

Final Documents  
for  
Annexation to  
**Lake Oswego**

CL0707

Ordinance: 2472

Annexation: AN 06-0008

DOR: 3-1783-2007

Secretary of State: AN 2007-0175



March 30, 2007

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 30, 2007, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
2477 (Lake Oswego)	AN 2007-0174
2472 (Lake Oswego)	AN 2007-0175
2471 (Lake Oswego)	AN 2007-0176

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



# Community Development Planning Division

## Memorandum

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**TO:** Carol Hall  
Metro Data Resource Center

**FROM:** Iris Treinen, Long Range Planning  
Planning Division

**DATE:** **March 23, 2007**

**SUBJECT:** Final Boundary Change Submission for AN 06-0008 (Ordinance 2472)

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

Property information:

1000 Atwater Road  
(21E04DB00101)

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.

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

**Description and Map Approved**  
**March 19, 2007**  
**As Per ORS 308.225**

Description     Map received from: CITY  
 On: 3/14/2007

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

ANNEX TO CITY OF LAKE OSWEGO; WITHDRAW FROM LAKE GROVE RFPD #57  
 AND CLACK. CO. ESPD (1000 ATWATER)

ORD. #2472 (AN 06-0008)

has been:     Approved            3/19/2007  
                    Disapproved

Notes:

MINOR CORRECTION NEEDED IN BOTH COPIES OF DESCRIPTION. 1ST LINE  
 SHOULD SAY SOUTHEAST QUARTER, NOT SOUTHWEST QUARTER.

Department of Revenue File Number: 3-1783-2007

Prepared by: Carolyn Sunderman, 503-945-8882

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

**ORDINANCE NO. 2472**

**AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO ONE PARCEL COMPRISING APPROXIMATELY 0.70 ACRES (1000 ATWATER ROAD) AND ADJACENT ROAD RIGHT OF WAY DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LAKE OSWEGO COMMUNITY DEVELOPMENT CODE 50.05.025; AND REMOVING THE PARCEL FROM CERTAIN DISTRICTS (AN 06-0008).**

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; and,

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

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

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

WHEREAS, the City of Lake Oswego Community Development Code, 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 territory as of the effective date of the annexation; and,

WHEREAS, this annexation is consistent with Chapter 14, Urbanization, of the City of Lake Oswego's acknowledged Comprehensive Plan and Metro Code 3.09.050(b) and (d).

**The City of Lake Oswego ordains as follows:**

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

A tract of land located in the southwest quarter of Section 4, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon, and being a part of that property conveyed to E. A. Dockstader and Helen M. Dockstader, husband and wife, by the Ladd Estate Company as recorded in Book 278, Page 387, Deed Records of Clackamas County, Oregon, more particularly described as follows:

Commencing at an iron pipe at the northeast corner of said Dockstader property, said iron pipe being in the southerly right of way line of Atwater Road;

thence South 02° 01' 00" West, 200.00 feet to an iron pipe;

thence North 89° 40' West, 216.69 feet to a 5/8" iron rod and the **TRUE POINT OF BEGINNING** of the herein described tract;

thence continuing North 89° 40' West, 152.53 feet to an iron pipe;

thence North 02° 01' 00" East, 200.00 feet to an iron pipe in the southerly right of way of said Atwater Road;

thence along said right of way South 89° 40' 00" East, 152.53 feet to a 5/8" iron rod;

thence South 02° 01' 00" West, 200.00 feet to the **TRUE POINT OF BEGINNING**.

**TOGETHER WITH** a segment of Atwater Road (40 foot wide), cut off on the east end by the northerly projection of the east line of the above described tract and terminated on the west end by the intersection with Knaus Road (County Road No. 676), said terminus also being the current municipal limits of the City of Lake Oswego. Said segment being approximately 436 feet in length.

Section 2. The annexed area lies within the Lake Grove Park District and will be retained within this district upon the effective date of annexation.

Section 3. The annexed area shall be withdrawn from the following districts upon the effective date of annexation:

Lake Grove Rural Fire Protection District #57  
Clackamas County Enhanced Sheriff's Patrol District

Section 4. In accordance with the Community Development Code 50.05.025, the City zoning designation of R-7.5 will be applied to 21E04DB 00101 immediately upon the effective date of annexation and the Zoning Map is hereby amended accordingly.

Section 5. The City Council hereby adopts the February 8, 2007 staff report and findings and conclusions in support of this annexation ordinance.

Section 6.

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 10<sup>th</sup> 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 30<sup>th</sup> 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 30<sup>th</sup> 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 is hereby directed to 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 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 6th day of March, 2007.

AYES: Councilor McPeak, Turchi, Groznik, Hennagin,  
Jordan, Johnson

NOES: none

ABSTAIN: Mayor Hammerstad

EXCUSED: none

Judie Hammerstad  
Judie Hammerstad, Mayor

Dated: 3-7-07

ATTEST:

Robyn Christie  
Robyn Christie, City Recorder

APPROVED AS TO FORM:

David Powell  
David Powell  
City Attorney



## EXHIBIT A

A tract of land located in the southwest quarter of Section 4, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon, and being a part of that property conveyed to E. A. Dockstader and Helen M. Dockstader, husband and wife, by the Ladd Estate Company as recorded in Book 278, Page 387, Deed Records of Clackamas County, Oregon, more particularly described as follows:

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thence South 02° 01' 00" West, 200.00 feet to the **TRUE POINT OF BEGINNING**.

**TOGETHER WITH** a segment of Atwater Road (40 foot wide), cut off on the east end by the northerly projection of the east line of the above described tract and terminated on the west end by the intersection with Knaus Road (County Road No. 676), said terminus also being the current municipal limits of the City of Lake Oswego. Said segment being approximately 436 feet in length.



# CITY OF LAKE OSWEGO

## COUNCIL REPORT

**TO:** Judie Hammerstad, Mayor  
Members of the City Council  
Douglas J. Schmitz, City Manager

**FROM:** Sidaro Sin, Senior Planner

**SUBJECT:** Council Adoption of Ordinance 2472, an ordinance annexing to the City of Lake Oswego one parcel comprising approximately 0.70 Acres (1000 Atwater Road) and adjacent road right of way, declaring City of Lake Oswego Zoning pursuant to Lake Oswego Community Development Code 50.05.025; and removing the parcel from certain districts (AN 06-0008).

**DATE:** February 1, 2007

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### **ACTION**

Continue the public hearing for AN 06-0008 to February 20, 2007.

