

ORDINANCE NO. 13-1011

**AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE CITY OF OREGON
CITY AND APPROVING THE ELECTION RESULTS FOR AN 12-02**

OREGON CITY MAKES THE FOLLOWING FINDINGS:

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

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

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

WHEREAS, the annexation of the identified property was submitted to the voters of the City of Oregon City at a special election held on November 6th, 2012; and

WHEREAS, the Clackamas County Clerk has returned the official figures indicating the results of the election held on November 6th, 2012; 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 within Clackamas County Fire District # 1; and will remain in said District upon annexation to the City of Oregon City; and

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

WHEREAS, the identified properties are currently served by the Oregon City water distribution system; and;

WHEREAS, the identified property is not currently within the Tri-City Service District and must petition for annexation into said District with the concurrence of the City; and

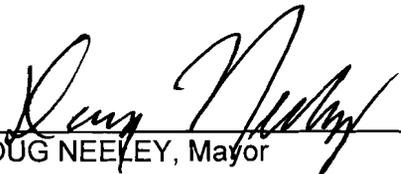
WHEREAS, the City Commission concurs that the Tri-City Service District can annex the identified property into their sewer district.

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 territory identified in Exhibit "A" shall hereby remain within Clackamas County Fire District # 1.
- Section 3. That the territory identified in Exhibit "A" is hereby withdrawn from Clackamas County Service District for Enhanced Law Enforcement, and henceforth, the Oregon City Police Department will be responsible for police services to the identified property.
- Section 4. That the territory identified in Exhibit "A" shall remain served by the Oregon City water distribution system.
- Section 5. The City hereby concurs with and approves the annexing of the territory identified in Exhibit "A" into the Tri-City Service District by the Clackamas County Board of Commissioners, to the extent allowed by law.
- Section 6. That the territory identified in Exhibit "A" shall remain zoned county R-8.5 and that any request for zoning other than R-8.5 shall be reviewed for compliance with adopted applicable city and state requirements, plans, codes and policies, including but not limited to, Oregon City Municipal Code, the Oregon City Comprehensive Plan, and the Statewide Transportation Planning Rule.
- Section 7. 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 16th day of October 2013, and the foregoing ordinance was finally enacted by the City Commission this 6th day of November 2013.



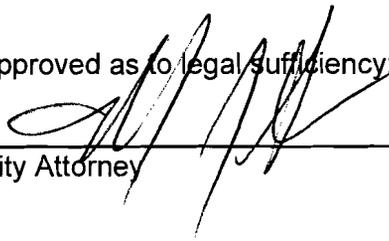
 DOUG NEELEY, Mayor

Attested to this 6th day of November 2013:



 Nancy Ide, City Recorder

Approved as to legal sufficiency:



 City Attorney

**ENGINEERING PLANNING
FORESTRY**

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Sherwood, Oregon 97140
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EXHIBIT A

Legal Description
Annexation Parcel

A tract of land located in the Southeast One-Quarter of Section 29, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon and being more particularly described as follows:

Beginning at the easterly corner of Partition Plat 1994-184; thence along the southwesterly right-of-way line of Highway 213 (variable width from centerline) and the City of Oregon City city limits South 32°21'17" East 49.12 feet to the northerly corner of Document Number 2008-065298 and the True Point of Beginning; thence continuing along said right-of-way line South 32°21'17" East 242.48 feet to a point on the northerly line of Document Number 95-069855; thence along said northerly line of said Document Number North 79°14'32" West 177.18 feet to the southeasterly corner of Document Number 2012-071372; thence along the easterly line of said Document Number and the City of Oregon City city limits North 14°27'43" East 177.39 feet to the True Point of Beginning.

The above described tract of land contains 15,682 square feet, more or less.

3/28/2013



A handwritten signature in black ink that reads 'Nick White'.



