

Final Documents

For

Annexation to the
City of Oregon City

CL1399
DOR 3-1492-2001
Ordinance #01-1005

Final to Secretary of State: _____

Signature:



Date of
Mailing: 03/05/01 _____

Final to Interested Parties: _____

Signature:



Date of
Mailing: 04/23/01 _____

CL1399	<u>Sent</u>	<u>Received</u>
DOR:	03/05/01	03/16/01
Sec. State:	03/05/01	04/20/01
Assessor:	03/05/01	
Elections:	03/05/01	

Office of the Secretary of State

Bill Bradbury
Secretary of State



Archives Division
ROY TURNBAUGH
Director

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

Facsimile (503) 373-0953

April 16, 2001

Metro
Ken Martin
600 NE Grand Ave
Portland, OR 97232-2736

Dear Mr. Martin:

Please be advised that we have received and filed on March 21, 2001 the following Annexation(s).

Ordinance(s):	City of:	Our File Number(s):
2288	Lake Oswego	AN 2001-0060
01-1005	Oregon City	AN 2001-0061
1064-01	Tualatin	AN 2001-0062
1065-01	Tualatin	AN 2001-0063

All the above Final Order(s) determination of the effective date is subject to ORS199.461 and/or ORS 222.180 and/or ORS 222.750

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

Sincerely,

Rita F. Mathews
Official Public Documents

cc: Clackamas County
Washington County
ODOT/Highway Dept
PSU/Population ResearchCtr.
Revenue Cartography Section

Notice to Taxing Districts

ORS 308.225

RECEIVED
METRO-ACCT. DEPT
01 MAR 16 PM 2:14



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

City of Oregon City
Finance Director
320 Warner-Milne Rd.
Oregon City, OR 97045

Description and Map Approved
March 14, 2001
As Per ORS 308.225

Description Map received from: METRO
On: 3/13/01

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

ANNEX TO THE CITY OF OREGON CITY & WITHDRAWAL FROM SEVERAL DIST.

ORD. #01-1005

has been: Approved 3/14/01
 Disapproved

Notes:

Department of Revenue File Number: 3-1492-2001

Prepared by: Jennifer Dudley, 503-945-8666

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

Proposal No. AN-99-08

3S2E09D

Annexation to the City of Oregon City

Clackamas Co.



R E G I O N A L L A N D I N F O R M A T I O N S Y S T E M

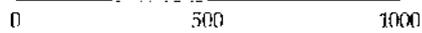
-  Incorporated city
-  City boundary
-  Annexation boundary



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

PROPOSAL NO. AN-99-08
 OREGON CITY
 Figure 1

Scale: 1" = 500'



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

COPY

ORDINANCE No. 01-1005

AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE CITY OF OREGON CITY;
AND DECLARING AN EMERGENCY.

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, The owners and residents of certain real property adjacent to the City of Oregon City, more fully identified in Exhibit 'A' to this Ordinance, proposed that their property be annexed to the City in order to obtain city services to facilitate ultimate development of the property; and

WHEREAS, the City of Oregon City, Oregon, reviewed the proposal and found that it complied with all applicable legal requirements, as detailed in the findings attached hereto and made a part of this ordinance as Exhibit 'B', which were adopted at the Oregon City Commission on January 19, 2000; 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 property was submitted to the voters of the City of Oregon City at a general election held on May 16, 2000; and

WHEREAS, the Clackamas County Clerk has returned the official figures indicating the results of the election held on May 16, 2000; 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 property; and

WHEREAS, the identified property is currently in Clackamas County Rural Fire Protection District # 1; and

WHEREAS, the identified property is currently within the Clackamas County Service District for Enhanced Law Enforcement; and

WHEREAS, an Official Statement of Votes was prepared by the office of the County Clerk and approved by the City Commission at its regular meeting of June 21, 2000; and

WHEREAS, this measure is necessary for the peace, health and safety of the City,

NOW, therefore,

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That the area identified as:

An 18.01 acre area of land located on the north edge of Glen Oak Road, west of Beavercreek Road, more particularly described as tax lot 1200 map T3S, R2E, SE ¼ section 9.

and as 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.

