

Final Documents

For

Annexation to the  
**City of Oregon City**

CL2103

Ordinance: 04-1002

DOR: 3-1622-2004

Sec. State: AN-2004-0117

Final to Secretary of State: \_\_\_\_\_

Signature:

 \_\_\_\_\_

Date of

Mailing: \_\_\_\_\_ 6/8/04 \_\_\_\_\_

CL2103

Sent

Received

DOR:

5/4/04

5/10/04

Sec. State:

6/8/04

6/14/04

Assessor:

6/8/04

Elections:

6/8/04

Mapped:

Yes

Addresses:

32E07DB06300

19391 S LELAND RD

32E07DB06400

19411 S LELAND RD

32E07DB06500

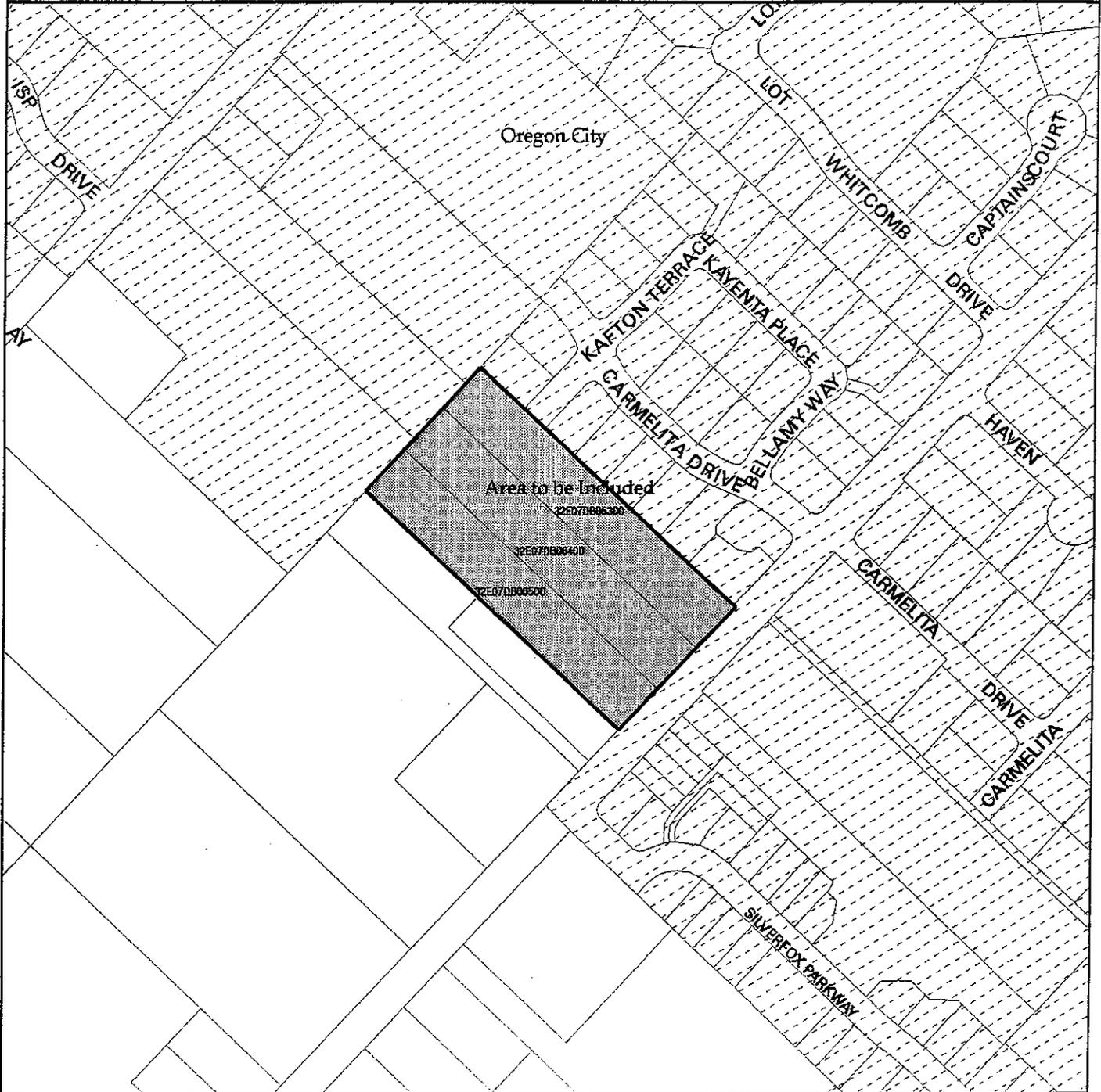
19431 S LELAND RD

# Proposal No. CL2103

3S2E07

Annexation to the City of Oregon City

Clackamas Co.



R L I S  
REGIONAL LAND INFORMATION SYSTEM



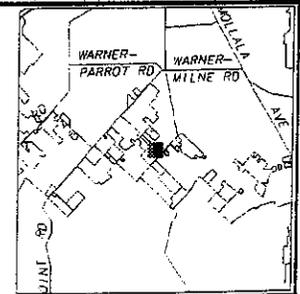
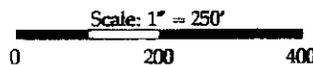
800 NE Grand Ave.  
Portland, OR 97232-2736  
Voice 503 797-1742  
FAX 503 797-1808  
Email [drc@metro-region.org](mailto:drc@metro-region.org)

**METRO**

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. These errors, omissions, or positional inaccuracy, including the possibility of misclassification or change for a particular purpose, accompanying this product. However, verification of any errors will be appreciated.

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

Proposal No. CL2103  
CITY OF OREGON CITY  
Figure 1





June 10, 2004

Metro  
Robert Knight  
600 NE Grand Ave  
Portland, OR 97232-2736

Dear Sir:

Please be advised that we have received and filed on June 10, 2004 the following Annexation(s).

Ordinance(s):	City of:	Our File Number(s):
ORD NO 04-1002	Oregon City	AN 2004-0117
ORD NO 04-1003	Oregon City	AN 2004-0118
ORD NO 4298	Beaverton	AN 2004-0119
ORD NO 4297	Beaverton	AN 2004-0120
ORD NO 4299	Beaverton	AN 2004-0121
ORD NO 4300	Beaverton	AN 2004-0122
ORD NO 1159-04	Tualatin	AN 2004-0123

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,

Linda Bjornstad  
Official Public Documents

cc:

Washington County  
