

Final Documents  
for  
Annexation to  
**Oregon City**

CL1007

Ordinance: 07-1020

Annexation: AN 07-01

DOR: 3-1830-2008

Secretary of State: AN 2008-0067

Office of the Secretary of State

BILL BRADBURY  
Secretary of State



Archives Division  
MARY BETH HERKERT  
Director

800 Summer St. NE  
Salem, Oregon 97310  
(503) 373-0701

Facsimile (503) 373-0953

March 27, 2008

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 March 27 2008, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
07-1020 (Oregon City)	AN 2008-0067
07-1021 (Oregon City)	AN 2008-0068

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



# CITY OF OREGON CITY

## PUBLIC WORKS

ENGINEERING GROUP  
CODE ENFORCEMENT GROUP  
*City Engineer/Public Works Director*  
P.O. Box 3040  
320 Warner Milne Road  
Oregon City, OR 97045  
(503) 657-0891  
Fax (503) 657-7892

OPERATIONS GROUP  
122 S. Center Street  
Oregon City, OR 97045  
(503) 657-8241  
Fax (503) 650-9590

[www.oregoncity.org](http://www.oregoncity.org)

March 19, 2008

Joanna Mensher  
Metro/DRC  
600 NE Grand Ave  
Portland, OR 97232

Re: Oregon City AN07-01 (CL1007) Final Packet

Dear Ms. Mensher:

Enclosed is the final packet for the referenced City of Oregon City annexation proposal for your processing to the Secretary of State. This packet contains:

- Ordinance 07-1020
- Department of Revenue Final Approval
- Legal Description
- Findings of Fact with Conclusions and Reasons for Decision
- Annexation Map
- Certified copy of Election Results
- A check for the Metro Mapping Fee of \$250.00

Your prompt processing is appreciated. If I can be of any further assistance, please call.

Sincerely,

Robert C. Cullison, E.I.T.  
Development Services Manager

Encl: As stated

ORDINANCE NO. 07-1020

AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE  
CITY OF OREGON CITY

OREGON CITY MAKES THE FOLLOWING FINDINGS:

**WHEREAS**, The City of Oregon City proposed that certain properties, more fully identified in Exhibit 'A' to this Ordinance, be annexed to the City; and

**WHEREAS**, the City found that the proposal complied with all applicable legal requirements, as detailed in the findings attached hereto and made a part of this ordinance as Exhibit 'B'; and

**WHEREAS**, Chapter I, section 3 of the Oregon City Charter of 1982 requires voter approval for annexations such as the one proposed; and

**WHEREAS**, the annexation of the identified properties was submitted to the voters of the City of Oregon City at a special election held on November 6, 2007; and

**WHEREAS**, the Clackamas County Clerk has returned the official figures indicating the results of the election held on November 6, 2007; and

**WHEREAS**, the official figures returned by the Clackamas County Clerk indicate that a majority of the voters of the City of Oregon City voted to approve the annexation of the identified properties; and

**WHEREAS**, the identified properties are currently in Clackamas County Rural Fire Protection District # 1; and

**WHEREAS**, the identified properties are currently within the Clackamas County Service District for Enhanced Law Enforcement; and

**WHEREAS**, the Tri-City Service District requires the City's concurrence to annexations into the District; and

**WHEREAS**, the City Commission concurs that the Tri-City Service District can annex the identified properties into their sewer district.

**NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:**

**Section 1.** That the area further identified in the legal description attached hereto as Exhibit "A", is hereby annexed to and made a part of the City of Oregon City.

**Section 2.** That the findings attached hereto as Exhibit 'B' are hereby adopted.

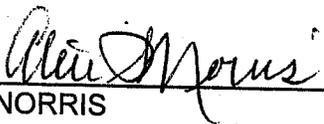
**Section 3.** That the territory identified in Exhibit "A" is hereby withdrawn from Clackamas County Rural Fire Protection District # 1.

**Section 4.** That the territory identified in Exhibit "A" is hereby withdrawn from the Clackamas County Service District for Enhanced Law Enforcement.

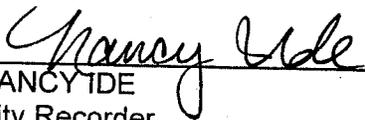
**Section 5.** The City hereby concurs with and approves the annexing of the territory identified in Exhibit "A" into the Tri-City Service District by the Clackamas County Board of Commissioners, to the extent allowed by law.

**Section 6.** That the effective date for this annexation is the date this ordinance is submitted to the Secretary of State, as provided in ORS 222.180.

Read for the first time at a regular meeting of the City Commission held on the 19th day of December 2007, and the foregoing ordinance was finally enacted by the City Commission this 19th day of December 2007.

  
\_\_\_\_\_  
ALICE NORRIS  
Mayor

ATTESTED this 19th day of December 2007.

  
\_\_\_\_\_  
NANCY IDE  
City Recorder

# Notice to Taxing Districts

ORS 308.225



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

City of Oregon City  
Robert C. Cullison  
P.O. Box 3040  
Oregon City, OR 97045

**Description and Map Approved**  
**March 17, 2008**  
**As Per ORS 308.225**

Description     Map received from: ROBERT CULLISON  
On: 3/13/2008

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

ANNEX TO THE CITY OF OREGON CITY

ORD 07-1020

has been:     Approved    3/17/2008  
                   Disapproved

Notes:

Department of Revenue File Number: 3-1830-2008

Prepared by: Rick Sandoval 503-945-8230

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
- Establishment of Tax Zone

EXHIBIT A

AN 07-01 LEGAL DESCRIPTION

A part of the John S. Howland Donation Land Claim No. 45, in Section 7, Township 3 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas, and State of Oregon described as follows:

Commencing at a stake at the most Westerly corner of that certain tract conveyed to Tualatin Ventures, Inc., by deed recorded March 1, 1962, in Book 599, Page 352, Fee No. 9243, Deed Records, which point is South 43° West 31.72 chains from the most Northerly corner of said Howland Donation Land Claim;

Thence North 43° East a distance of 200.00 feet to the Northwesterly corner of that certain tract conveyed to Donald L. Fowler and Vern Fowler, recorded December 14, 1962 in Book 615, Page 119, Fee No. 27181, Deed Records;

Thence South 45° 45' East a distance of 30 feet to a point in the Easterly line of the County Road and the True Point of Beginning of the tract to be described;

Thence continuing South 45° 45' East a distance of 654.00 feet to the Northeasterly corner of said Fowler tract;

Thence South 43° West a distance of 200.00 feet to the Southeasterly corner of said Fowler tract;

Thence North 45° 45' West a distance of 519.15 feet to a point in the Southwesterly line of said Fowler tract, being the Easterly corner of Lot 1, "Kalal Subdivision", a duly recorded subdivision of Clackamas County;

Thence Southwest along the Southeast boundary of said Lot 1, "Kalal Subdivision", and its extension a distance of 199.22 feet to the Northeasterly boundary of Lot 2 of said "Kalal Subdivision";

Thence North 45° 45' West along the Northeasterly Boundary of said Lot 2 and its extension thereof to a point on the easterly line of said County Road;

Thence North 43° East along said easterly boundary of said County Road a distance of 399.21 feet to the True Point of Beginning.

## CITY COMMISSION FINDINGS

Based on the application material provided by the applicant and the information provided at the public hearing the Commission found:

1. The territory in Proposal No. AN 07-01 contains approximately 3.4 acres, has 3 single-family residences with a population of 6, and is valued at \$500,800.
2. The property within the territory proposed for annexation would be able to receive city services. The applicants have not provided a proposed layout for future utility service, but it appears feasible for all public utilities to be provided to the proposed territory.
3. The five properties have three single-family homes all next to Leland Road. Two of the property owners have sufficient land behind the homes to develop. The properties gently slope northeast toward a natural drainageway leading into Mud Creek. The home lots have typical residential landscaping and the remaining land is mostly grass with a few trees at the perimeter. All of the properties are in the Mud drainage basin.
4. This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

The Legislature directed Metro to establish criteria that must be used by all cities within the Metro boundary. The Metro Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The City finds the proposal meets the following minimum criteria:

- A. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans.
- B. Consistency with directly applicable provisions of urban planning area agreements between the annexing entity and a necessary party.
- C. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
- D. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
- E. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
- F. If the boundary change is to Metro, determination by the Metro Council that the territory should be inside the UGB shall be the primary criteria.

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

The Metro Code also contains a second set of 10 factors that are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. Those 10 factors are not applicable at this time to this annexation because no necessary party has contested the proposed annexation.

5. The law that requires Metro to adopt criteria for boundary changes specifically states that those criteria shall include "... compliance with adopted regional urban growth goals and objectives, functional plans ... and the regional framework plan of the district [Metro]." The Regional Framework Plan, which includes the regional urban growth goals and objectives, the Growth Management Functional Plan and the Regional Transportation Plan were examined and found not to contain specific criteria applicable to boundary changes.
6. The Metro Code states that the Commission's decision on this boundary change should be "... consistent with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans, public facility plans, ..."

The Clackamas County Comprehensive Plan plan designation for this site is Low Density Residential (LR-MH) on the County's Oregon City Area Land Use Plan (Map IV-5). Zoning on the property is FU-10, Future Urban, and 10-acre minimum lot size.

Policy 5.0 of the Land Use Chapter provides that land is converted from "*Future Urbanizable to Immediate Urban when land is annexed to either a city or special district capable of providing public sewer.*" Policy 6.0 contains guidelines that apply to annexations, such as this one, that convert Future Urbanizable to Immediate Urban land:

- a. *Capital improvement programs, sewer and water master plans, and regional public facility plans should be reviewed to insure that orderly, economic provision of public facilities and services can be provided.*
- b. *Sufficient vacant Immediate Urban land should be permitted to insure choices in the market place.*
- c. *Sufficient infilling of Immediate Urban areas should be shown to demonstrate the need for conversion of Future Urbanizable areas.*
- d. *Policies adopted in this Plan for Urban Growth Management Areas and provisions in signed Urban Growth Management Agreements should be met (see Planning Process Chapter.)*

The capital improvement programs, sewer and water master plans and regional plan were reviewed and are addressed elsewhere in these Findings.

- 7. The City and the County have an Urban Growth Management Agreement (UGMA), which is a part of their Comprehensive Plans. The territory to be annexed falls within the Urban Growth Management Boundary (UGMB) identified for Oregon City and is subject to the agreement. The County agreed to adopt the City's Comprehensive Plan designations for this area that is Low Density Residential. Consequently, when property is annexed to Oregon City, it already has a City planning designation.

The Agreement presumes that all the urban lands within the UGMB will ultimately annex to the City. It specifies that the City is responsible for the public facilities plan required by Oregon Administrative Rule Chapter 660, division 11. The Agreement goes on to say:

4. City and County Notice and Coordination

\* \* \*

- D. *The CITY shall provide notification to the COUNTY, and an opportunity to participate, review and comment, at least 20 days prior to the first public hearing on all proposed annexations . . .*

\* \* \*

5. City Annexations

- A. *CITY may undertake annexations in the manner provided for by law within the UGMB. CITY annexation proposals shall include adjacent road right-of-way to properties proposed for annexation. COUNTY shall not oppose such annexations.*

\* \* \*

- C. *Public sewer and water shall be provided to lands within the UGMB in the manner provided in the public facility plan . . .*

\* \* \*

The required notice was provided to the County at least 45 days before the City Commission hearing. The provision of public sewer and water are addressed below.

