

ORDINANCE NO. 14-1009

**AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE CITY OF OREGON CITY AND
APPROVING THE MAY 20, 2014 ELECTION RESULTS FOR PLANNING FILE AN 13-01**

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, The City of Oregon City proposed that a 0.45 acre property located at 19328 S. Columbine Court, Clackamas County map 3S-1E-12AC tax lot 3900, 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 the election held on May 20th, 2014; and

WHEREAS, the Clackamas County Clerk has returned the official figures indicating the results of the election held on May 20th, 2014 and are attached as Exhibit 'C'; 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 (3,869 yes: 1,324 no); and

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

WHEREAS, the Oregon City Police Department will be responsible for police services to the identified property when annexed; and

WHEREAS, the identified property is currently within and served by the Clackamas River Water (CRW) District service area; and

WHEREAS, with approval of the annexation, the property will continue to be served by CRW per the South End Cooperative Intergovernmental Agreement; and

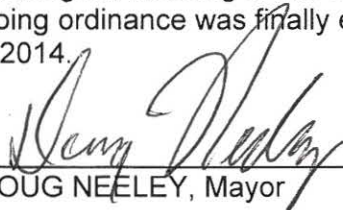
WHEREAS, the identified property is not currently within the Tri-City Service District and must petition for annexation into said District with the concurrence of the City; and

WHEREAS, the City Commission concurs that the Tri-City Service District can annex the identified 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 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 within Clackamas River Water District pursuant to the South End Cooperative Intergovernmental Agreement.
- 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" will remain zoned County FU-10 until any zone change or land division is pursued by the property owner.
- 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 20th day of August 2014, and the foregoing ordinance was finally enacted by the City Commission this 3rd day of September 2014.



DOUG NEELEY, Mayor

Attested to this 3rd day of September 2014:



Nancy Ide, City Recorder

Approved as to legal sufficiency:



City Attorney

**PETITION OF OWNERS OF 100 % OF LAND
AND PETITION OF A MAJORITY OF REGISTERED VOTERS**

PETITION FOR ANNEXATION TO THE CITY OF OREGON CITY, OREGON

TO: The City Commission of the City of Oregon City, Oregon:

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Oregon City.

The property to be annexed is described as follows:

(Insert Legal Description here OR attach it as Exhibit "A")

LEGAL DESCRIPTION:

***T3S, R1E, SEC 12AC TAX LOT 3900 W.M.
LOCATED AT THE SE TERMINUS OF
COLUMBINE CT, ASQUITH ESTATES SUBDIVISION***

ADDRESS:

***19328 S. COLUMBINE CT
OREGON CITY, OR 97045***

3 IE I2AC

CANCELLED

19200

19300

1945C

Dr. Peter B.

3 IE 12AC
BOOK 27

STATES OF OREGON }
COUNTY OF CLATSOP } ss
I, _____, County Clerk of the State of Oregon for the County of
Clatsop, do hereby certify that the foregoing copy of _____, 316 12AC
has been by me compared with the original, and that it is a correct and
true copy of the whole of each original in the above captioned file and of
instruments in my office and in my care and custody.
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my
seal with date of _____ day of _____, 1946

ANNEXATION 13-01
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. 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 Salmonberry Drive and via the gravity sewer line that runs along the rear of the property. The existing home will continue to be serviced by Clackamas River Water.

 With regard to storm drainage to the South End 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 FU-10 zone 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 FU-10 until any zone change or land division is pursued by the property owner.

Canvass Report — Official
Clackamas County, Oregon — Primary Election
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— May 20, 2014

06/09/2014 09:15 AM

Total Number of Voters: 69,231 of 223,718 = 30.95%

Precincts Reporting 118 of 118 = 100.00%

3-437 City of Oregon City: Measure Approving Annexation of 0.46 Acres Into Oregon City Nonpartisan

Precinct	Blank Ballots Cast	Over Votes	Under Votes	Total Ballots Cast	Registered Voters	Percent Turnout	YES	NO	Totals
001	0	0	54	1,231	3,688	33.38%	870	307	1,177
002	0	0	55	946	3,120	30.32%	666	225	891
003	2	0	42	766	2,293	33.41%	544	180	724
004	0	0	0	7	35	20.00%	5	2	7
005	0	1	58	937	3,767	24.87%	669	209	878
006	1	0	41	822	2,424	33.91%	562	219	781
007	0	0	43	771	2,726	28.28%	551	177	728
010	0	0	0	7	27	25.93%	2	5	7
Totals:	3	1	293	5,487	18,080		3,869	1,324	5,193