

Final Documents

For

Annexation to the  
City of Oregon City

CL4500  
DOR 3-1501-2001  
SS AN 2001-0075  
Ordinance #01-1014

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

Final to Others: \_\_\_\_\_

Signature:

  
\_\_\_\_\_

Signature:

  
\_\_\_\_\_

Date of  
Mailing: 04/06/2001

Date of  
Mailing: 04/18/01

**METRO**

April 6, 2001

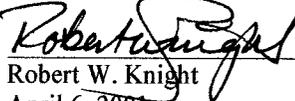
Rita F. Mathews  
Official Public Documents  
Office of the Secretary of State  
800 Summer Street NE  
Salem, OR 97310

**Subject: Final Annexation Packets**

I, Robert W. Knight, do affirm and attest that on this 4<sup>th</sup> day of April 2001 I have caused to be sent to the Office of the Secretary of State of Oregon the Final Annexation documents for:

Ordinance(s):	Jurisdiction:
01-1014	City of Oregon City

I was instructed to send this document to you do to an emergency declaration.

  
\_\_\_\_\_  
Robert W. Knight  
April 6, 2001

Associate GIS Specialist  
Metro, Data Resource Center

Office of the Secretary of State

Bill Bradbury  
Secretary of State



Archives Division  
ROY TURNBAUGH  
Director

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

Facsimile (503) 373-0953

April 16, 2001

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

Dear Mr. Martin:

Please be advised that we have received and filed on April 10, 2001 the following Annexation(s).

Ordinance(s):	City of:	Our File Number(s):
01-1014	Oregon City	AN 2001-0075

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

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

Sincerely,

A handwritten signature in cursive script that reads "Rita F. Mathews".

Rita F. Mathews  
Official Public Documents

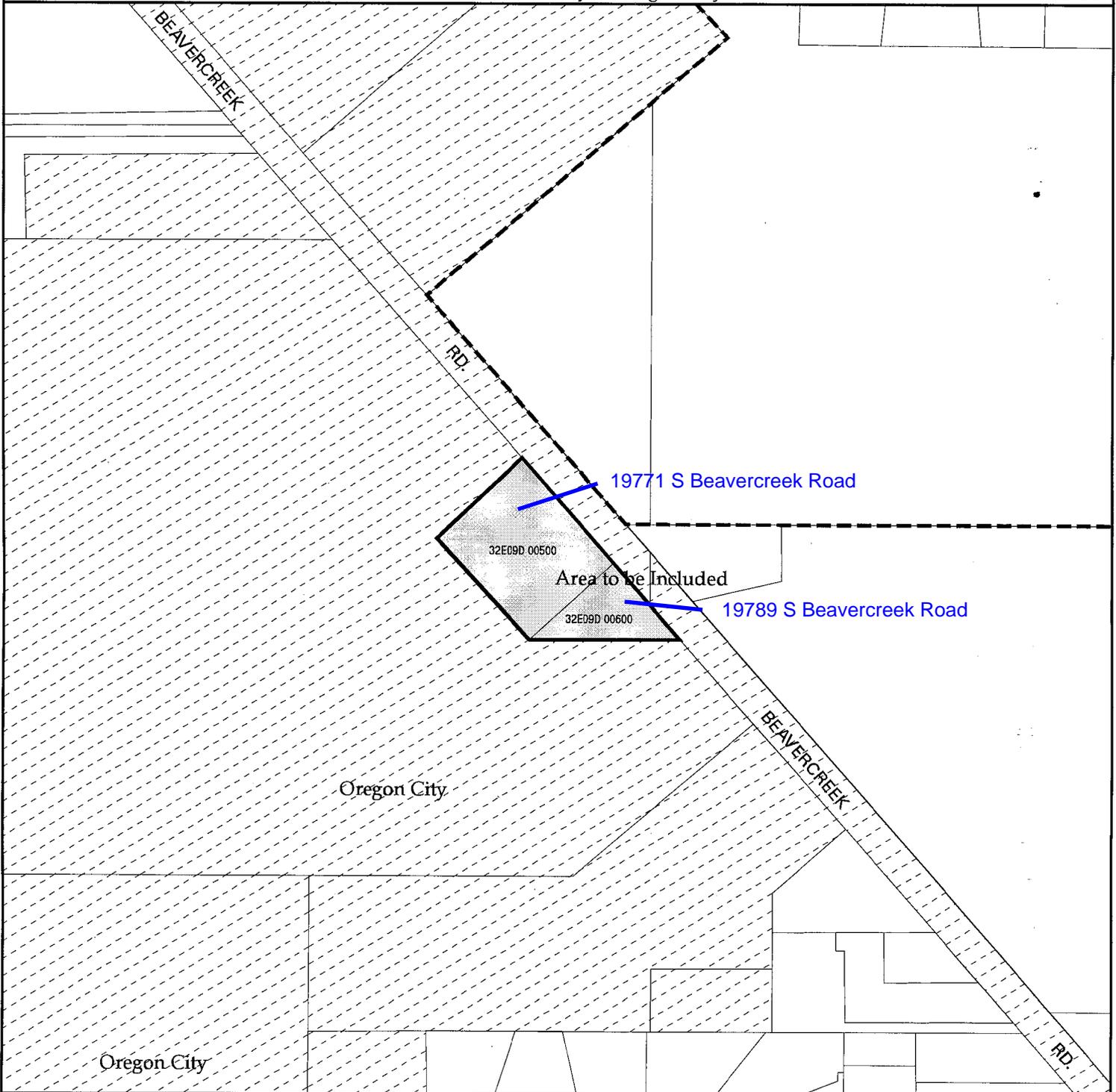
cc: Clackamas County  
ODOT/Highway Dept  
PSU/Population ResearchCtr.  
Revenue Cartography Section

