

ORDINANCE NO. 10-1007

AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE CITY OF OREGON CITY AND APPROVING THE MAY 18, 2010 ELECTION RESULTS FOR ANNEXATION 09-01.

WHEREAS, The City of Oregon City proposed that a 0.55 acre county island located north of Glen Oak Road and south of Meyers Road, more fully identified in Attachment '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 Attachment '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 an election held on May 18, 2010; and

WHEREAS, the Clackamas County Clerk has returned the official figures indicating the results of the election held on May 18, 2010; 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 Attachment 'A', is hereby annexed to and made a part of the City of Oregon City.


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

Section 3. That the territory identified in Attachment 'A' is hereby withdrawn from the Clackamas County Service District for Enhanced Law Enforcement.

Section 4. The City hereby concurs with and approves the annexing of the territory identified in Attachment 'A' into the Tri-City Service District by the Clackamas County Board of Commissioners, to the extent allowed by law.

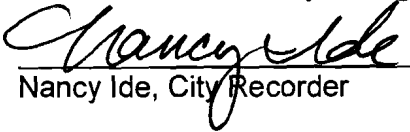
Section 5. That the effective date for this annexation is the date this ordinance is submitted to the Secretary of State, as provided in ORS 222.180.

Read for the first time at a regular meeting of the City Commission held on the 7th day of July 2010, and the foregoing ordinance was finally enacted by the City Commission this 4th day of August 2010.



ALICE NORRIS, Mayor

Attested to this 4th day of August 2010



Nancy Ide, City Recorder

Approved as to legal sufficiency:



City Attorney

DESCRIPTION:

Part of Sections 9 and 10, Township 3 South, Range 2 East, of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

Beginning at the Northwest corner of that tract conveyed to Wayne W. Bauer, et ux, by Deed recorded July 28, 1974, as Recorder's Fee No. 74-30289, Clackamas County Records, said corner being ^{EAST} 11 feet from the Northwest corner of Lot 6, GLEN OAKS CREST ADDITION NO. 2, a recorded plat; thence South 89° 47' 03" East, along the North line of said Lot 6, and the North line of Lot 7, in said subdivision, to the Southwest corner of that tract conveyed to Stanley E. Van Wagner, et ux, by Deed recorded November 18, 1977, as Recorder's Fee No. 77-47442, Clackamas County Records; thence North 2° 17' 20" East, along the West line of said Van Wagner tract, 110 feet; thence North 89° 47' 03" West, parallel with the aforementioned North line of Lots 7 and 6 to a point that is North 2° 17' 20" East of the point of beginning; thence South 2° 17' 20" West, 110 feet to the point of beginning.





FINDINGS, REASONS FOR DECISION, AND RECOMMENDATIONS

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. The Commission concludes the annexation is not inconsistent with this criterion 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.
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. 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, storm and sewer service, the City has both of these services available to serve the subject site from existing improvements in Connie Court, Glen Oak Road and Emerson Court..
5. The Commission notes that the Metro Code also calls for consistency of the annexation with urban planning area agreements. As stated in the Findings, 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 the Findings, 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 the Findings 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. Prior to the City issuing the final

zoning designation for the property, the applicant shall provide documentation that the property has been annexed into the Tri-City Service District.

9. The Commission determines that the property should be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide police services upon annexation.
10. The City Commission recognizes that the applicant has not offered a financial solution to the police funding shortcomings for future new homes and businesses.