

Final Documents

For

Annexation to the
City of Oregon City

CL2101

DOR 3-1531-2002

Ordinance #01-1035

Secretary of State: AN-2002-0009

Final to DOR: _____

Signature:

 _____

Date of
Mailing: 12/26/01

Final to Secretary of State: _____

Signature:

 _____

Date of
Mailing: 1/2/02

CL2101

Sent

Received

DOR:

12/26/01

1/2/02

Sec. State:

1/2/02

2/6/02

Assessor:

1/2/02

Elections:

1/2/02

Mapped:

Yes

Posted to Web:

2/11/02

Addresses:

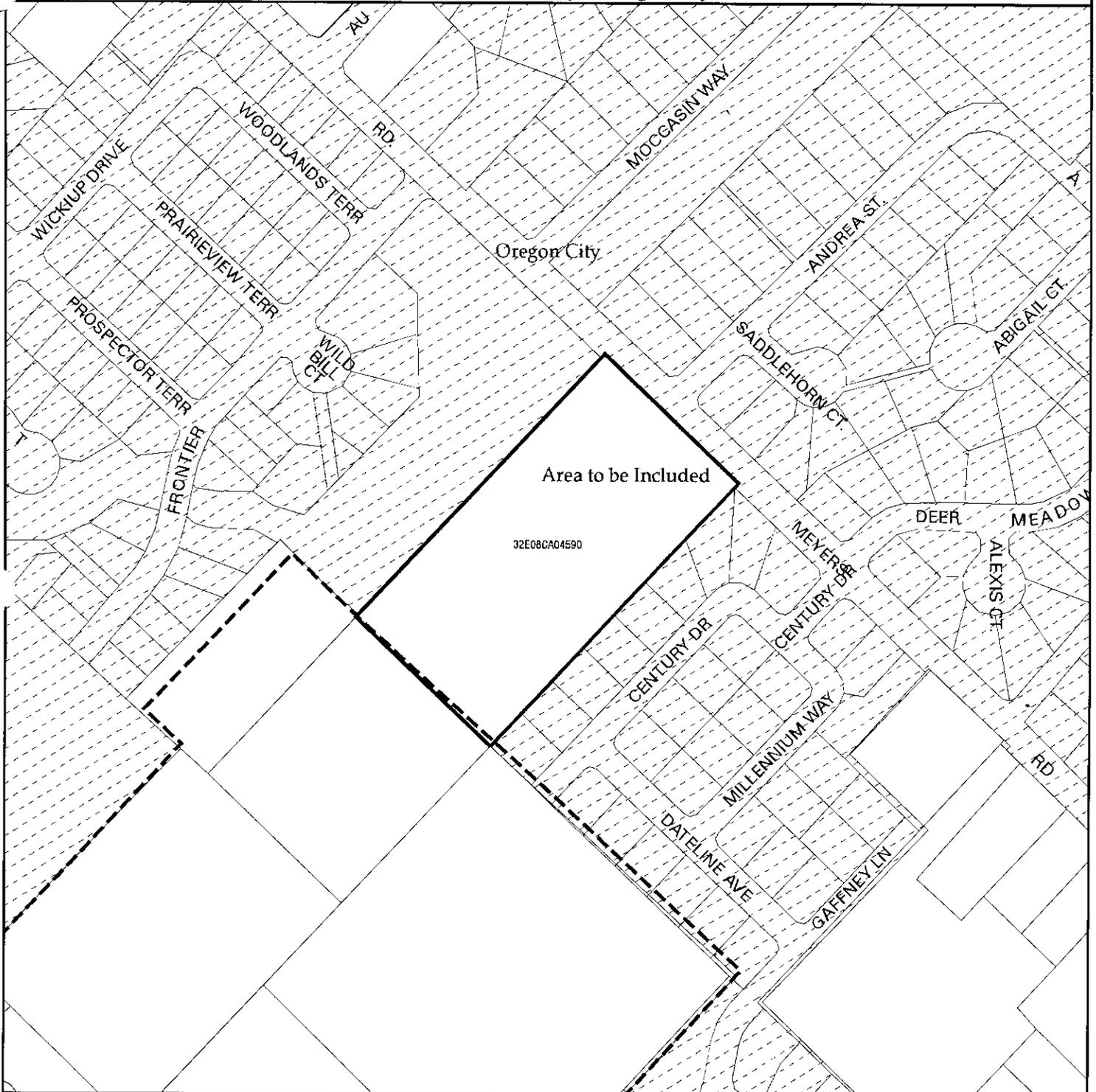
19605 S Meyers Rd

Proposal No. AN-01-04

3S2E08

Annexation to the City of Oregon City

Clackamas Co.



R L I S
REGIONAL LAND INFORMATION SYSTEM



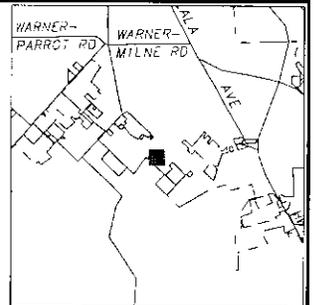
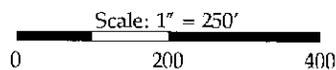
600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

METRO

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- County lines
- City
- Annexation boundary
- Urban Growth Boundary

Proposal No. AN-01-04
CITY OF OREGON CITY
Figure 1



Notice to Taxing Districts

ORS 308.225



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
January 2, 2002
As Per ORS 308.225

Description Map received from: METRO
On: 12/31/01

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. #01-1035

has been: Approved 1/2/02
 Disapproved

Notes:

Department of Revenue File Number: 3-1531-2002

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

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

January 23, 2002

Metro
600 NE Grand Ave
Portland, OR 97232-2736

Dear Mr. Martin:

Please be advised that we have received and filed on January 10, 2002 the following Annexation(s).

| Ordinance(s): | City of: | Our File Number(s): |
|---------------|-------------|---------------------|
| 01-1034 | Oregon City | AN 2002-0007 |
| 01-1035 | Oregon City | AN 2002-0009 |

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
ODOT/Highway Dept
PSU/Population ResearchCtr.
Revenue Cartography Section

COMMISSION REPORT: 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.: 4.4 | Topic: Proposed Ordinance No. 01-1035, An Ordinance Annexing Certain Property To The City Of Oregon City And Approving The Election Results For AN 01-04 |
