

ORDINANCE NO. 99-1011

AN ORDINANCE ANNEXING A CERTAIN TRACT OF LAND INTO THE CITY LIMITS OF OREGON CITY AND WITHDRAWING THE TRACT FROM TERRITORY OF CLACKAMAS COUNTY RURAL FIRE PROTECTION DISTRICT NO. 1 AND CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT, AND DECLARING AN EMERGENCY

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, the City received a complete petition from property owners and registered voters of a certain tract of land depicted on the attached map and described in Exhibit A to this ordinance, requesting that their property be annexed to the city limits of Oregon City; and

WHEREAS, the City received written consent from a majority of the electors in the territory proposed to be annexed and owners of more than half the land in the territory proposed to be annexed, before the date of the public hearing, as required by ORS 222.170 (2); and

WHEREAS, the tract of land is contiguous to the City and can be served by city services; and

WHEREAS, the City Commission dispenses with submitting the question of the proposed annexation to the electors of the City for their approval or rejection, but only to the extent that an election would be held under ORS chapter 222; and

WHEREAS, the tract of land lies within the territory of Clackamas County Rural Fire Protection District No. 1; and

WHEREAS, the City conducted a public hearing and mailed, published and posted notice of the public hearing as required by law; and

WHEREAS, a report was prepared as required by law, and the City Commission having considered the report and the testimony at the public hearing, does hereby favor the annexation of the subject tract of land and withdrawal from the districts based on findings and conclusions attached hereto as Exhibit B; and

WHEREAS, the annexation and withdrawals are not contested by any necessary party; and

WHEREAS, delay in the effective date of this ordinance could cause inconvenience and additional financial cost to the property owners and unnecessary delay in the provision of City services.

Now, therefore,

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The tract of land, described in Exhibit A and depicted on the attached map, is declared to be annexed to the City of Oregon City, Oregon.

Section 2. The tract of land annexed by this ordinance and described in Section 1 is withdrawn from Clackamas County Rural Fire Protection District No. 1 and Clackamas County Service District for Enhanced Law Enforcement.

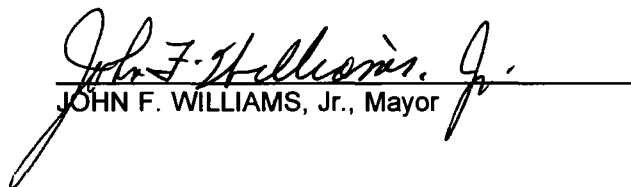
Section 3 The findings and conclusions attached as Exhibit B are adopted. The City Recorder shall immediately file a certified copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050 (g) and ORS 222.005. The annexation and withdrawals shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

Section 4. Emergency. Inasmuch as it is necessary that this annexation become effective soon, so as to avoid unnecessary hardship to the property owners and allow for immediate provision of City services, an emergency is declared to exist and this ordinance shall become effective immediately upon its passage by the City Commission.

Read first time at a regular meeting of the City Commission held on the 19th day of May, 1999, and the foregoing ordinance was finally enacted by the City Commission this 19th day of May, 1999, to become effective immediately.


JEAN K. ELLIOTT, City Recorder

ATTESTED to this 19th day of May, 1999.


JOHN F. WILLIAMS, Jr., Mayor

ORDINANCE NO. 99-1011

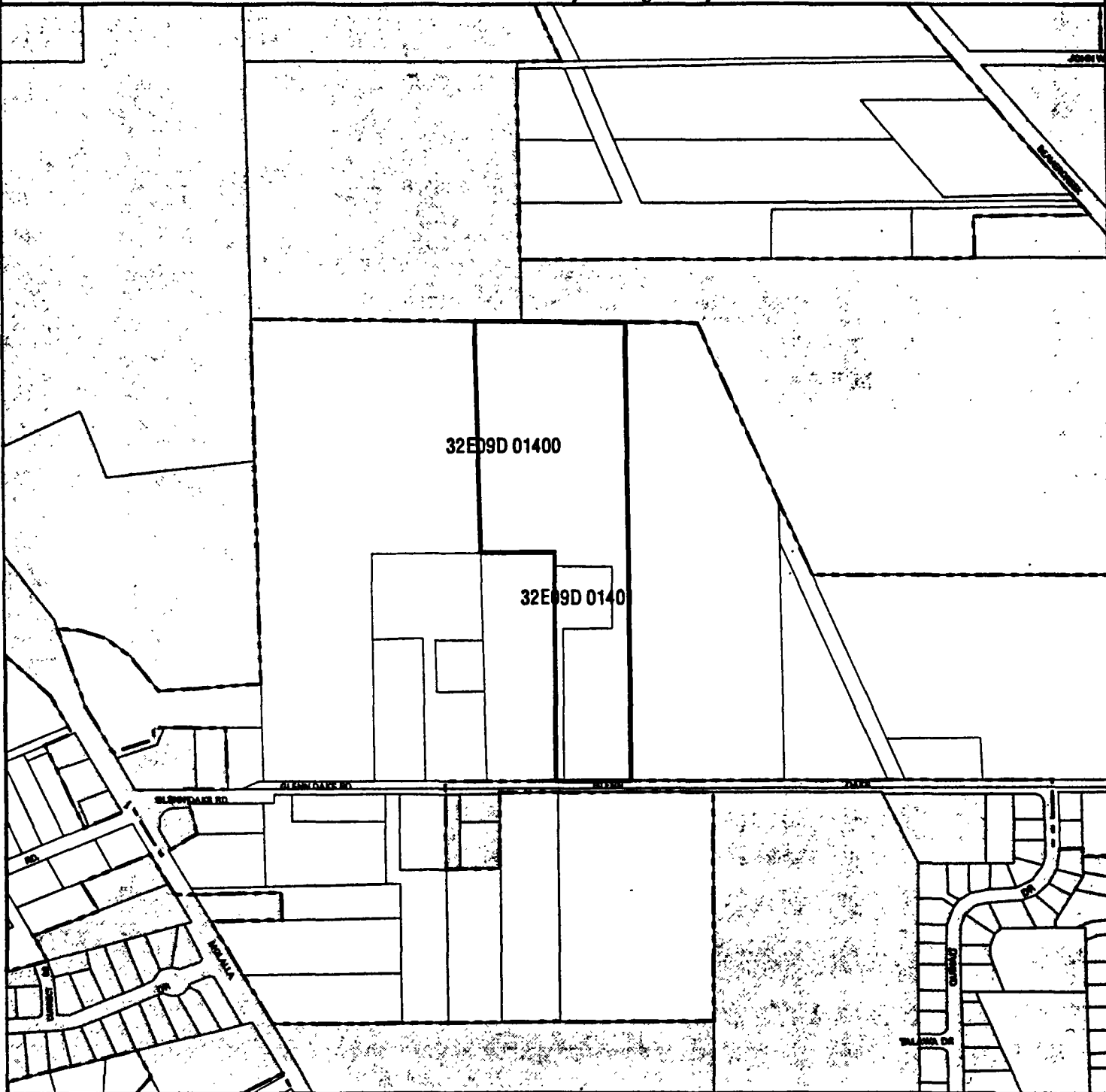
Effective Date: May 19, 1999

Proposal No. AN 99-02

3S2E09

Annexation to the City of Oregon City

Clackamas Co.



REGIONAL LAND INFORMATION SYSTEM



METRO

The information on this map was derived from digital databases on Metro's GIS. Can not be 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 accuracy of information or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 787-1742
FAX 503 787-1809
Email dro@metro-region.org

Incorporated city

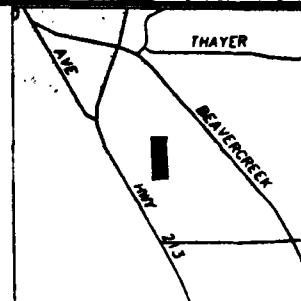
City boundary

Annexation boundary

PROPOSAL NO. AN 99-02
CITY OF OREGON CITY
ANNEXATION
FIGURE 1

Scale: 1" = 500'