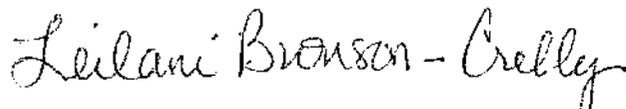
Section 3. That the territory identified above is hereby withdrawn from Clackamas County Rural Fire Protection District # 1.

Section 4. That the territory identified above is hereby withdrawn from the Clackamas County Service District for Enhanced Law Enforcement.

Section 5. 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.

Section 6. That because it is necessary for this measure to be immediately effective, an emergency is declared. This ordinance must be immediately effective to ensure that the assessor properly identifies the true boundaries of the City for the upcoming tax year.

Read for the first time at a regular meeting of the City Commission held on the 7th day of February 2001, and the foregoing ordinance was finally enacted by the City Commission this 7th day of February 2001.


LEILANI BRONSON-CRELLY
City Recorder

ATTESTED this 7th day of February 2001.

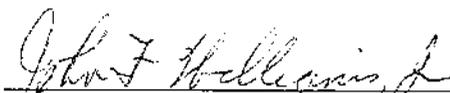

JOHN F. WILLIAMS Jr., Mayor

EXHIBIT "A"

LEGAL DESCRIPTION

Part of the Andrew Hood Donation Land Claim No. 44 in Township 3 South, Range 2 East, of the Willamette Meridian, described as follows:

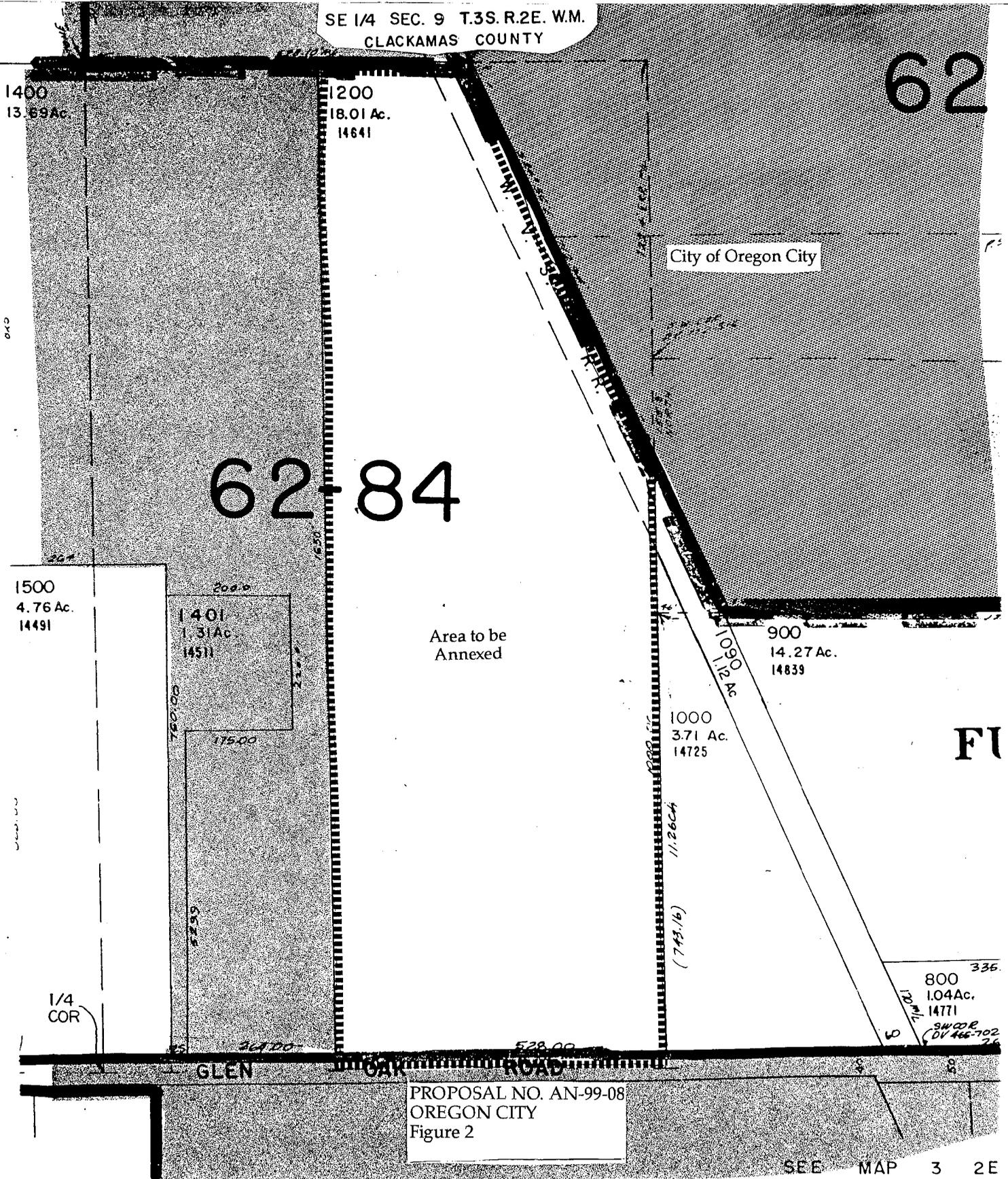
Beginning at a stone on the line between Sections 9 and 16 in Township 3 South, Range 2 East, of the Willamette Meridian 374.22 feet East of the quarter corner between said Sections; said point being the Southeast corner of that tract conveyed to John T. Russell by Deed recorded April 24, 1906 in Book 95, page 396, Deed Records; thence North $89^{\circ} 45'$ East along the section line 8 chains to a stone 902.22 feet East along the section line from the quarter corner between said Section 9 and 16; thence North, parallel with the West boundary of the Andrew Hood Donation Land Claim No. 44, a distance 1000 feet more or less, thence North $24^{\circ} 36'$ West 712.94 feet, thence South $89^{\circ} 45'$ West parallel with the section line 221 more or less to a stone; said point being the Northeast corner of the aforementioned Russell tract; thence South along the East line of said Russell tract 1,650 feet to the point of beginning.

