

Final Documents

For

Annexation to the
City of Oregon City

CL3305

Ordinance #06-1003

DOR-3-1747-2006

Sec. State: AN-2006-0233

Office of the Secretary of State

BILL BRADBURY
Secretary of State



Archives Division
MARY BETH HERKERT
Director

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

Facsimile (503) 373-0953

July 27, 2006

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

Dear Mr. Knight:

Please be advised that we have received and filed, as of July 27, 2006, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
OR NO 2456 (Lake Oswego)	AN 2006-0232
OR NO 06-1003 (Oregon City)	AN 2006-0233
OR NO 2006-11 (Forest Grove)	AN 2006-0234
OR NO 5624 (Hillsboro)	AN 2006-0235
OR NO 06-152 (Clean Water Services District)	SD 2006-0086

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

Property Information:

32E04C 01800	14420 S Maplelane Rd
32E04C 01801	14430 S Maplelane Rd
32E04C 01802	No Site Address
32E04C 02000	No Site Address
32E04C 02002	14442 S Maplelane Rd
32E04DB00600	14480 S Maplelane Rd

Notice to Taxing Districts

ORS 308.225



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

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

Description and Map Approved
July 24, 2006
As Per ORS 308.225

Description Map received from: METRO
 On: 7/14/2006

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

**ANNEX TO CITY OF OREGON CITY; WITHDRAW FROM SEVERAL DISTRICTS
 (CL3305)**

ORD. #06-1003 (AN05-03)

has been: Approved 7/24/2006
 Disapproved

Notes:

Department of Revenue File Number: 3-1747-2006

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

Proposal No. AN-05-03

3S2E04

Annexation to the City of Oregon City

Clackamas Co.



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



600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email 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. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

County lines

City

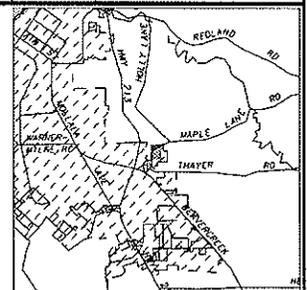
Annexation boundary

Urban Growth Boundary

Proposal No. AN-05-03
CITY OF OREGON CITY
Figure 1

Scale: 1" = 250'

0 200 400



ORDINANCE No. 06-1003

**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 the legal description 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 May 16, 2006; and

WHEREAS, the Clackamas County Clerk has returned the official figures indicating the results of the election held on May 16, 2006; 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

WHEREAS, the Tri-City Service District requires the City's concurrence to annexations into the District; and

WHEREAS, the City Commission concurs that the Tri-City Service District can annex the identified properties into their sewer district.

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. The City hereby concurs with and approves the annexing of the territory identified above into the Tri-City Service District by the Clackamas County Board of Commissioners, to the extent allowed by law.

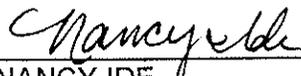
Section 6. That the effective date for this annexation is the date this ordinance is submitted to the Secretary of State, as provided in ORS 222.180.

Read for the first time at a regular meeting of the City Commission held on the 21st day of June 2006, and the foregoing ordinance was finally enacted by the City Commission this 5th day of July 2006.



ALICE NORRIS
Mayor

ATTESTED this 5th day of July 2006.



NANCY IDE
City Recorder

LEGAL DESCRIPTION
FOR
AN 05-03 AND METRO CL3305

Part of the J. G. Swafford Donation Land Claim (unrecorded) in the SW 1/4 of Section 4 (04C) and in the NW 1/4 of SE 1/4 of Section 4 (04DB), Township 3 South Range 2 East, Willamette Meridian, Clackamas County, Oregon described as follows:

Beginning at a stone in the center of Maplelane (County Road No. 398), 32.32 feet, more or less, north of the northeast corner of Lot 4, in Block "A" of Clackamas County Plat Westover Acres, (now vacated);

Thence South $67^{\circ} 11'$ West in the center of said road 520.86 feet, more or less, to a point North of the northeast corner of Lot 1, Block "A" of said plat;

Thence South on the northerly extension of the easterly line of Lot 1, Block "A" of said plat a distance of 32.55 feet more or less to the southerly right-of-way line of Maplelane Road, which is the **True Point Of Beginning**;