### **BACKGROUND**

Based on staff's discussion with the applicant on the potential lack of availability of sanitary sewer facility to serve the subject parcel, the applicant has requested to continue the public hearing in order to resolve the issue. The applicant has requested to continue the hearing to the next City Council hearing on February 20, 2007.

### **RECOMMENDATION:**

Continue the public hearing for AN 06-0008 to February 20, 2007.

### **EXHIBITS:**

- |    |   |   |
|----|---|---|
| A. | Notice of Appeal  | [No current exhibits; reserved for hearing use] |
| B. | Findings and Conclusion                                 | [No current exhibits; reserved for hearing use] |
| C. | Minutes   | [No current exhibits; reserved for hearing use] |
| D. | Staff Report  | [No current exhibits; reserved for hearing use] |
| E. | Graphics –  |   |
| F. | Written Materials                                       |   |
| G. | Letters –   |   |
|    | G-1. Email from Ken Sandblast, Applicant - dated 2/1/07 |   |

**Sin, Sidaro**

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**From:** Ken Sandblast [kens@prilanduse.com]  
**Sent:** Thursday, February 01, 2007 11:31 AM  
**To:** Sin, Sidaro  
**Cc:** Cory Neathamer; Neil Fernando  
**Subject:** Atwater Annexation Application Continuance

Sid,

After our telephone conversation this morning, this email serves as request to continue the scheduled City Council Feb 6<sup>th</sup> hearing on AN 06-0008 for 1000 Atwater Road to the Feb 20<sup>th</sup> City Council meeting in order to resolve the sanitary sewer service issue that City staff made you aware of earlier today.

Thank you.

Ken



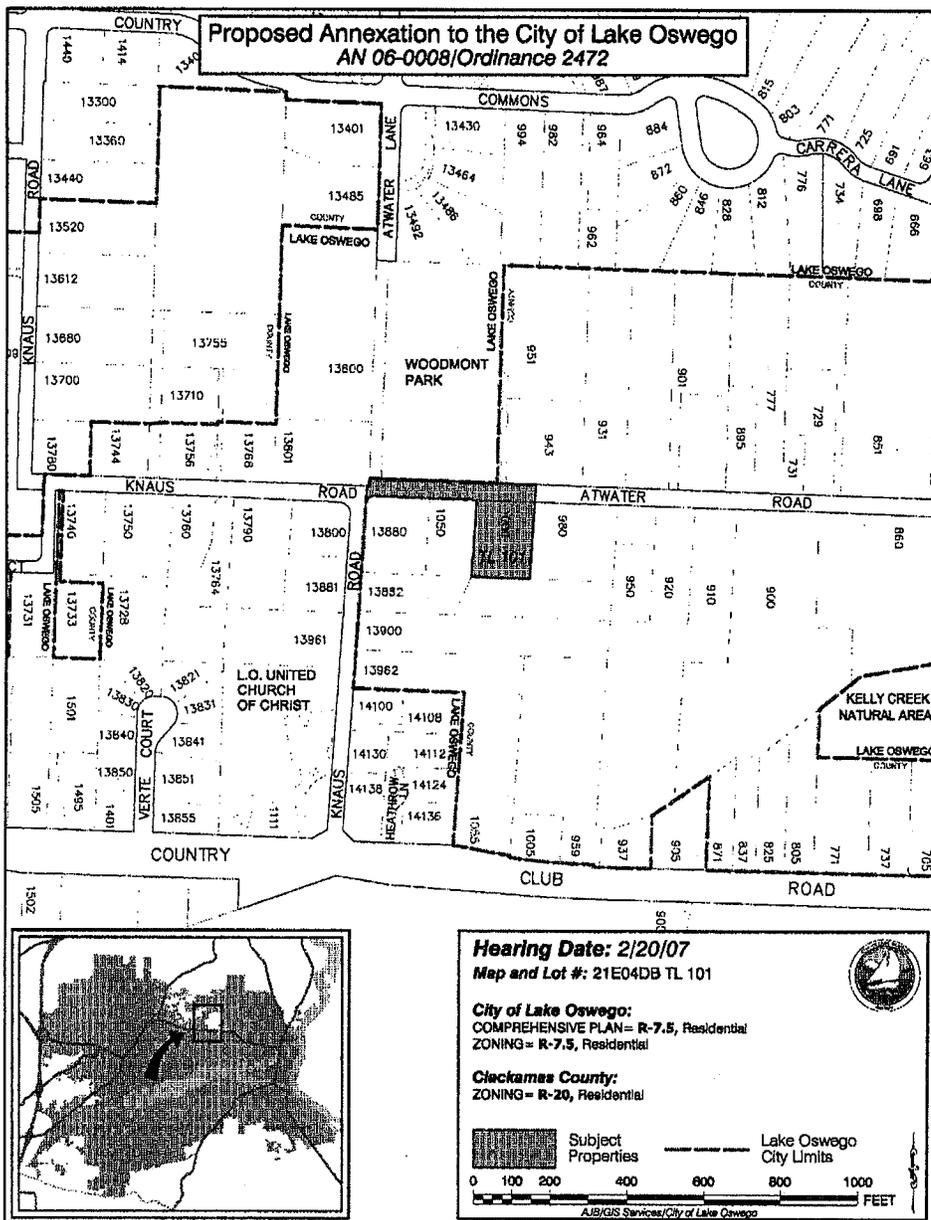
Kenneth L. Sandblast, AICP  
Planning Resources, Inc.  
7160 SW Fir Loop, Suite 201  
Portland, OR 97223  
503-684-1020 503-684-1028 (Fax)

EXHIBIT G-1



**CITY COUNCIL PUBLIC HEARING**  
**February 20, 2007**

**Staff Report for AN 06-0008**  
**CITY OF LAKE OSWEGO ANNEXATION REQUEST**  
**1000 Atwater Road (21E04DB tax lot 101)**





# CITY OF LAKE OSWEGO

## COUNCIL REPORT

**TO:** Judie Hammerstad, Mayor  
Members of the City Council  
Douglas J. Schmitz, City Manager

**FROM:** Sidaro Sin, Senior Planner

**PREPARED BY:** Paul Espe, Associate Planner

**SUBJECT:** Council Adoption of Ordinance 2472, an ordinance annexing to the City of Lake Oswego one parcel comprising approximately 0.70 Acres (1000 Atwater Road – 21E04DB00101) and adjacent road right of way, declaring City of Lake Oswego Zoning pursuant to Lake Oswego Community Development Code 50.05.025; and removing the parcel from certain districts (AN 06-0008).

