clackamas County Enhanced Sheriff's Patrol District, Surface Water Management Agency of Clackamas County, Lake Grove Park District, Rivergrove Water District and Tri-Met. Upon annexation, the City of Lake Oswego will provide police and fire services as well as sanitary sewer service. The Rivergrove Water District will provide water service. The current total assessed value of the territory to be annexed is \$138,061. The annexation application and petition are attached as Exhibit F-2.

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 subject parcel 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.

Water: The site is served by a six-inch water main in Donlee Way. This property will not be withdrawn from the Rivergrove Water District pursuant to the agreement between the City and the Rivergrove Water District executed on

February 8, 1984. The agreement stipulates that the Rivergrove Water District will continue to serve parcels upon annexation if it is capable of delivering a minimum flow of 1500 gallons per minute with a 20 psi residual pressure during periods of peak domestic demand. If upon development or partitioning, this level of service is not provided, then City water may need to be provided. There is a fire hydrant on the south side of Lakeview Boulevard approximately 400 feet from the site. The proposed annexation is not intended to provide additional housing units and will not diminish the City of Lake Oswego's ability to provide water services to existing city residents.

Fire: Lake Grove Fire District #57 provides fire protection services to all of the territory to be annexed by agreement with the City of Lake Oswego. Upon annexation, the territory will be withdrawn from this fire district and will be served directly by the City. Response time to this parcel from the Jean Road Fire Station is under the eight minute goal established in the Comprehensive Plan.

Sanitary Sewer: The closest public sewer system is a 12-inch Lake Oswego sewer line in Lakeview Boulevard. The site is located approximately 70 feet south of the intersection of Donlee Way and Lakeview Boulevard. The applicant will connect to the existing sewer in Lakeview Boulevard and extend the public system to the site's southern boundary. All design and construction costs will be borne by the applicant.

Extension of the sewer in this location is consistent with the City's Master Plan and the overall length of the extension will be approximately 120 feet. The existing septic system will be decommissioned.

Surface Water Management: There are no storm drains, creeks, or roadside ditches along Donlee Way. Downspouts discharge to drywells on site. Street runoff flows along the gutters and is eventually collected by catch basins at Edgewood Street approximately 700 feet to the south of the site. The catch basins discharge to a drywell system. Any future development on this property will require its own infiltration system designed to function adequately for onsite soil conditions and the infiltration capacity of the site.

Police: The parcel is currently served by the Clackamas County Sheriff's Department. Upon annexation, the parcel 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 finds it to be consistent with applicable regulations. Annexation of this property would not adversely affect police services to this territory.

Parks: The City has 675 acres of park and open space lands, or 19.76 acres per 1,000 people (This includes Tryon Creek State Park). The nearest park to this territory is the Bryant Woods Nature Park, east of the subject property. The park offers walking trails, picnic areas, wetlands, natural vegetation and wildlife viewing. The park attracts people from the abutting neighborhoods and throughout the City because of its size and other amenities.

Recreation: The City has many recreation programs available to youth and adults. The potential addition of this parcel would not affect the recreation programs because any increased usage would result in additional revenue to address any greater demand. The addition of one parcel to the existing population of more than 35,000 residents would not detract from the City's ability to provide adequate recreation programs.

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

Transportation - Streets and Mass Transit: Donlee Way is two lane curbed local street. There are no sidewalks or street lights in the immediate vicinity. Donlee Way is stop controlled at its intersection with Lakeview Boulevard. It is currently under Clackamas County jurisdiction (Road # 21300). After annexation, the City will include the annexed portion of Donlee Way on a list of ten other roadway segments that will transfer their jurisdiction from County to City in the near future.

The nearest Tri-Met bus line is Line 37, which currently operates along a portion of Boones Ferry Road. 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. The Agreements include: 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 and are addressed below.

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 the annexed areas.

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 City annexation of property within the Lake Grove Park District shall not cause the withdrawal of the property from the area benefited by the operation of the Lake Grove Swim Park.