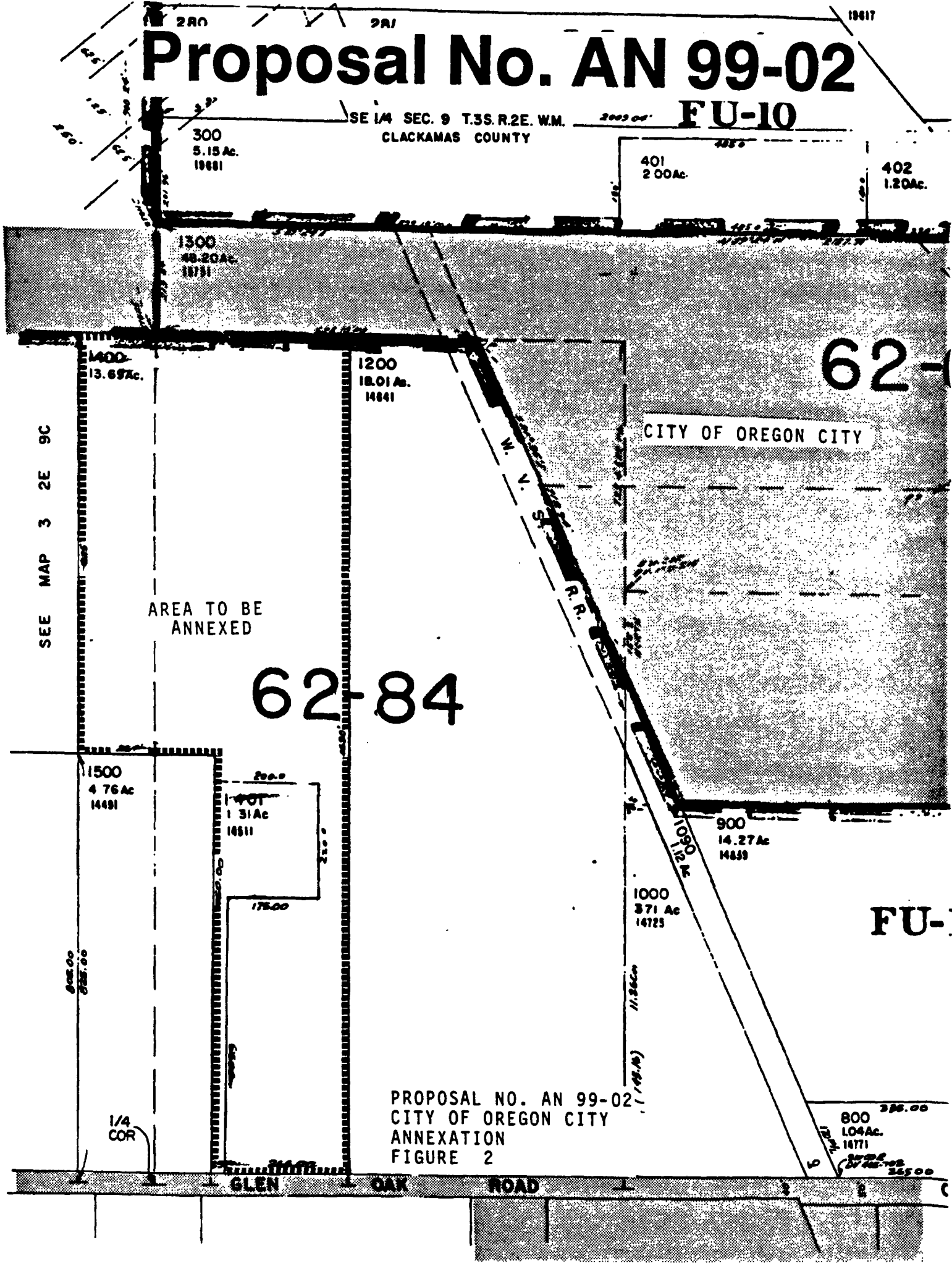
0 500 1000



Proposal No. AN 99-02

SE 1/4 SEC. 9 T.3S. R.2E. W.M.
CLACKAMAS COUNTY

FU-10



AREA TO BE
ANNEXED

62-84

CITY OF OREGON CITY

62-

FU-

PROPOSAL NO. AN 99-02
CITY OF OREGON CITY
ANNEXATION
FIGURE 2

GLEN OAK ROAD

EXHIBIT A

Proposal No. AN-99-02

Property Description**PARCEL I:**

Being a part of the Andrew Hood and wife Donation Land Claim in Township 3 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning 1320 feet East of a stone 26 x 12 x 10 inches marked X on top set in the West boundary of the said Andrew Hood Claim in Township 3 South, Range 2 East of the Willamette Meridian where said West boundary intersects the line between Sections 9 and 16 of said Township and Range; thence North 20 feet to the Northerly right-of-way of Glen Oak Road, thence continuing North 1630 feet, thence West 528 feet, thence South 825 feet, thence East 264 feet, thence South 60 feet, thence South 89° 20' East, 200 feet to a 5/8 inch iron rod, thence South 220 feet to a 5/8 inch iron rod, thence North 82° 20' West, 175 feet to a 5/8 inch iron rod, thence South 529.9 feet more or less, thence East 264 feet to the true point of beginning of Parcel I.

PARCEL II:

Beginning at a point on the South line of Section 9, Township 3 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, said point being 1056 feet East from the West line of the Andrew Hood Donation Land Claim, and said point being the true point of beginning for the tract herein described; thence North and parallel with the West line of said Hood Donation Land Claim, thence North 20 feet to the Northerly right-of-way of Glen Oak Road, thence 760 feet to a 5/8 inch iron rod; thence South 89° 20' East, 200 feet to a 5/8 inch iron rod; thence South 220 feet to a 5/8 inch iron rod; thence North 89° 20' West, 175 feet to a 5/8 inch iron rod; thence South 529.90 feet, more or less, to a point on the South line of Section 9; thence Westerly along said South line 25 feet to the true point of beginning.

FINDINGS

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

1. The territory contains 15.0 acres, 1 single family residence, a population of 2 and is evaluated at \$213,510.
2. The applicant who has submitted this proposal on behalf of the property owners desires annexation in order to obtain city services to facilitate the ultimate redevelopment of the property. No specific development plans have been proposed but the applicant indicates he anticipates applying for a zone change to develop the property with residential uses.
3. The southern approximately 2/3 of the property slopes south and the north 1/3 slopes north. To the north lies Clackamas Community College. East and west of the site are large lots with scattered houses. A residential subdivision is to be developed to the south.
4. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).
5. The law which dictates that Metro 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]."
6. The "Introduction" section of the Framework Plan contains the following statement with regard to "Relationship With Metro Citizens":

Notification

Metro shall develop programs for public notification, especially for (but not limited to) proposed legislative actions, that ensure a high level of awareness of potential consequences, as well as opportunities for involvement on the part of affected citizens, both inside and outside of its districts' boundaries. (p.7, Regional Framework Plan (RFP))

The Regional Framework Plan contains a lengthy section on the 2040 Growth Concept (pp. 11-23, RFP). This concept states that "[t]he preferred form of growth is to contain growth within a carefully managed Urban Growth Boundary" (p. 11, RFP). The 2040 Growth Concept includes a map which lays out the "central city-regional centers-town centers" ideas and other general constructs of the Concept. This section of the Framework Plan has been examined and found not

to contain any directly applicable standards and criteria for boundary changes.

Chapter 1 of the Framework Plan contains Policies (Goals and Objectives). This chapter was reviewed and found not to contain specific directly applicable criteria for city boundary changes.

Chapter 2 of the Regional Framework Plan covers Transportation. This chapter was reviewed and found not to contain specific directly applicable criteria for boundary changes.

Chapter 3 of the Regional Framework Plan deals with Parks, Open Spaces and Recreational Facilities. This chapter was reviewed and found not to contain specific applicable criteria for boundary changes.

Chapter 4, Water, is divided into two sections, one dealing with Water Supply and one with Watershed Management and Water Quality. Metro's interests here are on water conservation and the link between land use and water supply. The agency has not assumed any role in the functional aspects of treatment, supply, transmission or storage. In a global sense Metro's planning for the region seeks to assure that its growth concepts and projections are coordinated with regional infrastructure capacities and planning. Relative to watershed management and water quality, Metro's goals are broad-brush and this chapter acknowledges that application of real restrictions lies with the local governments. No specific applicable criteria for boundary changes are to be found in either section of Chapter 4.

Natural Hazards are covered in Chapter 5 of the Regional Framework Plan. This chapter has been reviewed and found not to contain specific applicable criteria for boundary changes.

Chapters 6 (Clark County), 7 (Management) and 8 (Implementation) also do not include any specific applicable criteria relative to boundary changes.

7. The Clackamas County Comprehensive Plan is the applicable plan for this area. The plan designation for this site is Industrial. Zoning on the property is FU-10, Future Urban-10 Acre Minimum Lot Size. This is a holding zone designed to preserve the capacity of land to fully develop once a full range of urban services is available.

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, . . ." Thus the applicable plans were examined.

8. *Citizen Involvement* is the title of Chapter 2 of the Comprehensive Plan. One goal

mentioned in that chapter is to:

- *Encourage broadly based public participation representing all concerned geographical areas and diverse interests.*

Policy 4.0 in that chapter states:

- *The County will forward to affected CPOs copies of notices it receives from Metropolitan Service District, Portland Metropolitan Area Local Government Boundary Commission, and other neighboring jurisdictions on opportunities for citizen participation in proposed Urban Growth Boundary Amendments and/or annexations and other land use matters.*

Policy 6.0 states:

- *Seek citizen's input not only through recognized community organizations, but also through service organizations, interest groups, granges, and other ways.*

The combination of statutory and Metro notice requirements on annexations would appear to be consistent with this section of the County Plan. On this annexation three notices were posted near the area to be annexed and one was posted in City Hall. Affected units of government including Clackamas River Water, Clackamas County R.F.P.D. # 1, etc. were notified. Owners of all properties within 300 feet were sent notices. Notice of the hearing was published twice in the *Oregonian*.