ODOT/Highway Dept  
PSU/Population Research Ctr.  
Revenue Cartography Section

# 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**  
**May 10, 2004**  
**As Per ORS 308.225**

Description     Map received from: CITY  
On: 5/4/2004

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

ANNEX TO CITY OF OREGON CITY; WITHDRAW FROM CLACKAMAS CO. RFPD #1  
& CLACK SERV DIST FOR ENHANCED LAW

ORD. # 04-1002(AN03-01)

has been:     Approved        5/10/2004  
                   Disapproved

Notes:

Department of Revenue File Number: 3-1622-2004

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
- Establishment of Tax Zone

**ORDINANCE No. 04-1002**

AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE CITY OF OREGON CITY

OREGON CITY MAKES THE FOLLOWING FINDINGS:

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

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

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

WHEREAS, the annexation of the identified properties was submitted to the voters of the City of Oregon City at a special election held on March 9, 2004; and

WHEREAS, the Clackamas County Clerk has returned the official figures indicating the results of the election held on March 9, 2004; and

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

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

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

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

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

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

Section 3. That the territory identified 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 7<sup>th</sup> day of April 2004, and the foregoing ordinance was finally enacted by the City Commission this 21<sup>st</sup> day of April 2004.



---

ALICE NORRIS  
Mayor

ATTESTED this 21<sup>st</sup> day of April 2004.