# Proposal No. AN-00-06

3S2E09D

Annexation to the City of Oregon City

Clackamas Co.



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

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

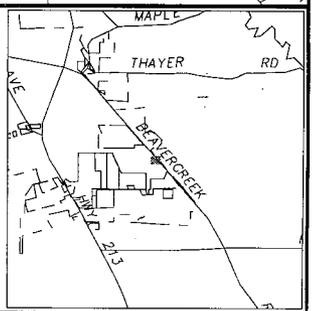
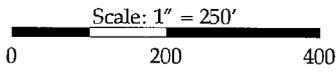


600 NE Grand Ave.  
Portland, OR 97232-2736  
Voice 503 797-1742  
FAX 503 797-1909  
Email drc@metro-region.org

**METRO**

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Proposal No. AN-00-06  
CITY OF OREGON CITY  
Figure 1



**ORDINANCE No. 01-1014**

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

OREGON CITY MAKES THE FOLLOWING FINDINGS:

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

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

WHEREAS, Chapter 1, section 3 of the Oregon City Charter of 1982 requires voter approval for annexations such as the one proposed; and

WHEREAS, the annexation of the identified property was submitted to the voters of the City of Oregon City at a special election held on March 13, 2001; and

WHEREAS, the Clackamas County Clerk has returned the official figures indicating the results of the election held on March 13, 2001; and

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

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

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

Now, therefore,

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That the area identified as:

An area of land located on the west side of Beaver Creek Road adjacent to Moss Junior High School and more particularly described as follows: Tax Lots 500 and 600 of the SE ¼, Section 9, T3S, R2E, W.M., Clackamas County, Oregon.

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

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

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

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

Section 5. That the effective date for this annexation is the date this ordinance is submitted to the Secretary of State, as provided in ORS 222.180.

Section 6. Because of the need to commence the development process for an expanded high school campus for the Oregon City School District at the earliest possible time, an emergency is declared and this ordinance shall take effect on its passage.

Read for the first time at a regular meeting of the City Commission held on the 4<sup>th</sup> day of April 2001, and the foregoing ordinance was finally enacted by the City Commission this 4<sup>th</sup> day of April 2001.

  
JOHN F. WILLIAMS, Jr.  
Mayor

ATTESTED this 4<sup>th</sup> day of April 2001.

  
LEILANI BRONSON-CRELLY  
City Recorder

**ORDINANCE NO. 01-1014**  
**Effective Date: April 4, 2001**

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

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

 <p align="center">INCORPORATED 1844</p>	<p align="center"><b>Agenda Item No.:</b> 4.3</p>	<p><b>Topic:</b> Proposed Ordinance No. 01-1014, Election Results For Annexation No. 00-06</p>
	<p align="center"><b>Report No.:</b> 01-072</p>	
	<p align="center"><b>Agenda Type:</b> DISCUSSION/ACTION</p>	
	<p><b>Meeting Date:</b> April 4, 2001</p>	
<p><b>Prepared By:</b> Bronson-Crelly</p>	<p><b>Reviewed By:</b></p>	<p><b>Approved By:</b> B. Sakamura</p>

**RECOMMENDATION:**

To implement this election, the Commission should approve Proposed Ordinance No. 01-1014.