**DATE:** February 8, 2007

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### **ACTION**

Move to adopt Ordinance 2472 (Exhibit F1) and authorize the City Recorder to mail the ordinance to the Oregon State Department of Revenue, Metro and all necessary parties. The location is shown on the map attached to the Ordinance (Attachment "A" of Exhibit F1).

### **PLANNING COMMISSION SUMMARY**

There was no Planning Commission hearing on this annexation application because annexation applications go directly to the City Council for a final decision.

### **BACKGROUND**

Annexation of this property was initiated by the property owner of 1000 Atwater Road (tax lot 101) for the purpose of property development and obtaining city services. The application and petition have been signed by the property owners of tax lot 101. A Measure 37 waiver is anticipated to be signed by the date of this hearing.

The subject parcel is located in the Forest Highlands Neighborhood Association. Tax lot 101 is 0.70 acres and is improved with a single family home that was constructed in 1956. The property has a total assessed value of \$221,179. Atwater Road is under the jurisdiction of Clackamas County and that portion of roadway (approximately 436 feet) between the subject property and Knaus Road is proposed to be annexed with this parcel.

The subject parcel is currently zoned R-20 by Clackamas County and will be immediately rezoned R-7.5 upon the effective date of annexation. The R-7.5 zoning designation is consistent with the City's current Comprehensive Plan Map.

**APPLICABLE CRITERIA:**

1. Oregon Revised Statutes, Boundary Changes, Mergers and Consolidations  
  
ORS 222.111(2)      Annexation of contiguous territory, authority and procedure for annexation, generally.  
  
ORS 222.125        Annexation by consent of all owners of all of the land in the area to be annexed and not less than 50% of the registered voters living in the area.  
  
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.
  
2. Metro Code  
  
3.09.040(a)(1-7) Minimum Requirements for Petitions  
3.09.050 Uniform Hearing Requirements for Final Decisions  
3.09.050(b)(1-5), (d)(1-5)

**FINDINGS:**

1. **Oregon Revised Statutes.**  
  
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 applicant has submitted a petition and the proposed annexation complies with the statutes.  
  
ORS 222.125 permits the legislative body of the city 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. ORS 222.170 permits the same action if, 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 consent to the annexation.  
  
The property owners and the one elector residing on tax lot 101 have signed the petition consenting to annexation (Exhibit F2). The proposed annexation complies with the statutes.

2. **Metro Code**

**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 narrative, legal and graphical description of the affected territory in the form prescribed by the Metro Executive Officer;**
  - 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;**
  - 4) A listing of the present providers of urban services to the affected territory;**
  - 5) A listing of the proposed providers of urban services to the affected territory following the proposed boundary change;**
  - 6) The current tax assessed value of the affected territory; and**
  - 7) Any other information required by state or local law.**

The above information was submitted as required by statute. The property owners have signed the application and petition. The providers of urban services include Lake Grove Rural Fire Protection District #57, Clackamas County Enhanced Sheriff's Patrol District, Lake Grove Park District and Tri-Met. Upon annexation, the City of Lake Oswego will provide police and fire services as well as surface water management and sanitary sewer service.

**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) and (g) below, and 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. The Metro Code, 3.09.020, defines urban services as including sanitary sewer, water, fire protection, parks, open space, recreation, streets, roads and mass transit.

Water: Water service is available from a 10-inch main in Atwater Road. This water line is fed by the City's Knaus Road reservoir (elevation 477 feet). A rough calculation reveals that the pressure should be in the vicinity of 45 psi at the meter. There is a hydrant approximately 350 feet to the west and approximately 400 feet to the east of the subject parcel.

Fire: The City of Lake Oswego provides fire protection services to the subject parcel by agreement with the Lake Grove Fire District #57. Upon annexation, the parcel

will be withdrawn from this fire district. The Main Fire Station, located to the east of the parcel, would be able to respond to emergencies under the 8-minute goal as set out in the Comprehensive Plan. There is a hydrant approximately 350 feet to the west and approximately 400 feet to the east of the subject parcel. The City of Lake Oswego Fire Department indicates that hydrant locations and fire flow for the parcel appear to be adequate for the existing single family dwelling. Any additional development on the parcel such as a land division will require additional Fire Department review.

Sanitary Sewer: Although sanitary sewer is available to eventually serve the subject parcel, the applicant and owner have been advised by staff of the potential challenges of extending service to the subject parcel. Nonetheless, they have requested to proceed with the annexation request. Staff also notes that the annexation of this parcel would promote the availability of sewer facilities to other properties in this area that do not have this option at this time.

The subject parcel is located on the south side of Atwater Road, three parcels east of Knaus Road. It is occupied by one single family residence. The parcel slopes downward in a generally southeasterly direction. According to the City's contour maps, the elevation at the northwesterly (high) corner of the property is 368 feet (above sea level), and the elevation at the southeasterly (low) corner is 348 feet. Engineering staff investigated the feasibility of several options for extending the sewer system to the subject property and provide the following summary. The options are illustrated on Attachment E1.

Option 1 -- Extension from Knaus/Atwater Road intersection -- Not feasible

The nearest sewer is located just west of the Knaus Road/ Atwater Road intersection, approximately 350 feet west from the subject parcel. The end of the sewer is at elevation 373.41 feet (record drawing #468-C).<sup>1</sup> A comparison of the lot elevations and the sewer elevation reveals that gravity sewer service to this property is not available from this source.

Further, it should be noted that Atwater Road begins to drop off in elevation just past the intersection of Knaus Road. If the sewer were to be extended in an easterly direction along Atwater Road, it would daylight approximately 120 feet west of the subject parcel. Pumping into the public system is not an option because the public system cannot reach the parcel. Finally, the record drawing shows the last segment of the Knaus Road sewer as a 6-inch pipe terminating with a cleanout (not a manhole). This design is indicative of sewers that have reached the end of their service area.

Option 2 -- "Cross-country" northerly extension from 13962 Knaus Rd-- Feasible.

Gravity service to the subject parcel is possible from the south. There is an 8-inch system terminating in a manhole on the south line of 13962 Knaus

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<sup>1</sup> The elevation noted in the record drawing is 371.43 feet. The elevation used in this memo (373.41 feet) has been adjusted to make it compatible with the basis of elevation used on current aerial photos and contour maps.