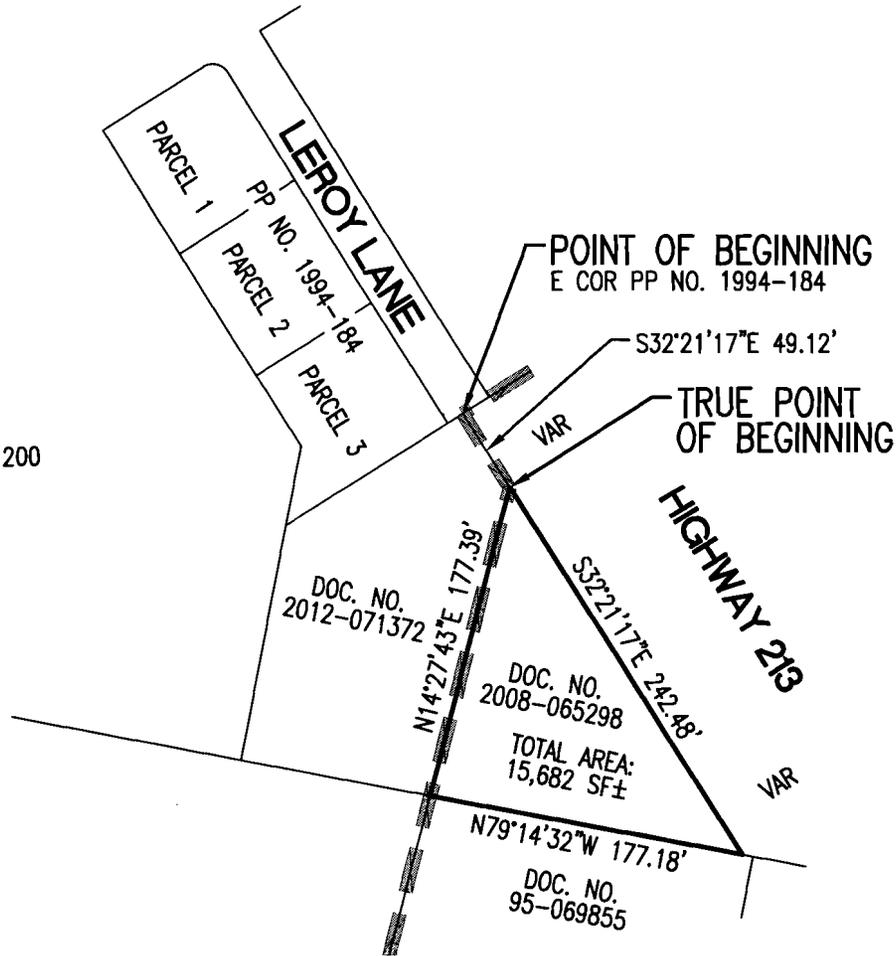
RENEWS: 6/30/14

EXHIBIT B

A TRACT OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 29,
TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN,
CLACKAMAS COUNTY, OREGON

PREPARED FOR

CITY OF OREGON CITY
221 MOLALLA AVENUE, SUITE 200
OREGON CITY, OR 97045



SCALE 1" = 100 FEET



LEGEND

DOC. NO. DOCUMENT NUMBER
PP NO. PARTITION PLAT NUMBER
[Symbol] CITY LIMITS

3/28/2013

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nick White

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/14

CITY OF OREGON
JOB NAME: CITY ANNEXATIONS

JOB NUMBER: 3062

DRAWN BY: WCB

CHECKED BY: NSW

DWG NO.: 022113 AN 12-2

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LICENSED IN OR & WA

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DRIVE, SUITE 100
SHERWOOD, OR 97140
PHONE: (503) 925-8799
FAX: (503) 925-8969

OFFICES LOCATED IN SALEM, OR & VANCOUVER, WA

This map was prepared for assessment purpose only.

SW 1/4 SE 1/4 SEC.29 T2S. R2E. W.M
CLACKAMAS COUNTY

D. L. C. S

GEORGE ABERNETHY NO.58
EZRA FISHER NO.44
OREGON CITY CLAIM (UNRECORDED)

