

Final Documents
for
Annexation to
Lake Oswego

CL2307

Ordinance: 2487

Annexation: AN 7-0001

DOR: 3-1799-2007

Secretary of State: AN 2007-0247



June 25, 2007

Metro
Linda Martin
600 NE Grand Ave
Portland, Oregon 97232-2736

Dear Ms. Martin:

Please be advised that we have received and filed, as of June 25, 2007, the following records annexing territory to the following:

Ordinance/Resolution Number(s)		Our File Number
07-113	(Clean Water Services District)	SD 2007-0104
07-114	(Clean Water Services District)	SD 2007-0105
2482/2488	(Lake Oswego)	AN 2007-0246
2487	(Lake Oswego)	AN 2007-0247
2485	(Lake Oswego)	AN 2007-0248
06-38	(Clean Water Services District)	SD 2007-0106

For your records please verify the effective date through the application of ORS 199.519.

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

Sincerely,

Linda Bjornstad
Official Public Documents

cc: County Clerk(s)
Department of Revenue
ODOT
Population Research Center

Notice to Taxing Districts

ORS 308.225



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

Description and Map Approved
June 12, 2007
As Per ORS 308.225

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

Description Map received from: CITY
 On: 6/11/2007

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

ANNEX TO CITY OF LAKE OSWEGO; WITHDRAW FROM LAKE GROVE FD #57,
 CLACK CO. ESPD, SURFACE WATER MAN. AG

ORD. #2487 (AN0 7-0001)

has been: Approved 6/12/2007
 Disapproved

Notes:

Department of Revenue File Number: 3-1799-2007

Prepared by: Carolyn Sunderman, 503-945-8882

Boundary: Change Proposed Change
 The change is for:

- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge



Community Development Planning Division

Memorandum

TO: Carol Hall
Metro Data Resource Center

FROM: Iris Treinen, Long Range Planning

DATE: June 14, 2007

SUBJECT: Final Boundary Change Submission for
AN 07-0001 (Ordinance 2487)

Attached please find:

- Final signed ordinance (with legal descriptions)
- Approved Notices to Taxing Districts from Oregon Department of Revenue
- Filing fee
- Staff Report (May 16, 2007)

Property information:

15950 Parker Road (21E07CA06200)

This is being sent to you as required by Metro Code 3.09.030 (e). Any questions should be directed to me at:

City of Lake Oswego
P.O. Box 369
Lake Oswego, OR 97034
(503) 697-6591

Thank you.

ORDINANCE NO. 2487

AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO ONE PARCEL COMPRISING APPROXIMATELY 0.47 ACRES AT 15950 PARKER ROAD (21E07CA 06200); DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LAKE OSWEGO COMMUNITY DEVELOPMENT CODE SECTION 50.05.025; AND REMOVING THE PARCEL FROM CERTAIN DISTRICTS (AN 07-0001).

WHEREAS, annexation to the City of Lake Oswego of the territory shown in the map in Attachment "A" and described below, would constitute a contiguous boundary change under ORS 222.111, initiated by petition from the property owner; and

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

WHEREAS, there are no voters registered in the territory residing at the address.

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

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

WHEREAS, the part of the territory that lies within the Surface Water Management Agency of Clackamas County may, by operation of ORS 222.520, be withdrawn from that agency immediately upon approval of the annexation; and

WHEREAS, the City of Lake Oswego Community Development Code Section 50.05.25, specifies that where the Comprehensive Plan Map requires a specific Zoning Map designation to be placed on the territory annexed to the City, such a zoning designation shall automatically be imposed on territory as of the effective date of the annexation; and

WHEREAS, the Staff Report, which addresses applicable criteria, dated May 21, 2007, is hereby incorporated; and

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

The City of Lake Oswego ordains as follows:

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

A tract of land located in the southwest quarter of Section 7, Township 2 South, Range 1 East of Willamette Meridian, Clackamas County, Oregon; more particularly described as follows:

All of Lot 50, Block 2, LAKE FOREST (Plat # 509), plat records of Clackamas County, Oregon.

Section 2. The annexed area lies wholly within the following districts and will be retained within these districts upon the effective date of annexation:

Lake Grove Park District
Lake Grove Water District #15

Section 3. The annexed area lies within the following districts and will be withdrawn from these districts upon the effective date of annexation:

Lake Grove Fire District #57
Clackamas County Enhanced Sheriff's Patrol District
Surface Water Management Agency of Clackamas County

Section 4. In accordance with the Community Development Code Section 50.05.25, the City zoning of R-7.5 will be applied to the annexed area immediately upon the effective date of annexation.

Section 5. The City Council hereby adopts the findings of facts and conclusions set forth in the May 16, 2007 staff report in support of this annexation ordinance.

Section 6.

a. Effective Date of Decision to Annex. Pursuant to Metro Code 3.09.050(f), the effective date of this annexation decision shall be immediately upon adoption, unless a governmental entity that qualifies as a "necessary party" under Metro Code 3.09.020(j) has contested this annexation, in which event this annexation decision shall be effective on the 10th day following the mailing of this ordinance by the City Recorder to Metro and to all necessary parties who appeared in this proceeding.

b. Effective Date of Annexation Ordinance. Pursuant to Lake Oswego City Charter, Section 34, this ordinance shall be effective on the 30th day after its enactment.

c. Effective Date of Annexation. Following the filing of the annexation records with the Secretary of State as required by ORS 222.177, this annexation shall be effective upon the later of either:

1. the 30th day following the date of adoption of this ordinance; or
2. the date of filing of the annexation records with the Secretary of

State.

Provided, however, that pursuant to ORS 222.040(2), if the effective date of the annexation as established above is a date that is within 90 days of a biennial primary or general election or after the deadline for filing notice of election before any other election held by any city, district or other municipal corporation involved in the area to be annexed, then the effective date of the annexation shall be delayed until, and the annexation shall become effective on, the day after the election.

Section 7. Mailing Copies of this Ordinance; Metro Notice.

Within 30 days following the date of adoption:

a. The City Recorder is hereby directed to mail a copy of this ordinance to all persons and governmental entities that appeared at the public hearing and requested a copy of the ordinance following adoption.

b. The City Recorder shall mail a copy of this ordinance together with the applicable mapping and notice fee charged by Metro pursuant to Metro Code 3.09.110, to Metro Data Resource Center, 600 NE Grand Ave., Portland, OR 97232.

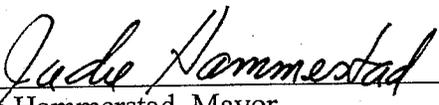
Read by title only and enacted at the regular meeting of the City Council of the City of Lake Oswego held on 5th day of June, 2007.