Road, approximately 400 feet to the southwest. This option requires that the applicant/owner obtain easements from three intervening owners. This option is consistent with the City's current sewer master plan for this territory.

Option 3a --- Extension in Atwater Road from east side of 860 Atwater Road, at a depth sufficient to provide gravity service to properties on the south side of Atwater Road --- Not feasible.

This option would require a sewer that was about 50 feet deep as it traversed a crest in the road (vicinity of address 900 and most of 860 Atwater Road) in order to provide service to homes that will eventually be constructed on divisible properties on the south side of Atwater Road. This sewer line would be approximately 1,200 feet long. While it is technically possible to bore a sewer at such a depth, future connections to this line would require deep excavations and be very costly.

Option 3b --- Extension in Atwater Road from east side of 860 Atwater Road at a depth sufficient to provide gravity service to the subject parcel, without regard to providing gravity service to properties on the south side of Atwater Road --- Feasible

This option is constrained by a sag vertical curve (dip) in the roadway in front of address 980, 950 and 920 Atwater. A sewer constructed in Atwater Road with about four feet of cover could provide gravity service to the subject parcel and the adjacent property to the east, but to no others on the south side of Atwater Road. The sewer line would also be approximately 1,200 feet in length. Properties on the north side of Atwater Road are at a higher elevation than the roadway, so there is no concern about their ability to connect. Still, the sewer extension would need to traverse the crest in the roadway cited above. Even at minimum grade, the anticipated pipe depth through this crest would be in the vicinity of 15 to 20 feet deep over a distance of about 200 feet.

City of Lake Oswego Sewer Master Plan (1968)

Irrespective of how the sewer system is extended into this area, it should be recognized that the majority of the lots on the south side of Atwater Road will need to obtain service from a system constructed on a route that differs from the options discussed above. The City's 1968 sewer master plan identifies the need for a sewer to be constructed along the southerly property lines of these lots. This route is conceptual and the presence of a sensitive land overlay and other site constraints will influence the final design.

Staff notes that a policy issue may arise if and when annexation/development pressure occurs at the higher end (west end in this case) of the drainage basin before the easterly, down-gradient developments construct the first links in the future sewer. West end developers may seek permission to pump to Atwater Road rather than wait for east end development to construct the planned gravity system. Because gravity service is feasible for all properties in this territory, staff recommends against permitting "out of sequence"

annexation that would rely on sewer pumps, except in those rare instances where no gravity service is feasible.

Surface Water Management: There are no known catch basins in the vicinity of this parcel. Upon annexation, this parcel will be subject to the City's surface water management regulations.

Police: The Clackamas County Sheriff's Department currently serves the subject parcel. Upon annexation, the parcel will be withdrawn from the Clackamas County Enhanced Sheriff's Patrol District and will be served by the Lake Oswego Police Department. The Police Department has reviewed the proposal and does not indicate any concerns with serving the parcel upon annexation.

Parks: The City has 675 acres of park and open space lands, or 19.76 acres per 1,000 population. The City also has many recreation programs available to youth and adults. Woodmont Natural Park and Kelly Creek Natural Area are located near the subject parcel. Woodmont Natural Park is 6.8 acre and located on Atwater Road north of the subject parcel and Kelly Creek Natural Area is located southeast of this site. Because these are natural areas, there are no amenities for active recreation activities. Springbrook Park, located southwest of the subject parcel, is accessed off SW Boones Ferry Road via Rainbow Drive and Diane Drive and contains 52 acres. The park includes a hiking trail and provides recreational activities at the Lake Oswego Indoor Tennis Center.

Lake Grove Park District: The Lake Grove Park District, 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 in the Lake Grove Park District following annexation.

Transportation – Streets and Mass Transit: Atwater Road is a 20-foot wide, two lane, uncurbed local street. The City's Transportation System Plan does not apply any special designations to Atwater Road. However, the City's Trails and Pathways Master Plan identifies Atwater Road as a "Local Trail/Pathway" route connecting to a trailhead at Woodmont Natural Park.

At the present time, the section of Atwater Road proposed for annexation is under the maintenance jurisdiction of Clackamas County (road #21259). It will remain under the county's jurisdiction until, per the City/County agreement, formal transfer of the roadway is initiated by the City.

The nearest mass transit service is on Country Club Road and is provided by Tri-Met bus lines #78 and #37, which operate on Country Club Road. Service can be accessed at the intersection of Knaus and Country Club Roads, approximately 1/4 mile from the subject parcel.

- (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, three of which are applicable to this annexation application:

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

Lake Grove Rural Fire Protection District #57

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

- (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)(b), later in this report.

Consistency of the proposed boundary change with the City's Public Facilities Plan for water, sewer, storm and transportation are discussed below:

Sanitary Services: The City's Public Facilities Plan does not identify any sanitary projects in this area that would affect the subject parcel.

Water: The City's Public Facilities Plan does not identify any water projects in this area that would affect the subject parcel.

Storm Water: The City's Public Facilities Plan does not identify any storm water projects in this area that would affect the subject parcel.

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

There are no regional framework, regional functional plans or regional urban growth goals and 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**

ORS 222.520 authorizes the City to withdraw the parcel from the Lake Grove Rural Fire District #57 and the Clackamas County Enhanced Sheriff's Patrol District. Upon approval of the annexation, the ordinance will withdraw the parcel from the service districts.

- (5) The proposed effective date of the decision.**

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

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

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

ORS 195.065 agreements are discussed under 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 Enhanced Sheriff's Patrol District  
Lake Grove Rural Fire Protection District #57  
Lake Grove Park District  
Tri-Metropolitan Transportation District  
Clackamas County

Clackamas County Enhanced Sheriff's Patrol District

The Clackamas County Sheriff's Department currently serves the subject parcel. Upon annexation, the parcel will be withdrawn from the Clackamas County Enhanced Sheriff's Patrol District and will be served by the Lake Oswego Police Department.

Lake Grove Rural Fire Protection District #57

The City and the Lake Grove Rural Fire Protection District #57 entered into an ORS 195.065 urban service agreement for fire protection services in July 2003. With annexation, the city will continue to provide fire protection services consistent with the agreement.

Tri-Metropolitan Transportation District: The nearest mass transit service is Tri-Met bus lines #78 and #37, which operate on Country Club Road. Service can be accessed at the intersection of Knaus and Country Club Roads, approximately 1/4 mile from the subject property.