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LEILANI BRONSON-CRELLY  
City Recorder

**ORDINANCE NO. 04-1002**  
**Effective Date: May 21, 2004**

	OREGON CITY 3-119 ANNEX 4.29 ACRES			OREGON CITY 3-120 ANNEX 12.39 ACRES							
	RV ED GT IE SR TS E R E D	BC AA LS LT O T S	TP UE RR NC OE UN TT A G E	Y E S	N O	OV VO ET RE S	UV NO DT EE RS	Y E S	N O	OV VO ET RE S	UV NO DT EE RS
9 PRECINCTS											
0001 PRECINCT 001	1291	245	18.98	128	116	0	1	123	121	0	1
0002 PRECINCT 002	1463	261	17.84	161	99	0	1	157	102	0	2
0003 PRECINCT 003	1102	241	21.87	149	92	0	0	148	93	0	0
0004 PRECINCT 005	1235	198	16.03	108	89	0	1	102	93	0	3
0005 PRECINCT 006	1096	312	28.47	183	127	0	2	182	128	0	2
0006 PRECINCT 007	2217	569	25.67	322	244	0	3	315	251	0	3
0007 PRECINCT 008	3910	984	25.17	608	373	0	3	599	378	0	7
0008 PRECINCT 009	1176	236	20.07	145	89	0	2	143	92	0	1
0009 PRECINCT 011	1384	346	25.00	189	154	0	3	189	154	0	3
GRAND TOTALS	14874	3392	22.80	1993	1383	0	16	1958	1412	0	22

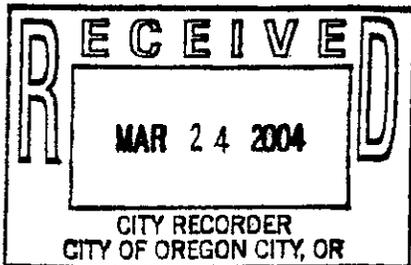


EXHIBIT 2

CERTIFIED COPY OF THE ORIGINAL  
SHERRY HALL, COUNTY CLERK  
BY: *Sherry Hall*  
Deputy  
MAR 22 2004

**LEGAL DESCRIPTION  
FOR CITY OF OREGON CITY  
ANNEXATION AN03-01 AND METRO CL2103**

Part of the S. S. White Donation Land Claim No. 41 in the Northwest one quarter of Southeast one quarter of Section 7, Township 3 South, Range 2 East of the Willamette Meridian in Clackamas County, Oregon described as follows:

1. Commencing at a point on the Southeasterly line of said Donation Land Claim from which the most Easterly corner thereof bears North 42° 30' East 1084 feet;
2. Thence South 42° 30' West along said Southeasterly line, 300 feet;
3. Thence North 47° 53' 30" West 652 feet, more or less to the Southeasterly line of that tract of Land conveyed to William Ranger, et ux, by deed recorded In Book 508 Page 579, Clackamas County Deed Records;
4. Thence, North 42° 30' East along said Southeasterly line and the Northeasterly extension thereof 300 feet to the most Westerly corner of "Gentry Highlands", a Subdivision Plat Recorded in Plat Book 122, Page 9, Records of Clackamas County;
5. Thence, Southeasterly along the Southwesterly line of said Plat and the Southeasterly extension thereof to the point of beginning.

Excepting that portion of Leland Road already annexed into the City of Oregon City adjacent to the above described property.

## FINDINGS

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

1. The territory to be annexed contains 4.29 acres, has three single-family residences with a population of 5, and is valued at \$470,048.
2. The applicant, who is the contract purchaser and owner's agent for all three properties, desires city services to facilitate single-family subdivision development.
3. The properties gently slope southerly to Leland Road. The site has grassy fields with a few scattered trees around the three houses and outbuildings. The property is in the Mud Creek Drainage Basin. The southern half of these properties is mapped under the Water Quality Resource Area Overlay District on Oregon City's Water Quality and Flood Management Areas Map. It would appear, without the benefit of a Water Resource Report, that this inclusion would not hinder any future development as the water resource is on neighboring property.
4. This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

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

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

The Metro Code also contains a second set of 10 factors 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.