AYES: Mayor Hammerstad, McPeak, Turchi, Groznik, Hennagin,
Jordan

NOES: none

ABSTAIN: none

EXCUSED: Johnson

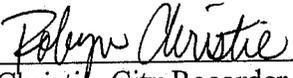


Judie Hammerstad, Mayor

Dated: 

4/6/07

ATTEST:



Robyn Christie, City Recorder

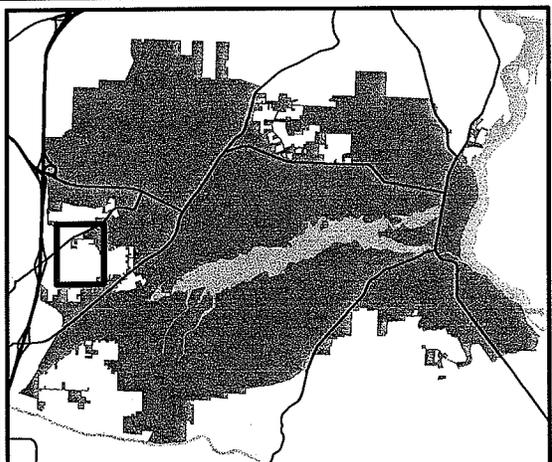
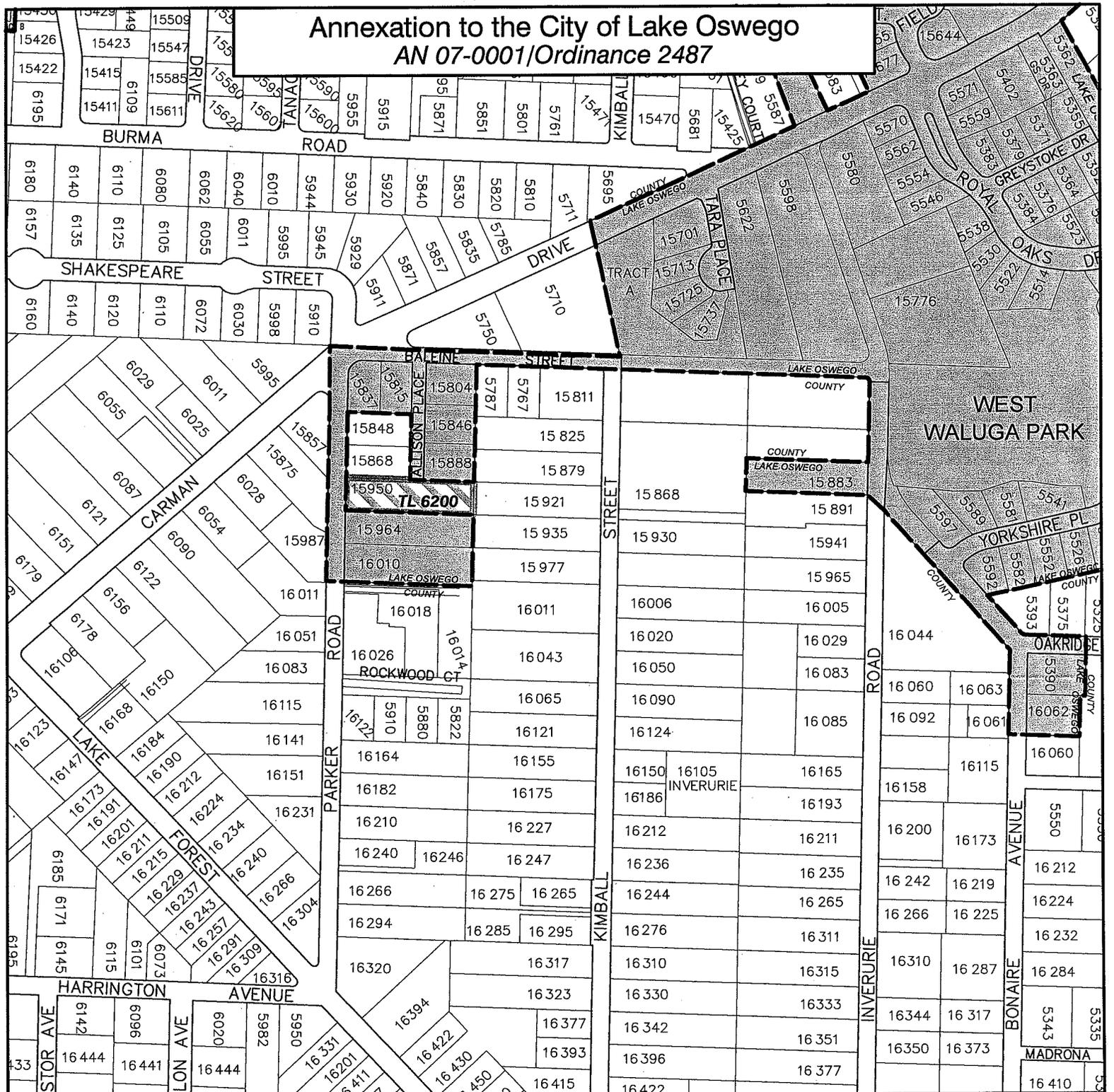
APPROVED AS TO FORM:



David D. Powell City Attorney

L:\Annexations\2007 Annexation Cases\AN 07-0001 Schultz-Bennett-Wobbe Parker Rd\Ordinance 2487.doc

Annexation to the City of Lake Oswego AN 07-0001/Ordinance 2487



Effective Date: 7/5/07

Map and Lot #: 21E07CA TL 6200

City of Lake Oswego:

COMPREHENSIVE PLAN= R-7.5, Residential

ZONING= R-7.5, Residential

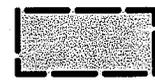
Clackamas County:

ZONING= R-10, Residential

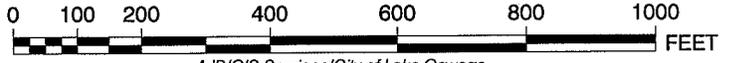
ATTACHMENT A
(AN 07-0001/ORDINANCE 2487)



Subject Property



Lake Oswego City Limits



LEGAL DESCRIPTION
AN 07-0001

A tract of land located in the southwest quarter of Section 7, Township 2 South, Range 1 East of Willamette Meridian, Clackamas County, Oregon; more particularly described as follows:

All of Lot 50, Block 2, LAKE FOREST (Plat # 509), plat records of Clackamas County, Oregon.