| | Report No.: 01-226 | |
| | Agenda Type: DISCUSSION/ACTION | |
| | Meeting Date: December 5, 2001 | |
| Prepared By: Bronson-Crelly | Reviewed By: B. Nakamura | Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Approved By: B. Nakamura |

RECOMMENDATION:

To implement this election, the Commission should approve first reading of Proposed Ordinance No. 01-1035.

REASON FOR RECOMMENDATION:

On Tuesday, November 6, 2001, Oregon City voters cast votes for **Ballot Measure 3-43**, which, asked the question, "Shall the City's boundaries include 4.97 acres of additional land on the City's south side?"

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..."

On the December 5, 2001, agenda is the Official Statement of Votes as prepared by the office of the County Clerk and which is on file with the City Recorder. The Official Statement of Votes shows the following:

Ballot Measure No. 3-43

Yes = 2284
 No = 775

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

- Attachment 1: Proposed Ordinance No. 01-1035 (and notice)
- Attachment 2: Certified Election Results (Ballot Measure 3-43)
- Attachment 3: Legal Description (Exhibit A)
- Attachment 4: Findings (Exhibit B)

ORDINANCE No. 01-1035

COPY

AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE CITY OF OREGON CITY

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'; 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 special election held on November 6, 2001; and

WHEREAS, the Clackamas County Clerk has returned the official figures indicating the results of the election held on November 6, 2001; 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

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That the area identified as:

A 4.97-acre area of land located generally on the south side of the City, on 19605 South Meyers Road, more particularly located in the NE ¼, SW ¼, Sec 8, T3S, R2E of the Willamette Meridian, Clackamas County.