**REASON FOR RECOMMENDATION:**

On Tuesday, March 13, 2001, Oregon City voters cast votes for **Ballot Measure 3-31**, which, asked the question, "Shall the City's boundaries be expanded to include 1.46 acres of additional land in the southeast part of the City?"

**BACKGROUND:**

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

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

On the April 4, 2001, agenda is the Official Statement of Votes as prepared by the office of the County Clerk and which is on file with the City Recorder. The Official Statement of Votes shows the following:

**Ballot Measure No. 3-31**

Yes = 1831  
No = 749

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

*Approved / 1st 2nd Rd  
w/ Emergency Clause  
X*

Statement of Vote - Clackamas County Special Election - March 13, 2001  
\*\* City of Oregon City - Meas. 3-29/30/31 \*\*

Page Number 2.002.001

COPY

	REGISTERED VOTERS	TURNOUT	Meas. 3-29/30/31 Oregon City		BLANKS	OVERVOTES	Meas. 3-30/31 Oregon City		BLANKS	OVERVOTES	Meas. 3-31 Oregon City		BLANKS	OVERVOTES
			YES	NO			YES	NO			YES	NO		
CONSOL PREC NO 001	1410	267	163	89	14	1	158	93	16	0	171	85	11	0
CONSOL PREC NO 002	1556	274	180	80	14	0	164	90	20	0	193	67	13	1
CONSOL PREC NO 003	1229	268	172	88	7	3	167	90	11	0	177	81	10	0
CONSOL PREC NO 005	1356	184	120	55	9	0	115	61	8	0	124	52	8	0
CONSOL PREC NO 006	1166	337	204	118	14	1	189	125	22	1	217	102	18	0
CONSOL PREC NO 007	2157	480	319	143	17	1	293	163	24	0	325	133	21	1
CONSOL PREC NO 008	2746	498	335	136	27	0	325	146	27	0	352	118	28	0
CONSOL PREC NO 009	1023	194	120	60	13	1	114	64	16	0	128	54	12	0
CONSOL PREC NO 010	121	38	29	9	0	0	28	9	1	0	27	11	0	0
CONSOL PREC NO 011	993	175	115	53	7	0	109	57	9	0	117	46	12	0
**** TOTALS ****	13757	2715	1757	829	122	7	1662	898	154	1	1831	749	133	2