1. Thence South 411.44 feet, more or less, to the southeast corner of Lot 1, Block "A";
2. Thence West 187.68 feet, more or less, to the center line of McBain Avenue in said plat;
3. Thence South in the centerline of said McBain Avenue to the intersection of the South line of Lot 6, Block "B" of said plat with said centerline 486.66 feet (calculated));
4. Thence along the South line of said Lot 6, West 277.00 feet to a point on said South line;
5. Thence North 97.25 feet along the West line of Lot 4, Block "B";
6. Thence North along the West line of said Lot 4, a distance of 338.74 feet to a point that is South 191 feet from the northwest corner of said Lot 4;
7. Thence continuing North along West line of said Lot 4, a distance of 35 feet to a point;
8. Thence to a point on the southwesterly line of that parcel sold to Darren Wiedrich, by deed recorded August 28, 1997 as Recorder's Fee No. 97-066213, Clackamas County records, which is South $49^{\circ} 42'$ West a distance of 237.16 feet from the northeast corner of said Lot 4;
9. Thence along the extension of said northwesterly line of Wiedrich parcel to the point of intersection with the northerly right-of-way line of Maplelane Road;
10. Thence northeasterly along the northerly right-of-way line of Maplelane Road a distance of 195.16 feet (calculated) to a point of intersection with the northerly extension of the northeasterly line of that tract of land sold to Robert Lofgren by deed recorded October 1, 1997 as Recorder's Fee No. 97-85621, Clackamas County records;
11. Thence southeasterly along the said extension of the northeasterly line of the Lofgren tract that is also perpendicular to the northerly right-of-way line of Maplelane Road a distance of 60 feet to a point on the southerly right-of-way line of Maplelane Road;
12. Thence continuing South $40^{\circ} 18'$ East 100 feet to a point;

13. Thence South $49^{\circ} 41'$ West 40.74 feet to a point that is 130 feet South of the northeast corner of the northeast corner of Lot 4;
14. Thence South along the east line of said Lot 4, a distance of 30 feet to a point;
15. Thence East 31.24 feet;
16. Thence North $52^{\circ} 58' 42''$ East 48.82 feet;
17. Thence East 18.70 feet;
18. Thence South $8^{\circ} 05' 05''$ East 30.29 feet;
19. Thence East 74.72 feet to the center of vacated McBain Avenue;
20. Thence South along the centerline of said McBain Avenue to the Southwest corner of that tract sold to Rocky Younger, by deed recorded December 6, 2005 as Recorder's Fee No. 2005-121581, Clackamas County records, a distance of 83.47 feet (calculated);
21. Thence North along the centerline of said McBain Avenue 229.45 feet (calculated), to the southerly right-of-way line of Maplelane Road;
22. Thence perpendicular to the right-of-way line $N22^{\circ}49'W$ 60.00 feet to the northerly right-of-way line of Maplelane Road;
23. Thence northeasterly along said northerly right-of-way line a distance of 175.88 feet;
24. Thence perpendicular to the right-of-way line $S22^{\circ}49'E$ 60.00 feet to the southerly right-of-way line of Maplelane Road to the True Point Of Beginning.

TOGETHER WITH an easement for ingress and egress and for underground utilities.

A parcel of land situated in the J. B. Swafford Donation Land Claim and being in the southwest one-quarter of section 4, Township 3 south, Range 2 east of the Willamette Meridian, in the County of Clackamas and State of Oregon, being more particularly described as follows:

Beginning at the northeast corner of Lot 4, Block B, Westover Acres, vacated; thence southwesterly along the southeasterly right of way line of Maple Lane a distance of 46 feet to the most westerly corner of that certain tract as described in Clackamas County Recorder's Fee no. 70 8135 and conveyed to Kenneth and Christina Manning on April 30, 1970, said corner being the true point of beginning of the parcel herein described; thence departing said right of way line and running southeasterly along the southwesterly line of said Fee no. 70 8135, and the northeasterly line of that certain tract described as Parcel III of Clackamas County Recorder's Fee no. 88-16908, conveyed on April 29, 1988, a distance of 134.56 feet to a point on the northerly line of the most westerly portion of that certain tract as described in Clackamas County Recorder's Fee no. 72 18211, to Richard and Audrey Smith; thence east along said northerly line a distance of 26.22 feet; thence northwesterly parallel to said northeasterly line of Parcel III, Fee no. 88-16908, a distance of 151.48 feet, more or less, to a point on the southeasterly right of way line of Maple Lane; thence southwesterly along southeasterly right of way line a distance of 20.00 feet to the point of beginning.