Proposal No. AN-99-08



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

Annexation to the City of Oregon City
Clackamas Co.
Section 3S2E09D



PROPOSAL NO. AN-99-08
OREGON CITY
Figure 2

**COMMISSION REPORT OF CITY OF OREGON CITY
TO THE HONORABLE MAYOR AND COMMISSIONERS**

320 Warner Milne Road----(503) 657-0891

 <p align="center">INCORPORATED 1844</p>	Agenda Item No.: 18	Topic: Election Results - May 16, 2000 - Primary Election -
	Report No.: 00-101	
	Agenda Type: DISCUSSION/ACTION	Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Meeting Date: June 21, 2000	Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Prepared By: Bronson-Crelly	Reviewed By: B. Nakamura	Approved By: B. Nakamura

RECOMMENDATION:

On Tuesday, May 16, 2000, Oregon City voters cast votes for **Measure No. 3-69** which asked the question, "Shall the City's boundaries be expanded to include an additional 18.01 acres of land on the south side of the City?" It is recommended that the Commission accept and approve the results of this election.

REASON FOR RECOMMENDATION:

On the June 21, 2000, agenda is the Official Statement of Votes as prepared by the office of the County Clerk and on file with the City Recorder. The Official Statement of Votes shows the following:

Measure 3-69

Yes = 3,204
No = 2,392

Total Registered Voters = 12,619
Total Turnout = 6,214
Turnout Percentage = 49.2%
Total Blank Votes = 609
Total Overvotes = 9

BACKGROUND:

The Oregon City Charter of 1982, Chapter 6, Elections, Section 27, Canvass of Returns, states in part the following:

"...The results of all elections shall be entered in the record of the proceedings of the Commission. The entry shall state the total number of votes cast at the election, the votes cast for each person and for and against each proposition..."

BUDGET IMPACT: FY(s): NA Funding Source: NA

Exhibit B

FINDINGS

Based on the study and the public hearing the Commission found:

1. The territory to be annexed contains 18.01 acres, one single family residence, a population of one and is evaluated at \$52,970.
2. The property owners desire annexation to obtain city services to facilitate the sale and ultimate development of the property. No specific development plans are being proposed at this time.