Chapter 3 of the Clackamas County Comprehensive Plan, *Natural Resources and Energy*, covers the following topics: Water Resources; Agriculture; Forests; Aggregate Resources; Wildlife Habitats and Distinctive Resource Areas; Natural Hazards; Energy Sources and Conservation. All of these topics are covered in broad terms. At no point is there any mention of any specific criteria relating to annexation. Maps are included in the subsections on water (identifying various river conservation areas), aggregate resources and scenic & resource areas. None of these maps show any of these elements on the site to be annexed.

The *Land Use* section of the Plan, Chapter 3, identifies the territory proposed for annexation as *future urbanizable*.

Future urbanizable areas are lands within the Urban Growth Boundaries but outside Immediate Urban areas. Future Urbanizable areas are planned to be served with public sewer, but are currently lacking a provider of sewer service. Future Urbanizable areas are substantially underdeveloped and will be retained in their current use to insure future availability for urban needs.

The County Plan notes on page 46 that "Oregon City and Clackamas County have adopted the City's Comprehensive Plan designations for the Future Urbanizable area to be served by Oregon City." As noted above this designation is Industrial.

Among the Urbanization Goals listed in Chapter 3 is the following:

- *Encourage development in areas where adequate public services and facilities can be provided in an orderly and economic way.*

Policies 5.0-8.0 in this chapter say:

- 5.0** *Convert land from Future Urbanizable to Immediate Urban when land is annexed to either a city or special district capable of providing public sewer. Zoning will be applied, compatible with the Plan when land becomes immediate urban.*
- 6.0** *Use the following guidelines for annexations having the effect of converting 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.)*

7.0 Immediate Urban Policies

- 7.1** *Control land uses in Immediate Urban areas through the zoning and subdivision ordinances and application of urban zoning districts.*
- 7.2** *Place conditions on development to insure adequate services and facilities prior to or concurrent with development (see Transportation, and Public Facilities and Services chapters).*

- 7.3 *Simplify County ordinances as much as possible to encourage development in Immediate Urban areas.***

8.0 *Future Urbanizable Policies*

- 8.1 *Plan Future Urbanizable areas for eventual urban uses but control premature development (before services are available) by application of a future urbanizable zone of ten (10) acre minimum lot size within the Metro's Urban Growth Boundary (UGB). Rural zones of 5 acres minimum lot size or larger or agricultural or forest zoning may be used for future urbanizable areas outside the Metro UGB.***
- 8.2 *Prohibit residential subdivisions, as defined in the subdivision and Partitioning Ordinance, until the land qualifies as Immediate Urban.***
- 8.3 *Review partition requests to insure that the location of proposed easements and road dedications, structures, wells, and septic drainfields are consistent with the orderly future development of the property at urban densities.***

Chapter 5 of the Comprehensive Plan deals with *Transportation* and Chapter 6 covers *Housing*. These chapters were examined and found not to contain any specific directly applicable standards or criteria for boundary changes.

***Public Facilities and Services* are covered in Chapter 7 of the County Plan. The following portions of this chapter may be somewhat related to annexation decisions.**

GOALS

- *Maintain and improve the quality of Clackamas County's streams, waterways and groundwater supplies.***
- *Provide for the location and development of sanitary facilities to support existing and future land use development in all areas of the County.***
- *Provide for the location and development of drinking water facilities to support existing and future land development.***
- *Coordinate the location and size of drinking water facilities with***

appropriate water purveyors.

- *Minimize stormwater runoff, water pollution, siltation, soil erosion and flooding.*
- *Provide a systematic control for the collection, transport, storage, separation, processing, recycling, resource recovery and disposal of solid waste.*
- *Minimize the impact on air, land and water quality and neighborhoods when siting sanitary landfills.*

POLICIES

* * *

Sanitary Sewage Disposal

* * *

- 4.0** *Insure that sewerage facilities in Clackamas County are developed and maintained by the appropriate sanitary district, county service district or city.*

* * *

- 6.0** *Require sanitary sewerage service agencies to coordinate extension of sanitary services with other key facilities, i.e., water, transportation, and storm drainage systems, which are necessary to serve additional lands.*

* * *

- 8.0** *Prohibit subsurface disposal systems within Urban Growth Boundaries except for:*

* * *

- b.** *Parcels of ten acres or larger in Future Urbanizable areas inside the Metro Urban Growth Boundary (UGB), . . .*

* * *

Water

* * *

12.0 *Require all public water purveyors to design the extension of water facilities at levels consistent with the land use element of the Comprehensive Plan.*

13.0 *In urban areas, require water purveyors to coordinate the extension of water services with other key facilities, i.e., transportation, sanitary sewers and storm drainage facilities, which are necessary to serve additional lands.*

14.0 *Encourage development in urban areas where adequate urban water facilities already exist.*

* * *

Street Lighting

27.0 *Encourage provision of street lighting for all new and existing developments inside the Urban Growth Boundary.*

Chapters 8 (Economics), 9 (Open Space, Parks, And Historic Sites), 10 (Community Plans and Design Plans) and 11 (Planning Process) of the County Comprehensive Plan, were examined and found not to contain any specific directly applicable standards or criteria for boundary changes.

9. As required by LCDC Oregon City and the County have an urban growth management agreement (UGMA) by which they coordinate their planning within an area of mutual interest adjacent to the City. The territory to be annexed falls within this urban growth management boundary (UGMB) and is subject to the agreement. The current agreement dates from October of 1990. Pertinent sections of the Agreement are included below.

The Agreement presumes that all the urban lands within the UGMB will ultimately annex to the City. It specifies that the public facilities plan required by Oregon Administrative Rule Chapter 660 shall be prepared and amended by the City in coordination with other service providers in the area.

The Agreement goes on to say:

3. Development Proposals in Unincorporated Area

- A.** *COUNTY's zoning shall apply to all unincorporated lands within the UGMB. COUNTY shall zone all unincorporated lands*

within the UGMB as Future Urbanizable (FU-10), except as otherwise provided in the Country Village Addendum attached to and made part of this Agreement. Subject to the terms of this Agreement, COUNTY shall retain responsibility and authority for all implementing regulations and land use actions on all unincorporated lands within the UGMB.

- B. The provision of public facilities and services shall be consistent with the adopted public facility plan for the unincorporated UGMB. For areas zoned FU-10 within the UGMB, COUNTY shall issue no permits or otherwise authorize extension or connection of public facilities and services in violation of the FU-10 zone. Any proposed amendment to the FU-10 zone within the UGMB shall be approved by CITY prior to COUNTY adoption.*
- C. COUNTY shall not form any new County service districts or support the annexation of land within the unincorporated UGMB to such districts or to other service districts without CITY approval.*

4. City and County Notice and Coordination

- A. The COUNTY shall provide notification to the CITY, and an opportunity to participate, review and comment, within 35 days prior to the first scheduled public hearing on all land use actions, quasi-judicial actions, proposed legislative changes to the COUNTY comprehensive plan or its implementing ordinances affecting land within the UGMB.*
- B. The COUNTY shall provide notification to the CITY, and an opportunity to participate, review and comment, at least 15 days prior to staff decision on applications for administrative actions as provided in the COUNTY'S Zoning and Development Ordinance for applications within the UGMB.*
- C. The COUNTY shall notify and invite CITY staff to participate and comment in pre-application meetings on conditional use proposals or Design Review Committee meetings on development proposals within the unincorporated areas of the UGMB. These meetings shall be scheduled by the COUNTY after consultation with CITY staff. If CITY chooses to attend a pre-application meeting, the meeting shall occur at a mutually agreeable time within 10 working days following notification to*

CITY. In the event that a mutually agreeable time cannot be achieved, or in the event CITY informs COUNTY that it does not wish to attend a pre-application meeting, such meeting shall occur at COUNTY's convenience.

- 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, capital improvement plans or extraterritorial service extensions into unincorporated areas.*
- E. 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 land use actions, proposed legislative changes to the CITY comprehensive plan or quasi-judicial actions adjacent to or in close proximity to unincorporated areas.*

** * **

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.*
- B. Upon annexation, CITY shall assume jurisdiction of COUNTY roads and local access roads that are within the area annexed. As a condition of jurisdiction transfer for roads not built to CITY street standards on the date of the final decision on the annexation, COUNTY agrees to pay to CITY a sum of money equal to the cost of a two-inch asphaltic concrete overlay over the width of the then-existing pavement; however, if the width of pavement is less than 20 feet, the sum shall be calculated for an overlay 20 feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of CITY and COUNTY. Arterial roads will be considered for transfer on a case- by-case basis. Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions.*
- C. Public sewer and water shall be provided to lands within the*

UGMB in the manner provided in the public facility plan. In the event the appropriate authority determines a health hazard exists within the unincorporated UGMB, needed services shall be provided to health hazard areas by service districts if determined by the Health Division that annexation to and service by CITY is not feasible.