FINDINGS

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

1. The territory in Proposal No. AN 05-03 contains approximately 5.6 acres, has 4 single-family residences with a population of 10, and is valued at \$445,326.
2. The applicants would be able to receive city services. The applicants have supplied a layout for a future subdivision should several of the applicants decide to work together to create a subdivision.
3. Tax Lot 600 property has a single family home on it and gently slopes toward South Maplelane Road at less than 2 percent. Tax Lots 1800, 1801, and 2002 have single-family homes on them and gently slope to the southwest at less than 2 percent. Tax Lots 1802 and 2000 are just fields and also gently slope toward the southwest. All home lots have typical residential landscaping. The property is in the Newell Drainage Basin.
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 City finds the proposal meets 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 that 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 plan designation for this site is Low Density Residential - Manufactured Homes (LD-MH) on the County's Oregon City Area Land Use Plan (Map IV-5). Zoning on the property is FU-10, Future Urban, and 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 that is Low Density Residential. Consequently, when property is annexed to Oregon City, it already has a City planning designation of R-10 single family.

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 45 days before the City Commission hearing.

- 8. The Oregon City acknowledged Comprehensive Plan does 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.

Section 14 of the Plan is entitled *Urbanization*. Several policies in this section are pertinent to proposed annexations. The following excerpts expand on the City's annexation philosophy and requirements.

The City is required to refer all proposed annexations to the voters. Rather than having voter approval of individual property owners' requests to annex, the City should prepare and implement an annexation plan and program. The City could then annex large blocks of properties (with voter approval) at one time, rather than in a piecemeal fashion. Annexation would be tied more directly to the City's ability to provide services efficiently, maintain regular city boundaries, and help the city meet Metro targets for housing and employment. The zoning of the property should be decided at the time the Planning Commission and City Commission review and approve the annexation request.

Applications for annexation, whether initiated by the City or by individuals, are based on specific criteria contained in the City's municipal code. Metro and state regulations promote the timely and orderly provision of urban services, with which inappropriate annexations can conflict. Therefore, an annexation plan that identifies where and when areas might be considered for annexation can control the expansion of the city limits and services to help avoid those conflicts and provide predictability for residents and developers. Other considerations are consistency with the provisions of this comprehensive plan and the City's public facility plans, with any plans and agreements of urban service providers, and with regional annexation criteria.

The City has not prepared an annexation plan and program to facilitate wholesale large block area annexations. Until such a methodology and process is in place, annexation will continue in a piecemeal fashion such as this proposal. This annexation is still sufficiently tied directly to the City's ability to provide services efficiently with the logical extension of physical utility lines as it is adjacent to a new subdivision, Walnut Grove, that has utility and two street stubs into the properties. This annexation does maintain regular city boundaries as about 40 percent of the boundary of the properties touch the Walnut Grove area. This annexation could help the city meet Metro targets for housing, but not employment.

The zoning of these properties upon annexation is already set for R-10 by the municipal code as stated below in the Land Use section. The City Public Safety Director, Chief Huiras, states (Exhibit C) that *"the Oregon City Police Department lacks the capacity to provide services to additional property or development and any additional demand for service will negatively impact already inadequate police resources. Our community has already experienced an elimination of police response to some types of 911 calls, as growth has outpaced our ability to provide police services."* The police and fire response

times both exceed national standards. The applicant has recognized this as a deficiency in the City's ability to service this area. The applicant has worked with Chief Huiras to formulate an Annexation Agreement for a monetary supplement to provide replacement Fire apparatus (\$250.00 one time payment per new home building permit) and Police (\$3,500.00 one time payment per new home building permit) with needed funds to assist in servicing this new area if annexed. The Annexation Agreements only apply to those properties that can be developed. This agreement will expire in 2018 if no homes are built – at which time no payments will be provided.