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

3. 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 Code requires these findings and conclusions to address the following minimum criteria:
 1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans. [ORS 195 agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place. Annexation plans are timelines for annexation which can only be done after all required 195 agreements are in place and which must have been voted on by the City residents and the residents of the area to be annexed.]
 2. Consistency with directly applicable provisions of urban planning area agreements between the annexing entity and a necessary party.
 3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
 4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
 5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
 6. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria.

7. 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 which 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.

This proposal was received in May of 1999. It is not being processed under the City's recently adopted (December 1, 1999) code revisions on annexation processing.

4. The site contains an old filbert orchard. To the north is an undeveloped property owned by the Oregon City School District. Currently to the west inside the City are two residences on large lots. To the south is a single family subdivision inside the City. Toward the east is large lot residential and the Freshman campus of the Oregon City School District.
5. This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).
6. The law which dictates that Metro 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]." In fact, while the first two mentioned items were adopted independently, they are now part of Metro's Regional Framework Plan. The Regional Framework Plan also includes the 2040 Growth Concept. Metro is authorized to adopt functional plans which are limited purpose plans addressing designated areas and activities of metropolitan concern and which mandate local plan changes. Metro adopted one functional plan - the Urban Growth Management Functional Plan. They have codified this functional plan in Metro Code Chapter 3.07. and they include it as an appendix to the Regional Framework Plan.

The Urban Growth Management Functional Plan requires cities and counties to amend their comprehensive plans and implementing ordinances to accord with elements in the Functional Plan. Included in these requirements are such items as minimum density standards, limitations on parking standards, mandated adoption of water quality standards and rules relating to Urban Growth Boundary expansion into Urban Reserve areas. The Functional Plan was reviewed and found not to contain any directly applicable criteria for boundary changes.

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

7. 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 and public facility plans;" Thus the applicable plans must be examined for "specific directly applicable standards or criteria."

The Clackamas County Comprehensive Plan is the applicable plan for this area. The plan designation for this site is FU-10, Future Urbanizable on the County's Northwest Urban Land Map (Map IV-1) and Campus Industrial on the County's Oregon City Area Land Use Plan

(Map IV-5). Zoning on the property is FU-10, Future Urban-10 Acre Minimum Lot Size. This is a holding zone to prevent the creation of small parcels in areas within the UGB to preserve the capacity of land to fully develop once a full range of urban services is available. Lands located outside areas having sanitary sewer service available were designated Future Urbanizable.

The Clackamas County Comprehensive Plan consists of the 1992 Comprehensive Plan which includes various maps, the Mt. Hood Community Plan as amended and city-county urban planning area agreements (UPAA's). The Plan is implemented by the County zoning and subdivision ordinances.

The chapters in the Comprehensive Plan consist of: Background; Issues; Summary of Findings and Conclusions; Goals; and Policies. Each chapter has been searched for materials concerning annexations. Sections of these elements which speak directly to the issue of annexation have been reviewed to decide whether the current proposal is consistent with them.

Citizen Involvement is the title of Chapter 2 of the Comprehensive Plan. Policy 6.0 states:

- *Seek citizen's input not only through recognized community organizations, but also through service organizations, interest groups, granges, and other ways.*

The combination of statutory and Metro notice requirements on annexations are consistent with this policy. On this annexation three notices were posted near the area to be annexed and one was posted in City Hall. Affected units of government including Clackamas River Water, Clackamas County R.F.P.D. # 1, etc. were notified. Owners of all properties within 300 feet were sent notices. Notice of the hearing was published twice in the *Clackamas Review*.

Chapter 3 of the Clackamas County Comprehensive Plan, *Natural Resources and Energy*, covers the following topics: Water Resources; Agriculture; Forests; Aggregate Resources; Wildlife Habitats and Distinctive Resource Areas; Natural Hazards; Energy Sources and Conservation. All of these topics are covered in broad terms. At no point is there any mention of any specific criteria relating to annexation. Maps are included in the subsections on water (identifying various river conservation areas), aggregate resources and scenic & resource areas. None of these maps show any of these elements on the site to be annexed.