Clackamas County Agreement

The City has an Urban Growth Management Agreement (UGMA) 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 two following sections 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."**

This policy specifies that the City notify the County of an annexation request within five days of when it is submitted to the Boundary Commission. There no longer is a Boundary Commission for the Portland metropolitan area. Staff relies on the notice requirements of Metro Code 3.09.030, which requires notice 45 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, therefore, 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**

**properties 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. In July 2003, the City and County entered into an urban service agreement for the transfer of roadway jurisdiction. Atwater Road is a County Roadway and annexation of a portion of this roadway will be required in order for the City to have jurisdiction of this roadway.

Lake Grove Rural Fire District #57/City of Lake Oswego Agreement

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

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

**a) Comprehensive Plan Map**

The subject parcel is currently designated Low Density Residential on Clackamas County's Comprehensive Plan Map and has a County zone of R-20.

The City's Comprehensive Plan designates the parcel as Low Density Residential. Pursuant to the Lake Oswego Community Development Code 50.05.025, upon annexation, a City zone of R-7.5 will be automatically applied to tax lot 101. The City and County have coordinated their Comprehensive Plans within the Dual Interest Area as 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.

**b) Comprehensive Plan Policies:**

**Goal 14, Urbanization**

**Policy 10:**

**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 proposed for annexation is within the City's Urban Services Boundary as outlined in the Comprehensive Plan. As previously discussed, City services are available or can be made available to the property. Therefore, the annexation of this territory is consistent with this policy.

**Policy 13:**

**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; and,**

The approval of this annexation will result in the addition of 0.70 acres to be served by the City.

Police: The parcel is currently included in the Clackamas County Enhanced Sheriff's Patrol District and will be withdrawn from this district upon annexation. The addition of this parcel to the existing population of more than 35,000 will not detract from the City's ability to provide police protection to existing City residents.

Fire: The nearest fire station to serve the parcel is the Main Station, which has a response time of less than eight minutes, the minimum response time stated 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 potential addition of the parcel to the City will not detract from the City's ability to provide park facilities to existing City residents.

Recreation: The City has many recreation programs available to youth and adults. The potential addition of this parcel would not degrade the recreation programs because additional usage would result in additional revenue to address the additional demand.

Sewer: It is noted that although sewer facilities can be made available to serve the subject parcel, there may be challenges in obtaining necessary easement and it may not be fiscally viable to construct the sewer extension at this time. Serving this additional parcel would not degrade the ability of the City to provide sanitary service to existing City residents.

Water: Water service is available to serve the subject parcel. The proposed annexation would not degrade the City of Lake Oswego's ability to provide water services to existing City residents.

- b) **Result in property owners paying for urban services which do not benefit their property.**

This policy ensures that existing city property owners do not subsidize newly annexed areas in the provision of urban services. The City has an established systems development charge and imposes rates, which result in payment by users for different City services such as sewer, water and transportation systems. Therefore, existing property owners will not pay for urban services which do not benefit their property.

#### **Policy 14**

- 14. Prior to the annexation of non-island properties, 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.**

The Lake Oswego Community Development Code, 50.64.015, requires that all development be provided 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 the parcel. In the event future development occurs, an applicant for development is obligated to construct all necessary public facilities to serve their development (Community Development Code 50.87.020). [See also discussion of consistency with Public Facilities Plan (Section 2, Metro Code 3.09.050 above) and discussion regarding effect on service of existing city residents (Section 2, Goal 14, Policy 13) for current impacts and planned improvements.]

As noted above, police and fire services are available upon annexation. The amount of protection provided will be similar to the level of protection provided to other properties within the City.

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

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

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

Based on the options for the availability of existing city services, in particular sewer, this annexation would promote the timely, orderly and economical extension of public facilities and services.

**CONCLUSION:**

The applicant/owner has requested to proceed with the annexation, despite the potential challenges associated with extending sanitary sewer service to serve the parcel. Staff believes that approval of the annexation is in the best interest of the City because it initiates the extension of city services in an area not currently served. As a potential catalyst for other development in this area, it would also encourage the annexation of additional properties, reducing the number of county properties in an area surrounded by the City.

Staff concludes that the proposed annexation complies with all applicable state statutes and Metro code requirements.

**RECOMMENDATION:**

Staff recommends approval of AN 06-0008.

**EFFECTIVE DATE:**

a. Effective Date of Decision to Annex. Pursuant to Metro Code 3.09.050(j), 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 10<sup>th</sup> day following the mailing of the 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, the ordinance shall be effective on the 30<sup>th</sup> 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:

1. the 30<sup>th</sup> 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.

**EXHIBITS:**

- A. Notice of Appeal [No current exhibits; reserved for hearing use]
- B. Findings and Conclusion [No current exhibits; reserved for hearing use]
- C. Minutes [No current exhibits; reserved for hearing use]
- D. Staff Report [No current exhibits; reserved for hearing use]
- E. Graphics –
  - E1. Sanitary Sewer Feasibility Study Map
- F. Written Materials
  - F1. Ordinance 2472 and Map
  - F2. Annexation Applications and Petitions
- G. Letters – None

L:\Annexations\2006 Annexation Cases\AN 06-0008 Sandblast-Waible-Atwater Road\Staff Report for 2-20-07 AN 06-008.doc