The following Plan annexation policies are approval criteria for annexations under Criteria 3 of Metro Code. They provide that the City's Comprehensive Plan designations will apply upon annexation, how zoning will be changed (either automatically or after annexation) and that annexations are to be processed according to quasi-judicial procedures.

Goal 14.4: Annexation of Lands to the City

Annex lands to the city through a process that considers the effects on public services and the benefits to the city as a whole and ensures that development within the annexed area is consistent with the Oregon City Comprehensive Plan, City ordinances, and the City Charter.

The city annexation process is set out in Chapter 14 of the Municipal Code. By requiring compliance with that code, the Metro code, and the statewide Planning Rules, the city is applying their consideration of the effects this annexation will have on public services and any benefits to the city as a whole.

Policy 14.4.1 In order to promote compact urban form to support efficient delivery of public services, lands to be annexed must be within the City's Urban Growth Boundary, and must be contiguous to the existing City limits. Long linear extensions, such as cherry stems and flag lots, shall not be considered contiguous to City limits.

The proposed properties are contiguous to the city limits along 40 percent of the perimeter by touching Walnut Grove subdivision. The shape of the properties is fairly uniform except for missing three small properties along South Maplelane Road. There are no flag lots involved in this proposed annexation.

Policy 14.4.2 Concept Plans and Sub-area Master Plans for unincorporated areas within the Urban Growth Boundary shall include an assessment of the fiscal impacts of providing public services to the area upon annexation, including the costs and benefits to the city as a whole.

This is neither a Concept Plan nor a Sub-area Master Plan.

Policy 14.4.3 *When an annexation is requested, the Commission may require that parcels adjacent to the proposed annexation be included to:*

- a) *avoid creating unincorporated islands within the city;*
- b) *enable public services to be efficiently and cost-effectively extended to the entire area; or*
- c) *implement a Concept Plan or Sub-area Master Plan that has been approved by the Commission.*

This proposed annexation does not create unincorporated islands within the city. Several applicants are proposing to layout a subdivision in the future (Exhibit B). There is no existing approved Concept Plan or Sub-area Master Plan for this area.

Policy 14.4.4 *The City may, as provided by state law, provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system; the Commission may expedite the annexation of the subject property into the city, subject to any voter approvals of annexations.*

No public health hazard exists at this time.

The *Public Facilities* Section of the Comprehensive Plan contains the following pertinent Goals and Policies.

Goal 11.1: Provision of Public Facilities

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

Policies

Policy 11.1.1 *Ensure adequate public funding for the following urban facilities and services, if feasible:*

- a. *Streets and other roads and paths*
- b. *Wastewater collection*
- c. *Storm water management services*
- d. *Police protection*
- e. *Fire protection*
- f. *Parks and recreation*
- g. *Water distribution*
- h. *Planning, zoning and subdivision regulation*

South Maplelane Road will remain a county-maintained road until such time as the county and city agree to transfer the operations and maintenance responsibilities. This annexation will immediately add four homes to the city's police and fire protection coverage. Upon annexation, these four homes will start paying the current stormwater utility fee of \$4/month. Most of these four homes are on the public Clackamas River Water system and will remain on this system until such time as the City annexes over

75% of the properties in that section of S. Maplelane Road. Any future development of these properties will fall under the city planning, zoning, and land division regulations. This annexation could eventually add about 20 future home lots to the city's police and fire protection coverage. Upon annexation, the four existing homes will start paying the current stormwater utility fee of \$4/month.

* * *

Policy 11.1.3 Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land use planning goals and regulations. Facilities that serve the general public will be centrally located and accessible, preferably by multiple modes of transportation.

Policy 11.1.4 Support development on underdeveloped or vacant buildable land within the City where urban facilities and services are available or can be provided and where land use compatibility can be found relative to the environment, zoning, and comprehensive plan goals.

Policies 11.1.3 and 11.1.4 encourage development on sites within the City where urban facilities and services are either already available or can be provided. This policy implies that lands that cannot be provided urban services should not be annexed. The proposed lands in this annexation can easily be provided urban services with the possible exception of staff-limited police resources. Future development will definitely require further analysis of this service area.