* * *

10. The City Comprehensive Plan's section on *Citizen Involvement Goals And Policies* states the Goal as:

Provide an active and systematic process for citizen and public agency involvement in the land-use decision-making for Oregon City.

Pertinent Policies include:

2. *Provide neighborhood groups and citizens with accurate and current information on policies, programs and development proposals that effect their area; institute a feedback mechanism to answer questions from the public.*

* * *

4. *Encourage citizen participation in all functions of government and land-use planning.*

Chapter C, Housing was examined and found not to contain any directly applicable standards or criteria for boundary changes.

Chapter D, Commerce And Industry contains one pertinent policy:

5. *Promote expansion of industrial development within the community's ability to provide adequate facilities and services.*

The following sections of the City Comprehensive Plan were examined and found not to contain any directly applicable standards or criteria on boundary changes:

Chapter E, Historic Preservation

Chapter F, Natural Resources

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

2. *Ensure that Oregon City will be responsible for providing the full range of urban services for land annexed to the City within the Urban Growth Boundary.*

* * *

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. The proposal shall address the following:*
 - (1) *Consistent and supportive of the Comprehensive Plan Goals and Policies,*
 - (2) *Compatible with the general land use pattern in the area established by the comprehensive Plan.*

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

Chapter H, Energy Conservation was examined and found not to contain specific directly applicable standards or criteria for boundary changes.

The City Comprehensive Plan labels Chapter I as *Community Facilities Goals And Services*. The following sections of that section may be pertinent.

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*

* * *

- 3. *Urban public facilities shall be confined to the incorporated limits.*
- 4. *The City of Oregon City will encourage the planning and management efforts of the following agencies that provide additional public facilities and services:*
 - h. *Major sanitary and storm water facilities and treatment*
 - i. *Water supply and treatment*
 - j. *Public schools*
 - k. *Public health services*
 - l. *Justice services*
 - m. *Solid waste disposal*
 - n. *Energy and communications services*
 - o. *Transit services*
- 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.*

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.*

* * *

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

Water

2. *The city will coordinate with Clackamas County and Clairmont Water District [now Clackamas River Water] to provide an efficient and orderly water system in the urban growth area.*

Storm Water Drainage

1. *The City will coordinate with the Tri-City Service District to ensure adequate storm water drainage facilities within the City limits.*

* * *

3. *The City will coordinate with Clackamas County to ensure that adequate storm water drainage procedures are followed for new development in the urban growth area.*

Fire Protection

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

Chapter J, Parks And Recreation, Chapter K, Willamette River Greenway and Chapter L, Transportation were examined and found not to contain any directly applicable standards or criteria for boundary changes.

Chapter M, identifies land use types. Industrial is defined as follows:

- (10) *INDUSTRIAL [I]: Industrial areas are designated for uses related primarily to manufacturing, processing and distribution of goods. Intense or heavy industrial uses are conditional uses. commercial and office uses are permitted, but all residential uses are prohibited, except caretakers' quarters.*
11. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify

which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but there are no urban service agreements in place in Washington, Multnomah or Clackamas counties to date.

12. The City of Oregon City provides collector sewer service. The bulk of this property can be served from an 8-inch sewer line in Glen Oak Road adjacent to the south edge of the site. A portion of the north end of the site may need to be pumped.

The Tri-City County Service District provides sewage transmission and treatment services to the cities of Oregon City, West Linn and Gladstone. The three cities are in the District and with one exception the District does not serve territories outside of the three cities as provided in the intergovernmental agreement between the District and the cities.

Prior to 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 is no longer applicable in this area. It appears therefore that each annexation to Oregon City will need to be followed by a separate annexation of the territory to the Tri-City Service District.

The Tri-City Service District plant is located along Interstate 205 in Oregon City just east of the junction of the Willamette and the Clackamas Rivers. The plant has an average flow capacity of 11 million gallons per day (mgd) and a design peak flow capacity of 50 mgd. The available average capacity is 4.4 mgd. The plant was designed to serve a population of 66,500 in the year 2001.

Oregon City charges its customers \$22.60 per month to use the sewerage facilities. The City has a systems development charge of \$1,425 per equivalent dwelling unit. Of this amount Oregon City retains \$400, transmits \$1000 to the Tri-City Service District and \$25 is for inspection fees.

13. The City has an 8-inch water line in Glen Oak Rd. adjacent to the south property line which can serve the site. However, the City is gradually replacing this with a 16 inch development funded line coming from the east. At present this 16 inch water line is about 400 feet east of the applicant's east property line. Funding this extension will fall to the applicant unless the property to the south of Glen Oak inside the City develops first in which case the bulk of the funding would be assigned to that development.

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 to its urban growth boundary. They have agreed to jointly use certain of the District's mains and they jointly financed some new mains

crossing through unincorporated areas. Under the agreement, new connections of City territory are City customers and the water lines will transfer to the City when the City has annexed 75% of the frontage on both sides of specified water lines. Under the agreements, 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 Clairmont Water District portion of the Clackamas River Water District.

Oregon City charges City water customers \$9.75 per month plus \$1.63 per 100 cubic feet of water. There is an \$800 systems development charge for Oregon City's distribution system, a \$705 systems development charge for the South Fork Water Board system, and a \$550 installation fee charged for new water connections, for a total of \$2,055.

14. Storm drainage in this area of the City will be dealt with as a part of the development process. The ditch along Glen Oak Road has been classified as a perennial stream in the City's Master Drainage Plan and there may be a detention facility located on the southern portion of this property.
15. This territory is currently within Clackamas County R.F.P. D. # 1. Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from the District upon approval of the annexation.
16. The territory is currently served by the Clackamas County Sheriff's Department. 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. In accordance with 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 is withdrawn from the District, the District's levy, which was \$0.7198 per \$1,000 assessed value, would no longer apply to the property.

- 17. 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 Board determined:

1. The introduction section of the Regional Framework Plan calls for Metro to encourage a high level of public awareness of its actions. The Commission notes that a public hearing was held on this matter and that extensive notice of that hearing was given including: 1) posting of notices in the vicinity of the annexation 45 days prior to the hearing; 2) mailed notice to necessary parties 45 days prior; 3) two published notices; 4) notice by first class mail to every property owner within 300 feet. The Commission concludes this hearing and notice is consistent with this section of the Regional Framework Plan.
2. The Metro Code at 3.09.050 (e) (2) calls for consistency between the City's decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ." The Commission has reviewed the applicable comprehensive plan which is the Clackamas County Comprehensive Plan and finds approval of this annexation to be consistent with the very few directly applicable standards and criteria in that plan.

Chapter 2 of the County Comprehensive Plan calls for an emphasis on citizen participation. The Commission concludes that the extensive notice given on this proposal makes it compatible with this section of the Plan.

The Commission finds general consistency between this proposed action and the *Urbanization* chapter of the County Plan. Specifically this annexation would "encourage development in areas where adequate public services and facilities can be provided in an orderly and economic way." The annexation also provides for conversion from future urbanizable to immediate urban classifications by making sewer available as called for in Policy 5.0 of this chapter of the County Plan.

The *Public Facilities* chapter of the County Plan also contains requirements with which the Commission believes this proposal is consistent. The County, by agreeing to annexation through the UGMA, is insuring " . . . that sewerage facilities in Clackamas County are developed and maintained by the appropriate . . . city." (Policy 4.0 under the subheading of Sanitary Sewerage Disposal). By annexing to Oregon City, which can provide a full range of services, the proposal is also in accord with Policy 13.0 under the subheading Water. This requires " . . . water purveyors to coordinate the extension of water services with other key facilities, i.e., transportation, sanitary sewers and storm drainage facilities, . . ." The action also appears to be consistent with Policy 14.0 which requires the County to, "Encourage development in urban areas where adequate urban water facilities already exist."

3. **The Commission finds that this proposal is consistent with Clackamas County-City of Oregon City UGMA which requires the City to notify the County of any annexation decisions. The Board notes that the record states the County was notified of this proposal. Furthermore it is noted that the UGMA specifically provides that the City may undertake annexations within the area covered by the UGMA and that this territory is within the area.**
4. **As noted in No. 2 above the Metro Code calls for boundary changes to be consistent with comprehensive plans. While the major applicable plan in this case is the County's, the City plan also has some applicability and the Commission finds consistency to the extent the City Plan applies. Specifically the Commission notes that the extensive notice requirements particularly emphasizing notice to city residents, is consistent with the Plan's emphasis on citizen involvement.**

The Commission also finds consistency between this proposal and the section of the City Plan which says: "Ensure that Oregon City will be responsible for providing the full range of urban services for land annexed to the City within the Urban Growth Boundary." (Chapter G)

5. **Metro Code 3.09.050 (e) (3) states that another criteria to be addressed is that "The affected entity can assure that urban services are now or can be made available to serve the affected territory, by its own forces or by contract with others." The Commission finds the City's services are adequate to serve this area. Those services are covered in more detail in Findings 11-16.**



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Annexation Proposal No. AN-99-02 was initiated by a consent petition of the property owners and registered voters, Joseph & Penny Spaciani, Sandra & Timothy Katz. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (lists Metro's minimum requirements for petition). The territory to be annexed is located on the south side of the City on the north edge of Glen Oak Road, east of Molalla Avenue and west of Beavercreek Road. The territory contains 15.0 acres, 1 single family residence, a population of 2 and is evaluated at \$213,510.