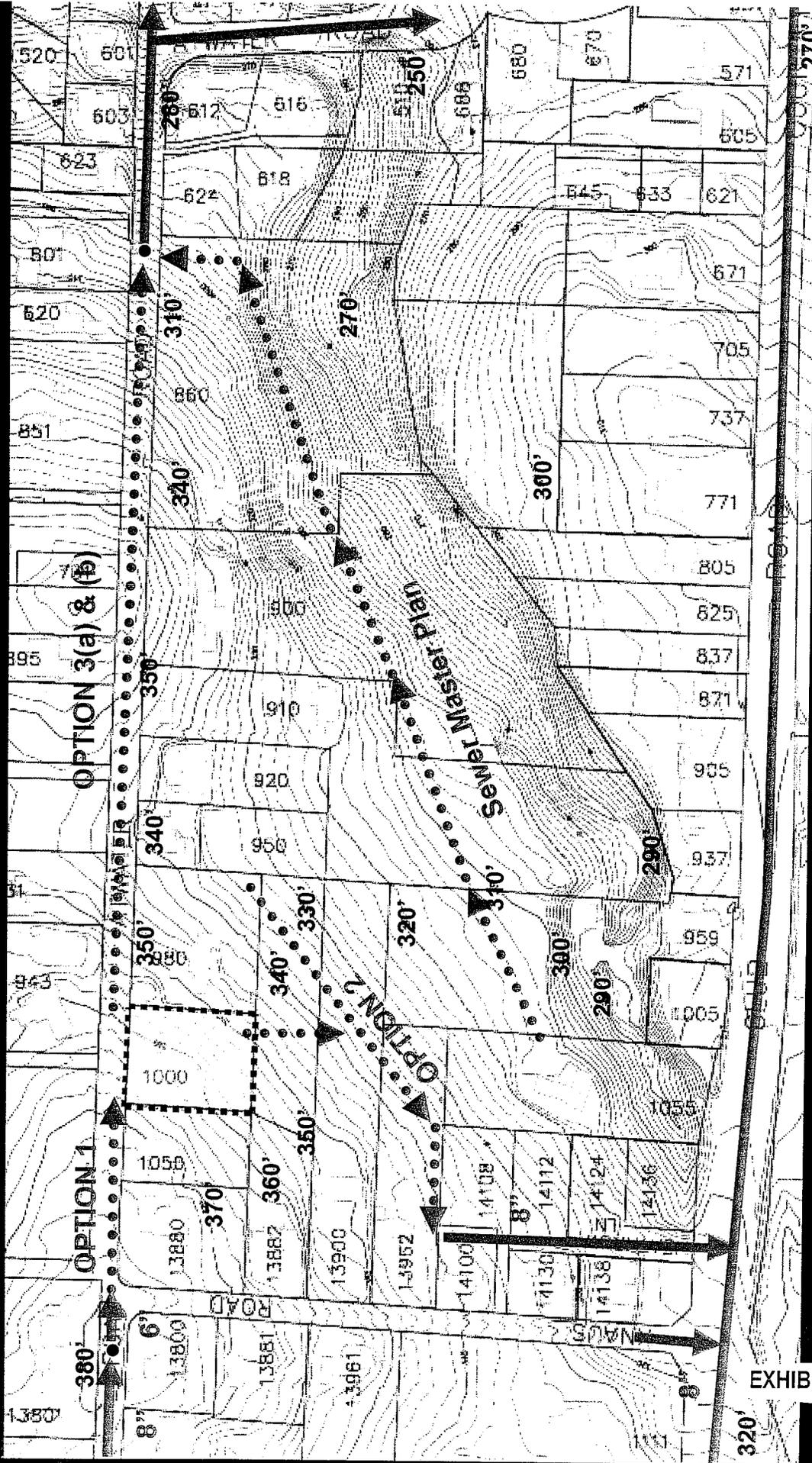
# Sanitary Sewer Feasibility Study

Subject Property

Existing Sanitary Sewer Line

Conceptual Sanitary Sewer Line

Elevation



**ORDINANCE NO. 2472**

**AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO ONE PARCEL COMPRISING APPROXIMATELY 0.70 ACRES (1000 ATWATER ROAD) AND ADJACENT ROAD RIGHT OF WAY DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LAKE OSWEGO COMMUNITY DEVELOPMENT CODE 50.05.025; AND REMOVING THE PARCEL FROM CERTAIN DISTRICTS (AN 06-0008).**

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; and,

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

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

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

WHEREAS, the City of Lake Oswego Community Development Code, 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 territory as of the effective date of the annexation; and,

WHEREAS, this annexation is consistent with Chapter 14, Urbanization, of the City of Lake Oswego's acknowledged Comprehensive Plan and Metro Code 3.09.050(b) and (d).

**The City of Lake Oswego ordains as follows:**

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

A tract of land located in the southwest quarter of Section 4, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon, and being a part of that property conveyed to E. A. Dockstader and Helen M. Dockstader, husband and wife, by the Ladd Estate Company as recorded in Book 278, Page 387, Deed Records of Clackamas County, Oregon, more particularly described as follows:

EXHIBIT F-1

Commencing at an iron pipe at the northeast corner of said Dockstader property, said iron pipe being in the southerly right of way line of Atwater Road;

thence South 02° 01' 00" West, 200.00 feet to an iron pipe;

thence North 89° 40' West, 216.69 feet to a 5/8" iron rod and the **TRUE POINT OF BEGINNING** of the herein described tract;

thence continuing North 89° 40' West, 152.53 feet to an iron pipe;

thence North 02° 01' 00" East, 200.00 feet to an iron pipe in the southerly right of way of said Atwater Road;

thence along said right of way South 89° 40' 00" East, 152.53 feet to a 5/8" iron rod;

thence South 02° 01' 00" West, 200.00 feet to the **TRUE POINT OF BEGINNING**.

**TOGETHER WITH** a segment of Atwater Road (40 foot wide), cut off on the east end by the northerly projection of the east line of the above described tract and terminated on the west end by the intersection with Knaus Road (County Road No. 676), said terminus also being the current municipal limits of the City of Lake Oswego. Said segment being approximately 436 feet in length.

Section 2. The annexed area lies within the Lake Grove Park District and will be retained within this district upon the effective date of annexation.

Section 3. The annexed area shall be withdrawn from the following districts upon the effective date of annexation:

Lake Grove Rural Fire Protection District #57  
Clackamas County Enhanced Sheriff's Patrol District

Section 4. In accordance with the Community Development Code 50.05.025, the City zoning designation of R-7.5 will be applied to 21E04DB 00101 immediately upon the effective date of annexation and the Zoning Map is hereby amended accordingly.

Section 5. The City Council hereby adopts the February 8, 2007 staff report and findings and conclusions in support of this annexation ordinance.

Section 6.

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 10<sup>th</sup> 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 30<sup>th</sup> 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 30<sup>th</sup> 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 is hereby directed to 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 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 \_\_\_\_\_, 2007.