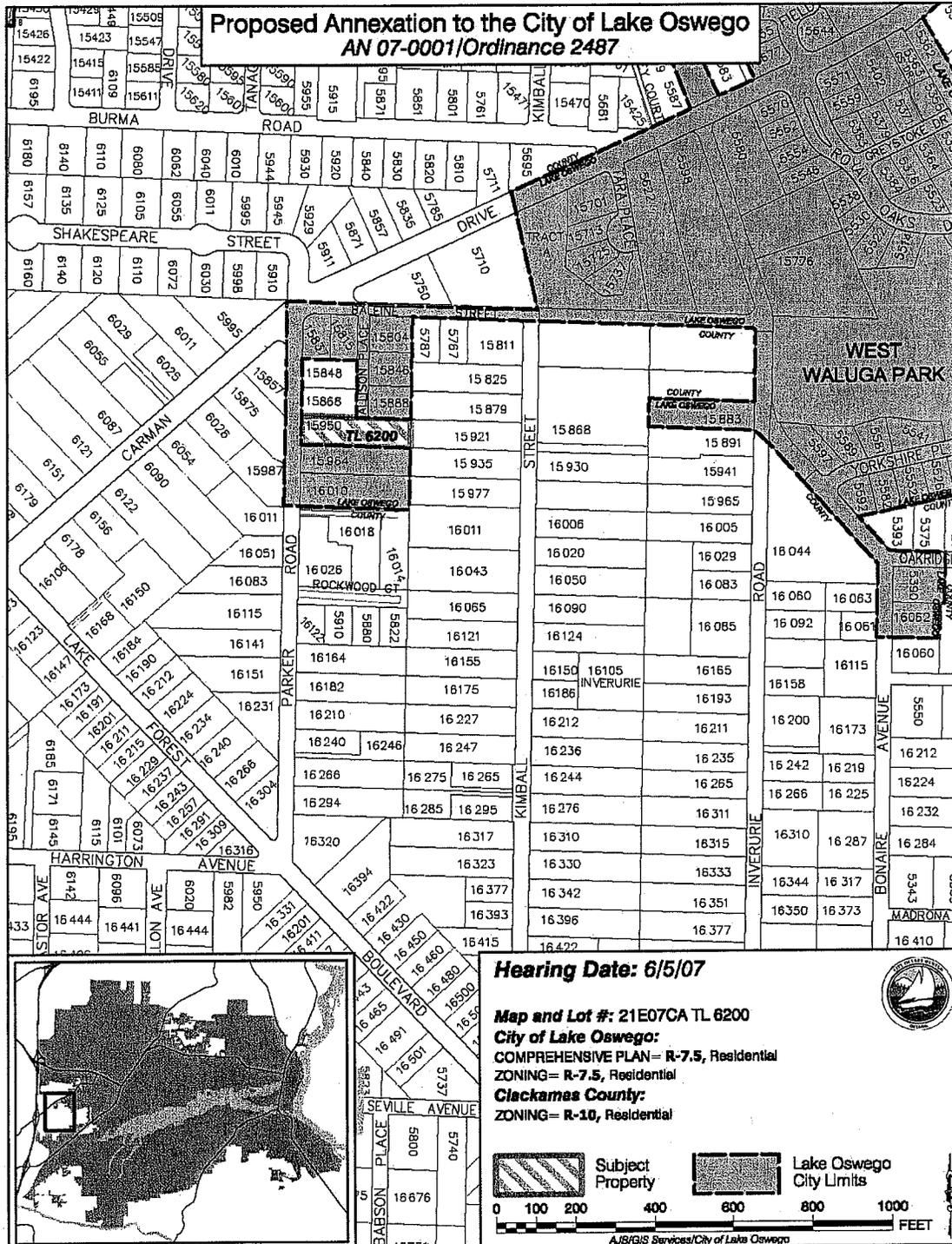
CITY COUNCIL PUBLIC HEARING

June 5, 2007

Staff Report for AN 07-0001

CITY OF LAKE OSWEGO ANNEXATION REQUEST

15950 Parker Road (Tax Map 21E07CA tax lot 06200)





CITY OF LAKE OSWEGO

COUNCIL REPORT

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

FROM: Paul Espe, Associate Planner

SUBJECT: An ordinance annexing to the City of Lake Oswego one parcel comprising approximately 0.47 acres at 15950 Parker Road (21E07CA06200) declaring City of Lake Oswego zoning pursuant to Lake Oswego Community Development Code Section 50.05.025; and removing the parcel from certain districts (AN 07-0001).

DATE : May 16, 2007

ACTION:

Adopt Ordinance 2487 (Exhibit F-1).

PLANNING COMMISSION SUMMARY:

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

BACKGROUND:

The proposed annexation consists of one parcel on the east side of Parker Road as shown on Exhibit F-1, Attachment A. The parcel is located in the Lake Forest Neighborhood Association. This application was initiated through a request by the property owners of 15950 Parker Road (tax map 21E07CA tax lot 6200) in order to facilitate future development of this parcel. The property owners have signed the Measure 37 Waiver.

The parcel has an assessed value of \$118,745 and is 0.47 acres in size. It is occupied by a single family dwelling and has one registered voter (or elector) in Clackamas County. The Clackamas County Elections Office informed Lake Oswego staff that there was one registered voter on the property. However, the applicant informed staff that this voter no longer resides on the property. The property is now occupied by a Clackamas County registered voter but is not registered at this address and his consent is not required for this application.

The parcel is currently under Clackamas County's jurisdiction and is zoned Low Density Residential R-10. Upon annexation to the City of Lake Oswego, the zoning for the subject parcel will be automatically changed to City Low Density R-7.5 as shown on the City's Comprehensive Plan Map.

APPLICABLE CRITERIA:

- 1) Oregon Revised Statutes (ORS), Boundary Changes; Mergers and Consolidations.

ORS 222.111(2) Annexation of Contiguous Territory, Authority and Procedure for Annexation, Generally.

ORS 222.125 Annexation by consent of all owners of land and the majority of electors.

ORS 222.170 Annexation by consent of more than half of the owners of land in the territory to be annexed, who also own more than half of the land in the territory.
- 2) Metro Code 3.09.040(a)(1-7) Minimum Requirements for Petitions.
 3.09.050 Uniform Hearing Requirements for Final Decisions.
 3.09.050(b)(1-5), (d)(1-5).

FINDINGS:

1. ORS 222.111(2) and 222.170 Annexation of Contiguous Territory, Authority and Procedure for Annexation, generally.

ORS 222.111(2) provides that a proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.

ORS 222.125 permits the legislative body of the city to waive holding an election on the question of annexation within the area proposed to be annexed if all of the owners of land in the territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation. All of the property owners have signed the application and petition consenting to this annexation and there are no registered electors that resided at this address (Exhibit F-2). ORS 222.170 permits the same action if, more than half of the owners of land in the territory to be annexed, who also own more than half of the land in the territory give consent to the annexation. There are no registered voters residing on the property to be annexed. The proposed annexation complies with the statutes.

2. Metro Code

3.09.040 Minimum Requirements for Petitions.

- (a) **A petition for a boundary change shall be deemed complete if it includes the following information:**

- 1) **The jurisdiction of the approving entity to act on the petition;**
- 2) **A narrative, legal and graphical description of the affected territory in the form prescribed by the Metro Executive Officer;**
- 3) **For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk;**
- 4) **A listing of the present providers of urban services to the affected territory;**
- 5) **A listing of the proposed providers of urban services to the affected territory following the proposed boundary change;**
- 6) **The current tax assessed value of the affected territory; and**
- 7) **Any other information required by state or local law.**

The above information was submitted as required by Metro Code. All of the property owners have signed the application, petition and Measure 37 waiver and there are no electors currently residing on the property. The providers of urban services include Lake Grove Fire District, Lake Grove Water District, Clackamas County Enhanced Sheriff's Patrol District, Surface Water Management Agency of Clackamas County, Lake Grove Park District and Tri-Met. Upon annexation, the City of Lake Oswego will provide police and fire services as well as storm water services. The Lake Grove Water District will provide water service and the City of Lake Oswego will provide sanitary sewer to the site through an intergovernmental agreement with Clean Water Services. The current total assessed value of the parcel is \$118,745.

3.09.050 Uniform Hearing and Decision Requirements for Final Decisions Other Than Expedited Decisions.

(b) **Not later than 15 days prior to the date set for a boundary change decision, the approving entity shall make available to the public a report that addresses the criteria in subsection (d) below, that includes at a minimum, the following:**

- (1) **The extent to which urban services presently are available to serve the affected territory including any extra-territorial extensions of service;**

The subject parcel is located within the urban growth boundary and the City's Urban Services Boundary. The Metro Code, 3.09.020 defines urban services as including sanitary sewers, water, fire protection, parks, open space, recreation, streets, roads and mass transit.