Emergency Clause

If the Commission approves the proposal and there are no objections from necessary parties, the annexation could become effective immediately. Without the emergency clause, the annexation would become effective 30 days following approval. If a necessary party has objected to the annexation, it will become effective 30 days after the date of approval and most likely the objecting party would then appeal to the Metro Appeals Commission.

Reason for Annexation

The applicant who has submitted this proposal on behalf of the property owners desires annexation in order to obtain city services to facilitate the ultimate redevelopment of the property. No specific development plans have been proposed but the applicant indicates he anticipates applying for a zone change to develop the property with residential uses.

Criteria for Decision-Making

There are no specific criteria for deciding City boundary changes to be found in the statutes. However, the statutes have directed Metro to establish criteria which 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 findings and conclusions shall address four minimum criteria:

1. Compliance with applicable ORS 195 agreements (These are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place.)



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2. Consistency with directly applicable standards for boundary changes contained in:
 - a. Comprehensive land use plans
 - b. Public facility plans
 - c. Regional framework and functional plans
 - d. Urban planning agreements and similar agreements of the affected entity and necessary parties
3. Assurance that the affected entity can provide urban service/s now or soon directly or by contract
4. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria

The Metro Code also contains a second set of 11 factors which are to be considered where no ORS 195 agreements have been adopted and the boundary change is being contested by a necessary party.

In summary, the Metro Code criteria consists of two major elements - land use planning consistency and service availability and adequacy. The following provides information on these two subjects.

Land Use Planning

SITE CHARACTERISTICS

The land is relatively flat. To the east and north development consists of single family houses on large lots. There is a subdivision to the south and a proposed subdivision to the west.

REGIONAL PLANNING

General Information

This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

Regional Framework Plan

The law which dictates that Metro 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)." In fact, while the first two mentioned items were adopted independently, they are actually now part of Metro's Regional Framework Plan. Another previously free standing construct which is now an element of the Framework Plan is the 2040 Growth Concept. Each of these elements of the Regional Framework Plan is discussed below.



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Regional Growth Goals and Objectives. Metro first established in 1991, and has subsequently amended and adopted, Regional Urban Growth Goals and Objectives known as the RUGGOS. The RUGGOS were published in a separate stand-alone document as amended and adopted on December 14, 1995. In that document these goals and objectives were accumulated under some general headings. As an example under the general heading of "Natural Environment" there were five objectives relating to watershed management, water supply, air quality, natural areas and protection of agricultural and forest lands.

In the Regional Framework Plan these objectives have been disbursed out to various chapters of the Plan which deal with specific topics. Thus the water supply objective mentioned in the previous paragraph will be found in the chapter on "Water" while the natural areas objective is found in the chapter on "Parks, Natural Areas, Open Spaces and Recreational Facilities."

The 2040 Growth Concept and Map. As required by its charter, Metro also went through an extensive planning process to develop a 50 year future vision of the region. This ultimately grew into what was called the 2040 Growth Concept which included a concept map. This exercise was required to be completed in a time frame which was shorter than that for completion of the Framework Plan. Thus the 2040 Plan was originally also published as a stand-alone document dated December 8, 1994. When the RUGGOS were published in December of the following year, the 2040 Growth Concept and Map were incorporated into the Regional Urban Growth Goals and Objectives document. Ultimately as noted above, the 2040 Growth Concept and Map were made a part of the Regional Framework Plan.

Urban Growth Management Functional Plan. Metro is authorized to adopt functional plans which are limited purpose plans addressing designated areas and activities of metropolitan concern. Distinguishing characteristics of functional plans include: 1) provisions in functional plans require changes in city and county comprehensive plans; 2) the plans or actions implementing provisions therein will be adopted by Metro as final land use actions which must comply with the statewide Goals; 3) function plans are the way Metro can require local plan changes so many elements of the Framework Plan may ultimately become functional plans. This Metro may initiate functional plans concerning any of the major divisions of the Regional Framework Plan or some other activity or area. But a division of the Regional Framework Plan or a study of another activity or area is not automatically considered to be a functional plan. It is not a functional plan unless it mandates local plan changes.

Prior to adoption of the Regional Framework Plan, Metro decided it was necessary to begin implementation of some facets of the 2040 Growth Concept and the RUGGOS. In order to accomplish this, Metro adopted one functional plan - the Urban Growth Management Functional Plan - on November 21, 1996. This functional plan has been codified in Metro Code Chapter 3.07. and is included as an appendix to the Regional Framework Plan.



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The Urban Growth Management Functional Plan requires cities and counties to amend their comprehensive plans and implementing ordinances to be accord with elements in the Functional Plan. Included in these requirements are such items as minimum density standards, limitations on parking standards, mandated adoption of water quality standards and rules relating to Urban Growth Boundary expansion into Urban Reserve areas.

The Regional Framework Plan and Boundary Changes. The "Introduction" section of the Framework Plan contains the following statement with regard to "Relationship with Metro Citizens":

Notification

Metro shall develop programs for public notification, especially for (but not limited to) proposed legislative actions, that ensure a high level of awareness of potential consequences, as well as opportunities for involvement on the part of affected citizens, both inside and outside of its districts' boundaries.

Also in the "Introduction" section is an explanation of the structure of the Plan. This explanation may be helpful in locating any directly applicable standards and criteria for boundary changes:

Each chapter is structured with a format that includes statements of goals and objectives that are intended to apply to Metro's planning efforts. In addition, some of the chapters include references to the specific requirements that are made directly applicable to cities and counties in Chapter 8. Furthermore, the chapters contain background information and policy analysis that describes the subject matter that is addressed.

Any requirements that apply directly to cities or counties are separately referenced in a substantive chapter addressing a specific subject area and summarized in Chapter 8. All requirements of this Regional Framework Plan that are requirements applicable to cities and counties are adopted by functional plans included in the Appendices.

The Regional Framework Plan contains a lengthy section on the 2040 Growth Concept. This concept states that "The preferred form of growth is to contain growth within a carefully managed Urban Growth Boundary". The 2040 Growth Concept includes a map which lays out the "central city-regional centers-town centers" ideas and other general constructs of the Concept. This section of the Framework Plan has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

Chapter 1 of the Framework Plan contains Policies (Goals and Objectives). This chapter was reviewed and found not to contain specific directly applicable criteria for city boundary changes.

Chapter 2 of the Regional Framework Plan covers Transportation. This chapter was reviewed and found not to contain specific directly applicable criteria for boundary changes.



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Chapter 3 of the Regional Framework Plan deals with Parks, Open Spaces and Recreational Facilities. This chapter was reviewed and found not to contain specific applicable criteria for boundary changes.

Chapter 4, Water, is divided into two sections, one dealing with Water Supply and one with Watershed Management and Water Quality. Metro's interests here are on water conservation and the link between land use and water supply. The agency has not assumed any role in the functional aspects of treatment, supply, transmission or storage. In a global sense Metro's planning for the region seeks to assure that its growth concepts and projections are coordinated with regional infrastructure capacities and planning. Relative to watershed management and water quality, Metro's goals are broad-brush and this chapter acknowledges that application of real restrictions lies with the local governments. No specific applicable criteria for boundary changes are to be found in either section of Chapter 4.

Natural Hazards are covered in Chapter 5 of the Regional Framework Plan. This chapter has been reviewed and found not to contain specific applicable criteria for boundary changes.

Chapters 6 (Clark County), 7 (Management) and 8 (Implementation) also do not include any specific applicable criteria relative to boundary changes.

COUNTY PLANNING

The Clackamas County Comprehensive Plan is the applicable plan for this area. The plan designation for this site is low density Residential which generally allows for lots ranging from 7,000 to 30,000 square feet. Zoning on the property is FU-10, Future Urban-10 Acre Minimum Lot Size. This is a holding zone designed to prevent very low density development in areas adjacent to cities which are slated to develop at higher densities following annexation and extension of urban services.

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,..." Thus the applicable plans must be examined.

Clackamas County Comprehensive Plan

The Clackamas County Comprehensive Plan consists of the 1992 Comprehensive Plan which includes various maps, the Mt. Hood Community Plan as amended and city-county urban planning area agreements (UPAAs). The Plan is implemented by the County zoning and subdivisions ordinances.

The chapters in the Comprehensive Plan consist of: Background; Issues; Summary of Findings and Conclusions; Goals; and Policies. Each chapter has been searched for materials relative to annexations. Sections of these elements which speak directly to the issue of annexation or which appear to have some relevance to that issue have been reviewed to determine whether the current proposal is consistent with them or not.