AYES:

NOES:

ABSTAIN:

EXCUSED:

\_\_\_\_\_  
Judie Hammerstad, Mayor

Dated:  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Robyn Christie, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
David Powell  
City Attorney





CITY OF LAKE OSWEGO  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 380 A Avenue  
 P.O. BOX 369  
 Lake Oswego, OR 97034  
 PHONE: (503) 635-0290

# APPLICATION FOR ANNEXATION

FILE NAME: Rick Waible, Taurus Homes SUBMIT: 2/18/06 REVIEW: \_\_\_\_\_  
 \_\_\_\_\_ RESUBMIT: \_\_\_\_\_ REVIEW: \_\_\_\_\_  
 FILE NUMBER(S): AN-06-0008 HEARING DATE: 2-6-07  
 CITY FEE RECEIVED: \$ 2,650.00 METRO FEE RECEIVED: \$ \_\_\_\_\_ CHECK #: 57665  
 NEIGHBORHOOD ASSN.: Forest Highlands RECEIPT #: \_\_\_\_\_  
 CHECKLIST:  Legal Description  Title Report COMPLETENESS DATE: \_\_\_\_\_  
 Assessor's Map  Petition  Fees (City and Metro)  Waiver  
 NA  Delineation of Natural Resources (if required)  
 Resolution 04-38 given to Applicant on \_\_\_\_\_ (date)

**PRINT OR TYPE ALL INFORMATION BELOW**

**APPLICANT**  USE MAILING ADDRESS FOR HEARING NOTIFICATION

Ken Sandblast	503.684.1020
YOUR NAME	PHONE #
Planning Resources, Inc.	503.684.1028
BUSINESS NAME	FAX #
7160 SW Fir Loop	201
ADDRESS	SUITE
Portland	OR 97223
CITY	STATE ZIP
kens@prilanduse.com	
E-MAIL ADDRESS	
<i>[Signature]</i>	<u>1/9/07</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)

Airika Waible	(503) 647-9444
YOUR NAME	PHONE #
Taurus Homes, Inc.	(503) 647-9445
BUSINESS NAME	FAX #
29345 NW West-Union Rd.	
ADDRESS	SUITE
North Plains, OR 97133	
CITY	STATE ZIP
NA	
E-MAIL ADDRESS	
<i>[Signature]</i>	<u>1/9/07</u>
SIGNATURE (ORIGINAL REQUIRED)	DATE
Note: I consent to an on-site inspection by an employee(s) of the City of Lake Oswego	

**EXHIBIT F-2**

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**

1000 Atwater Road

Address \_\_\_\_\_

Location Description \_\_\_\_\_

MAP & TAX LOT (list one per line)	(DO NOT USE LOT & BLOCK)	SITE ACRES	ZONING/PROPERTY INFORMATION			
			EXISTING COUNTY ZONING DESIGNATION	CITY COMPREHENSIVE PLAN DESIGNATION	CURRENT ASSESSED VALUE	TOTAL EXISTING POPULATION
21E04DB	- lot 101	0.70	R20	SFR	\$360,382	
-	-					
-	-					
-	-					
-	-					
TOTAL OF PARCEL AREAS:		ACRES 0.70	SQ. FT. 30,470			

RIGHTS-OF-WAY TO BE INCLUDED: Unincorporated Atwater Road, from the subject site's frontage, west to Knaus Road.

\_\_\_\_\_

\_\_\_\_\_

REASON FOR ANNEXATION: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

EXISTING USE OF AREA TO BE ANNEXED: Single-family residence

PROPOSED USE OF AREA TO BE ANNEXED: Single-family residence

DESCRIBE SURROUNDING LAND USES (USE TAX LOTS AS REFERENCE)

NORTH — Single-family residence

SOUTH — Single-family residence

EAST — Single-family residence

WEST — Single-family residence

# 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>Aurika L. White</i>	Aurika L. White	<input checked="" type="checkbox"/>		20345 NW West-Union Rd, N. Placitas <del>Lake Oswego, OR 97034</del> 77138	Z1E4DB	101	1/9/07

\* PO = Property Owner, RV = Registered Voter

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

waiver

Fo 4 2

R# 255837



CITY OF LAKE OSWEGO  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
380 A Avenue  
P.O. BOX 369  
Lake Oswego, OR 97034  
PHONE: (503) 635-0290

# APPLICATION FOR ANNEXATION

FILE NAME: Rick Waible, Taurus Homes SUBMIT: 7/18/06 REVIEW: \_\_\_\_\_  
 RESUBMIT: \_\_\_\_\_ REVIEW: \_\_\_\_\_  
 FILE NUMBER(S): AN 010-0008 HEARING DATE: 2-6-07  
 CITY FEE RECEIVED: \$ 2,650.00 METRO FEE RECEIVED: \$ \_\_\_\_\_ CHECK #: 5665  
 NEIGHBORHOOD ASSN.: Forest Highlands RECEIPT #: \_\_\_\_\_  
 CHECKLIST:  Legal Description  Title Report COMPLETENESS DATE: \_\_\_\_\_  
 Assessor's Map  Petition  Fees (City and Metro)  Waiver  
 NA  Delineation of Natural Resources (if required)  
 Resolution 04-38 given to Applicant on \_\_\_\_\_ (date)

**PRINT OR TYPE ALL INFORMATION BELOW**

RECEIVED

JUL 18 2006

APPLICANT  USE MAILING ADDRESS FOR HEARING NOTIFICATION

Ken Sandblast	503.684.1020	PLANNING DEPT.
YOUR NAME Planning Resources, Inc.	PHONE # 503.684.1028	
BUSINESS NAME 7160 SW Fir Loop	FAX # 201	
ADDRESS Portland	SUITE OR 97223	
CITY kens@prilanduse.com	STATE ZIP	
E-MAIL ADDRESS <i>[Signature]</i>	DATE <u>7-10-06 (POB)</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)

<i>x</i> Rick Waible	PHONE #	
TAURUS HOMES	503-647-9444	
BUSINESS NAME 29345 NW West Union Rd	FAX # 503-647-9445	
ADDRESS North Plains	SUITE OR 97133	
CITY cthule@TaurusHomes.com	STATE ZIP	
E-MAIL ADDRESS	DATE <u>7-10-06</u>	
SIGNATURE (ORIGINAL REQUIRED)	DATE	

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

Fee (625 x 4 lots) + Metro Fee

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**

1000 Atwater Road  
 Address

Location Description

MAP & TAX LOT (list one per line)	(DO NOT USE LOT & BLOCK)	SITE ACRES	ZONING/PROPERTY INFORMATION			
			EXISTING COUNTY ZONING DESIGNATION	CITY COMPREHENSIVE PLAN DESIGNATION	CURRENT ASSESSED VALUE	TOTAL EXISTING POPULATION
21E04DB	- lot 101	0.70	R20	SFR / R7.5	\$360,382	
-	-					
-	-					
-	-					
-	-					
TOTAL OF PARCEL AREAS:		ACRES 0.70	SQ. FT. 30,470			

RIGHTS-OF-WAY TO BE INCLUDED: Unincorporated Atwater Road, from the subject site's frontage, west to Knaus Road.