The applicant has recognized the service shortcomings of police and fire and has proposed two agreements (Exhibits L & M) for the two large lots on the north side of Maplelane Road with the city to remedy these shortcomings. The agreements require any future development of lots to incur a one time payment of \$3,500.00/per single-family residential building permit for police services and a one time payment of \$250.00/per single-family residential building permit for fire equipment acquisition and replacement for each lot at the time of building permit. These agreements expire in 2017 if no homes are built – at which time no payments will be provided.

Policy 11.1.5 Design the extension or improvement of any major urban facility and service to an area to complement other urban facilities and services at uniform levels.

Policy 11.1.3 prevents the City from extending services outside the City limits. Consequently, lands outside the City are required to annex to use urban public facilities

Policy 11.1.5 requires that the installation of a major urban facility or service should be coordinated with the provision of other urban facilities or services. No major urban

facility or service is required here; rather, it simply requires normal extension of water and sanitary sewer from the two existing stub streets in Walnut Grove subdivision.

Read together, these policies suggest that when annexing 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. Overall, it appears that the city can provide urban services to these four homes. It is quite clear that future development will incur more scrutiny, especially in the area of police protection.

Goal 11.2: Wastewater

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's wastewater collection system while protecting the environment and meeting state and federal standards for sanitary sewer systems.

Policies

* * *

Policy 11.2.2 Plan, operate and maintain the wastewater collection system for all current and anticipated city residents within the existing urban growth boundary. Strategically plan for future expansion areas.

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 could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The sanitary sewer is available to these properties through the stub street sanitary connections in Walnut Grove.

Policy 11.2.3 Work with Tri-City Service District to provide enough capacity in its collection system to meet standards established by the Oregon Department of Environmental Quality (DEQ) to avoid discharging inadequately treated sewage to surface waters.

The Tri-City Service District was provided notice of this annexation. The district did not respond to the notice. No response is interpreted as no opposition. 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. The City Commission must concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.

Goal 11.3: Water Distribution

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's water distribution system while protecting the environment and meeting state and federal standards for potable water systems.

Policies

Policy 11.3.1 Plan, operate and maintain the water distribution system for all current and anticipated city residents within its existing urban growth boundary and strategically plan for future expansion areas.

Since new development on annexed lands may connect to the city water distribution system, this policy suggests that a measure of the adequacy of the water distribution system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The City has an adequate water supply in the general area of this annexation in Maplelane Road from the two existing stub streets in Walnut Grove. Most of these four homes are on the public Clackamas River Water system and will remain on this system until such time as the City annexes over 75% of the properties in that section of S. Maplelane Road.

Goal 11.4: Stormwater Management

Seek the most efficient and economical means available for constructing, operating, and maintaining the City's stormwater management system while protecting the environment and meeting regional, state, and federal standards for protection and restoration of water resources and fish and wildlife habitat.

Policies

Policy 11.4.1 Plan, operate, and maintain the stormwater management system for all current and anticipated city residents within Oregon City's existing urban growth boundary and strategically plan for future expansion areas.

Policy 11.4.4 Maintain existing drainageways in a natural state for maximum water quality, water resource preservation, and aesthetic benefits.

Since new development on annexed lands may connect to the city stormwater management system, this policy suggests that a measure of the adequacy of the stormwater management system should be whether the city (or the county stormwater management system in the event that drainage goes to the county) could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. New development may also have opportunities to provide further protection to preserve water quality. This annexation will not result in any changes to the stormwater drainage. Future development will require connection to the existing stormwater connections in the stub streets in Walnut Grove and conformance with city stormwater design standards.

Goal 11.9: Fire Protection
Maintain a high level of fire suppression and emergency medical services capacity.

Policies

Policy 11.9.1 *Ensure that all areas, including newly annexed areas, receive fire protection and emergency medical services.*

The City should provide the same level of fire protection to newly annexed areas that it provides to other areas within the City. The City may consider whether it will be possible to do so when it decides an annexation proposal. The applicant's proposal for an agreement providing funding supplements for both police and fire is meant to offset the police and fire deficiencies.

Section 2, of the City's Comprehensive Plan identifies land use types. Low Density Residential is identified as follows:

1. Low Density Residential [LR]: Areas in the LR category are primarily for single-family detached homes.

The City/County urban growth management agreement specifies that the County's acknowledged Comprehensive Plan and implementing regulations shall apply until annexation and the City adopts subsequent plan amendments. The Oregon City Code requires the City Planning Division to review the final zoning designation within sixty days of annexation, utilizing a chart and guidelines in OCMC 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 future development of the property will need to include half-street/full street improvements to the minor arterial, S. Maplelane Road, and to the extensions of the two stub streets in Walnut Grove subdivision as appropriate.