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. 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.

(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 water, storm water or transportation projects in this area that would affect the subject territory.

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; and,

The territory proposed for annexation will, by operation of ORS 222.520 be withdrawn from the Lake Grove Fire District #57, Clackamas County Enhanced Sheriff's Patrol District, and the Surface Water Management Agency of Clackamas County upon annexation.

(5) The proposed effective date of the decision.

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

(c) 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 territory, or who provides any urban service to any portion of the affected territory." 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 Fire District #57
- Lake Grove Park District
- Rivergrove Water District
- Tri County-Metropolitan Transportation District

Rivergrove Water District: The territory lies within the Rivergrove Water District. It will be retained within the District at this time pursuant to the agreement between the City and the Rivergrove Water District executed on February 8, 1984. Further details can be found on pages 2 and 3 of these findings.

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. The 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 separate road agreement referenced in 7(B) is now expired. This parcel takes direct access from Donlee Way which will be annexed with this property. This roadway is maintained by Clackamas County and will remain under county jurisdiction until the City and the County execute a transfer of jurisdiction agreement.

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. Further details can be found on Pages 4 and 5 of these findings.

Rivergrove Water District / City of Lake Oswego Agreement: The City and the Water District entered into an agreement in 1984. Further details can be found on Pages 2 and 3 of these findings.

(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 under Clackamas County's jurisdiction and is zoned Low Density Residential R-10.

The subject property is currently under Clackamas County's jurisdiction and is zoned Low Density Residential R-10. This area is designated R-10 on the City of Lake Oswego Comprehensive Plan Map and will be zoned R-10 upon annexation. Prior to 2003, Six properties north of McEwan and south of Kenny Street were inadvertently zoned R-7.5 when they were annexed. All other properties in this area (including the subject property) will be zoned Low Density R-10 consistent with the City's Comprehensive Plan Map.

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 parcel 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 and its annexation 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 one 0.26 acre parcel and abutting right of way. Service issues are addressed below.

Police: The addition of this territory will not detract from the City's ability to provide police protection to the existing city residents. This parcel is currently included in the Clackamas County Enhanced Sheriff's Patrol District and will be withdrawn from this district upon annexation.

Fire: This parcel is within the targeted eight-minute response time of the Jean Road Fire Station as specified in the Comprehensive Plan. The potential addition of this parcel to the City will not detract from the Fire Department's ability to provide fire protection to existing city residents.

Parks: The City has 675 acres of park and open space lands, or 19.76 acres per 1,000 population. Further information on parks can be found on Page 3 of these findings.

Recreation: The City has many recreation programs available to youth and adults. Further information about recreation can be found on Page 3 of these findings.

Sewer: The closest public sewer system is a 12-inch Lake Oswego sewer line in Lakeview Boulevard. Further information on sewers can be found on Page 3 of these findings.

Water: The site is served by a six-inch water main in Donlee Way. Further information about water services can be found on Pages 2 and 3 of these findings.

Transportation: The City's Public Facilities Plan does not identify any transportation projects in this area that would affect this proposed annexation.

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 redevelopment 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.

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 territory 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; and

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 10-0003 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. 2554

AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO ONE PARCEL COMPRISING APPROXIMATELY 0.26 ACRES (LOCATED AT 18420 DONLEE WAY) AND THE ADJACENT PUBLIC RIGHT OF WAY; DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LOC 50.05.025; AND REMOVING THE TERRITORY FROM CERTAIN DISTRICTS (AN 10-0003).

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 residing within 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 may, by operation of ORS 222.520, be withdrawn from that district immediately 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 28, 2010, is hereby incorporated; 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 3.09.050(b) and (d).