- 8. The Oregon City acknowledged Comprehensive Plan covers this territory. The City prepared a plan for its surrounding area and the County has adopted its plan designations in this area. Certain portions of the City Plan have some applicability and these are covered here.

Section 14 of the Plan is entitled *Urbanization*. Several policies in this section are pertinent to proposed annexations. The following excerpts expand on the City's annexation philosophy and requirements.

*The City is required to refer all proposed annexations to the voters. Rather than having voter approval of individual property owners' requests to annex, the City should prepare and implement an annexation plan and program. The City could then annex large blocks of properties (with voter approval) at one time, rather than in a piecemeal fashion. Annexation would be tied more directly to the City's ability to provide services efficiently, maintain regular city boundaries, and help the city meet Metro targets for housing and employment. The zoning of the property should be decided at the time the Planning Commission and City Commission review and approve the annexation request.*

*Applications for annexation, whether initiated by the City or by individuals, are based on specific criteria contained in the City's municipal code. Metro and state regulations promote the timely and orderly provision of urban services, with which inappropriate annexations can conflict. Therefore, an annexation plan that identifies where and when areas might be considered for annexation can control the expansion of the city limits and services to help avoid those conflicts and provide predictability for residents and developers. Other considerations are consistency with the provisions of this comprehensive plan and the City's public facility plans, with any plans and agreements of urban service providers, and with regional annexation criteria.*

The City has not prepared an annexation plan and program to facilitate wholesale large block area annexations. Until such a methodology and process is in place, annexation will continue in a piecemeal fashion such as this proposal. This annexation is still sufficiently tied directly to the City's ability to provide services efficiently with the logical extension of physical utility lines in Leland Road provided by two new subdivisions, Rian Park and Willow Run. This annexation could help the city meet Metro targets for housing, but not employment.

The zoning of these properties, based on their Comprehensive Plan designation of Low Density (LR) upon annexation is already set for R-10 (LR) is noted by the municipal code and as stated below in the Land Use section.

The City Public Safety Director, Chief Huiras, states (Exhibit B) that "*the Oregon City Police Department lacks the capacity to provide services to additional property or development and any additional demand for service will negatively impact already inadequate police resources. Our community has already experienced an elimination of police response to some types of 911 calls, as growth has outpaced our ability to provide police services.*"

The police and fire response times both exceed national standards. The applicant has recognized the police service shortcomings and has proposed supplemental funding to the city to remedy these shortcomings. The applicant recognizes the need for continuing the previous annexation contributions of \$3,500 supplemental police services funding per single-family residential building permit for new homes in the territory. The applicant has proposed to sign annexation agreements to require any future development of lots to incur a one time payment of \$3,500 per single-family residential building permit for police services for each lot at the time of building permit. The agreements would have an expiration date of 10 years.

The following Plan annexation policies are approval criteria for annexations under Criteria 3 of Metro Code. They provide that the City's Comprehensive Plan designations will apply upon annexation, how zoning will be changed (either automatically or after annexation) and that annexations are to be processed according to quasi-judicial procedures.

***Goal 14.4: Annexation of Lands to the City***

***Annex lands to the city through a process that considers the effects on public services and the benefits to the city as a whole and ensures that development within the annexed area is consistent with the Oregon City Comprehensive Plan, City ordinances, and the City Charter.***

The city annexation process is set out in Chapter 14 of the Municipal Code. By requiring compliance with that code, the Metro code, and the statewide Planning Rules, the city is applying their consideration of the effects this annexation will have on public services and any benefits to the city as a whole.

***Policy 14.4.1 In order to promote compact urban form to support efficient delivery of public services, lands to be annexed must be within the City's Urban Growth Boundary, and must be contiguous to the existing City limits. Long linear extensions, such as cherry stems and flag lots, shall not be considered contiguous to City limits.***

The proposed properties are contiguous to the city limits along 1,200 feet of the perimeter by touching the city boundary.

***Policy 14.4.2 Concept Plans and Sub-area Master Plans for unincorporated areas within the Urban Growth Boundary shall include an assessment of the fiscal impacts of providing public services to the area upon annexation, including the costs and benefits to the city as a whole.***

This is neither a Concept Plan nor a Sub-area Master Plan.

***Policy 14.4.3 When an annexation is requested, the Commission may require that parcels adjacent to the proposed annexation be included to:***

- a) *avoid creating unincorporated islands within the city;*
- b) *enable public services to be efficiently and cost-effectively extended to the entire area; or*
- c) *implement a Concept Plan or Sub-area Master Plan that has been approved by the Commission.*

This proposed annexation does not create unincorporated islands within the city. The applicant is proposing to layout a subdivision on three properties and a portion of a fourth property in the future but has not provided it for the record. There is no existing approved Concept Plan or Sub-area Master Plan for this area.

*Policy 14.4.4 The City may, as provided by state law, provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system; the Commission may expedite the annexation of the subject property into the city, subject to any voter approvals of annexations.*

No public health hazard exists at this time.

The *Public Facilities* Section of the Comprehensive Plan contains the following pertinent Goals and Policies.

**Goal 11.1: Provision of Public Facilities**

*Serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.*

**Policies**

**Policy 11.1.1 Ensure adequate public funding for the following urban facilities and services, if feasible:**

- a. *Streets and other roads and paths*
- b. *Wastewater collection*
- c. *Storm water management services*
- d. *Police protection*
- e. *Fire protection*
- f. *Parks and recreation*
- g. *Water distribution*
- h. *Planning, zoning and subdivision regulation*

Leland Road will remain a county-maintained road until such time as the county and city agree to transfer the operations and maintenance responsibilities. This annexation will immediately add 3 homes to the city's police and fire protection coverage. Upon annexation, these 3 homes will start paying the current stormwater utility fee of \$4/month. These 3 homes are on the public Clackamas River Water (CRW) system and will remain on this system until the City and CRW discuss the transfer logistics. Any

future development of these properties will fall under the city planning, zoning, and land division regulations.