The *Land Use* section of the Plan, Chapter 4, identifies the territory proposed for annexation as *future urbanizable*.

Future urbanizable areas are lands within the Urban Growth Boundaries but outside Immediate Urban areas. Future Urbanizable areas are planned to be served with public sewer, but are currently lacking a provider of sewer service. Future Urbanizable areas are substantially underdeveloped and will be retained in their current use to insure future availability for urban needs.

The County Plan notes on page 46 that "Oregon City and Clackamas County have adopted the City's Comprehensive Plan designations for the Future Urbanizable area to be served by Oregon City." As noted above this designation is Campus Industrial.

Among the Urbanization Goals listed in Chapter 4 is the following:

- *Encourage development in areas where adequate public services and facilities can be provided in an orderly and economic way.*

Policy 5.0 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 that convert Future Urbanizable to Immediate Urban land:

- 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.*
- Sufficient vacant Immediate Urban land should be permitted to insure choices in the market place.*
- Sufficient infilling of Immediate Urban areas should be shown to demonstrate the need for conversion of Future Urbanizable areas.*
- 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.)*

Public Facilities and Services are covered in Chapter 7 of the County Plan. The following policies of this chapter are related to annexation decisions.

POLICIES

* * *

Sanitary Sewage Disposal

* * *

4.0 Insure that sewerage facilities in Clackamas County are developed and maintained by the appropriate sanitary district, county service district or city.

* * *

6.0 Require sanitary sewerage service agencies to coordinate extension of sanitary services with other key facilities, i.e., water, transportation, and storm drainage systems, which are necessary to serve additional lands.

* * *

8.0 Prohibit subsurface disposal systems within Urban Growth Boundaries except for:

* * *

- b. *Parcels of ten acres or larger in Future Urbanizable areas inside the Metro Urban Growth Boundary (UGB), . . .*

* * *

Water

* * *

- 12.0 *Require all public water purveyors to design the extension of water facilities at levels consistent with the land use element of the Comprehensive Plan.*
- 13.0 *In urban areas, require water purveyors to coordinate the extension of water services with other key facilities, i.e., transportation, sanitary sewers and storm drainage facilities, which are necessary to serve additional lands.*
- 14.0 *Encourage development in urban areas where adequate urban water facilities already exist.*

* * *

Street Lighting

- 27.0 *Encourage provision of street lighting for all new and existing developments inside the Urban Growth Boundary.*

- 8. As required by LCDC, Oregon City and the County have an urban growth management agreement (UGMA) by which they coordinate their planning within an area of mutual interest next to the City. The territory to be annexed falls within this urban growth management boundary (UGMB) and is subject to the agreement. Pertinent sections of the Agreement are included below.

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, in coordination with other service providers in the area.

The Agreement goes on to say:

- 3. *Development Proposals in Unincorporated Area*

* * *

- B. *The provision of public facilities and services shall be consistent with the adopted public facility plan for the unincorporated UGMB . . .*

* * *

- 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.*
- B. *Upon annexation, CITY shall assume jurisdiction of COUNTY roads and local access roads that are within the area annexed. As a condition of jurisdiction transfer for roads not built to CITY street standards on the date of the final decision on the annexation, COUNTY agrees to pay to CITY a sum of money equal to the cost of a two-inch asphaltic concrete overlay over the width of the then-existing pavement; however, if the width of pavement is less than 20 feet, the sum shall be calculated for an overlay 20 feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of CITY and COUNTY. Arterial roads will be considered for transfer on a case-by-case basis. Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions.*
- 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.

9. As noted above, while this territory is not covered by the Oregon City acknowledged Comprehensive Plan, the City prepared a plan for its surrounding area and its plan designations have been adopted by the County in this area. Certain portions of the City Plan, therefore, may have some applicability and these are covered here.

Chapter G of the Plan is entitled *Growth And Urbanization Goals And Policies*. Several policies in this section may be pertinent to proposed annexations.