**EXHIBIT F-1
AN 10-0003**

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

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

A tract of land located in the southwest quarter of Section 18, Township 2 South, Range 1 East of the Willamette Meridian, County of Clackamas, State of Oregon, more particularly described as follows:

All of Lot 10, Block 3, plat of Highland Terrace (Plat #927) plat records of Clackamas County, together with that portion of SW Donlee Way right of way (50 feet wide) lying southeasterly of the southeast right of way line of Lakeview Blvd (60 feet wide) and northerly of a line which is the southwesterly projection of the southerly line of said Lot 10. Said road segment being approximately 114 feet in length.

Section 2. District Withdrawal: The annexed area lies within the following districts and will 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 3. Zoning Designation: In accordance with Community Development Code Section 50.05.025, the City zoning designation of R-10 will be applied to tax lot 4500 21E18CC, upon the effective date of annexation.

Section 4. Neighborhood Association Designation: In accordance with Goal 1 of the City's Comprehensive Plan, this territory shall remain a part of the Rosewood Neighborhood Association.

Section 5. Adoption of Findings and Conclusions: The City Council hereby adopts the findings of facts and conclusions set forth in the June 28, 2010 staff report in support of this annexation ordinance.

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 _____, 2010.

AYES:

NOES:

ABSTAIN:

EXCUSED:

Jack D. Hoffman, Mayor

Dated:

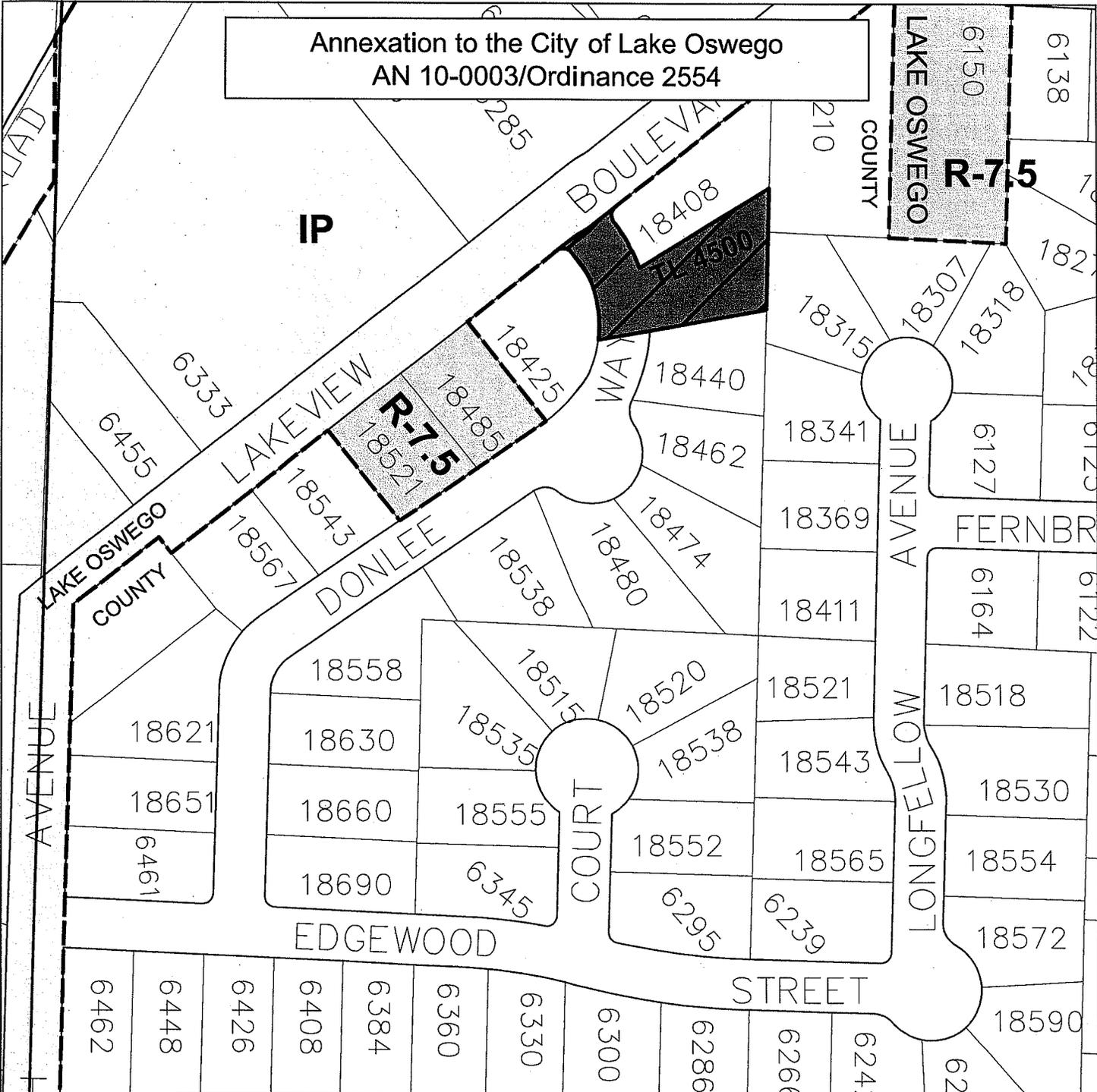
ATTEST:

Robyn Christie, City Recorder

APPROVED AS TO FORM:

**David Powell
City Attorney**

Annexation to the City of Lake Oswego
AN 10-0003/Ordinance 2554



LAKE OSWEGO
R-7.5

IP

AVENUE

LAKEVIEW

DONLEE

COURT

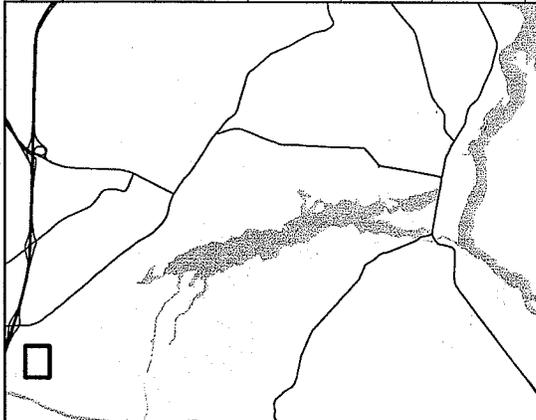
EDGEWOOD

STREET

AVENUE

WOLFEJNOT

FERNBR



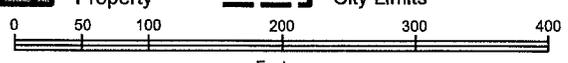
Effective Date: 8/20/2010

Map and Lot #: 21E18CC TL 4500

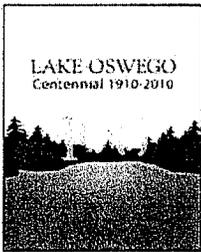
City of Lake Oswego:
COMPREHENSIVE PLAN = R-10, Residential
ZONING = R-10, Residential

Clackamas County:
ZONING = R-10, Residential



GIS Services/City of Lake Oswego



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: <u>AN-10-0003</u>	SUBMIT: <u>4-16-10</u>	REVIEW: <u>4-20-10</u>
<u>Richey / Standley</u>	RESUBMIT: _____	REVIEW: _____
FILE NUMBER(S): <u>AN-10-0003</u>	HEARING DATE: <u>7-20-10</u>	
CITY FEE RECEIVED: \$ <u>0</u>	METRO FEE RECEIVED: \$ <u>150.00</u>	CHECK #: <u>3741</u>
NEIGHBORHOOD ASSN.: <u>Rosewood</u>	RECEIPT #: <u>00363939</u>	
CHECKLIST: <input checked="" type="checkbox"/> Legal Description	<input checked="" type="checkbox"/> Title Report.	COMPLETENESS DATE: <u>4-20-10</u>
<input checked="" type="checkbox"/> Assessor's Map	<input checked="" type="checkbox"/> Petition	<input checked="" type="checkbox"/> Fees (City and Metro)
<input type="checkbox"/> Delineation of Natural Resources (if required)	RECEIVED APR 15 2010 (date)	
<input checked="" type="checkbox"/> Resolution 04-38 given to Applicant on <u>4-14-10</u>		
CITY OF LAKE OSWEGO		

PRINT OR TYPE ALL INFORMATION BELOW Community Development Dept.