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.

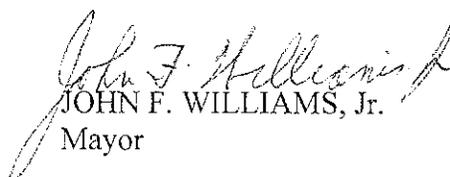
Section 2. That the findings attached hereto as Exhibit 'B' are hereby adopted.

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.

Read for the first time at a regular meeting of the City Commission held on the 5th day of Decemer2001, and the foregoing ordinance was finally enacted by the City Commission this 19th day of December 2001.


JOHN F. WILLIAMS, Jr.
Mayor

ATTESTED this 19th day of December 2001.


LEILANI BRONSON-CRELLY
City Recorder

STATE OF OREGON)
COUNTY OF CLACKAMAS) SS
I, Leilani Bronson-Crelly, City recorder of the City of Oregon City do
hereby certify that the foregoing copy of _____
Ordinance No. 01-1035
_____ has been by me compared with the original and that it is a
correct transcript therefrom, and the whole of such original, as
the name appears on file and of record in my office and in my
care and custody. IN TESTIMONY WHEREOF I have hereunto
set my hand this 21 day of Dec., 20 01
Leilani Bronson-Crelly
City Recorder

ORDINANCE NO. 01-1035
Effective Date: January 18, 2002

NOTICE

NOTICE IS HEREBY GIVEN that an **ORDINANCE No. 01-1035**, of the City of Oregon City, Clackamas County, Oregon, three copies of which are available for inspection at the Office of the City Recorder, 320 Warner-Milne Road, Oregon City, Oregon.

Said Ordinance will be considered by the City Commission at its meeting on December 5, 2001, at 7:00 o'clock p.m.

The title of said Ordinance is as follows:

AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE CITY OF OREGON CITY

All interested persons are invited to attend and provide input.

POSTED this 28th day of November 2001, by direction of the City Recorder.

Places of posting are as follows:

1. City Hall, 320 Warner-Milne Road, Oregon City, Oregon.
2. Municipal Elevator, 300 Seventh Street, Oregon City, Oregon.
3. Pioneer Community Center, 615 Fifth Street, Oregon City, Oregon.
4. Oregon City Library, 362 Warner-Milne Road, Oregon City.

For special assistance due to disability, please call City Hall at 503-657-0891, 48-hours prior to meeting date.