Water: The territory is served by the Lake Grove Water District. The existing dwelling is currently served by a 4-inch Lake Grove Water District line in Parker Road. Future development of this parcel may connect to the new 6-inch water line in Allison Place located approximately 50 feet north of the subject property

line. This line and other utilities are located in the right of way for Allison Place that extends to the north property line of the subject property. If the four-inch waterline in Parker Road is used, it will need to be upsized to current Lake Grove Water District and City specifications prior to any further development on the parcel.

The territory will not be withdrawn from the Lake Grove Water District upon annexation, pursuant to the agreement between the City and the Lake Grove Water District executed on June 7, 1994. The agreement stipulates that annexed territory will not be withdrawn from the water district unless a cooperative agreement is entered into setting forth roles and responsibilities for future planning and provision of water service within the area or including other measures for enhancing the cost efficiency of providing urban services. If upon development or partitioning, this level of service is not provided, then City water may need to be provided. There are no City water lines in the vicinity of this property and necessary upgrades would need to be made to the City's water system if the city's system is to be used. There is a new hydrant located at the corner of Baleine Street and Allison Place and hydrants are also located at the intersection of Parker Road and Baleen Street and at the intersection of Shakespeare Street and Carman Drive.

Fire: Lake Grove Fire District #57 provides fire protection services to the subject parcel by agreement with the City of Lake Oswego. Upon annexation, the parcel will be withdrawn from this fire district and will be served directly by the City. The Westlake Fire station located north of the parcel, would be able to respond to emergencies under the eight minute goal as set out in the Comprehensive Plan.

Sanitary Sewer: There are no sewer lines in Parker Road. However, an 8-inch sewer line is located in Allison Place approximately 50 feet from the north property line of the subject property. The Allison Place right of way extends to the north property line of the subject property. The Allison Place development is also owned by the applicant. This sewer line was constructed as a part of two land partitions at the southeast corner of Parker Road and Baleine Street. (Allison Place, LU 04-0049 and LU 04-0050).

It should be noted that the 8-inch sanitary sewer is approaching its maximum reach, and any extension will likely need to be built of ductile iron pipe due to its shallow depth. It is also unlikely that this sewer line can be extended any further than the property located at 16010 Parker Road, (the current extent of the city limits in this area) and additional fill material may be required to achieve the required sewer depth. The extended sewer will be a City of Lake Oswego Line and will drain to a system operated by Clean Water Services.

Surface Water Management: There are no known public storm drain systems in the immediate area, including an absence of any roadside ditches. Clackamas County has installed several drywells along Parker Road to alleviate local standing water problems, including one in close proximity to the subject site. The subject site, including the abutting roadway, has no perceptible change in elevation for many hundreds of feet. Precipitation percolates into the ground to the extent that the local soils are able to accept it.

Currently, the territory is under the jurisdiction of the Surface Water Management Agency of Clackamas County (SWMACC). Upon annexation, the territory will be withdrawn from SWMACC County and will be subject to the City's storm water management regulations. City storm water management regulations may require on-site retention facilities to manage increased storm water from new development on the subject site.

Police: The subject site is currently served by the Clackamas County Sheriff's Department. Upon annexation, the site will be withdrawn from the Clackamas County Enhanced Sheriff's Patrol District and will be served by the City of Lake Oswego. The police department has reviewed the proposal and finds it to be in compliance with applicable regulations and did not indicate that they would have any problems serving this site.

Parks: The City currently has 675 acres of park and open space lands, or 19.76 acres per 1,000 population. The nearest park location, Waluga Park-West, is located east of the subject site. The park is 28.5 acres, and is located west of Waluga Drive and south of Carman Drive. Amenities include a playground, picnic tables and covered picnic shelters, restrooms, trails, paths and natural wildlife viewing areas. The City's park system is able to absorb any additional population generated by this annexation approval.

Lake Grove Park District: This parcel is located within the Lake Grove Park District. This district funds the operation of the Lake Grove Swim Park located at 3800 Lakeview Boulevard, which is managed by the Lake Oswego School District. The swim park is approximately 1.3 acres in size with restrooms, play and swim facilities. The parcel will remain within the Lake Grove Park District following annexation.

Transportation - Streets and Mass Transit: The portion of Baleine Street from Parker Road to Kimble Street has been annexed and jurisdiction has been transferred from Clackamas County to the City and also includes a small section of roadway along Parker Road in front of the corner parcel (15837 Parker Road). The rest of Parker Road from Baleine Street to the southern city boundary has only been annexed but remains under the jurisdiction of Clackamas County.

In 2003, the portion of Baleine Street from Parker Road to Kimble Street and Parker Road in front of 15837 Parker Road were annexed to the city shortly after the jurisdiction of the roadway was transferred to the City.

In 2005, the portion of Parker Road in front of the subject parcel down to 16010 Parker Road was annexed to the City.

This portion of Parker Road will remain under the County's jurisdiction until the City initiates proceedings for the transfer of jurisdiction

The City has not assigned a functional classification designation to Parker Road. However, its low traffic volume would indicate that it operates as a local street. It is a 20-foot wide, two lane, asphalt surface in 40-foot right-of-way. There are no curbs or sidewalks. The City's Transportation System Plan (TSP) does not identify any roadway, pedestrian or bicycle improvements for Parker Road. However, the TSP identifies a future project involving adding turn lanes on Carman Drive at the intersection of Parker Road. Recent street improvements associated with the Allison Place development have been constructed that include the realignment of the Baleine Street intersection with Carmen Drive and sidewalks along Parker Road in front of 15837 Parker Road and on a portion of Baleine Street.

The subject site is served by TriMet bus Line 37, which currently operates along Boones Ferry Road to the south, and Line 38, which operates along Kruse Way to the north. Line 37 provides service between downtown Lake Oswego and Tualatin, and Line 38 provides service between downtown Portland and Tualatin.

(2) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;

The City has entered into four ORS 195.065 agreements: 1) Clackamas County (for roadways) 2) Lake Oswego School District, 3) Lake Grove Fire District; and, 4) The Southwood Park Water District. Only two agreements are applicable to this annexation application.

A. Lake Oswego School District / Lake Grove Swim Park:

The City and the Lake Oswego School District entered into an ORS 195.065 Urban Service Agreement for park services in July, 2003. The School District operates the Lake Grove Swim Park located at 3800 Lakeview Boulevard. The agreement states that the annexation by the City of territory within the Lake Grove Park District shall not cause the withdrawal of the territory from the area benefited by the operation of the Lake Grove Swim Park.

B. Lake Grove Fire District #57:

The City and District entered into an ORS 195.065 Urban Service Agreement for fire protection in July, 2003. The agreement states that upon annexation of territory within the District by the city, the annexed territory shall be withdrawn from the District and the City shall provide fire protection services.

- (3) **A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties.**

Consistency of the proposed boundary change with comprehensive plan policies is discussed in section (d)(3), below.

The City's PFP does not identify any sanitary, water, storm water or transportation projects in this area.

There are no regional framework plans or regional urban growth goals or objectives that are directly applicable to this annexation.

Compliance with urban planning agreements and other agreements with necessary parties is discussed in section (d)(2), below.

- (4) **Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and,**

The territory proposed for annexation will, by operation of ORS 222.520, be withdrawn from the Lake Grove Fire District #57, the Clackamas County Enhanced Sheriff's Patrol District, and the Surface Water Management Agency of Clackamas County upon approval of the annexation.

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

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

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

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

ORS 195.065 agreements are discussed under Metro Code Section 3.09.050(b)(2).