APPLICANT USE MAILING ADDRESS FOR HEARING NOTIFICATION

<u>John A and Virginia L Richey</u>	<u>503-857-0545</u>
YOUR NAME	PHONE #
<u>308 SW Valleys Edge St</u>	FAX #
BUSINESS NAME	ADDRESS
<u>McMinnville</u>	<u>OR</u>
CITY	STATE
	<u>97128</u>
	ZIP
E-MAIL ADDRESS	
<u>John A. Richey Virginia Richey</u>	<u>4/15/10</u>
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)

<u>John A and Virginia L. Richey</u>	<u>503-857-0545</u>
YOUR NAME	PHONE #
<u>18420 Don Lee Way</u>	FAX #
BUSINESS NAME	ADDRESS
<u>Lake Oswego, OR</u>	<u>97035</u>
CITY	STATE
	ZIP
E-MAIL ADDRESS	
<u>John A. Richey Virginia L Richey</u>	<u>4/15/10</u>
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 F-2
AN 10-0003**

ATTACH ANNEXATION PETITION AND LEGAL DESCRIPTION FROM DEED
ADDITIONAL PROPERTY OWNER IF MORE THAN ONE OWNER

YOUR NAME		PHONE #	
BUSINESS NAME		FAX #	
ADDRESS		SUITE	
CITY	STATE	ZIP	
E-MAIL ADDRESS			
SIGNATURE (ORIGINAL REQUIRED)		DATE	
Note: I consent to an on-site inspection by an employee(s) of the City of Lake Oswego			

PROPERTY/ZONING DATA

18420 Don Lee Way Lake Oswego, OR 97035
 Address
 Approximately 100' South of Lakeview Blvd
 Location Description

MAP & TAX LOT (list one per line)	(DO NOT USE LOT & BLOCK)	SITE ACRES	ZONING/PROPERTY INFORMATION			TOTAL EXISTING POPULATION
			EXISTING COUNTY ZONING DESIGNATION	CITY COMPREHENSIVE PLAN DESIGNATION	CURRENT ASSESSED VALUE	
21E180004500	Lot 10 BLK 3	.26	R10	R10	\$265,217	0
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
TOTAL OF PARCEL AREAS:		ACRES .26	SQ. FT. 11,161			
RIGHTS-OF-WAY TO BE INCLUDED:						
REASON FOR ANNEXATION: Failed septic tank - Required to connect to city sewer						

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

Residential Home

EXISTING USE OF AREA TO BE ANNEXED:
Residential Home

PROPOSED USE OF AREA TO BE ANNEXED:

DESCRIBE SURROUNDING LAND USES (USE TAX LOTS AS REFERENCE)

NORTH — Residential - 1 Home - Lot 11 Block 3 - north is industrial Across Lakeview to the

SOUTH — Residential - 1 Home - Lot 9 Block 3

EAST — Residential - 1 Home - Lot 14 + PT Lot 15 Block 6

WEST — Residential - 1 Home - Lot 1 Block 2

PETITION FOR ANNEXATION TO THE CITY OF LAKE OSWEGO, OREGON

To the City Council of the City of Lake Oswego:

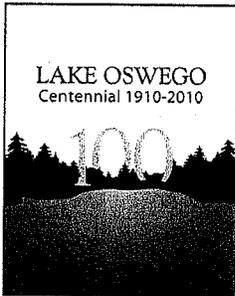
We, the undersigned owners and/or electors, petition and consent to be annexed to the City of Lake Oswego.