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

The Clackamas County Comprehensive Plan is the currently applicable plan for this area. The plan designation for this site is Low Density Residential (LR) 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 and are addressed elsewhere in these Findings.

7. The City and the County have an Urban Growth Management Agreement (UGMA), which is a part of their Comprehensive Plans. The territory to be annexed falls within the urban growth management boundary (UGMB) identified for Oregon City and is subject to the agreement. The County agreed to adopt the City's Comprehensive Plan designations for this area. 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.

8. 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 judgment 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*

\* \* \*

*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

\* \* \*

*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 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 require the City to consider adequacy of access and adequacy and availability of public facilities and services.

*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 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 must initiate that annexation.

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 Residential planned development.*

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 Division 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.

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

1. *Adequacy of access to the site;*

The site access is discussed below in Finding 15. Any development of the property will need to include extension of street improvements to Kafton Terrace and half street improvements to Leland Road frontage.

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

The City's Plan encourages development of areas with a full range of urban services available (see pp G-1 and I-1 of the Comprehensive Plan). Availability and economic viability of urban services were addressed in the application from the property owner.

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

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

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

The only criterion in ORS 222 is that annexed lands be contiguous to the City. This site is contiguous by connection to city limits on three sides. The Metro Code criteria are set out in Finding # 4. As discussed in other findings it does appear that these criteria can be met by the proposal.

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

There are no known natural hazards on the proposed site.

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

The territory does contain areas mapped under the Water Quality Resource Area Overlay District on Oregon City's Water Quality and Flood Management Areas Map. The site contains a portion in this district in the south areas next to Leland Road. It would appear, without the benefit of a Water Resource Report, that this inclusion would not hinder any future development as the water resource is located on adjacent property.

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

Annexation should have no negative 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 land use jurisdiction over the territory. The City will have service responsibilities including fire, police, etc.

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."*

9. ORS 195 requires agreements among providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. There are no adopted urban service agreements in this part of Clackamas County.
10. The area to be annexed falls generally within the Mud Creek basin.

The applicant reports that there is an 8-inch sewer line in Leland Road

The Tri-City 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 the applicant processing a separate annexation of the territory to the Tri-City Service District.

11. The property owner notes that there is an existing 12-inch water line in Leland Road.

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

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

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.

12. On-site stormwater drainage, water quality, and detention facilities will be required upon future development. The applicant would have to convey stormwater runoff to Mud Creek via stormwater lines to a stormwater swale in Leland Run.
13. This territory is currently within Clackamas County R.F.P. D. # 1. Oregon City provides fire service within the City under a contract with the Clackamas County RFPD. 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.
14. The Clackamas County Sheriff's Department currently serves the territory. Subtracting out the sworn officers dedicated to jail and corrections services, the County Sheriff provides approximately 0.5 officers per thousand population for local law enforcement services.

The area to be annexed lies within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The combination of the county-wide service and the service provided through the Enhanced Law Enforcement CSD results in a total level of service of approximately 1 officer per 1000 population. According to ORS 222.120 (5) the City may provide in its approval ordinance for the automatic withdrawal of the territory from

the District upon annexation to the City. If the territory were withdrawn from the District, the District's levy would no longer apply to the property.

Upon annexation, the Oregon City Police Department will serve the territory. Oregon City fields approximately 1.17 officers per 1000 population. The City is divided into three patrol districts with a four-minute emergency response and a twenty-minute non-emergency response time.

15. Access is currently provided from Leland Road via Carmelita Drive and Kafton Terrace. Leland Road is a county arterial fronting the current properties and their respective homes. Kafton Terrace and Carmelita Drive are city local streets with Kafton Terrace stubbing into the properties. The City-County UGMA requires the annexation to include the adjacent portion of Leland Road, however, this road portion is already in the annexed territory from a previous annexation.