\* \* \*

Policy 11.1.3 Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land use planning goals and regulations. Facilities that serve the general public will be centrally located and accessible, preferably by multiple modes of transportation.

Policy 11.1.4 Support development on underdeveloped or vacant buildable land within the City where urban facilities and services are available or can be provided and where land use compatibility can be found relative to the environment, zoning, and comprehensive plan goals.

Policies 11.1.3 and 11.1.4 encourage development on sites within the City where urban facilities and services are either already available or can be provided. This policy implies that lands that cannot be provided urban services should not be annexed. The proposed lands in this annexation can easily be provided urban services with the possible exception of staff-limited police resources. Future development of this territory under the established Comprehensive Plan/Zoning Code will require further analysis of this service area.

The applicant has recognized the lack of police service and has proposed supplemental funding with the city to remedy these shortcomings.

Policy 11.1.5 Design the extension or improvement of any major urban facility and service to an area to complement other urban facilities and services at uniform levels.

Policy 11.1.3 prevents the City from extending services outside the City limits. Consequently, lands outside the City are required to annex to use urban public facilities

Policy 11.1.5 requires that the installation of a major urban facility or service should be coordinated with the provision of other urban facilities or services. No major urban facility or service is required here; rather, it simply requires normal extension of water and sanitary sewer from the existing utility lines in Leland Road.

Read together, these policies suggest that when annexing lands, the City should consider whether a full range of urban facilities or services are available or can be made available to serve the territory to be annexed. Oregon City has implemented these policies with its Code provisions on processing annexations, which requires the City to consider adequacy of access and adequacy and availability of public facilities and services. Overall, it

appears that the city can provide urban services to the existing 3 homes as well as future development in the territory to be annexed.

**Goal 11.2: Wastewater**

**Seek the most efficient and economic means available for constructing, operating, and maintaining the City's wastewater collection system while protecting the environment and meeting state and federal standards for sanitary sewer systems.**

**Policies**

\* \* \*

**Policy 11.2.2 Plan, operate and maintain the wastewater collection system for all current and anticipated city residents within the existing urban growth boundary. Strategically plan for future expansion areas.**

Since all new development on annexed lands is required to connect to the sanitary sewer system, this policy suggests that a measure of the adequacy of the sanitary system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The sanitary sewer is available to these properties through the sanitary line in Leland Road.

**Policy 11.2.3 Work with Tri-City Service District to provide enough capacity in its collection system to meet standards established by the Oregon Department of Environmental Quality (DEQ) to avoid discharging inadequately treated sewage to surface waters.**

The Tri-City Service District was provided notice of this annexation. The district did not respond to the notice. No response is interpreted as no opposition. Before sanitary sewers can be extended to lands annexed to the City, those lands will need to annex to the District. The property owner must initiate that annexation. The City Commission must concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.

**Goal 11.3: Water Distribution**

**Seek the most efficient and economic means available for constructing, operating, and maintaining the City's water distribution system while protecting the environment and meeting state and federal standards for potable water systems.**

**Policies**

*Policy 11.3.1 Plan, operate and maintain the water distribution system for all current and anticipated city residents within its existing urban growth boundary and strategically plan for future expansion areas.*

Since new development on annexed lands may connect to the city water distribution system, this policy suggests that a measure of the adequacy of the water distribution system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The City has an adequate water supply in the general area of this annexation in Leland Road (12-inch line). The existing 3 homes are on the public Clackamas River Water system and will remain on this system until formal transfer proceedings are finalized with CRW. The City does not have any existing agreement with CRW in this area for transfer methodology. Some duplication of main water lines already occurs in Leland Road as a result of both water providers needing supply lines in this area.

**Goal 11.4: Stormwater Management**

**Seek the most efficient and economical means available for constructing, operating, and maintaining the City's stormwater management system while protecting the environment and meeting regional, state, and federal standards for protection and restoration of water resources and fish and wildlife habitat.**

**Policies**

**Policy 11.4.1 Plan, operate, and maintain the stormwater management system for all current and anticipated city residents within Oregon City's existing urban growth boundary and strategically plan for future expansion areas.**

**Policy 11.4.4 Maintain existing drainageways in a natural state for maximum water quality, water resource preservation, and aesthetic benefits.**

Since new development on annexed lands may connect to the city stormwater management system, this policy suggests that a measure of the adequacy of the stormwater management system should be whether the city (or the county stormwater management system in the event that drainage goes to the county) could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. New development may also have opportunities to provide further protection to preserve water quality. This annexation will not result in any changes to the stormwater drainage. Future development will require extension and connection to the existing stormwater connections leading to downstream Mud Creek drainages in conformance with city stormwater design standards.

**Goal 11.9: Fire Protection**

**Maintain a high level of fire suppression and emergency medical services capacity.**

**Policies**

Policy 11.9.1 Ensure that all areas, including newly annexed areas, receive fire protection and emergency medical services.

The City should provide the same level of fire protection to newly annexed areas that it provides to other areas within the City. The City may consider whether it will be possible to do so when it decides an annexation proposal.