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Citizen Involvement is the title of Chapter 2 of the Comprehensive Plan. One goal mentioned that chapter is to:

- Encourage broadly based public participation representing all concerned geographical areas and diverse interests.

Policy 4.0 in that chapter states:

- The County will forward to affected CPOs copies of notices it receives from Metropolitan Service District, Portland Metropolitan Area Local Government Boundary Commission, and other neighboring jurisdictions on opportunities for citizen participation in proposed Urban Growth Boundary Amendments and/or annexations and other land use matters.

Policy 6.0 states:

- Seek citizen's input not only through recognized community organizations, but also through service organizations, interest groups, granges, and other ways.

The combination of statutory and Metro notice requirements on annexations would appear to be consistent with this section of the County Plan. On this annexation three notices were posted near the area to be annexed and one was posted in City Hall. Affected units of government including Clackamas River Water, Clackamas County RFPD #1, etc. were notified. Owners of all properties within 300 feet were sent notices. Notice of the hearing was published twice in the 'Oregonian'.

Chapter 3 of the Clackamas County Comprehensive Plan, Natural Resources and Energy, covers the following topics: Water Resources; Agriculture; Forests; Aggregate Resources; Wildlife Habitats and Distinctive Resource Areas; Natural Hazards; Energy Sources and Conservation. All of these topics are covered in broad terms. At no point is there any mention of any specific criteria relating to annexation. Maps are included in the subsections on water (identifying various river conservation areas), aggregate resources and scenic and resource areas. None of these maps show any of these elements on the site to be annexed.

The Land Use section of the Plan, Chapter 3, identifies the territory proposed for annexation as future urbanizable.

Future urbanizable areas are lands within the Urban Growth Boundaries but outside immediate Urban areas. Future Urbanizable areas are planned to be served with public sewer, but are currently lacking a provider of sewer service. Future Urbanizable areas are substantially underdeveloped and will be retained in their current use to insure future availability for urban needs.



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The County Plan notes that "Oregon City and Clackamas County have adopted the City's Comprehensive Plan designations for the Future Urbanizable area to be served by Oregon City." As noted above this designation is LR-Low Density Residential.

Among the Urbanization Goals listed in Chapter 3 is the following:

- Encourage development in areas where adequate public services and facilities can be provided in an orderly and economic way.

Policies 5.0-8.0 in this chapter say:

- 5.0 Convert land from Future Urbanizable to Immediate Urban when land is annexed to either a city or special district capable of providing public sewer. Zoning will be applied, compatible with the Plan when land becomes immediate urban.
- 6.0 Use the following guidelines for annexations having the effect of converting Future Urbanizable to Immediate Urban land:
 - a. Capital improvement programs, sewer and water master plans, and regional public facility plans should be reviewed to ensure 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.)
- 7.0 Immediate Urban Policies
 - 7.1 Control land uses in Immediate Urban areas through the zoning and subdivision ordinances and application of urban zoning districts.
 - 7.2 Place conditions on development to insure adequate services and facilities prior to or concurrent with development (see Transportation, and Public Facilities and Services chapters).
 - 7.3 Simplify County ordinances as much as possible to encourage development in Immediate Urban areas.



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8.0 Future Urbanizable Policies

- 8.1 Plan Future Urbanizable areas for eventual urban uses but control premature development (before services are available) by application of a future urbanizable zone of ten (10) acre minimum lot size within the Metro's Urban Growth Boundary (UGB). Rural zones of 5 acres minimum lot size or larger or agricultural or forest zoning may be used for future urbanizable areas outside the Metro UGB.
- 8.2 Prohibit residential subdivision, as defined in the subdivision and Partitioning Ordinance, until the land qualifies as Immediate Urban.
- 8.3 Review partition requests to insure that the location of proposed easements and road dedications, structures, wells, and septic drainfields are consistent with the orderly future development of the property at urban densities.

The Residential section of this chapter states that: "Low Density Residential are those planned for an average of up to six units per gross acre (exclusive of density bonuses and Conditional Uses)."

Chapter 5 of the Comprehensive Plan deals with Transportation and Chapter 6 covers Housing. These chapters were examined and found not to contain any specific directly applicable standards or criteria for boundary changes.

Public Facilities and Services are covered in Chapter 7 of the County Plan. The following portions of this chapter may be somewhat related to annexation decisions.

GOALS

- Maintain and improve the quality of Clackamas County streams, waterways and groundwater supplies.
- Provide for the location and development of sanitary facilities to support existing and future land use development in all areas of the County.
- Provide for the location and development of drinking water facilities to support existing and future land development.
- Coordinate the location and size of drinking water facilities with appropriate water purveyors.
- Minimize stormwater runoff, water pollution, siltation, soil erosion and flooding.
- Provide a systematic control for the collection, transport, storage, separation, processing, recycling, resource recovery and disposal of solid waste.
- Minimize the impact on air, land and water quality and neighborhoods when siting sanitary landfills.

POLICIES



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Sanitary Sewage Disposal

- 4.0 Insure that sewerage facilities in Clackamas County are developed and maintained by the appropriate sanitary district, county service district or city.
- 6.0 Require sanitary sewerage service agencies to coordinate extension of sanitary services with other key facilities, i.e., water, transportation, and storm drainage systems, which are necessary to serve additional lands.
- 8.0 Prohibit subsurface disposal systems within UGBs except for:
 - b. Parcels of ten acres or larger in Future Urbanizable areas inside the Metro UGB,...

Water

- 12.0 Require all public water purveyors to design the extension of water facilities at levels consistent with the land use element of the Comprehensive Plan.
- 13.0 In urban areas, require water purveyors to coordinate the extension of water services with other key facilities, i.e., transportation, sanitary sewers and storm drainage facilities, which are necessary to serve additional land.
- 14.0 Encourage development in urban areas where adequate urban water facilities already exist.

Street Lighting

- 27.0 Encourage provision of street lighting for all new and existing developments inside the UGB>

Chapters 8 (Economics), 9 (Open Space, Parks, and Historic Sites), 10 (Community Plans and Design Plans) and 11 (Planning Process) of the County Comprehensive Plan, were examined and found not to contain any specific directly applicable standards or criteria for boundary changes.

Urban Growth Management Agreement

As required by LCD, Oregon City and the County have an urban growth management agreement (UGMA) by which they coordinate their planning within an area of mutual interest adjacent to the City. The territory to be annexed falls within this urban growth management boundary (UGMB) and is subject to the agreement. The current agreement dates from October of 1990. Pertinent sections of the Agreement are included below.

The Agreement presumes that all the urban lands within the UGMB will ultimately annex to the City. It specifies that the public facilities plan required by Oregon Administrative Rule Chapter 660 shall be prepared and amended by the City in coordination with other service providers in the area.



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The Agreement goes on to say:

3. Development Proposals in Unincorporated Area

- A. COUNTY's zoning shall apply to all unincorporated lands within the UGMB. COUNTY shall zone all unincorporated lands within the UGMB as Future Urbanizable (FU-10), except as otherwise provided in the Country Village Addendum attached to and made part of this Agreement. Subject to the terms of this Agreement, County shall retain responsibility and authority for all implementing regulations and land use actions on all unincorporated lands within the UGMB.
- B. The provision of public facilities and services shall be consistent with the adopted public facility plan for the unincorporated UGMB. For areas zoned FU-10 within the UGMB, COUNTY shall issue no permits or otherwise authorize extension or connection of public facilities and services in violation of the FU-10 zone. Any proposed amendment to the FU-10 zone within the UGMB shall be approved by CITY prior to COUNTY adoption.
- C. COUNTY shall not form any new County service districts or support the annexation of land within the unincorporated UGMB to such districts or to other service districts without CITY approval.

4. City and County Notice and Coordination

- A. The COUNTY shall provide notification to the CITY, and an opportunity to participate, review and comment, within 35 days prior to the first scheduled public hearing on all land use actions, quasi-judicial actions, proposed legislative changes to the COUNTY comprehensive plan or its implementing ordinances affecting land within the UGMB.
- B. The COUNTY shall provide notification to the CITY, and an opportunity to participate, review and comment, at least 15 days prior to staff decision on applications for administrative actions as provided in the COUNTY's zoning and development ordinance for applications within the UGMB.
- C. The COUNTY shall notify and invite CITY staff to participate and comment in pre-application meetings on conditional use proposals or Design Review Committee meetings on development proposals within the unincorporated areas of the UGMB. These meetings shall be scheduled by the COUNTY after consultation with CITY staff. If CITY chooses to attend a pre-application meeting, the meeting shall occur at a mutually agreeable time within 10 working days following notification to CITY. In the event that a mutually agreeable time cannot be achieved, or in the event CITY informs COUNTY that it does not wish to attend a pre-application meeting, such meeting shall occur at COUNTY's convenience.
- 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, capital improvement plans or extraterritorial service extensions into unincorporated areas.



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- E. 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 land use actions, proposed legislative changes to the CITY comprehensive plan or quasi-judicial actions adjacent to or in close proximity to unincorporated areas.

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.