The applicant has not completed a traffic impact analysis (TIA) study for the future project. Several nearby intersections will be impacted by future development of this site: Leland Road/Meyers Road/Clairmont Way (unsignalized), Leland Road/Warner-Milne Road (signalized), and Meyers Road/Highway 213 (signalized). The applicant states that all three appear to be functioning at acceptable levels of service in the peak hour. Staff review of recent TIA studies confirms this position.

Concerns exist about the traffic impacts of this annexation upon future subdivision buildout, specifically about the Highway 213/Beavercreek Road intersection. The following outlines the intersection improvement project currently underway to provide additional capacity for the Highway 213/Beavercreek Road intersection. This improvement project was awarded in March 2003 with scheduled completion in the spring of 2004. The project will provide 15-18 years of capacity according to testimony provided to the commission on January 15, 2003 (for AN 02-01) from the professional traffic engineer, Mr. Peter Coffey, who performed the intersection capacity analysis for the City's intersection improvement design.

The following features are the most significant improvements and also are depicted on Figure 2:

- Add a west bound (WB) right-turn lane on Maplelane Road onto Beavercreek Road
- Add a NB right-turn lane on Beavercreek Road onto Maplelane Road
- Add a WB through lane, curb and gutter, bike lane, and sidewalk in Beavercreek Road west of Maplelane Road
- Add a dedicated right-turn lane on both legs of Highway 213 and on the north bound leg of Beavercreek Road
- Add a second left-turn lane on both legs of Beavercreek Road at Highway 213 and on the south bound left-turn leg of Highway 213

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 Commission determined:

1. The Metro Code calls for consistency of the annexation with the Regional Framework Plan or any functional plan. Because there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan or the Regional Transportation Plan (see Finding No. 5) the Commission concludes the annexation is not inconsistent with this criterion.
2. Metro Code 3.09.050(d)(1) requires the Commission's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted pursuant to ORS 195. As noted in Finding No. 9 there are no such plans or agreements in place. Therefore the Commission finds that there are no inconsistencies between these plans/agreements and this annexation.
3. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The County Plan also says annexation which converts *Future Urbanizable* lands to *Immediate Urban* lands should ensure the "orderly, economic provision of public facilities and services." The property owner has demonstrated that the City can provide all necessary urban services. Nothing in the County Plan speaks directly to criteria for annexation. Therefore the Commission finds this proposal is consistent with the applicable plan as required Metro Code 3.09.050 (d)(3).
4. The Commission concludes that the annexation is consistent with the City Plans' call for a full range of urban services to be available to accommodate new development as noted in the Findings above. The City has and provides a full range of urban services. Specifically with regard to water and sewer service, the City has both of these services available from recent new subdivisions – Leland Run, Haven Estates, and Gentry Highlands. The question of which specific method/route is chosen will be made as a part of the development review process. With regard to storm drainage to Mud Creek, the City has the service available in the form of regulations to protect and control. The specifics of applying these will be a part of the development review process.
5. The Commission concludes that the annexation will not heavily impact the Highway 213/Beavercreek Road intersection based on the intersection improvement project currently underway that provides a 15-18 year capacity increase according to transportation experts.
6. The Commission notes that the Metro Code also calls for consistency of the annexation with urban planning area agreements. As stated in Finding No. 7, the Oregon City-Clackamas County Urban Growth Management Agreement specifically provides for annexations by the City.
7. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly and economic provision of public facilities and services." Based on the evidence in Findings 10-16 above the Commission concludes that the annexation will not interfere with the timely, orderly and economic provision of services.
8. The Oregon City Code contains provisions on annexation processing. Section 6 of the ordinance requires that the City Commission consider seven factors if they are relevant. These factors are covered in Finding # 8 and on balance the Commission believes they are adequately addressed to

justify approval of this annexation.

9. Finally the Commission determines that the property should be withdrawn from Clackamas County R.F.P.D. # 1 and the Clackamas County Service District for enhanced law enforcement as allowed by statute.