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

As demonstrated in this section of the staff report, the City's Comprehensive Plan is satisfied.

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. The site is contiguous at its border with city property on about 40 percent (about 1200 feet) of the exterior area boundary touching Walnut Grove subdivision. The Metro Code criteria are set out on page 2 of this report. This report considers each factor and the Conclusions and Reasons in the attached Findings and Reasons demonstrate that these criteria are satisfied.

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 property is in the Newell Drainage Basin. None of the properties are mapped under the Water Quality Resource Area Overlay District on Oregon City's Water Quality and Flood Management Areas Map.

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

The only significant adverse effect is on the lack of police officers and to some minor degree, a lack of funds for replacing fire apparatus. The applicant has recognized the service shortcomings of police and fire and has proposed supplemental funding with the city to remedy these shortcomings. The future agreements will require any future development of lots to incur a one time payment of an unknown amount per single-family residential building permit for police services and a one time payment of an unknown amount per single-family residential building permit for fire equipment acquisition and replacement for each lot at the time of building permit. These agreements would have an expiration date – perhaps 10 years or more so that if no homes are built then no payments will be provided.

Otherwise, 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 City of Oregon City provides sanitary sewer service. The applicant reports that there are 8-inch sewer lines in the two street stubs in the adjacent Walnut Grove subdivision that can serve this area. Any future development or individual home connection in the area will require the lines be extended to serve the requested area.

The Tri-City County Service District provides sewage transmission and treatment services to the cities of Oregon City, West Linn and Gladstone. Each city owns and maintains its own local sewage collection system. The District owns and maintains the sewage treatment plant and interceptor system. The three cities are in the District and as provided in the intergovernmental agreement between the District and the City, the District does not serve territories outside Oregon City, with one exception.

Before January 1, 1999, state statute (ORS 199) provided that when territory was annexed to a city that was wholly within a district, the territory was automatically annexed to the district as well. That statute no longer applies in this area. Therefore, each annexation to Oregon City needs to be followed by a separate annexation of the territory to the Tri-City Service District. The City Commission concurs with Tri-City Service District’s annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.

11. The City and Clackamas River Water do not have an urban service agreement for this area. There are existing City 8-inch ductile iron waterlines in the two street stubs in the adjacent Walnut Grove subdivision. There is also a 12-inch Clackamas River Water (CRW) water line in S. Maplelane 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. Any future development would have to convey site stormwater runoff to the stormwater system in the adjacent Walnut Grove subdivision or S. Maplelane Road, as appropriate.
13. This territory is currently within Clackamas County Fire District (CCFD) # 1. Oregon City provides fire service within the City under a contract with CCFD #1. 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 CCFD #1 upon approval of the annexation. The applicant has recognized the service shortcomings of police and fire and has proposed supplemental funding with the city to remedy these shortcomings. The future agreements will require any future development of lots to incur a one time payment of an unknown amount per single-family residential building permit for police services and a one time payment of an unknown amount per single-family residential building permit for fire equipment acquisition and replacement for each lot at the time of building permit. These agreements would have an expiration date – perhaps 10 years or more so that if no homes are built then no payments will be provided.
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. There will be minimal impact to police services upon annexation, however, any future development would negatively impact already strained police services. The applicant has recognized the service shortcomings of police and fire and has proposed supplemental funding with the city to remedy these shortcomings. The future agreements will require any future development of lots to incur a one time payment of an unknown amount per single-family residential building permit for police services and a one time payment of an unknown amount per single-family residential building permit for fire equipment acquisition and replacement for each lot at the time of building permit. These agreements would have an expiration date – perhaps 10 years or more so that if no homes are built then no payments will be provided.

15. Access is provided from S. Maplelane Road via Beaver Creek Road and the two adjacent City stub streets from Walnut Grove subdivision. South Maplelane Road is a county minor arterial. Any future development of these properties must take this into consideration. The City-County UGMA requires the annexation to include the adjacent portion of S. Maplelane Road.