- B.> Upon annexation, CITY shall assume jurisdiction of COUNTY roads and local access roads that are within the area annexed. As a condition of jurisdiction transfer for roads not built to CITY street standards on the date of the final decision on the annexation, COUNTY agrees to pay to CITY a sum of money equal to the cost of a two-inch asphaltic concrete overlay over the width of the then-existing pavement; however, if the width of pavement is less than 20 feet, the sum shall be calculated for an overlay 20 feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of CITY and COUNTY. Arterial roads will be considered for transfer on a case-by-case basis. Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions.

- C. Public sewer and water shall be provided to lands within the UGMB in the manner provided in the public facility plan. In the event the appropriate authority determines a health hazard exists within the unincorporated UGMB, needed services shall be provided to health hazard areas by service districts if determined by the Health Division that annexation to and service by CITY is not feasible.

CITY PLANNING

As noted above while this territory is not covered by the Oregon City Comprehensive Plan, the City's plan designations have been adopted by the County in this area. Certain portions of the City Plan, however, may have some applicability and these are covered here.

The City Comprehensive Plan's section on Citizen Involvement Goals and Policies states the Goal as:

Provide an active and systematic process for citizen and public agency involvement in the land-use decision-making for Oregon City.



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Report No. 99-84

Pertinent Policies include:

2. Provide neighborhood groups and citizens with accurate and current information on policies, programs and development proposals that effect their area; institute a feedback mechanism to answer questions from the public.
4. Encourage citizen participation in all functions of government and land-use planning.

The following sections of the City Comprehensive Plan were examined and found not to contain any directly applicable standards or criteria on boundary changes:

Chapter C, Housing
Chapter D, Commerce and Industry
Chapter E, Historic Preservation
Chapter F, Natural Resources

Chapter G, of the Plan is entitled "Growth and Urbanization Goals and Policies." Several policies in this section may be pertinent to proposed annexations.

2. Ensure that Oregon City will be responsible for providing the full range of urban services for land annexed to the City within the Urban Growth Boundary.
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 this the rezoning does not require the exercise of legal or policy judgement on the part of the decision maker. The proposal shall address the following:
 - (1) Consistent and supportive of the Comprehensive Plan Goals and Policies,
 - (2) Compatible with the general land use pattern in the area established by the Comprehensive Plan.

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

Chapter H, Energy Conservation was examined and found not to contain specific directly applicable standards or criteria for boundary changes.



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

May 19, 1999

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Subject: Proposed Annexation of 15.0 Acres
North Edge of Glen Oak Road, East of
Molalla Avenue and West of Beaver Creek Road -
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The City Comprehensive Plan labels Chapter 1 as Community Facilities Goals and Services. The following sections of that section may be pertinent.

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
3. Urban public facilities shall be confined to the incorporated limits.
4. The City of Oregon City will encourage the planning and management efforts of the following agencies that provide additional public facilities and services:
 - h. Major sanitary and storm water facilities and treatment
 - i. Water supply and treatment
 - j. Public schools
 - k. Public health services
 - l. Justice services
 - m. Solid waste disposal
 - n. Energy and communications services
 - o. Transit services
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.



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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 subsurface sewer treatment, if service is not available.
7. The Tri-City Service District will be encouraged to extend service into the urban growth area concurrent with annexation approval by Oregon City.

Water

2. The City will coordinate with Clackamas County and Clairmont Water District (now Clackamas River Water) to provide an efficient and orderly water system in the urban growth area.

Storm Water Drainage

1. The City will coordinate with the Tri-City Service District to ensure adequate storm water drainage facilities within the City limits.
3. The City will coordinate with Clackamas County to ensure that adequate storm water drainage procedures are followed for new development in the urban growth area.

Fire Protection

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

Chapter J, Parks and Recreation, Chapter K, Willamette river Greenway and Chapter L, Transportation were examined and found not to contain any directly applicable standards or criteria for boundary changes.

Chapter M, 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 as the density desires ("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.



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FACILITIES AND SERVICES

ORS 195 Agreements. This statute requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but there are no urban service agreements in place in Washington, Multnomah or Clackamas counties to date.

Sewers. The City of Oregon City provides collector sewer service. The bulk of this property can be served from an 8-inch sewer line in Glen Oak Road adjacent to the south edge of the site. A portion of the north end of the site may need to be pumped.

The Tri-City County Service District provides sewage transmission and treatment services to the cities of Oregon City, West Linn and Gladstone. The three cities are in the District and with one exception the District does not serve territories outside of the three cities as provided in the intergovernmental agreement between the District and the cities.

Prior to January 1, 1999 state statute (ORS199) 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 is no longer applicable in this area. It appears therefore that each annexation to Oregon City will need to be followed by a separate annexation of the territory to the Tri-City Service District.

The Tri-City Service District plant is located along interstate 205 in Oregon City just east of the junction of the Willamette and the Clackamas Rivers. The plant has an average flow capacity of 11 million gallons per day (mgd) and a design peak flow capacity of 50 mgd. The available average capacity is 4.4 mgd. The plant was designed to serve a population of 66,500 in the year 2001.

Oregon City charges its customers \$22.60 per month to use the sewerage facilities. The City has a systems development charge of \$1,425 per equivalent dwelling unit. Of this amount Oregon City retains \$400, transmits \$1000 to the Tri-City Service District and \$25 is for inspection fees.

Water. 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 to its urban growth boundary. They have agreed to jointly use certain of the District's mains. The City has caused growth in the area to finance improvements to the District's mains. The City has caused growth in the area to finance improvements to the District's main and has oversized some lines for its own system.



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Under the agreement, new connections of City territory are City customers and the water lines will transfer to the City when the City has annexed 75 percent of the frontage on both sides of the specified water lines.

In this area, the City has caused development installations to replace the Districts 8-inch line with a 16-inch line. The new line is in place from Beavercreek Road to approximately 400 feet east of the applicants east property line. The development of this property will require the applicant to fund the extension of this line unless development of the property to the south of Glen Oak Road has caused this installation to be done.

The balance of the line to Highway 213 is the original line. The City provides the water to this line from its system, while the District provides maintenance to the line and service to the original customers.

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 Clairmont Water District portion of the Clackamas River Water District.

Oregon City charges City water customers \$9.75 per month plus \$1.63 per 100 cubic feet of water. There is an \$800 systems development charge for Oregon City's distribution system, a \$705 systems development charge for the South Fork Water Board system, and a \$550 installation fee charged for new water connections, for a total of \$2,055.

Storm Sewerage. Storm drainage in this area of the City will be dealt with as a part of the development process. The ditch along Glen Oak Road has been classified as a perennial stream in the City's Master Drainage Plan and there may be a detention facility located on the southern portion of this property.

Fire Protection. This territory is currently within Clackamas County R.F.P.D. #1. ORS 222.120 (5) allows the City to specify that the territory be automatically withdrawn from the District upon approval of the annexation.



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Police. The territory is currently served by the Clackamas County Sheriff's Department. 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. In accordance with 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 is withdrawn from the District, the District's levy, which was \$0.7198 per \$1,000 assessed value, would no longer apply to the property.

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

On the May 19, 1999 agenda is proposed annexation of 15.0 acres of land located on the north edge of Glen Oak Road, east of Molalla Avenue and west of Beaver Creek Road for public hearing. Based upon the study and the proposed Findings and Reasons for Decision, it is recommended that the annexation be approved. If the Commission approves the annexation, also presented is proposed Ordinance No. 99-1011 (copy attached) which contains the Findings to annex the 15.0 acres of land into the City limits of Oregon City and withdraw the tract from the territory of Clackamas County Rural Fire Protection District No. 1 and Clackamas County Service District for Enhanced Law Enforcement.

Notice of proposed Ordinance No. 99-1011 was posted at City Hall, Municipal Elevator, and Pioneer Community Center by direction of the City Recorder. It is recommended that first and second readings be approved for final enactment to become effective immediately.


CHRIS JORDAN
Interim City Manager

KM:jke

Attach.

cc:

Planning Manager
Ken Martin, Metro

Staff contact: Ken Martin 797-1597

2R0 2R1 19617

Proposal No. AN 99-02

SE 1/4 SEC. 9 T.3S. R.2E. W.M.
CLACKAMAS COUNTY

FU-10

300
5.15 Ac.
19681

401
2.00 Ac.

402
1.20 Ac.

1400
13.69 Ac.

1200
18.01 Ac.
14641

62-

CITY OF OREGON CITY

SEE MAP 3 2E 9C

AREA TO BE
ANNEXED

62-84

1500
4.76 Ac
14491

1401
1.31 Ac
14511

900
14.27 Ac
14839

1000
371 Ac
14725

FU

PROPOSAL NO. AN 99-02
CITY OF OREGON CITY
ANNEXATION
FIGURE 2

800
10.4 Ac.
14771

1/4
COR

Office of the Secretary of State

PHIL KEISLING
Secretary of State

Suzanne Townsend
Deputy Secretary of State



Archives Division
ROY TURNBAUGH
Director

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

Facsimile (503) 373-0953

May 27, 1999

COPY

City of Oregon City
P.O. Box 351
Oregon City, OR 97045-0021

Dear City Recorder,
Please be advised we have filed on May 25, 1999 annexing territory to the city of Oregon City.