- (2) **Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;**

The Metro Code defines necessary party as “a county, city or district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory, or who provides any urban service to any portion of the affected territory.” The list of necessary parties for the proposed annexation includes:

Clackamas County Enhanced Sheriff’s Patrol District
Clackamas County
Lake Grove Water District #15
Surface Water Management Agency of Clackamas County
Tri-Metropolitan Transportation District

Clackamas County Urban Growth Management Agreement/City of Lake Oswego

The City currently has an urban planning agreement with Clackamas County. This agreement ensures coordination and consistency between the City and County comprehensive plans and outlines responsibilities in providing services and managing growth within the Dual Interest Area. The two following subsections are applicable to annexations.

“6. City and County Notice and Coordination:

The City shall provide notification to the County, and an opportunity to participate, review and comment, at least 35 days prior to the first public hearing on all proposed public facilities plans, legislative changes to the City Comprehensive Plan, or quasi-judicial land use actions adjacent to or in close proximity to unincorporated areas. The City shall provide notice to the County of private or City initiated annexation requests within five days of the filing of an application with the Portland Metropolitan Boundary Commission.”

This policy specifies that the City notify the County of an annexation request within five days of when it is submitted to the Boundary Commission. There is no longer a Boundary Commission for the Portland Metropolitan area. Staff relies on the notice requirements of Metro Code 3.09.030, which requires notice 45 days prior to the scheduled hearing for an annexation for all necessary parties (other governmental entities), unless a shorter time is agreed upon. The County is a necessary party under the Metro Code definition and, therefore, has been notified.

- “7. City Annexations**
- A. The City may undertake annexations in the manner provided for by law within the Dual Interest Area. The City annexation proposals shall include adjacent road right-of-way to property proposed for annexation. The County shall not oppose such annexations.**
- B. Upon annexation, the City shall assume jurisdiction of the County roads and local access roads pursuant to a separate road transfer agreement between the City and County.”**

This parcel has frontage on and takes direct access from Parker Road. The portion of Parker Road fronting this parcel was previously annexed as a part of AN05-0001. No right of way is proposed to be annexed with this annexation.

- (3) Consistency with specific directly applicable standards or criteria for boundary changes contained in the comprehensive land use plans and public facility plans;**
- a) Comprehensive Plan Map:**

The subject parcel is currently designated Low Density Residential on Clackamas County’s Comprehensive Plan Map and has a County Zoning of R-10.

The City’s Comprehensive Plan Map designates the parcel as Low Density Residential R-7.5. Pursuant to the Lake Oswego Community Development Code Section 50.05.25, upon annexation, a City zone of R-7.5 will be automatically applied to tax lot 6200. The City and County have coordinated their comprehensive plans within the “Dual Interest Area” outlined in the City/County Urban Growth Management Agreement (dated February 4, 1992 and updated November 18, 1997), hence the City/County designations have been determined to be compatible. Therefore, this annexation is compatible with the City’s Comprehensive Plan Map.

- b) Comprehensive Plan Policies:**

Goal 14, Urbanization:

Policy 10:

- 10. The Urban Services Boundary is Lake Oswego’s ultimate growth area within which the City shall be the eventual provider of the full range of urban services.**

The parcel to be annexed is within the City's Urban Services Boundary as outlined in the Comprehensive Plan. City services are available or can be made available to the parcel. The annexation of this parcel is consistent with this policy.

Policy 13:

13. Ensure that annexation of new territory or expansion of Lake Oswego's Urban Service Boundary does not:

- a) **Detract from the City's ability to provide services to existing City residents; and,**

The approval of this annexation will result in the addition of 0.47 acres to be served by the City.

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

Fire: This parcel is within the eight-minute response time of the Westlake Fire Station as specified in the Comprehensive Plan. The potential addition of this parcel to the City will not detract from the Fire Department's ability to provide fire protection to existing City residents.

Parks: The City currently has 675 acres of park and open space lands, or 19.76 acres per 1,000 people. The nearest park location, Waluga Park-West, is located to the east of the subject site. The park is 28.5 acres, and is located west of Waluga Drive and south of Carman Drive. The potential addition of this parcel will not affect the ability of the existing City residents to utilize the park system.

Recreation: The City has many recreation programs available to youth and adults. The potential addition of this parcel would not affect the recreation programs because the increased usage would result in additional revenue to address any greater demand. The addition of one resident to the existing population of more than 35,000 residents would not detract from the city's ability to provide adequate recreation programs.

Sewer: Sanitary Sewer is available in Allison Place and the proposed annexation would not degrade the ability of the City or Clean Water Services to provide sanitary service to city residents.

Water: The Lake Grove Water District has not indicated that the proposed annexation would degrade their ability to provide water services to existing city residents.

b) Result in property owners paying for urban services which do not benefit their property:

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

Policy 14:

- 14. Prior to the annexation of non-island property, the City shall ensure urban services are available and adequate to serve the subject property or will be made available in a timely manner by the City or a developer commensurate with the scale of the proposed development. Urban services consist of water, sanitary sewer, surface water management, police and fire protection, parks, and transportation including: streets, transit, pedestrian and bicycle facilities.**

Community Development Code Section 50.64.015 requires that all development be provided with the following utility services: sanitary sewer, water, sidewalks, pedestrian and bicycle paths, traffic control signs and devices, street lights, streets, and TV cable. These utilities are now in place or can be put in place to serve the subject parcel.

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

As noted above, police and fire services are available upon annexation. The amount of protection provided will be similar to protection provided to other city residents because the proposed annexation area is not isolated from other areas of the city.

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

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

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

Due to the proximity of the subject parcel to existing urban services, this annexation will promote the timely, orderly and economical extension of public facilities and services.

CONCLUSION:

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

RECOMMENDATION:

Staff recommends approval of AN 07-0001.

EFFECTIVE DATE:

a. Effective Date of Decision to Annex. Pursuant to Metro Code 3.09.050(j), the effective date of this annexation decision shall be immediately upon adoption, unless a governmental entity that qualifies as a "necessary party" under Metro Code 3.09.020(j) has contested this annexation, in which event this annexation decision shall be effective on the 10th day following the mailing of the ordinance by the City Recorder to Metro and to all necessary parties who appeared in this proceeding.

b. Effective Date of Annexation Ordinance. Pursuant to Lake Oswego City Charter, Section 34, the ordinance shall be effective on the 30th day after its enactment.

c. Effective Date of Annexation. Following the filing of the annexation records with the Secretary of State as required by ORS 222.177, this annexation shall be effective upon the later of:

1. the 30th day following the date of adoption of this ordinance; or
2. the date of filing of the annexation records with the Secretary of State;

provided however that pursuant to ORS 222.040(2), if the effective date of the annexation as established above is a date that is within 90 days of a biennial primary or general election or after the deadline for filing notice of election before any other election held by any city, district or other municipal corporation involved in the area to be annexed, then the effective date of the annexation shall be delayed until, and the annexation shall become effective on, the day after the election.