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	
<i>John A. Richey</i>	JOHN A RICHEY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	308 SW Valleys Edge St McMinnville, OR 97128			4/15/10
<i>Virginia L Richey</i>	VIRGINIA L RICHEY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	308 SW Valleys Edge St McMinnville, OR 97128			4/15/10

* PO = Property Owner, RV = Registered Voter

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



NOTICE OF FINAL CITY COUNCIL DECISION ON ANNEXATION

Date Mailed: August 6, 2010

Owner/Applicant: Cole and Kelly Hamilton

Location of Property: 18420 Donlee Way (21E18CC04500)

File No.: AN 10-0003

In accordance with LOC 50.05.025, the City zoning designation of R-10 will be applied to the subject property (21E18CC04500), immediately upon the effective date of annexation.

Date of Final City Council Decision:

The City Council approved this annexation as set forth in Ordinance 2554 on August 3, 2010.

Effective Dates:

1. The effective date of the annexation Ordinance 2554 shall be on the 30th day after its enactment, September 2, 2010, 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 **later of either** (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 10-0003)

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 24, 2010. 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. 2554

AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO ONE PARCEL COMPRISING APPROXIMATELY 0.26 ACRES (LOCATED AT 18420 DONLEE WAY) AND THE ADJACENT PUBLIC RIGHT OF WAY; DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LOC 50.05.025; AND REMOVING THE TERRITORY FROM CERTAIN DISTRICTS (AN 10-0003).

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 residing within 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 may, by operation of ORS 222.520, be withdrawn from that district immediately 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 28, 2010, is hereby incorporated; 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 3.09.050(b) and (d).

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

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

A tract of land located in the southwest quarter of Section 18, Township 2 South, Range 1 East of the Willamette Meridian, County of Clackamas, State of Oregon, more particularly described as follows:

All of Lot 10, Block 3, plat of Highland Terrace (Plat #927) plat records of Clackamas County, together with that portion of SW Donlee Way right of way (50 feet wide) lying southeasterly of the southeast right of way line of Lakeview Blvd (60 feet wide) and northerly of a line which is the southwesterly projection of the southerly line of said Lot 10. Said road segment being approximately 114 feet in length.

Section 2. District Withdrawal: The annexed area lies within the following districts and will 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 3. Zoning Designation: In accordance with Community Development Code Section 50.05.025, the City zoning designation of R-10 will be applied to tax lot 4500 21E18CC, upon the effective date of annexation.

Section 4. Neighborhood Association Designation: In accordance with Goal 1 of the City's Comprehensive Plan, this territory shall remain a part of the Rosewood Neighborhood Association.

Section 5. Adoption of Findings and Conclusions: The City Council hereby adopts the findings of facts and conclusions set forth in the June 28, 2010 staff report in support of this annexation ordinance.

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.

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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 3rd day of August, 2010.

AYES: Mayor Hoffman, Olson, Tierney, Hennagin, Jordan, Vizzini

NOES: none

ABSTAIN: none

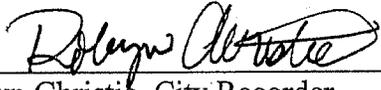
EXCUSED: Moncrieff



Jack D. Hoffman, Mayor

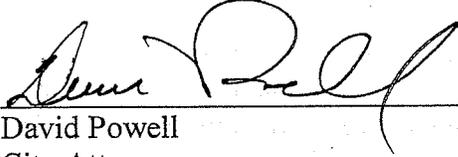
Dated: 8/3/10

ATTEST:



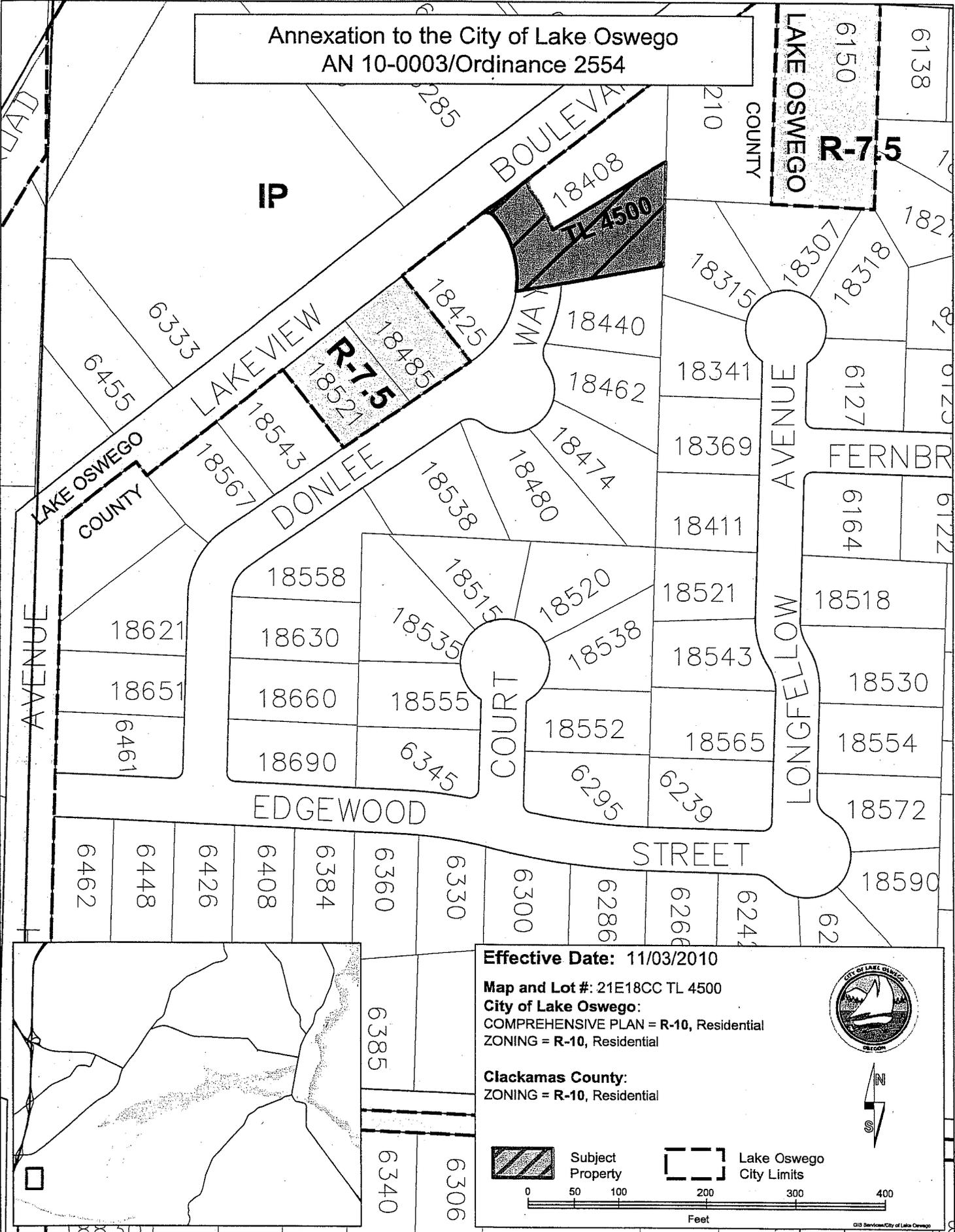
Robyn Christie, City Recorder

APPROVED AS TO FORM:



David Powell
City Attorney

Annexation to the City of Lake Oswego
AN 10-0003/Ordinance 2554



Effective Date: 11/03/2010

Map and Lot #: 21E18CC TL 4500
City of Lake Oswego:
 COMPREHENSIVE PLAN = R-10, Residential
 ZONING = R-10, Residential

Clackamas County:
 ZONING = R-10, Residential



Subject Property



Lake Oswego City Limits