Ordinance No(s).	City	Our filing number(s)
99-1011	Oregon City	AN 1999-0127 ✓
99-1010	Oregon City	AN 1999-0128
99-1009	Oregon City	AN 1999-0129

The Ordinance(s) shall become effective upon compliance with ORS 222.040 and/or ORS 222.180

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

Sincerely,

Rita F. Perry
Official Public Documents

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

1999 JUN - 3 AM 7:30
CITY OF OREGON CITY
RECEIVED

GENERAL PROVISIONS

222.005 Notice to public utilities of annexation; contents of notice; effect. (1) When territory is approved for annexation to a city by city council action under ORS chapter 199 or this chapter, the recorder of the city or other city officer or agency performing the duties of recorder under this section, not later than 10 working days after passage of a resolution or ordinance approving the proposed annexation, shall provide by certified mail to all public utilities, electric cooperatives and telecommunications utilities operating within the city each site address to be annexed as recorded on county assessment and tax rolls, a legal description and map of the proposed boundary change and a copy of the city council's resolution or ordinance approving the proposed annexation.

(2) Additional or increased fees or taxes, other than ad valorem taxes, imposed on public utilities, electric cooperatives and telecommunications utilities as a result of an annexation of territory to a city shall become effective on the effective date of the annexation if notice of the annexation is given to public utilities, electric cooperatives and telecommunications utilities by certified mail not later than 10 working days after the effective date of the annexation. However, if notification of the effective date of the annexation is provided to the public utilities, electric cooperatives and telecommunications utilities later than the 10th working day after the effective date of the annexation, the additional or increased fees or taxes become effective on the date of notification.

(3) As used in this section:

(a) "Effective date of annexation" is the effective date described in ORS chapter 199 or this chapter, whichever is applicable.

(b) "Public utility" has the meaning given that term in ORS 757.005. [1981 c.238 §2; 1985 c.702 §5; 1987 c.447 §116; 1989 c.736 §1; 1991 c.136 §1]

222.010 Report of city boundary changes mandatory; contents of report; time for filing; exception. (1) Every city, through its recorder or other city officer or agency designated to perform the duties of the recorder under this section, shall report to the county clerk and county assessor of the county within which the city is located all changes in the boundaries or limits of the city. The report shall contain a detailed legal description of the new boundaries established by the city. The report shall be filed by the city within 10 days from the effective date of the change of any boundary lines.

(2) This section does not apply to a minor boundary change ordered under ORS 199.410

to 199.519. [Amended by 1969 c.494 §26; 1971 c.462 §18; 1985 c.702 §6]

222.020 [Repealed by 1955 c.475 §12]

222.030 Assessor to furnish statement of assessed valuation of territory to be annexed. When a change of the boundaries of a city through the annexation of territory is proposed pursuant to ORS 199.410 to 199.519, or 222.111 to 222.180 or city charter, the assessor of the county or counties wherein the territory to be annexed is located, shall furnish upon official request within 20 days, a statement showing for the current fiscal year the assessed valuation of the taxable property in the territory to be annexed. [1957 c.236 §1; 1969 c.494 §27]

222.040 Delay of effective date of actions under this chapter because of election; effective date of certain annexations and transfers of territory. (1) Notwithstanding any provision of this chapter that provides a different effective date, an annexation, transfer of territory, consolidation or merger under this chapter, or any removal by a city by ordinance of a newly annexed area from a special district, shall not become effective during the period:

(a) Beginning after the 90th day before a biennial primary election or general election and ending on the day after the election; or

(b) Beginning after the deadline for filing the notice of election before any other election held by any city, district or other municipal corporation involved in the annexation, transfer of territory, consolidation, merger or removal, and ending on the day after the election.

(2) If the effective date established for an annexation, transfer of territory, consolidation, merger or removal is a date that is prohibited under this section, the annexation, transfer of territory, consolidation, merger or removal shall become effective on the day after the election.

(3) For the purposes of ORS 308.225 only, the effective date of an annexation under ORS 222.180 shall be the date of filing of the abstract referred to in ORS 222.180. [1981 c.391 §3; 1983 c.514 §1b; 1985 c.130 §5; 1985 c.808 §71; 1989 c.923 §25; 1995 c.712 §92]

222.050 Certain consolidations and mergers; additional question concerning taxes authorized; requirements for approval. (1) This section applies if a consolidation or merger proposes to consolidate or merge two or more cities and at least one of the cities has not previously imposed ad valorem property taxes.

(2) The question of the consolidation or merger that is submitted to the electors of the city that has not previously imposed ad valorem property taxes may also propose a

communications utility or railroad or is exempt from ad valorem taxation shall not be considered when determining the number of owners, the area of land or the assessed valuation required to grant consent to annexation under this section unless the owner of such property files a statement consenting to or opposing annexation with the legislative body of the city on or before a day described in subsection (1) of this section. [Amended by 1965 c.51 §2; 1961 c.511 §2; 1971 c.673 §1; 1973 c.434 §1; 1983 c.350 §36; 1985 c.702 §11; 1987 c.447 §117; 1987 c.737 §4]

222.173 Time limit for filing statements of consent; public records. (1) For the purpose of authorizing an annexation under ORS 222.170 or under a proceeding initiated as provided by ORS 199.490 (2), only statements of consent to annexation which are filed within any one-year period shall be effective, unless a separate written agreement waiving the one-year period or prescribing some other period of time has been entered into between an owner of land or an elector and the city.

(2) Statements of consent to annexation filed with the legislative body of the city by electors and owners of land under ORS 222.170 are public records under ORS 192.410 to 192.505. [1985 c.702 §20; 1987 c.737 §5; 1987 c.818 §8]

Note: 222.173 to 222.177 were added to and made a part of ORS chapter 222 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

222.175 City to provide information when soliciting statements of consent. If a city solicits statements of consent under ORS 222.170 from electors and owners of land in order to facilitate annexation of unincorporated territory to the city, the city shall, upon request, provide to those electors and owners information on that city's ad valorem tax levied for its current fiscal year expressed as the rate per thousand dollars of assessed valuation, a description of services the city generally provides its residents and owners of property within the city and such other information as the city considers relevant to the impact of annexation on land within the unincorporated territory within which statements of consent are being solicited. [1985 c.702 §21; 1987 c.737 §6; 1987 c.818 §9]

Note: See note under 222.173.

222.177 Filing of annexation records with Secretary of State. When a city legislative body proclaims an annexation under ORS 222.125, 222.150, 222.160 or 222.170, the recorder of the city or any other city officer or agency designated by the city legislative body to perform the duties of the recorder under this section shall transmit to the Secretary of State:

(1) A copy of the resolution or ordinance proclaiming the annexation.

(2) An abstract of the vote within the city, if votes were cast in the city, and an abstract of the vote within the annexed territory, if votes were cast in the territory. The abstract of the vote for each election shall show the whole number of electors voting on the annexation, the number of votes cast for annexation and the number of votes cast against annexation.

(3) If electors or landowners in the territory annexed consented to the annexation under ORS 222.125 or 222.170, a copy of the statement of consent.

(4) A copy of the ordinance issued under ORS 222.120 (4).

(5) An abstract of the vote upon the referendum if a referendum petition was filed with respect to the ordinance adopted under ORS 222.120 (4). [1985 c.702 §4; 1987 c.737 §7; 1987 c.818 §10]

Note: See note under 222.173.

222.179 Exempt territory. The amendments to ORS 222.210, 222.230, 222.240 and 222.270 made by chapter 702, Oregon Laws 1985, do not apply in territory subject to the jurisdiction of a local government boundary commission. [1985 c.702 §27]

Note: 222.179 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 222 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

222.180 Effective date of annexation.

(1) The annexation shall be complete from the date of filing with the Secretary of State of the annexation records as provided in ORS 222.177 and 222.900. Thereafter the annexed territory shall be and remain a part of the city to which it is annexed. The date of such filing shall be the effective date of annexation.

(2) For annexation proceedings initiated by a city, the city may specify an effective date that is later than the date specified in subsection (1) of this section. If a later date is specified under this subsection, that effective date shall not be later than 10 years after the date of a proclamation of annexation described in ORS 222.177. [Amended by 1961 c.322 §1; 1967 c.624 §15; 1973 c.501 §2; 1981 c.391 §5; 1985 c.702 §12; 1991 c.637 §9]

Note: Section 354a, chapter 541, Oregon Laws 1997, provides:

Sec. 354a. Notwithstanding ORS 222.180, the effective date of an annexation shall be July 1, 1995, if:

(1) The annexing city has a population of 5,000 or less;

(2) Annexation records were filed with the Secretary of State pursuant to ORS 222.177 and 222.900 after March 31, 1995, and before July 1, 1995;