LAND USE

Section 2, of the City's Comprehensive Plan identifies land use types as follows:

1. *Low Density Residential [LR]: Areas in the LR category are primarily for single-family detached homes.*
2. *Medium Density Residential [MR]: MR areas are planned for residential developments with dwelling unit types such as attached single family units, rowhouses, or townhouses. Included in this classification is the McLoughlin Conditional Residential district which is unique in the sense that it allows existing residential uses, assuming they were established legally, and new single-family homes on existing lots. More intensive new and redeveloped residential construction can be built at medium densities under certain circumstances.*
3. *High Density Residential [HR]: These areas typically include high density, multiple-dwelling residential areas. Permitted uses include apartments, condominiums, and single-family attached or rowhouse dwellings.*

The City/County urban growth management agreement specifies that the County's acknowledged Comprehensive Plan and implementing regulations shall apply until annexation and the City adopts subsequent plan amendments. The Oregon City Code requires the City Planning Division to review the final zoning designation within sixty days of annexation, utilizing a chart and guidelines in OCMC Section 17.06.050.

CITY LAND USE CLASSIFICATION

<u>Residential Type</u>	<u>City Zone</u>
Low-density residential	R-10, R-8, R6
Medium-density residential	R-3.5, RD-4 (MDP)
High-density residential	R-2

Based on these guidelines, the default zone will be issued based on the following:

<u>Plan Designation</u>	<u>Zone</u>
Low-density residential	R-10
Medium-density residential	R-3.5
High-density residential	R-2

The City's Code contains provisions on annexation processing. Section 6 of the ordinance requires the City Commission "to consider the following factors, as relevant":

1. *Adequacy of access to the site;*

The site access is discussed below in Finding 15. Any future development of the property will need to include half-street/full street improvements to Leland Road and to new interior streets, as appropriate.

2. *Conformity of the proposal with the City's Comprehensive Plan;*

As demonstrated in this section of the staff report, the City's Comprehensive Plan is satisfied.

3. *Adequacy and availability of public facilities and services to service potential development;*

Findings 10-16 and the property owner's application indicate that necessary services can be made available to this area at adequate levels.

4. *Compliance with applicable sections of Oregon Revised Statutes Chapter 222, and Metro Code 3.09;*

The only criterion in ORS 222 is that annexed lands be contiguous to the City. The site is contiguous at its border with city property on about 1,200 feet of the exterior area boundary touching city limits. The Metro Code criteria are set out on page 2 of this report. This report considers each factor and the Conclusions and Reasons in the attached Findings and Reasons demonstrate that these criteria are satisfied.

The Metro Code criteria are set out in Finding # 4. As discussed in other findings it does appear that these criteria can be met by the proposal.

5. *Natural hazards identified by the City, such as wetlands, floodplains, and steep slopes;*

There are no natural hazards identified by the City Comprehensive Plan located on or adjacent to the subject site.

6. *Any significant adverse effects on specially designated open space, scenic historic or natural resource areas by urbanization of the subject property at the time of annexation;*

The property is in Mud drainage basin according to the Drainage Master Plan.

7. *Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of annexation."*

The only potential significant adverse effect is the increased need for police protection. This impact has been addressed by the applicant's voluntary police service supplemental funding.

The City will have service responsibilities including police, parks, etc. Otherwise, annexation should have no negative effect on the economic, social or physical environment of the community.

Section 8 of the Ordinance states that:

*"The City Commission shall only set for an election annexations consistent with a positive balance of the factors set forth in Section 6 of this ordinance. The City Commission shall make findings in support of its decision to schedule an annexation for an election."*

Staff recommends that the Commission accept the results of this set of Findings as consistent with a positive balance of the preceding factors in Section 6 of the Ordinance.

9. ORS 195 requires agreements among providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. There are no adopted urban service agreements in this part of Clackamas County.
10. The City of Oregon City provides sanitary sewer service. The applicant reports that there is an 8-inch sewer line in Leland Road that can serve this area. Any future development or individual home connection in the area will require the lines be extended to serve the requested area.

The Tri-City County Service District provides sewage transmission and treatment services to the cities of Oregon City, West Linn and Gladstone. Each city owns and maintains its own local sewage collection system. The District owns and maintains the sewage treatment plant and interceptor system. The three cities are in the District and as provided in the intergovernmental agreement between the District and the City, the District does not serve territories outside Oregon City, with one exception.

Before January 1, 1999, state statute (ORS 199) provided that when territory was annexed to a city that was wholly within a district, the territory was automatically annexed to the district as well. That statute no longer applies in this area. Therefore, each annexation to Oregon City needs to be followed by a separate annexation of the territory to the Tri-City Service District. The City Commission concurs with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.

11. The City and Clackamas River Water (CRW) do not have an urban service agreement for this area. There is an existing city 12-inch ductile iron waterline in Leland Road. CRW has a water line in Leland Road to serve territory in the Leland Road area out to the UGB near Jessie Avenue. CRW will continue to serve these properties until a mutual transfer plan is approved.

Oregon City, with West Linn, owns the water intake and treatment plant, which the two cities operate through a joint intergovernmental entity known as the South Fork Water Board (SFWB). The ownership of the Board is presently divided with Oregon City having 50 percent and West Linn 50 percent ownership of the facilities.

The water supply for the South Fork Water Board is obtained from the Clackamas River through an intake directly north of the community of Park Place. Raw water is pumped from the intake up to a water treatment plant located within the Park Place neighborhood. The treated water then flows south through a pipeline and is pumped to a reservoir in Oregon City for distribution to both Oregon City and West Linn. The SFWB also supplies surplus water to the Clairmont Water District portion of the Clackamas River Water District.

Both the river intake facility and the treatment plant have a capacity of twenty million gallons per day (MGD). There is an intertie with Lake Oswego's water system that allows up to five MGD to be transferred between Lake Oswego and SFWB (from either system to the other).

CRW purchases all of its Oregon City-service area water from South Fork Water Board to provide its area south of the Clackamas River such as the Leland Road area. The City has a master meter for CRW water service at the Meyers Road/Leland Road intersection.