2. *Ensure that Oregon City will be responsible for providing the full range of urban services for land annexed to the City within the Urban Growth Boundary.*

* * *

5. *Urban development proposals on land annexed to the City from Clackamas County shall be consistent with the land use classification and zoning approved in the City's Comprehensive Plan. Lands that have been annexed shall be reviewed and approved by the City as outlined in this section.*
6. *The rezoning of land annexed to the City from Clackamas County shall be processed under the regulations, notification requirements and hearing*

procedures used for all zone change requests, except in those cases where only a single City zoning designation corresponds to the Comprehensive Plan designation and thus the rezoning does not require the exercise of legal or policy judgement on the part of the decision maker. The proposal shall address the following:

- (1) Consistent and supportive of the Comprehensive Plan Goals and Policies,*
- (2) Compatible with the general land use pattern in the area established by the comprehensive Plan.*

Quasi-judicial hearing requirements shall apply to all annexation and rezoning applications.

Chapter G also contains the following language:

It is the City's policy to encourage small lot single-family development in the low density residential areas and encourage commercial and industrial development according to the County's Comprehensive Plan Map. One area, however, where differences occur in the City's and County's Plans is the "Campus Industrial" Plan classification for property near Clackamas Community College. This area must be individually considered, since the County allows multi-family housing under this Plan classification and the City allows no new housing in Industrial areas. Through the Dual Interest Area Agreement and the City's zoning ordinance, the City and the County will coordinate annexation and development of the Campus Industrial land as designated in the County's Plan when annexed to the City. Light industrial uses shall be permitted outright, as well as high density residential uses occupying up to seventy-five percent of the total floor area of a development. The conditional use process can be used by the development community on a project-by-project basis for other areas, to achieve compatible mixed use objectives envisioned by the County Plan.

The conditional procedure will provide the City with the means to allow mixed use development in a specific area consistent with the City's housing and economic development policies, as well as the County's Comprehensive Plan. At the same time, the City's policy of encouraging industrial uses for scarce industrial lands shall be met in all other industrially designated areas, except that multi-family housing shall be allowed outright in those portions of the dual interest area designated for campus industrial use.

The City Comprehensive Plan labels Chapter I as *Community Facilities*. The following sections of that section may be pertinent.

Goal

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

Policies

1. *The City of Oregon City will provide the following urban facilities and services as funding is available from public and private sources:*
 - a. *Streets and other roads and paths*
 - b. *Minor sanitary and storm water facilities*
 - c. *Police protection*
 - d. *Fire protection*
 - e. *Parks and recreation*
 - f. *Distribution of water*
 - g. *Planning, zoning and subdivision regulation*

* * *

3. *Urban public facilities shall be confined to the incorporated limits.*

* * *

5. *The City will encourage development on vacant buildable land within the City where urban facilities and services are available or can be provided.*
6. *The extension or improvement of any major urban facility and service to an area will be designed to complement the provision of other urban facilities and services at uniform levels.*

Sanitary Sewers

* * *

4. *Urban development within the City's incorporated boundaries will be connected to the Tri-City sewer system with the exception of buildings that have existing sub-surface sewer treatment, if service is not available.*

* * *

7. *The Tri-City Service District will be encouraged to extend service into the urban growth area concurrent with annexation approval by Oregon City.*

Water

2. *The city will coordinate with Clackamas County and [Clackamas River] Water District to provide an efficient and orderly water system in the urban growth area.*

Storm Water Drainage

1. *The City will coordinate with the Tri-City Service District to ensure adequate storm water drainage facilities within the City limits.*

* * *

3. *The City will coordinate with Clackamas County to ensure that adequate storm water drainage procedures are followed for new development in the urban growth area.*

Fire Protection

2. *Oregon City will ensure that annexed areas receive uniform levels of fire protection.*

Chapter M, identifies land use types. Low density residential is identified as follows:

(10) INDUSTRIAL [I]: Industrial areas are designated for uses related manufacturing, processing and distribution of goods. Intense or heavy industrial uses are conditional uses. Commercial and office uses are permitted, but all residential uses are prohibited, except caretakers'.

The City/County urban growth management agreement specifies that the County's acknowledged Comprehensive Plan and implementing regulations shall apply until annexation and subsequent plan amendments are adopted by the City.

10. ORS 195 requires agreements between providers of urban services.

Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but no urban service agreements have yet been adopted in Clackamas County.