SEE MAP 2 2E 29DB

CANCELLED
1300
101
102
200
700
2801
1890

APPROX. 1/16 COR. 16750

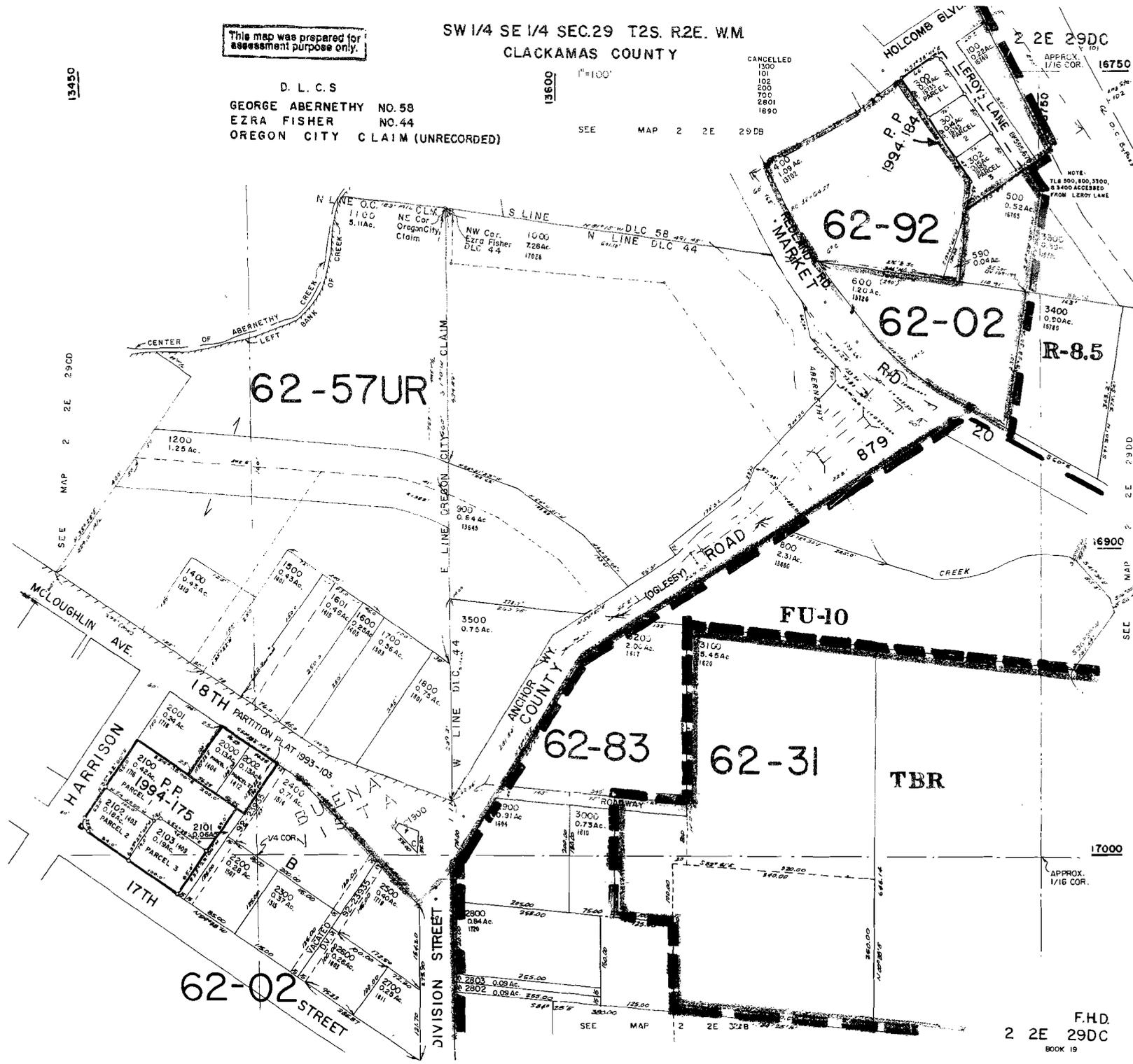
13450

13600

1"=100'

SEE MAP 2 2E 29CD

SEE MAP 2 2E 29DD



NOTE: T.L. 800, 800, 3100, & 3400 ACCESSES FROM LEROY LANE

APPROX. 1/16 COR.

SEE MAP 2 2E 29DB

F.H.D.
2 2E 29DC
BOOK 19

ATTACHMENT B TO EXHIBIT 1: ORD. NO. 13-1011

AN 12-02: 16779 S. Leroy Lane

FINDINGS

As approved by City Commission on July 18, 2012

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. As noted in the Findings, 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 identifies the property as Immediate Urban lands, which 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 to serve the area from existing improvements in Leroy Lane.

Water service is available in water mains in Leroy Lane; the existing home will continue to be serviced by the city.

With regard to storm drainage to the Abernethy Basin, the City has the service available in the form of regulations to protect and control stormwater management.
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.
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 Commission determines that the property should not be withdrawn from the Clackamas County Fire District #1.
11. The City Commission acknowledges that the property owner has not proposed re-zoning of the property, and that any request for zoning other than County R-8.5 shall be reviewed for compliance with adopted applicable city and state requirements, plans, codes and policies, including but not limited to, Oregon City Municipal Code, the Oregon City Comprehensive Plan, and the Statewide Transportation Planning Rule. The property will remain zoned County R-8.5 until such action is pursued by the property owner.