CLACKAMAS COUNTY CLERK

001

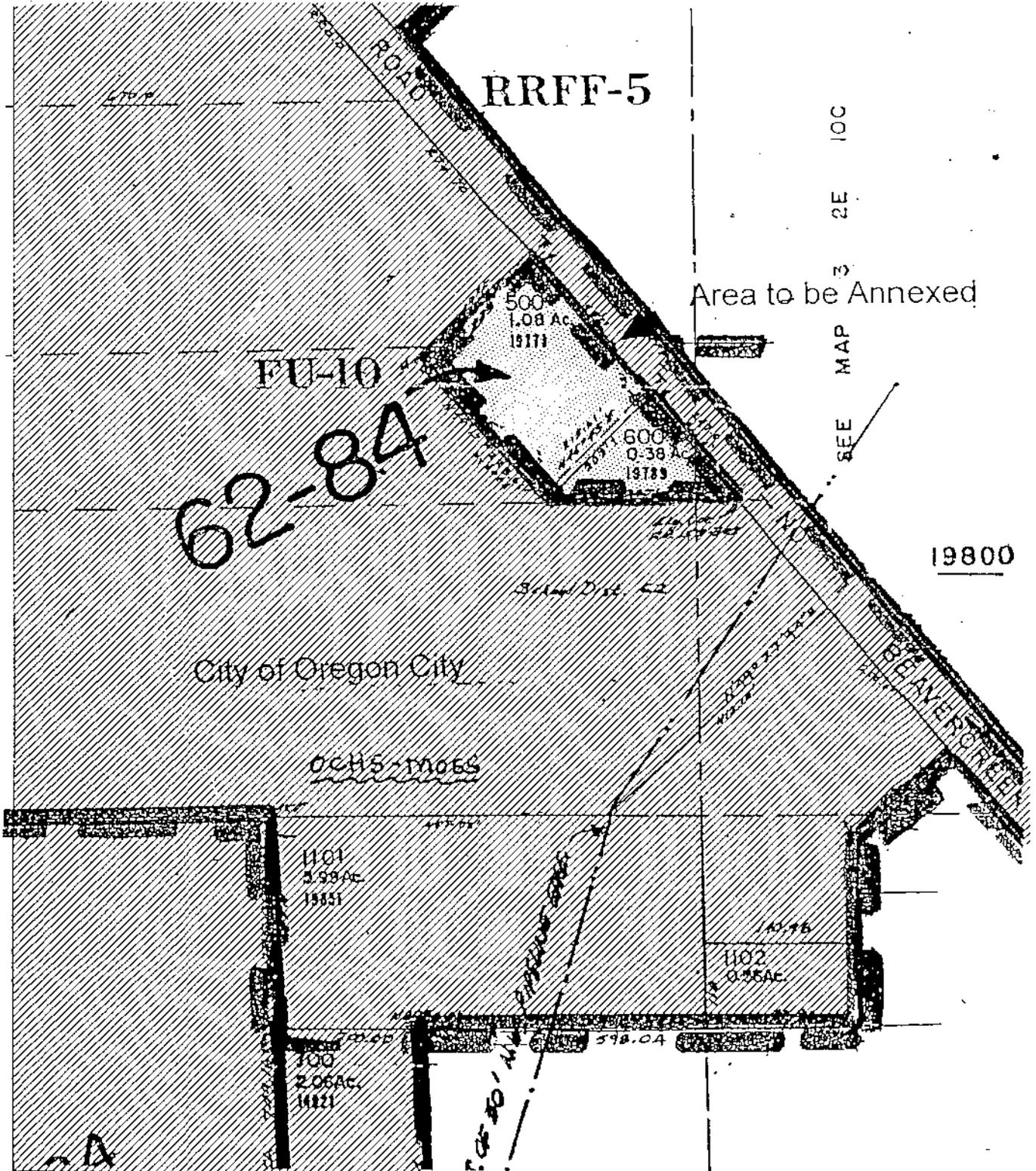
CERTIFIED COPY OF THE ORIGINAL  
JOHN F. KAUFFMAN, COUNTY CLERK  
BY: *[Signature]*  
3-26-01

# Proposal No. AN-00-06



600 NE Grand Ave.  
Portland, OR 97232-2736  
Voice 503 797-1742  
FAX 503 797-1909  
Email [drc@metro-region.org](mailto:drc@metro-region.org)