12. On-site stormwater drainage, water quality, and detention facilities will be required upon future development. Any future development would have to convey site stormwater runoff to the stormwater system in the nearby Leland Run subdivision. When development is proposed for the subject site, the owner will be required to design and construct a storm water collection and a detention system to compensate for the increase in impervious area of the property.
13. This territory is currently within Clackamas County Fire District (CCFD) # 1. Oregon City provides fire service within the City under a contract with CCFD #1. A portion of

the City's property tax levy goes toward payment of this service. Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from CCFD #1 upon approval of the annexation. The City Commission will continue to withdraw the annexed territory from the Clackamas County Fire District #1.

14. The Clackamas County Sheriff's Department currently serves the territory. Subtracting out the sworn officers dedicated to jail and corrections services, the County Sheriff provides approximately 0.5 officers per thousand population for local law enforcement services.

The area to be annexed lies within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The combination of the county-wide service and the service provided through the Enhanced Law Enforcement CSD results in a total level of service of approximately 1 officer per 1000 population. According to ORS 222.120 (5) the City may provide in its approval ordinance for the automatic withdrawal of the territory from the District upon annexation to the City. If the territory were withdrawn from the District, the District's levy would no longer apply to the property.

Upon annexation, the Oregon City Police Department will serve the territory. Oregon City fields approximately 1.17 officers per 1000 population. The City is divided into three patrol districts with a four-minute emergency response and a twenty-minute non-emergency response time. There will be minimal impact to police services upon annexation, however, any future development would negatively impact already strained police services. The applicant has proposed to provide annexation agreements from the consenting property owners to require any future development of lots to incur a one time payment of \$3,500 per single-family residential building permit for police services for each lot at the time of building permit. These agreements would have an expiration date of 10 years.

15. Access is provided from a county arterial – Leland Road. Any future development of these properties must take the county-owned arterial into consideration. The City-County UGMA requires the annexation to include the adjacent portions of all county streets.

The applicant has not completed a traffic impact analysis (TIA) study for any future project. Several intersections will be slightly impacted by future development of this site: Leland Road at Meyers Road/Clairmont Way (4-leg Stop Sign-controlled), the Linn Avenue/Warner-Milne Road/Leland Road/Warner-Parrott Road (4-leg Traffic Signal-controlled), and Meyers Road at Hwy 213 (currently a three leg Traffic Signal intersection -controlled). Staff review of a recent TIA study concerning these intersections leads staff to believe that the potential small increase in traffic from any future development of these properties will not deteriorate any of these intersections to a critical situation. A potential larger new subdivision at the Leland Road/Jessie Avenue area is already studying some of these intersections.

16. Planning, building inspection, permits, and other municipal services will be available to the territory from the City upon annexation.
17. The approval of Measure 37 concerning governmental rules and regulations and how they affect property rights leads the City to require a waiver to Measure 37 upon annexation into the City. This is based on the following factors from the City's Annexation Code Section 14.04.060:

\*\*\*\*

2. Conformity of the proposal with the city's comprehensive plan;
3. Adequacy and availability of public facilities and services to service potential development;

\*\*\*\*\*

5. Natural hazards identified by the city, such as wetlands, floodplains and steep slopes;
6. Any significant adverse effects on specially designated open space, scenic, historic or natural resource areas by urbanization of the subject property at time of annexation;
7. Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation.

Subsection (2) requires conformity with the existing City plan; the condition to waive Measure 37 claims ensures that the City won't see a claim to waive or remove any requirement that was put in place to implement the plan.

Subsection (3) requires adequate public facilities; the City plans for public facilities based on the code and plan in place; if a potential waiver could occur, it would place unexpected demands on public facilities and could result in this factor not being adequate.

Subsection (5) could play a role, if the site has any natural hazards - if there are natural hazards, then annexation into the City could prevent the City from enforcing those provisions without a waiver.

Subsection (6), again could play a role if there are any of the designations (open space, scenic, historic or natural resources) that would be affected by the annexation.

Subsection (7) requires a lack of adverse effects on the various aspects of the City's environment. By requiring the waiver of Measure 37 claims, the City ensures that development not in conformance with the current code and plan will not occur and, because the code and plan were written to protect those aspects of the City's environment,

requiring the waiver will ensure that there are not significant adverse effects of the annexation.

## CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Commission determined:

1. The Metro Code calls for consistency of the annexation with the Regional Framework Plan or any functional plan. Because there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan or the Regional Transportation Plan (see Finding No. 5) the Commission concludes the annexation is not inconsistent with this criterion.
2. Metro Code 3.09.050(d)(1) requires the Commission's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted pursuant to ORS 195. As noted in Finding No. 9 there are no such plans or agreements in place. Therefore the Commission finds that there are no inconsistencies between these plans/agreements and this annexation.
3. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The County Plan also says annexation which converts *Future Urbanizable* lands to *Immediate Urban* lands should ensure the "orderly, economic provision of public facilities and services." The property owner has demonstrated that the City can provide all necessary urban services. Nothing in the County Plan speaks directly to criteria for annexation. Therefore the Commission finds this proposal is consistent with the applicable plan as required Metro Code 3.09.050 (d)(3).
4. The Commission concludes that the annexation is consistent with the City Comprehensive Plan that calls for a full range of urban services to be available to accommodate new development as noted in the Findings above. The City operates and provides a full range of urban services. Specifically with regard to water and sewer service, the City has both of these services available from existing improvements due to the Leland Road improvements from Rian Park and Willow Run subdivisions. Water service for the existing homes will continue to be furnished by Clackamas River Water (CRW) until such time as the City and CRW confer on the issue. With regard to storm drainage to the Mud Basin, the City has the service available in the form of regulations to protect and control. The specifics of applying these will be a part of the development review process.
5. The Commission notes that the Metro Code also calls for consistency of the annexation with urban planning area agreements. As stated in Finding No. 7, the Oregon City-Clackamas County Urban Growth Management Agreement specifically provides for annexations by the City.
6. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly and economic

provision of public facilities and services." Based on the evidence in Findings 10-16 above the Commission concludes that the annexation will not interfere with the timely, orderly and economic provision of services.