LEILANI BRONSON-CRELLY
City Recorder

PLEASE DO NOT REMOVE PRIOR TO December 6, 2001

Statement of Vote - Clackamas County Special Election - Nov. 6, 2001

** Oregon City - Measures 3-43 and 3-44 **

Page Number 2.002.001

| | REGIST ERED VOTERS | TURN OUT | TURN OUT PERCENT AGE | MEAS URE 3- 43 OREGON CITY YES - NO | MEAS URE 3- 43 OREGON CITY YES - NO | BLANKS | OVER VOTES | MEAS URE 3- 44 OREGON CITY YES - NO | PAR CELS INTO OREGON CITY YES - NO | BLANKS | OVER VOTES |
|-----------------------|--------------------------|-------------|-------------------------------|--|--|--------|---------------|--|---|--------|---------------|
| CONSOL PREC NO 001 | 1402 | 280 | 19.9% | 190 | 88 | 2 | 0 | 197 | 81 | 2 | 0 |
| CONSOL PREC NO 002 | 1535 | 311 | 20.2% | 219 | 89 | 3 | 0 | 227 | 79 | 5 | 0 |
| CONSOL PREC NO 003 | 1207 | 248 | 20.5% | 185 | 60 | 2 | 1 | 182 | 64 | 2 | 0 |
| CONSOL PREC NO 005 | 1322 | 192 | 14.5% | 138 | 54 | 0 | 0 | 139 | 52 | 1 | 0 |
| CONSOL PREC NO 006 | 1121 | 339 | 30.2% | 251 | 87 | 1 | 0 | 250 | 87 | 2 | 0 |
| CONSOL PREC NO 007 | 2164 | 571 | 26.3% | 422 | 144 | 5 | 0 | 428 | 141 | 2 | 0 |
| CONSOL PREC NO 008 | 2896 | 687 | 23.7% | 514 | 166 | 7 | 0 | 514 | 169 | 4 | 0 |
| CONSOL PREC NO 009 | 1012 | 178 | 17.5% | 134 | 43 | 1 | 0 | 134 | 44 | 0 | 0 |
| CONSOL PREC NO 010 | 125 | 51 | 40.8% | 44 | 7 | 0 | 0 | 45 | 6 | 0 | 0 |
| CONSOL PREC NO 011 | 1002 | 229 | 22.8% | 187 | 37 | 5 | 0 | 180 | 46 | 3 | 0 |
| **** T O T A L S **** | 13786 | 3086 | 22.3% | 2284 | 775 | 26 | 1 | 2296 | 769 | 21 | 0 |

(3-43)

CERTIFIED COPY OF THE ORIGINAL
 JOHN R. KAUFMAN COUNTY CLERK
 BY: *[Signature]*
 Deputy
 11-14-01

00004

EXHIBIT A

A PARCEL OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 8, TOWNSHIP 3 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF THE JOHN HOWLAND DONATION LAND CLAIM NO.45 FROM WHICH THE NORTHEAST CORNER OF SAID CLAIM BEARS NORTH 46° 14' 39" WEST, 2,633.56 FEET; THENCE LEAVING SAID LINE, SOUTH 43° 55' 11" WEST, 660.00 FEET; THENCE NORTH 46° 14' 39" WEST, 331.89 FEET; THENCE NORTH 44° 05' 59" EAST, 660.01 FEET; THENCE SOUTH 46° 14' 39" EAST, 329.82 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF THE PROPERTY LYING WITHIN THE RIGHT-OF-WAY OF MEYERS ROAD (COUNTY ROAD NO. 526).

CONTAINING APPROXIMATELY 5.01 ACRES (GROSS AREA) 4.86 ACRES (NET).

THE BASIS OF BEARING IS P.S. 27,140 CLACKAMAS COUNTY SURVEY RECORDS.

FINDINGS

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

1. The territory to be annexed contains 4.97 acres, 1 single family dwelling, a population of 4 and is evaluated at \$200,080.
2. The property owner is annexing to the City to meet the condition for acquiring sewer service from the City to replace a failing septic system for the existing dwelling.

By a letter of May 30, 2001, Clackamas County Building Codes Manager Richard Polson states that the existing septic system was found to be failing. He goes on to say that according to Oregon Administrative Rule 340-71-0160(5) the County cannot issue a permit for repair of the septic tank and drainfield if there is a sewer line within 300 feet which can provide service.

Annexation of this territory was in front of the Commission on March 7, 2001. At that time the applicant was unaware of the health hazard and was pursuing annexation primarily to acquire city services to facilitate development. If redeveloped, the property could accommodate 17-20 single family residences. The Planning Commission approved of that original application but the City Commission chose not to send it to an election because of concerns about off-site traffic congestion.

3. To the north of this parcel is a BPA easement and then Settler's Point, an R-8 zoned subdivision. Dear Meadows, another fully developed subdivision lies across Meyers Road from the site. On the south of the parcel is Millennium Park which is also a fully developed subdivision. The property to the west is outside the urban growth boundary.

The property slopes generally to the west at about a 12 % grade. The area has been logged and is covered with grasses.