REASON FOR ANNEXATION: possible future development in the City of Lake Oswego

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

EXISTING USE OF AREA TO BE ANNEXED: Single-family residence

PROPOSED USE OF AREA TO BE ANNEXED: Single-family residence

DESCRIBE SURROUNDING LAND USES (USE TAX LOTS AS REFERENCE)

NORTH — Single-family residence

SOUTH — Single-family residence

EAST — Single-family residence

WEST — Single-family residence

**RECEIVED**  
 JUL 18 2006  
 PLANNING DEPT.

# 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	
	Rick Waible	<input checked="" type="checkbox"/>	<input type="checkbox"/>	29345 NW West Union Redmond Plains 97133	21E4DB	101	7/13/06

x

\* PO = Property Owner, RV = Registered Voter  
\*\* Within 1 year from the date of filing petition with City

RECEIVED  
JUL 18 2006  
PLANNING DEPT

Revised: 04/07/05

# 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	
	VERONA W. HARRIS		X	1000 Atwater Rd Lake Oswego, OR 97034	21E040B	101	1/11/07

\* PO = Property Owner, RV = Registered Voter  
\*\* Within 1 year from the date of filing petition with City



## CITY OF LAKE OSWEGO COUNCIL REPORT

**TO:** Judie Hammerstad, Mayor  
Members of the City Council  
Douglas J. Schmitz, City Manager

**FROM:** Sidaro Sin, Senior Planner

**SUBJECT:** Council Adoption of Ordinance 2472, an ordinance annexing to the City of Lake Oswego one parcel comprising approximately 0.70 Acres (1000 Atwater Road – 21E04DB00101) and adjacent road right of way, declaring City of Lake Oswego Zoning pursuant to Lake Oswego Community Development Code 50.05.025; and removing the parcel from certain districts (AN 06-0008).

**DATE:** February 28, 2007

---

### **ACTION**

Adopt Ordinance 2441 (Exhibit F1) and authorize the City Recorder to mail the ordinance to the Oregon State Department of Revenue, Metro and all necessary parties. The location is shown on the map attached to the Ordinance (Attachment "A" of Exhibit F1).

### **BACKGROUND**

On February 20, 2007 at the public hearing before the City Council to consider the annexation of 1000 Atwater Road, a request was made by a member of the public to hold the record open in order to provide additional written testimony. The record was held open for an additional seven days, until February 27.

### **DISCUSSION**

No additional written testimony was received within the seven day period.

### **RECOMMENDATION:**

Staff recommends approval of AN 06-0008.

**EXHIBITS:**

- A. Notice of Appeal [No current exhibits; reserved for hearing use]
- B. Findings and Conclusion [No current exhibits; reserved for hearing use]
- C. Minutes [No current exhibits; reserved for hearing use]
- D. Staff Report [No current exhibits; reserved for hearing use]
- E. Graphics –
  - E1. Sanitary Sewer Feasibility Study Map
- F. Written Materials
  - F1. Ordinance 2472 and Map
  - F2. Annexation Applications and Petitions
- G. Letters - None

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**ORDINANCE NO. 2472**

**AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO ONE PARCEL COMPRISING APPROXIMATELY 0.70 ACRES (1000 ATWATER ROAD) AND ADJACENT ROAD RIGHT OF WAY DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LAKE OSWEGO COMMUNITY DEVELOPMENT CODE 50.05.025; AND REMOVING THE PARCEL FROM CERTAIN DISTRICTS (AN 06-0008).**

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; and,

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

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

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

WHEREAS, the City of Lake Oswego Community Development Code, 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 territory as of the effective date of the annexation; and,

WHEREAS, this annexation is consistent with Chapter 14, Urbanization, of the City of Lake Oswego's acknowledged Comprehensive Plan and Metro Code 3.09.050(b) and (d).

**The City of Lake Oswego ordains as follows:**

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

A tract of land located in the southwest quarter of Section 4, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon, and being a part of that property conveyed to E. A. Dockstader and Helen M. Dockstader, husband and wife, by the Ladd Estate Company as recorded in Book 278, Page 387, Deed Records of Clackamas County, Oregon, more particularly described as follows:

Commencing at an iron pipe at the northeast corner of said Dockstader property, said iron pipe being in the southerly right of way line of Atwater Road;

thence South 02° 01' 00" West, 200.00 feet to an iron pipe;

thence North 89° 40' West, 216.69 feet to a 5/8" iron rod and the **TRUE POINT OF BEGINNING** of the herein described tract;

thence continuing North 89° 40' West, 152.53 feet to an iron pipe;

thence North 02° 01' 00" East, 200.00 feet to an iron pipe in the southerly right of way of said Atwater Road;

thence along said right of way South 89° 40' 00" East, 152.53 feet to a 5/8" iron rod;

thence South 02° 01' 00" West, 200.00 feet to the **TRUE POINT OF BEGINNING**.

**TOGETHER WITH** a segment of Atwater Road (40 foot wide), cut off on the east end by the northerly projection of the east line of the above described tract and terminated on the west end by the intersection with Knaus Road (County Road No. 676), said terminus also being the current municipal limits of the City of Lake Oswego. Said segment being approximately 436 feet in length.

Section 2. The annexed area lies within the Lake Grove Park District and will be retained within this district upon the effective date of annexation.

Section 3. The annexed area shall be withdrawn from the following districts upon the effective date of annexation:

Lake Grove Rural Fire Protection District #57  
Clackamas County Enhanced Sheriff's Patrol District

Section 4. In accordance with the Community Development Code 50.05.025, the City zoning designation of R-7.5 will be applied to 21E04DB 00101 immediately upon the effective date of annexation and the Zoning Map is hereby amended accordingly.

Section 5. The City Council hereby adopts the February 8, 2007 staff report and findings and conclusions in support of this annexation ordinance.

Section 6.

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 10<sup>th</sup> 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 30<sup>th</sup> 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 30<sup>th</sup> 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 is hereby directed to 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 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 \_\_\_\_\_, 2007.

AYES:

NOES:

ABSTAIN:

EXCUSED:

~~Judie Hammerstad, Mayor~~  
Ellie McPeak, Council President  
Dated:

ATTEST:

\_\_\_\_\_  
Robyn Christie, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
David Powell  
City Attorney