11. The City of Oregon City provides sanitary sewer collector service. A 10-inch sewer line is in Glen Oak Road. This line is sized to serve the area proposed for annexation.

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 Tri-City Service District plant is along Interstate 205 in Oregon City just east of the junction of the Willamette and the Clackamas Rivers. The plant has an average flow capacity of 11 million gallons per day (mgd) and a design peak flow capacity of 50 mgd. The Tri-City plant has had measured flows of 50 mgd. At this flow, the collection system was backed up, however the District did not divert any flows to the Willamette River. The

available average capacity is 4.4 mgd. The plant was designed to serve a population of 66,500 in the year 2001.

Oregon City charges its customers \$22.60 per month to use the sewerage facilities. The City has a systems development charge of \$3,178 per equivalent dwelling unit. Of this amount Oregon City retains \$1,333, transmits \$2,020 to the Tri-City Service District and \$25 is for inspection fees.

12. The area to be annexed is in the Clackamas River Water District. Oregon City and the District have agreements for the transition of water systems from the District to the City as the City expands to its urban growth boundary. They have agreed to jointly use certain of the District's mains. The City has growth in the area to finance improvements to the District's main and has oversized some lines for it's own system.

In this area the City has caused development installations to replace the District's 8 inch water line with a 16 inch line from east to west in Glen Oak Road to approximately the mid-point of this property.

The balance of the line on west to Highway 213 is the original 8 inch District line. The City provides the water to this line from its system, while the District provides maintenance to the line and service to the original customers. Under the agreements, Oregon City can withdraw territory from the District when the City provides direct water service to an area. This occurs after the City annexation in accord with provisions of ORS 222.

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 54 percent and West Linn 46 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 (MOD). 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).

Oregon City charges City water customers \$9.75 per month plus \$1.63 per 100 cubic feet of water. There is a \$1,436 systems development charge for Oregon City's distribution system, a \$1,220 systems development charge for the South Fork Water Board system, and a \$550 installation fee charged for new water connections, for a total of \$3,206.

13. When development is proposed for the subject site the owner will be required to design and construct a storm water collection and detention system that complies with the City's development ordinance and applicable rules set forth by the state Department of Environmental Quality.

Oregon City charges a monthly storm user charge of \$2.00. The charge pays for maintenance and administration of the drainage system. The portion of projects financed by the city capital improvements program that relate to the needs of existing growth is also funded from the user charge. Oregon City also has a \$519 per residential unit system development charge for storm water facilities. This charge finances system improvements that relate to needs generated by new development.

14. This territory is currently within Clackamas County R.F.P. D. # 1. Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from the District upon approval of the annexation.
15. The territory is currently served by the Clackamas County Sheriff's Department. Subtracting out the sworn officers dedicated to jail and corrections services, the County Sheriff provides approximately .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 is 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 1.3 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.

16. Planning, building inspection, permits, and other municipal services will be available to the territory from the City upon annexation.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the City Commission determined:

1. The introduction section of the Regional Framework Plan calls for Metro to encourage a high level of public awareness of its actions. The Commission notes that a public hearing was held on this matter and that extensive notice of that hearing was given including: 1) posting of notices in the vicinity of the annexation 45 days before the hearing; 2) mailed notice to necessary parties 45 days before the hearing; 3) two published notices; 4) notice by first class mail to every property owner within 300 feet. The Commission concludes this hearing and notice is consistent with this section of the Regional Framework Plan. The Regional Framework Plan contains no decision-making criteria directly applicable to boundary changes.

2. The Metro Code at 3.09.050(d)(3) calls for consistency between the City's decision and any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans;" The Commission has reviewed the acknowledged Clackamas County Comprehensive Plan which currently applies to this site and finds approval of this annexation to be consistent with the very few directly applicable standards and criteria in that plan.

Chapter 2 of the County Comprehensive Plan calls for an emphasis on citizen participation. The Commission concludes that the extensive notice given on this proposal makes it compatible with this section of the Plan.

The Commission finds general consistency between this proposed action and the *Urbanization* chapter of the County Plan. Specifically this annexation would "encourage development in areas where adequate public services and facilities can be provided in an orderly and economic way." The annexation also provides for conversion from future urbanizable to immediate urban classifications by making sewer service available as called for in Policy 5.0 of this chapter of the County Plan.