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



PROPOSAL NO. AN-00-06  
CITY OF OREGON CITY  
Figure 2

LEGAL DESCRIPTION  
TAX LOTS 500 AND 600  
CLACKAMAS COUNTY ASSESSOR'S MAP NO. 3 2E 9D  
NOVEMBER 10, 2000  
DWD

A TRACT OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 9, T.3 S.,  
R. 2 E., W.M., CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON,  
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF  
THAT TRACT OF LAND CONVEYED TO JAMES C. LEE AND HELEN M. LEE,  
HUSBAND AND WIFE, ON JULY 12, 1966, RECORDED IN BOOK 676, PAGE 538,  
CLACKAMAS COUNTY DEED RECORDS, WITH THE SOUTHWESTERLY RIGHT  
OF WAY LINE OF BEAVERCREEK ROAD; THENCE ALONG THE  
NORTHWESTERLY LINE OF SAID LEE TRACT S49°00'00"W 203.00 FEET TO AN  
IRON PIPE AT THE MOST WESTERLY CORNER OF SAID LEE TRACT; THENCE  
ALONG THE SOUTHWESTERLY LINE OF THAT TRACT OF LAND CONVEYED  
TO OREGON CITY SCHOOL DISTRICT NO. 62 BY WARRANTY DEED  
RECORDED AS DOCUMENT NO. 96-088297, CLACKAMAS COUNTY DEED  
RECORDS, S42°32'20"E 228.78 FEET TO A POINT WHICH IS LOCATED  
S46°53'W 0.50 FEET FROM THE MOST WESTERLY CORNER OF THAT TRACT  
OF LAND DESCRIBED IN DOCUMENT NO. 75-32201, CLACKAMAS COUNTY  
DEED RECORDS; THENCE N46°53'E 0.50 FEET TO SAID MOST WESTERLY  
CORNER; THENCE S42°32'E 6.39 FEET TO AN IRON PIPE AT A FENCE  
CORNER; THENCE ALONG THE SOUTHWESTERLY LINE OF THAT TRACT OF  
LAND CONVEYED TO OREGON CITY SCHOOL DISTRICT NO. 62 BY  
WARRANTY DEED RECORDED AS DOCUMENT NO. 96-087338, CLACKAMAS  
COUNTY DEED RECORDS, S 41°12'32"E 28.89 FEET TO A 5/8 INCH IRON ROD  
WITH YELLOW PLASTIC CAP STAMPED "COMPASS CORP."; THENCE ALONG  
THE SOUTH LINE OF SAID OREGON CITY DISTRICT NO. 62 TRACT  
RECORDED AS DOCUMENT NO. 96-087338, N88°48'00"E 259.09 FEET TO A 5/8  
INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "COMPASS CORP."  
ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF BEAVERCREEK ROAD;  
THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE 440 FEET,  
MORE OR LESS, TO THE POINT OF BEGINNING.

005

EXHIBIT A

## FINDINGS

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

1. The territory to be annexed contains 1.46 acres, one single family dwelling and is evaluated at \$319,340.
2. The property is to be included in a larger development, the balance of which is already inside the City. The development consists of conversion of Moss Junior High School into a high school.
3. Moss Junior High School campus lies to the north, west and south of this parcel. Across Beaver Creek Road to the east is rural residential land.
4. This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).
5. The Legislature has directed Metro to establish criteria that must be used by all cities within the Metro boundary. The Metro Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:
  1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans.
  2. Consistency with directly applicable provisions of urban planning area agreements between the annexing entity and a necessary party.
  3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
  4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
  5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
  6. If the boundary change is to Metro, determination by the Metro Council that the territory should be inside the UGB shall be the primary criteria
  6. Consistency with other applicable criteria for the boundary change in question under state and local law.

The Metro Code also contains a second set of 10 factors which are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. Those 10 factors are not applicable at this time to this annexation because no necessary party has contested the proposed annexation.

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

6. The Metro Code states that the Commission's decision on this boundary change should be ". . . consistent with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans, public facility plans, . . . "

The Clackamas County Comprehensive Plan is the currently applicable plan for this area. The plan designation for this site is Future Urbanizable on the County's Northwest Urban Land Map (Map IV-1) and Low Density Residential (LR) on the County's Oregon City Area Land Use Plan (Map IV-5). Zoning on the property is FU-10, Future Urban, 10 acre minimum lot size.

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

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

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

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

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

4. City and County Notice and Coordination

\* \* \*

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

\* \* \*

5. City Annexations

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

\* \* \*

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

The required notice was provided to the County at least 20 days before the City Commission hearing.

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

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

5. *Urban development proposals on land annexed to the City from Clackamas County shall be consistent with the land use classification and zoning approved in the City's Comprehensive Plan. Lands that have been annexed shall be reviewed and approved by the City as outlined in this section.*

6. *The rezoning of land annexed to the City from Clackamas County shall be processed under the regulations, notification requirements and hearing procedures used for all zone change requests, except in those cases where only a single City zoning designation corresponds to the Comprehensive*

*Plan designation and thus the rezoning does not require the exercise of legal or policy judgement on the part of the decision maker. . . .*

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

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

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

Goal

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

Policies

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

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

\* \* \*

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

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

\* \* \*

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

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

#### Sanitary Sewers

\* \* \*

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

\* \* \*

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

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

The Tri-City County Service District was provided notice of this annexation. It 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 may initiate that annexation after annexation to the City.

#### Fire Protection

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

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

Findings 11-18 address each urban service to determine whether the services are currently available or can be made available at an adequate level to serve the potential development of the property under the current planning designation and zoning that implements it.