4. This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).
5. The Legislature directed Metro to establish criteria that must be used by all cities within the Metro boundary. The Metro Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:

H:\Word\Annexations (Temp Site)\OC 01-04 FDG.doc

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans.
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 the Metro Council that the 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.

6. The law that requires Metro to adopt criteria for boundary changes specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." The Regional Framework Plan, which includes the regional urban growth goals and objectives, the Growth Management Functional Plan and the Regional Transportation Plan were examined and found not to contain specific criteria applicable to boundary changes.
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, public facility plans, . . ."

The Clackamas County Comprehensive Plan is the currently applicable plan for this area. The plan designation for this site is Future Urbanizable on the County's Northwest Urban Land Map (Map IV-1) and Low Density Residential (LDR) 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.

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

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

The capital improvement programs, sewer and water master plans and regional plan were reviewed. Those are addressed in the findings below.

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

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

4. *City and County Notice and Coordination*

* * *

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

* * *

5. City Annexations

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

* * *

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

* * *

The required notice was provided to the County at least 20 days before the Planning Commission hearing. The adjacent road right-of-way is already in the City.

9. Although the Oregon City acknowledged Comprehensive Plan does not cover this territory, the City prepared a plan for its surrounding area and the County has adopted its plan designations in this area. Certain portions of the City Plan have some applicability and these are covered here.

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

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. . . .

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

These policies are not approval criteria for annexations. They provide that the City's Comprehensive Plan designations will apply upon annexation, how zoning will be changed and that annexations are to be processed according to quasi-judicial procedures.

The *Community Facilities Goals And Services* Chapter of the Comprehensive Plan contains the following pertinent sections.

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*

Policy one defines what services are encompassed within the term "urban service." The City's plan is more inclusive in its definition of what services are considered an "urban service" than is the Metro Code. The City's Plan adds fire protection and planning, zoning and subdivision regulation to the list of urban services that are to be considered by the Metro Code. The Metro Code also includes mass transit in addition to streets and roads.

* * *

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

Policy three prevents the City from extending services outside the City limits. Consequently, lands outside the City are required to annex to use urban public facilities. It is not a policy that is applicable to making an annexation decision.

* * *

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.*

Policy five encourages development on sites within the City where urban facilities and services are either already available or can be provided. Policy six requires that the installation of a major urban facility or service should be coordinated with the provision of other urban facilities or services. Read together these policies suggest that, when deciding to annex lands, the City should consider whether a full range of urban facilities or services are available or can be made available to serve the territory to be annexed. Oregon City has implemented these policies with its Code provisions on processing annexations, which requires the City to consider adequacy of access and adequacy and availability of public facilities and services.

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.*

* * *

Since all new development on annexed lands is required to connect to the sanitary sewer system, this policy suggests that a measure of the adequacy of the sanitary system should be whether it can serve the potential level of development provided for by the Comprehensive Plan and Zoning designations.

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

The Tri-City County Service District was provided notice of this annexation. Before sanitary sewers can be extended to lands annexed to the City those lands will need to annex to the District. The property owner may initiate that annexation after annexation to the City.

Fire Protection

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

Because the City is required by this policy to provide the same level of fire protection to newly annexed areas that it provides to other areas within the City, it may consider whether it will be possible to do so when it decides an annexation proposal.

Chapter M, of the City's Comprehensive Plan identifies land use types. Low Density Residential is identified as follows:

- (3) *LOW DENSITY RESIDENTIAL [LR]: Areas in the LR category are largely for single-family homes or more innovative arrangements, such as low density planned development. Net residential density planned varies from a maximum density of 6,000 square feet for one dwelling unit (7.3 units/net acre) to as low as the density desired ("net acres" exclude the land devoted to roadways). This choice of lot sizes will occur as annexation or rezoning and will vary based on site-specific factors, including topography and adjoining development. In no case will more than 10,000 square feet be required if the home is connected to the sewer system and the site-specific factors would not preclude this density.*

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. The Oregon City Code requires the City Planning Department to review the final zoning designation within sixty days of annexation, utilizing a chart and some guidelines laid out in Section 17.06.050. Those provisions specify that territory with a plan designation of Low Density Residential will be zoned R-10.