7. The Oregon City Code contains provisions on annexation processing. Section 6 of the ordinance requires that the City Commission consider seven factors if they are relevant. These factors are covered in Finding # 8 and on balance the Commission believes they are adequately addressed to justify approval of this annexation.
8. The City Commission concurs with Tri-City Service District's annexation of the subject property in the enacting City ordinance upon voter approval of the city annexation.
9. The Commission determines that the property should be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide police services upon annexation.
10. The Commission determines that the property should be withdrawn from the Clackamas County Fire District #1 as allowed by statute.
11. The Commission accepts the applicant's proposal for annexation agreements from consenting property owners to supplement the police services for the area and directs the City Manager to sign these agreements and record them upon voter approval of the proposed annexation. Applicant to pay recording fees.
12. The City Commission requires all consenting property owners to sign a waiver of Measure 37 rights and submit them to the City Manager prior to the City Commission adopting a final ordinance accepting a positive annexation election result and directs the City Manager to sign these waivers and record them. Applicant to pay recording fees.

SW 1/4 SE 1/4 SEC. 7 T. 3 S. R. 2 E. W. M.  
CLACKAMAS COUNTY

3 2 E 7 DC

12800

19550

Ord 07-1020  
AN 07-01  
Area to be  
Annexed

FU-10

SEE MAP 3 2 E 70

This map was prepared for  
assessment purpose only.

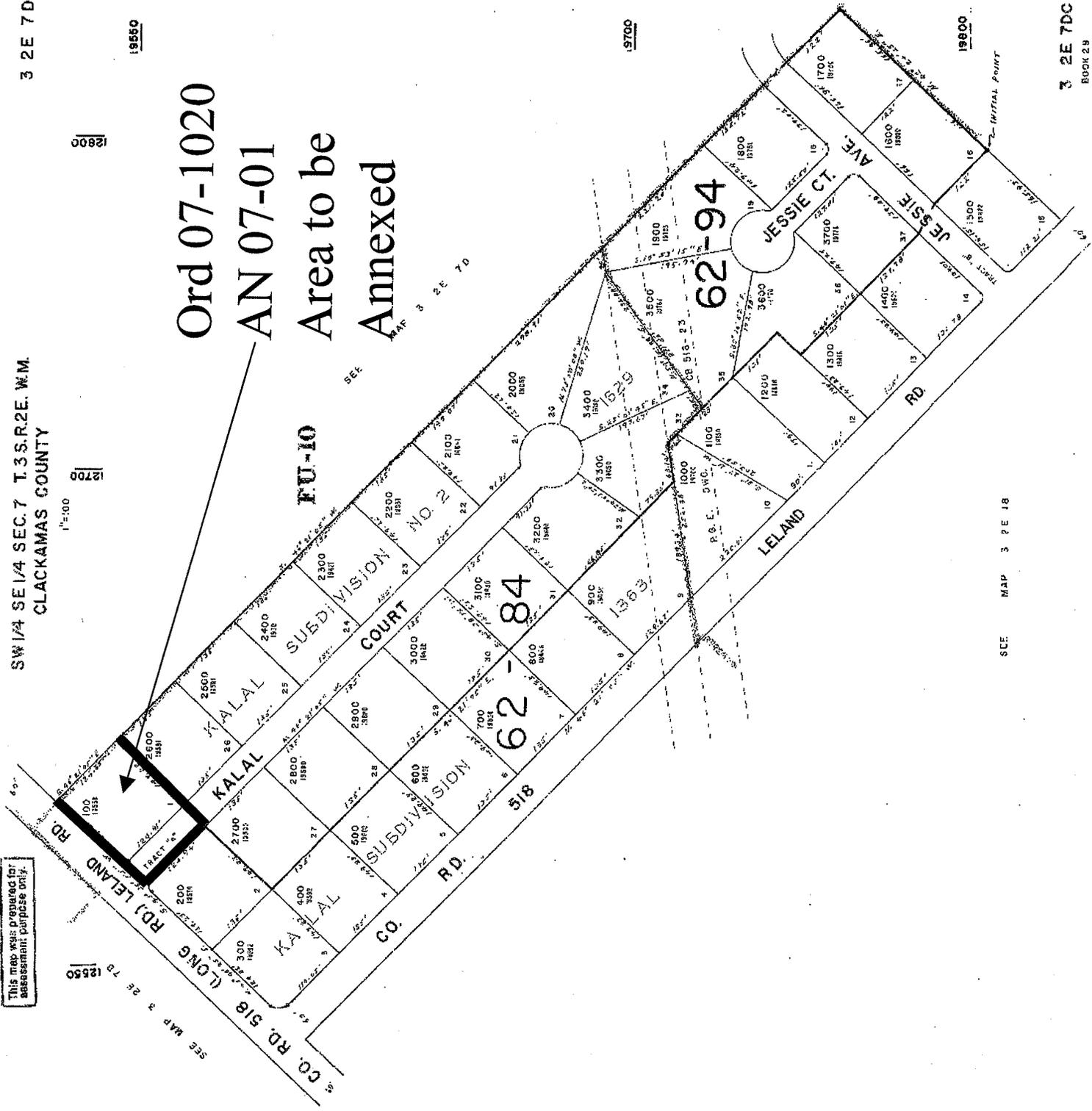
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SEE MAP 3 2 E 70