EXHIBITS:

- A. Notice of Appeal [No current exhibits; reserved for hearing use]
- B. Findings and Conclusion [No current exhibits; reserved for hearing use]
- C. Minutes [No current exhibits; reserved for hearing use]
- D. Staff Report [No current exhibits; reserved for hearing use]
- F. Written Materials
 - F-1. Ordinance 2487 and Map
 - F-2. Annexation Petition and Application
- G. Letters-None

L:\Annexations\2007 Annexation Cases\AN 07-0001 Schultz-Bennett-Wobbe Parker Rd\Staff Report AN 07-0001.doc

ORDINANCE NO. 2487

AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO ONE PARCEL COMPRISING APPROXIMATELY 0.47 ACRES AT 15950 PARKER ROAD (21E07CA 06200); DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LAKE OSWEGO COMMUNITY DEVELOPMENT CODE SECTION 50.05.025; AND REMOVING THE PARCEL FROM CERTAIN DISTRICTS (AN 07-0001).

WHEREAS, annexation to the City of Lake Oswego of the territory shown in the map in Attachment "A" and described below, would constitute a contiguous boundary change under ORS 222.111, initiated by petition from the property owner; and

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

WHEREAS, there are no voters registered in the territory residing at the address.

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

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

WHEREAS, the part of the territory that lies within the Surface Water Management Agency of Clackamas County may, by operation of ORS 222.520, be withdrawn from that agency immediately upon approval of the annexation; and

WHEREAS, the City of Lake Oswego Community Development Code Section 50.05.25, specifies that where the Comprehensive Plan Map requires a specific Zoning Map designation to be placed on the territory annexed to the City, such a zoning designation shall automatically be imposed on territory as of the effective date of the annexation; and

WHEREAS, the Staff Report, which addresses applicable criteria, dated May 21, 2007, is hereby incorporated; and

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

EXHIBIT F-1

The City of Lake Oswego ordains as follows:

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

A tract of land located in the southwest quarter of Section 7, Township 2 South, Range 1 East of Willamette Meridian, Clackamas County, Oregon; more particularly described as follows:

All of Lot 50, Block 2, LAKE FOREST (Plat # 509), plat records of Clackamas County, Oregon.

Section 2. The annexed area lies wholly within the following districts and will be retained within these districts upon the effective date of annexation:

Lake Grove Park District
Lake Grove Water District #15

Section 3. The annexed area lies within the following districts and will be withdrawn from these districts upon the effective date of annexation:

Lake Grove Fire District #57
Clackamas County Enhanced Sheriff's Patrol District
Surface Water Management Agency of Clackamas County

Section 4. In accordance with the Community Development Code Section 50.05.25, the City zoning of R-7.5 will be applied to the annexed area immediately upon the effective date of annexation.

Section 5. The City Council hereby adopts the findings of facts and conclusions set forth in the May 16, 2007 staff report in support of this annexation ordinance.

Section 6.

a. Effective Date of Decision to Annex. Pursuant to Metro Code 3.09.050(f), the effective date of this annexation decision shall be immediately upon adoption, unless a governmental entity that qualifies as a "necessary party" under Metro Code 3.09.020(j) has contested this annexation, in which event this annexation decision shall be effective on the 10th day following the mailing of this ordinance by the City Recorder to Metro and to all necessary parties who appeared in this proceeding.

b. Effective Date of Annexation Ordinance. Pursuant to Lake Oswego City Charter, Section 34, this ordinance shall be effective on the 30th day after its enactment.

c. **Effective Date of Annexation.** Following the filing of the annexation records with the Secretary of State as required by ORS 222.177, this annexation shall be effective upon the later of either:

1. the 30th day following the date of adoption of this ordinance; or
2. the date of filing of the annexation records with the Secretary of State.

Provided, however, that pursuant to ORS 222.040(2), if the effective date of the annexation as established above is a date that is within 90 days of a biennial primary or general election or after the deadline for filing notice of election before any other election held by any city, district or other municipal corporation involved in the area to be annexed, then the effective date of the annexation shall be delayed until, and the annexation shall become effective on, the day after the election.

Section 7. Mailing Copies of this Ordinance; Metro Notice.

Within 30 days following the date of adoption:

a. The City Recorder is hereby directed to mail a copy of this ordinance to all persons and governmental entities that appeared at the public hearing and requested a copy of the ordinance following adoption.

b. The City Recorder shall mail a copy of this ordinance together with the applicable mapping and notice fee charged by Metro pursuant to Metro Code 3.09.110, to Metro Data Resource Center, 600 NE Grand Ave., Portland, OR 97232.

Read by title only and enacted at the regular meeting of the City Council of the City of Lake Oswego held on _____ day of _____, 2007.

AYES:

NOES:

ABSTAIN:

EXCUSED:

Judie Hammerstad, Mayor

Dated:

ATTEST:

Robyn Christie, City Recorder

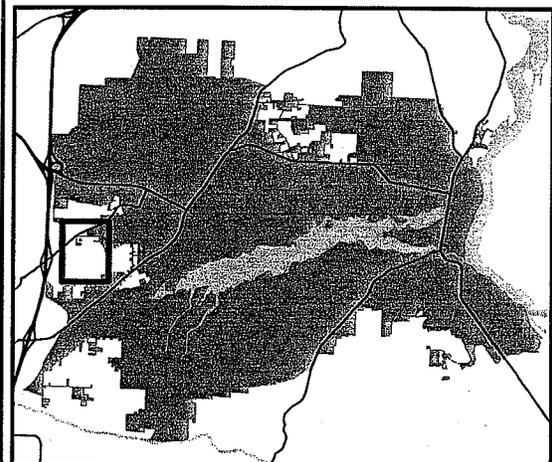
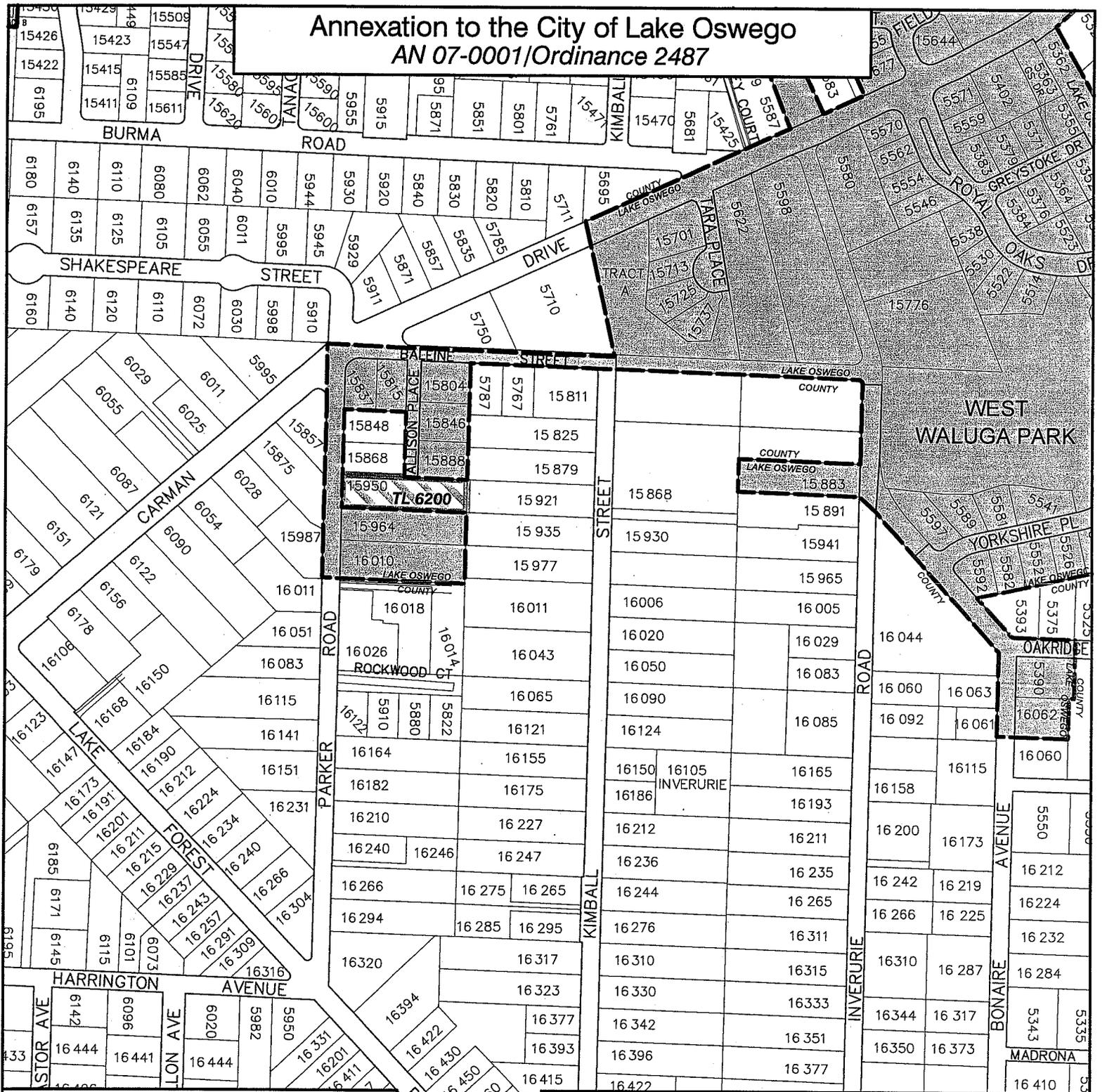
APPROVED AS TO FORM:



David D. Powell City Attorney

L:\Annexations\2007 Annexation Cases\AN 07-0001 Schultz-Bennett-Wobbe Parker Rd\Ordinance 2487.doc

Annexation to the City of Lake Oswego AN 07-0001/Ordinance 2487



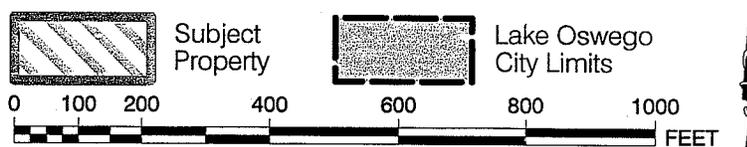
Effective Date: 7/5/07

Map and Lot #: 21E07CA TL 6200

City of Lake Oswego:
 COMPREHENSIVE PLAN= R-7.5, Residential
 ZONING= R-7.5, Residential

Clackamas County:
 ZONING= R-10, Residential

ATTACHMENT A
 (AN 07-0001/ORDINANCE 2487)





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

APPLICATION FOR ANNEXATION

RECEIVED

FEB 14 2007

PLANNING DEPT

FILE NAME: Bennett / Wobler / Schultz SUBMIT: 2-14-07 REVIEW: _____
15950 Parker Road RESUBMIT: _____ REVIEW: _____
 FILE NUMBER(S): AN07-0991 HEARING DATE: _____
 CITY FEE RECEIVED: \$ 0 METRO FEE RECEIVED: \$ 150 CHECK #: none-credit card
 NEIGHBORHOOD ASSN.: Lake Forest RECEIPT #: 277014
 CHECKLIST: Legal Description Title Report COMPLETENESS DATE: _____
 Assessor's Map Petition Fees (City and Metro) Waiver
 NA Delineation of Natural Resources (if required)
 Resolution 04-38 given to Applicant on 2-02-07 (date)

PRINT OR TYPE ALL INFORMATION BELOW

APPLICANT USE MAILING ADDRESS FOR HEARING NOTIFICATION

CRAIG SCHULTZ
 YOUR NAME PHONE # _____
 BUSINESS NAME BRIDGE CITY HOMES, LLC FAX # (503) 650-6999
 PO Box 2071
 ADDRESS Tualatin, OR 97062 SUITE (503) 650-6707
 CITY STATE ZIP _____
 E-MAIL ADDRESS _____
 SIGNATURE (ORIGINAL REQUIRED) BRIDGECITYH@AOL.COM DATE 2/11/07
 Note: I consent to an on-site inspection by an employee(s) of the City of Lake Oswego

PROPERTY OWNER (ADDITIONAL OWNER-SEE PAGE 2)

CYNTHIA E BENNETT 503 675 85381
 YOUR NAME PHONE # _____
 BUSINESS NAME _____ FAX # _____
 ADDRESS 1720 MAPLELEAF RD
 LAKE OSWEGO SUITE _____
 CITY OR STATE ZIP 97034
 E-MAIL ADDRESS CBEN8383@YAHOO.COM
 SIGNATURE (ORIGINAL REQUIRED) Cynthia Ee Bennett DATE 2-12-07
 Note: I consent to an on-site inspection by an employee(s) of the City of Lake Oswego

EXHIBIT F-2

ATTACH ANNEXATION PETITION AND LEGAL DESCRIPTION FROM DEED
ADDITIONAL PROPERTY OWNER IF MORE THAN ONE OWNER

BRUCE WOBBE 408 378 0920
 YOUR NAME *φ* PHONE #
 BUSINESS NAME 3383 MERRIMAC DR FAX #
 ADDRESS SAN JOSE SUITE 95117
 CITY STATE ZIP
 E-MAIL ADDRESS BRUCE@THEWOBBES.COM
 SIGNATURE (ORIGINAL REQUIRED) *Cynthia E. Bennett* DATE 2-12-07 ATTORNEY IN FACT FOR BRUCE WOBBE
 Note: I consent to an on-site inspection by an employee(s) of the City of Lake Oswego

PROPERTY/ZONING DATA

Address 15950 PARKER ROAD
 Location Description APPROX 1/4 MI SOUTH OF CARMEN ROAD

MAP & TAX LOT (list one per line)	(DO NOT USE LOT & BLOCK)	SITE ACRES	ZONING/PROPERTY INFORMATION			TOTAL EXISTING POPULATION
			EXISTING COUNTY ZONING DESIGNATION	CITY COMPREHENSIVE PLAN DESIGNATION	CURRENT ASSESSED VALUE	
21E07CA 06200		0.47	R10	R7.5	\$233,861.-	2
-						
-						
-						
-						
TOTAL OF PARCEL AREAS:		ACRES	SQ. FT.			

RIGHTS-OF-WAY TO BE INCLUDED: RIGHT-OF-WAY HAS ALREADY BEEN ANNEXED

REASON FOR ANNEXATION: SINGLE-FAMILY TO PARTITION INTO TWO LOTS & PROVIDE SEWER.

DESCRIBE NUMBER AND TYPES OF STRUCTURES ON THE PARCEL(S) (USE TAX LOTS AS REFERENCE):
1 SINGLE FAMILY RESIDENCE & ATTACHED CARPORT & ONE SMALL GARDEN SHED.
 EXISTING USE OF AREA TO BE ANNEXED:
 PROPOSED USE OF AREA TO BE ANNEXED:
 DESCRIBE SURROUNDING LAND USES (USE TAX LOTS AS REFERENCE)
 NORTH — SINGLE-FAMILY RESIDENTIAL
 SOUTH — SINGLE-FAMILY RESIDENTIAL
 EAST — SINGLE-FAMILY RESIDENTIAL
 WEST — PARKER ROAD RIGHT-OF-WAY & SINGLE-FAMILY RESIDENTIAL

PETITION FOR ANNEXATION TO THE CITY OF LAKE OSWEGO, OREGON

To the City Council of the City of Lake Oswego:

We, the undersigned owners and/or electors, petition and consent to be annexed to the City of Lake Oswego.