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

1. *Adequacy of access to the site;*

The site access is discussed in Finding 18 below.

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

As demonstrated above, the annexation conforms to the City's Comprehensive Plan.

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

The Findings below demonstrates that public facilities and services are available and are adequate to serve the potential development.

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

The only criterion in ORS 222 is that annexed lands be contiguous to the City. This site is contiguous. The Metro Code criteria are set out in Finding 5 above.

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

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

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

There are no specifically designated open spaces, scenic historic or natural resource areas on or adjacent to the subject site.

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

Annexation will have virtually no effect on the economic, social or physical environment of the community. The Commission interprets the "community" as

including the City of Oregon City and the lands within its urban service area. The City will obtain a small increase in property tax revenues from adding additional assessed value to its tax roll as a result of annexing the territory. The City will also obtain land use jurisdiction over the territory. Finally, it will have service responsibilities including fire, police and general administration. The City delivers police service to the unincorporated area in the course of patrolling to deliver service to the incorporated area. The increase in service responsibilities to the area that results from the annexation are insignificant.

Before any urban development can occur the territory must also be annexed to the sewer district because new development is required to connect to sanitary sewers.

Section 8 of the Ordinance states that:

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

11. ORS 195 requires agreements among providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. There are no adopted urban service agreements in this part of Clackamas County.
12. The City of Oregon City provides sanitary sewer collector service. The City has an 8 inch sanitary sewer line at a manhole in front of the property in Meyers Road which can serve this site. The very back part of the site may require pumping depending on the ultimate subdivision layout.

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.

13. The City has a 16-inch water line in Meyers Road which can serve the territory to be annexed.

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. They have agreed to jointly use certain of the District's mains and they jointly financed some mains crossing through unincorporated areas. They also agreed that the territory within the City's urban services boundary would receive all urban services from the City. In many places the District's water lines were too small to serve urban levels of development. In those places, such as in Central Point Road, the City has extended larger City water mains to serve the planned for urban development. Under the agreement, new connections of City territory are City customers. Where the District has adequate size water lines (which were identified in an agreement) the District's lines will transfer to the City when the City has annexed 75% of the frontage on both sides of specified water lines. Under the Agreement, Oregon City can withdraw territory from the District when the City provides direct water service to an area.

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 (MGD). There is an intertie with Lake Oswego's water system that allows up to five MGD to be transferred between Lake Oswego and SFWB (from either system to the other).

Oregon City has four functional reservoirs with a capacity of 16.0 million gallons, which is adequate to serve the city through the Water Master Plan planning period to year 2015 if other systems are not supplied.

14. There is a stormwater manhole down Meyers Road which can serve this site according to the City Engineer.

15. This territory is currently within Clackamas County R.F.P. D. # 1. The Oregon City Fire Department provides service within the City under a contract with the Tualatin Valley Fire and Rescue District. A portion of the City's property tax levy goes toward payment of this service. Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from Clackamas County RFPD #1 upon approval of the annexation.
16. The Clackamas County Sheriff's Department currently serves the territory. Subtracting out the sworn officers dedicated to jail and corrections services, the County Sheriff provides approximately .5 officers per thousand population for local law enforcement services.

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

Upon annexation the Oregon City Police Department will serve the territory. Oregon City fields approximately 1.22 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.

17. The closest park sites are the Gaffney Lane and Hillendale Park.
18. Access is provided by Meyers Road. Meyers Road is a collector street. When development takes place in the future ROW dedication and improvements would be required.