The Commission considered the four conversion criteria in Policy 6.0. As the findings on Facilities and Services show, all public facilities are available to serve this site. Although the applicant did not address the quantity of immediate urban land now available, the recent analysis by Metro concerning expansion of the UGB demonstrates that additional urban land is needed. The comprehensive plan criteria findings demonstrate that the policies of the Clackamas County comprehensive plan and provisions within the urban growth management agreement are met.

The *Public Facilities* chapter of the County Plan also contains requirements with which the Commission believes this proposal is consistent. The County, by agreeing to annexation through the UGMA, is insuring ". . . that sewerage facilities in Clackamas County are developed and maintained by the appropriate . . . city." (Policy 4.0 under the subheading of Sanitary Sewerage Disposal). By annexing to Oregon City, which can provide a full range of services, the proposal is also in accord with Policy 13.0 under the subheading Water. This requires ". . . water purveyors to coordinate the extension of water services with other key facilities, i.e., transportation, sanitary sewers and storm drainage facilities . . ." The action also is consistent with Policy 14.0 which requires the County to, "Encourage development in urban areas where adequate urban water facilities already exist."

3. With regard to Metro Code 3.09.050 (d)(2) the Commission finds that this proposal is consistent with the Clackamas County - City of Oregon City UGMA which requires the City to notify the County of any annexation decisions. The Commission notes that the record states the County was notified of this proposal. Furthermore, it is noted that the UGMA specifically provides that the City may undertake annexations within the area covered by the UGMA and that this territory is within the area.
4. As noted in Conclusion No. 2 above, the Metro Code calls for boundary changes to be consistent with comprehensive plans. While the property proposed for annexation is currently subject to the County's Comprehensive Plan, the City Commission's decisions must be consistent with the City's Comprehensive Plan and the City's Comprehensive Plan will apply to the annexation site after the annexation is effective. The Commission

concludes that the annexation is consistent with the City's Plan. Specifically the Commission notes that the extensive notice requirements particularly emphasizing notice to city residents, is consistent with the Plan's emphasis on citizen involvement. Policy 2 of Chapter G states that Oregon City will ensure that it will be responsible for providing the full range of urban services for annexed lands.

The property must have urban services available before it can develop. The full range of urban services, particularly sanitary sewer service can only be obtained from Oregon City after annexation. (Policy 3, Chapter I). As the Findings on facilities and services demonstrate, the City has urban facilities and services available to serve the property. Sewer and water facilities are available to the area of the proposed annexation consistent with the City's adopted sewer and water master plans.

The territory is not within the Tri-City Service District which provides sanitary sewer services to lands within Oregon City. There is no provision for automatic annexation to the Tri-City Service District concurrent with annexation to the City. Therefore, each annexation to Oregon City needs to be followed by a separate annexation of the territory to the Tri-City Service District. The property owners want sanitary treatment services and can be required to annex to the District as a condition of development approval. Therefore, the Commission concludes that it is not necessary to require the property owners to petition to annex to the Tri-City Service District at this time.

5. 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." The Commission concludes that the City's services are adequate to serve this area, based on Findings 11-16 and that therefore the proposed change promotes the timely, orderly and economic provision of services.
6. The City may withdraw the territory from the Clackamas River Water District at a future date, consistent with the terms of agreements between the City and the District.
7. The City may specify in its annexation Ordinance that the territory will be simultaneously withdrawn from Clackamas RFPD #1. First response to this area is provided by the City under the terms of an agreement between the City and the District. The City's general property tax levy includes revenue for City fire protection. To prevent the property from being taxed by both the District and the City for fire services, the territory should be simultaneously withdrawn from the Fire District.
8. The City may specify in its annexation Ordinance that the territory will be simultaneously withdrawn from the Clackamas County Service District for Enhanced Law Enforcement. Upon annexation the City's police department will be responsible for police services to the annexed territory. The City's general property tax levy includes revenue for City police services. To prevent the property from being taxed by both the District and the City for law enforcement services, the territory should be simultaneously withdrawn from the Enhanced Law Enforcement District.