A map is attached, marked Exhibit A, showing the affected territory and its relationship to the present City boundaries.

PETITION SIGNERS							
Signature	Printed Name	I Am A* (check both if applicable)		Owner's /Elector's Mailing Address	Property Description		Date**
		PO	RV		Tax Map	Tax Lot	
X <i>Cynthia E Bennett</i>	CYNTHIA E BENNETT	X	X	1720 MAPLELEAF RD LAKE OSWEGO OR 97034	21E07CA06200		2-12-07
X <i>Cynthia E Bennett</i>	BRUCE WOODBE ATTORNEY IN F&C FOLLOWS	X		3383 MERRIMAC DR SAN JOSE, CA 95117	21E07CA06200		2-12-07
<i>Adam L. Schlichter</i>	ADAM L. SCHLICHTER		X	15950 PARKER ROAD LAKE OSWEGO, 97035	21E07CA06200		2/13/07

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

RECEIVED
FEB 14 2007
PLANNING DEPT.



BRIDGE CITY

H O M E S

March 1, 2007

Mr. Paul Espe
City of Lake Oswego

Re: Annexation Application – 15950 Parker Road

Dear Paul,

As we discussed today, there are two property owners for the above referenced property. Enclosed is the Power of Attorney for one of the property owner's, Bruce Wobbe, appointing the other owner, Cindy Bennett, as his attorney in fact to sign documents on his behalf. Ms. Bennett signed the annexation application for both owners in accordance with the power of attorney.

If you have any questions or need any further information, please let me know as soon as possible.

Sincerely,
Bridge City Homes, LLC

Craig L. Schultz
Managing Member

RECORDING REQUESTED BY
Fidelity National Title Company of Oregon

PRINCIPAL
Bruce Wobbe

ATTORNEY IN FACT
Cynthia E. Bennett

AFTER RECORDING RETURN TO:
Bruce Wobbe

SPACE ABOVE THIS LINE FOR RECORDER'S USE

POWER OF ATTORNEY

I, **Bruce Wobbe** have made, constituted and appointed, **Cynthia E. Bennett**, my true and lawful attorney for me and in my name, place and stead, and for my use and benefit to sell and convey to any party or parties, all or any portion of the following described real property in the County of Clackamas in the State of Oregon and more particularly described, as follows:

Lot 50, block 2, Lake Forest, Clackamas County, Oregon

with all the privileges belonging or pertaining, and for me and in my name to make out, execute, acknowledge and deliver proper deeds of conveyance of the same.

GIVING AND GRANTING unto my attorney full power and authority to do and perform all and every act and thing requisite and necessary to be done, as fully to all intents and purposes as I might or could do if personally present.

DATED: September 29, 2006

STATE OF OREGON
COUNTY OF Clackamas
This instrument was acknowledged before me on
September, 29, 06
by Bruce Wobbe

B. Wobbe
Bruce Wobbe

Katie Engerman
Notary Public for Oregon
My commission expires: July 21, 2007





POWER OF ATTORNEY

THIS Power of Attorney is given by me, Bruce Wobbe, presently of 3383 Merrimac Drive, San Jose, in the State of California, on the 5th day of April, 2007.

1. Previous Power of Attorney

I REVOKE any previous power of attorney granted by me.

2. Attorney-in-fact

I APPOINT Cynthia E. Bennett, of 1720 Mapleleaf Road, Lake Oswego, Oregon, to act as my Attorney-in-fact.

3. Governing Laws

This instrument will be governed by the laws of the State of Oregon. Further, my Attorney-in-fact is directed to act in accordance with the laws of the State of Oregon at any time he or she may be acting on my behalf.

4. Delegation of Authority

My Attorney-in-fact may not delegate any authority granted under this document.

5. Liability of Attorney-in-fact

My Attorney-in-fact will not be liable to me, my estate, my heirs, successors or assigns for any action taken or not taken under this document, except for willful misconduct or gross negligence.

6. Powers of Attorney-in-fact

My Attorney-in-fact will have the following power(s):

Initials

1. Specified Power 1

To have control over all affairs with regard to the property located at 15950 Parker Road Lake Oswego, Or 97035-4032, including but not limited to the annexation to the city of Lake Oswego, Oregon including all related and necessary instruments.

7. Attorney-in-fact Compensation

My Attorney-in-fact will receive no compensation except for the reimbursement of all out of pocket expenses associated with the carrying out of my wishes.

8. Co-owning of Assets and Mixing of Funds

My Attorney-in-fact may not mix any funds owned by him or her in with my funds and all assets should remain separately owned if at all possible.

9. Personal Gain from Managing My Affairs

My Attorney-in-fact is not allowed to personally gain from any transaction he or she may complete on my behalf.

10. Effective Date

This power of attorney will start immediately upon signing. Under no circumstances will the powers granted in this power of attorney continue after my mental incapacity or death.

11. Attorney-in-fact Restrictions

This Power of Attorney is not subject to any conditions or restrictions other than those noted above.

12. Notice to Third Parties

Any third party who receives a valid copy of this Power of Attorney can rely on and act under it. A third party who relies on the reasonable representations of an Attorney-in-fact as to a matter relating to a power granted by this Power of Attorney will not incur any liability to the principal or to the principal's heirs, assigns, or estate as a result of permitting the Attorney-in-fact to exercise the authority granted by the Power of Attorney up to the point of revocation of the Power of Attorney. Revocation of the Power of Attorney will not be effective as to a third party until the third party receives notice and has actual knowledge of the revocation.

13. Severability

If any part of any provision of this instrument is ruled invalid or unenforceable under applicable law, such part will be ineffective to the extent of such invalidity only, without in any way affecting the remaining parts of such provisions or the remaining provisions of this instrument.

A handwritten signature in black ink, appearing to be "J. W. R.", is located in the bottom right corner of the page.

14. Acknowledgment

I, Bruce Wobbe, being the Principal named in this Power of Attorney hereby acknowledge:

1. I have read and understand the nature and effect of this Power of Attorney.
2. I am of legal age in the State of Oregon to grant a Power of Attorney.
3. I am voluntarily giving this Power of Attorney.

IN WITNESS WHEREOF I hereunto set my hand and seal at the City of London, England, this _____ day of April, 2007.

SIGNED, SEALED AND DELIVERED
in the presence of:



Bruce Wobbe

WITNESS:


NOTARY ACKNOWLEDGEMENT

Laurence O'HARA



GREAT BRITAIN AND NORTHERN IRELAND
LONDON, ENGLAND
EMBASSY OF THE UNITED STATES OF AMERICA

} ss

I certify that on this Fifth day of April, 2007,
personally appeared BRUCE WOBBE

who, upon producing satisfactory proof of identification, acknowledged to me that
the attached instrument was executed freely and voluntarily.

This document contains 4 pages,
Each initial on the ~~affiant~~/grantor



Consul of the United States of
America at London, England
Commission Indefinite



K

K