If development is ultimately proposed the City will look at transportation issues. Some traffic from any future development would travel on Meyers Road south to Highway 213 entering that Highway south of the Highway 213-Molalla Avenue intersection. Other future traffic from the territory would move north on Meyers Road traveling via Leland Road to Warner-Milne Road and thence to Molalla Avenue north of the Molalla Avenue-Beavercreek Road intersection.

On previous annexations the City Commission expressed interest in the ability of the City's street system to handle future traffic. The following information was provided in response to that expression of interest.

The Level Of Service of the various intersections in the southeast part of the City were identified as follows: Meyers/213: B, Molalla/213: D-E, Meyers/Leland: A, Leland/Warner Milne C, Molalla/Bevercreek: C, Beaver creek/213: F, Glen Oak/213: F. It can be seen that some traffic from the potential future development of the area to be annexed would enter some of these intersections. It is important to note that the two intersections with the poorest LOS ratings are in fact slated for improvement, that the improvements for the worst intersection is funded and that the improvements for the second worst intersection are likely fundable through a combination of off-site improvement requirements on the new high school and an L.I.D.

None of these levels of service ratings would change if the subject site were to be fully developed with 17-20 single family houses. More importantly the current traffic situation in the southeast part of the City would be unaffected by annexation itself since the annexation decision is separate from the development decision.

19. 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 Metro Code calls for consistency of the annexation with the Regional Framework Plan or any functional plan. Because there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan or the Regional Transportation Plan (see Finding No. 6) the Commission concludes the annexation is not inconsistent with this criterion.
2. Metro Code 3.09.050(d)(1) requires the Commission's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted pursuant to ORS 195. As noted in Finding No. 11 there are no such plans or agreements in place. Therefore the Commission finds that there are no inconsistencies between these plans/agreements and this annexation.
3. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The Commission

concludes this annexation is consistent with the very few directly applicable standards and criteria in the Clackamas County Comprehensive Plan.

This annexation would "encourage development in areas where adequate public services and facilities can be provided in an orderly and economic way." The Commission considered the four conversion criteria in Policy 6.0. As Findings 12 through 19 show, all public facilities are available to serve this site.

4. The Commission concludes that the annexation is consistent with the City's Plan. 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.

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 will want sanitary treatment services and therefore will pursue annexation to the District.

5. The Commission notes that the Metro Code also calls for consistency of the annexation with urban planning area agreements. As stated in Finding No. 8, the Oregon City-Clackamas County Urban Growth Management Agreement specifically provides for annexations by the City.
6. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly and economic provision of public facilities and services." The Commission concludes that the City's services are adequate to serve this area, based on Findings 12 through 19 and that therefore the proposed change generally promotes the timely, orderly and economic provision of services. Specifically the Commission finds that a health hazard exists on the site and that the County and state rules dictate connection of the property to the City sewer system. Thus the annexation promotes the "timely provision" of sewer service to the area.
7. 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.
8. The Oregon City Code contains provisions on annexation processing. Section 6 of

the new ordinance requires that the City Commission consider six factors if they are relevant. These factors are covered in Finding # 10 and on balance the Commission believes they are adequately addressed to justify approval of this annexation.

9. The City may specify in its annexation Ordinance that the territory will be simultaneously withdrawn from Clackamas RFPD #1. 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.
10. 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 withdrawn from the County Service District.



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CIVIL ENGINEERING - SUBDIVISION PLANNING & DESIGN - LAND SURVEYING -
CONSTRUCTION SURVEYING

December 1, 2000

LEGAL DESCRIPTION
ANNEXATION PARCEL

Job No. 808

A PARCEL OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 8,
TOWNSHIP 3 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, CLACKAMAS
COUNTY, OREGON DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF THE JOHN HOWLAND
DONATION LAND CLAIM NO.45 FROM WHICH THE NORTHEAST CORNER OF SAID
CLAIM BEARS NORTH 46° 14' 39" WEST, 2,633.56 FEET; THENCE LEAVING SAID LINE,
SOUTH 43° 55' 11" WEST, 660.00 FEET; THENCE NORTH 46° 14' 39" WEST, 331.89 FEET;
THENCE NORTH 44° 05' 59" EAST, 660.01 FEET; THENCE SOUTH 46° 14' 39" EAST, 329.82
FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF THE PROPERTY LYING WITHIN THE
RIGHT-OF-WAY OF MEYERS ROAD (COUNTY ROAD NO. 526).