The applicant has not completed a traffic impact analysis (TIA) study for any future project. Several intersections will be impacted by future development of this site: South Maplelane Road at Beaver Creek Road (4-leg signalized stop) and Beaver Creek Road at Hwy 213 (4-leg signalized stop). Staff review of a recent TIA study concerning these intersections leads staff to believe that the potential small increase in traffic from any future development of these properties will not deteriorate any of these intersections to a critical situation. Both intersections were improved by the recent City/ODOT intersection improvement project.

16. Planning, building inspection, permits, and other municipal services will be available to the territory from the City upon annexation.
17. The recent approval of Measure 37 concerning governmental rules and regulations and how they affect property rights leads the City to require a waiver to Measure 37 upon annexation into the City. This is based on the following factors from the City's Annexation Code Section 14.04.060:

2. Conformity of the proposal with the city's comprehensive plan;
3. Adequacy and availability of public facilities and services to service potential development;

5. Natural hazards identified by the city, such as wetlands, floodplains and steep slopes;
6. Any significant adverse effects on specially designated open space, scenic, historic or natural resource areas by urbanization of the subject property at time of annexation;
7. Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation.

Subsection (2) requires conformity with the existing City plan; the condition to waive Measure 37 claims ensures that the City won't see a claim to waive or remove any requirement that was put in place to implement the plan.

Subsection (3) requires adequate public facilities; the City plans for public facilities based on the code and plan in place; if a potential waiver could occur, it would place unexpected demands on public facilities and could result in this factor not being adequate.

Subsection (5) could play a role, if the site has any natural hazards - if there are natural hazards, then annexation into the City could prevent the City from enforcing those provisions without a waiver.

Subsection (6), again could play a role if there are any of the designations (open space, scenic, historic or natural resources) that would be affected by the annexation.

Subsection (7) requires a lack of adverse effects on the various aspects of the City's environment. By requiring the waiver of Measure 37 claims, the City ensures that development not in conformance with the current code and plan will not occur and, because the code and plan were written to protect those aspects of the City's environment, requiring the waiver will ensure that there are not significant adverse effects of the 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 Comprehensive Plan that calls for a full range of urban services to be available to accommodate new development as noted in the Findings above. The City operates 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 existing improvements due to the Walnut Grove subdivision. Water service for the existing homes will continue to be furnished by Clackamas River Water (CRW) until such time as the City can serve that section of the city through extension of the city waterlines from Walnut Grove. 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 the Newell Basin, 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 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.

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." 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.
7. 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.
8. The City Commission concurs with Tri-City Service District's annexation of the subject property in the enacting City ordinance upon voter approval of the city annexation.
9. The Commission determines that the property should be withdrawn from CCFD # 1 and the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide fire and police services upon annexation.
10. The Commission agrees with the applicant's proposal for annexation agreements to supplement the police and fire services for the area and directs the City Manager to sign these agreements and record them upon voter approval of the proposed annexation.
11. Finally the City Commission should also require all consenting property owners to sign a waiver of Measure 37 rights prior to the City Commission adopting a final ordinance accepting a positive annexation election result.

CERTIFIED ELECTION RESULTS

NUMBERED KEY CANVASS

CLACKAMAS COUNTY, OREGON
MAY 16, 2006
PRIMARY ELECTION

REPORT-EL52 PAGE 0142

JN DATE:05/31/06 02:17 PM

3-20 City of Oregon City, Expands Oregon City
boundaries to Include Additional Land

Vote For 1
01 = Yes
02 = No

VOTES PERCENT

VOTES PERCENT

2,674 71.82 03 = OVER VOTES
1,049 28.18 04 = UNDER VOTES

0
511

	01	02	03	04
0001 Precinct 1	191	88	0	45
0002 Precinct 2	191	96	0	46
0003 Precinct 3	186	88	0	24
0005 Precinct 5	183	44	0	36
0006 Precinct 6	233	92	0	51
0007 Precinct 7	482	186	0	85
0008 Precinct 8	735	282	0	145
0009 Precinct 9	204	79	0	32
0011 Precinct 11	269	94	0	47

9006 JUN 0 11 2006
Sherry Hall
 SHERRY HALL, COUNTY CLERK
 CERTIFIED COPY OF THE ORIGINAL