SEE MAP 3 2 E 70

19700

19800



SEE MAP 3 2 E 18

3 2 E 7 DC  
BOOK 24

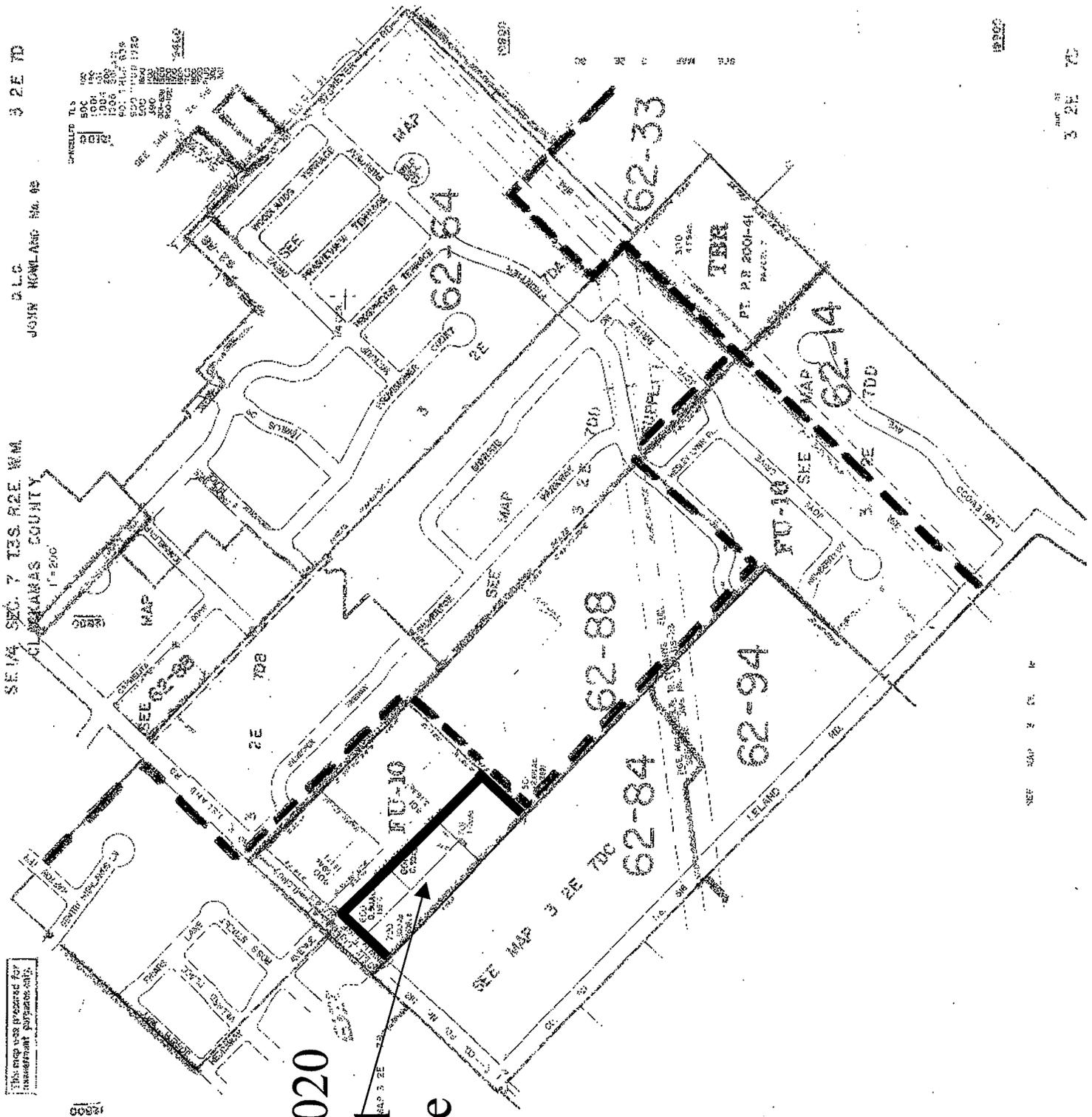
SE 1/4 SEC. 7 T3S. R2E. W4E.  
CLATSOP COUNTY  
1" = 200'

3 2 E 7D  
D.L.C.  
JOHN HOWLAND No. 92

CANCELLED T.L.S.

500	100	150	200	250	300	350	400	450	500
550	600	650	700	750	800	850	900	950	1000

SEE MAP 3 2 E 7D



THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSES ONLY.

12500

Ord 07-1020  
AN 07-01  
Area to be  
Annexed

SEE MAP 3 2 E 7D

SEE MAP 3 2 E 7D

3 2 E 7D

NUMBERED KEY CANVASS

Clackamas County, Oregon  
Special Election  
November 6, 2007

AN07-01

RUN DATE:11/19/07 02:40 PM

REPORT-EL52 PAGE 0023

VOTES PERCENT

VOTES PERCENT

3-275 CITY OF OREGON CITY: ANNEXATION OF 3.4 ACRES INTO  
THE CITY

VOTE FOR 1

01 = Yes

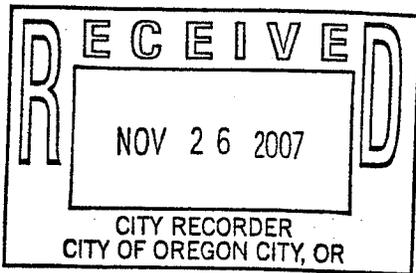
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3,368 40.91

03 = OVER VOTES  
04 = UNDER VOTES

1  
576

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0002 2	403	270	0	61
0003 3	315	198	1	37
0005 5	317	188	0	41
0006 6	373	262	0	38
0007 7	778	549	0	92
0008 8	1386	992	0	150
0009 9	415	298	0	44
0011 11	502	355	0	56



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SHERRY HALL, COUNTY CLERK  
*Sherry Hall*  
NOV 20 2007  
4