CONTAINING APPROXIMATELY 5.01 ACRES (GROSS AREA) 4.86 ACRES (NET).

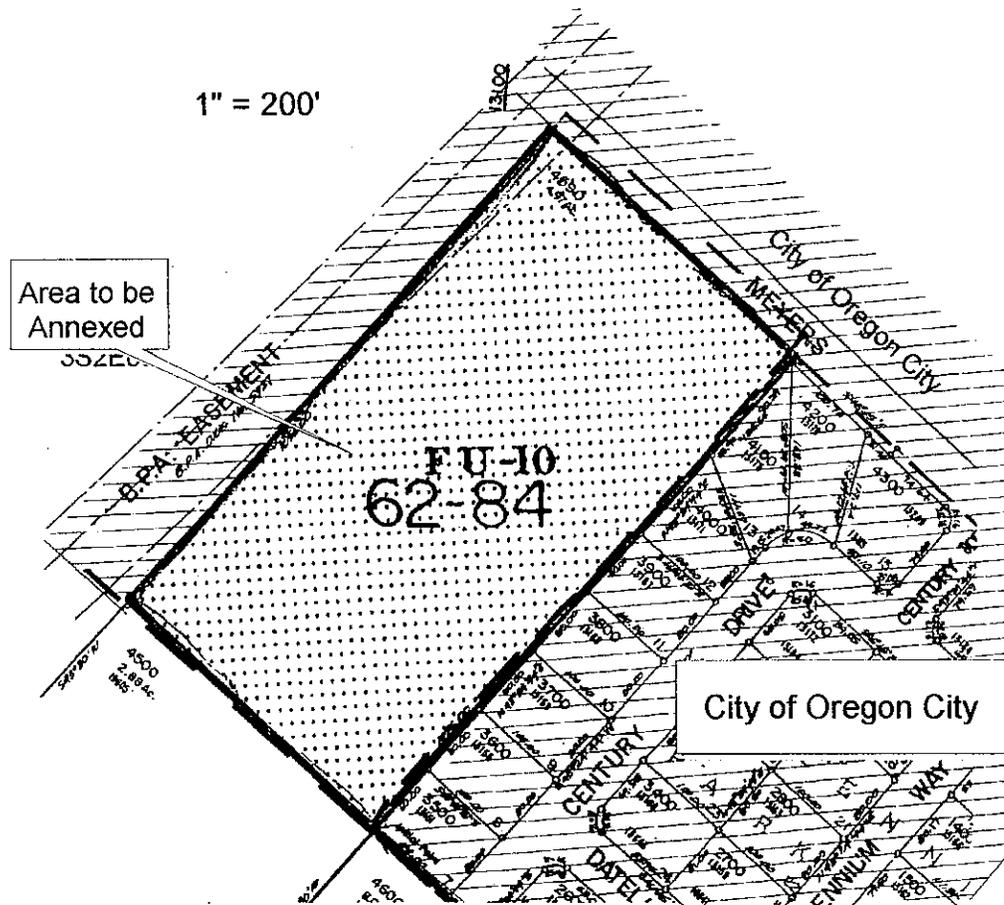
THE BASIS OF BEARING IS P.S. 27,140 CLACKAMAS COUNTY SURVEY RECORDS.

Proposal No. AN-01-04



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Annexation to the City of Oregon City
Clackamas Co.
Map 3S2E08



PROPOSAL NO. AN-01-04
CITY OF OREGON CITY
Figure 2