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

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

*Planned development in all residential areas can provide a variety of housing types while maintaining compatible density. The housing element of the Plan discusses all types of housing. A very limited number of non-residential uses, such as churches, may be permitted in residential areas.*

The City/County urban growth management agreement specifies that the County's acknowledged Comprehensive Plan and implementing regulations shall apply until annexation and subsequent plan amendments are adopted by the City. The Oregon City Code requires the City Planning Department to review the final zoning designation within sixty days of annexation, utilizing a chart and some guidelines laid out in Section 17.06.050.

9. The City's Code contains provisions on annexation processing. Section 6 of the new ordinance requires the City Commission "to consider the following factors, as relevant:" Section 11 of the Code allows the City to authorize an exception to any of the requirements of the annexation ordinance. In this case the City is choosing to except application of the factors in Section 6 of the Code. These factors are:
  1. *Adequacy of access to the site;*
  2. *Conformity of the proposal with the City's Comprehensive Plan;*
  3. *Adequacy and availability of public facilities and services to service potential development;*
  4. *Compliance with applicable sections of Oregon Revised Statutes Chapter 222, and Metro Code 3.09;*
  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 the 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 annexation.”*

10. 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.
11. The City of Oregon City provides sanitary sewer collector service. The existing school (Moss) is already connected to the City's system. The existing houses are served by septic tanks. The new development on the site will be served by the existing sewer line.

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.

12. There is a 16-inch water line in Beaver Creek Road which currently serves the territory to be annexed.

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

Oregon City, with West Linn, owns the water intake and treatment plant, which the two cities operate through a joint intergovernmental entity known as the South Fork Water Board (SFWB). The ownership of the Board is presently divided with Oregon City having 54 percent and West Linn 46 percent ownership of the facilities.

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

Both the river intake facility and the treatment plant have a capacity of twenty million gallons per day (MOD). There is an intertie with Lake Oswego's water system that allows up to five mgd to be transferred between Lake Oswego and SFWB (from either system to the other).

Oregon City 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.

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

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

Upon annexation the Oregon City Police Department will serve the territory. Oregon City fields approximately 1.04 officers per 1000 population. The City is divided into three patrol districts with a four-minute emergency response and a twenty-minute non-emergency response time.

16. The existing school site provides football and softball fields. The redevelopment of the school site will add tennis, soccer and baseball facilities.
17. Access is provided by Beaver Creek Road which is already in the City.

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

## CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the City Commission determined:

1. The Metro Code calls for consistency of the annexation with the Regional Framework Plan or any functional plan. Because there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan or the Regional Transportation Plan (see Finding No. 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. 10 there are no such plans or agreements in place. Therefore the Commission finds that there are no inconsistencies between these plans/agreements and this annexation.
3. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The Commission concludes this annexation is consistent with the very few directly applicable standards and criteria in the Clackamas County Comprehensive Plan.

This annexation would "encourage development in areas where adequate public services and facilities can be provided in an orderly and economic way." The Commission considered the four conversion criteria in Policy 6.0. As Findings 11 through 18 show, all public facilities are available to serve this site.

4. The Commission concludes that the annexation is consistent with the City's Plan. The property must have urban services available before it can develop. The full range of urban services, particularly sanitary sewer service can only be obtained from Oregon City after annexation. (Policy 3, Chapter I). As the Findings on facilities and services demonstrate, the City has urban facilities and services available to serve the property.

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

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." The Commission concludes that the City's services are adequate to serve this area, based on Findings 11 through 18 and that therefore the proposed change promotes the timely, orderly and economic provision of services.
7. The City may withdraw the territory from the Clackamas River Water District at a future date, consistent with the terms of agreements between the City and the District.
8. The City may specify in its annexation Ordinance that the territory will be simultaneously withdrawn from Clackamas RFPD #1. The City's general property tax levy includes revenue for City fire protection. To prevent the property from being taxed by both the District and the City for fire services, the territory should be simultaneously withdrawn from the Fire District.
9. The City may specify in its annexation Ordinance that the territory will be simultaneously withdrawn from the Clackamas County Service District for Enhanced Law Enforcement. Upon annexation the City's Police Department will be responsible for police services to the annexed territory. The City's general property tax levy includes revenue for City police services. To prevent the property from being taxed by both the District and the City for law enforcement services, the territory should be withdrawn from the County Service District.