

ORDINANCE NO. 99-1030

AN ORDINANCE CREATING A NEW TITLE OF THE OREGON CITY MUNICIPAL CODE OF 1991 REGARDING CITY BOUNDARY CHANGES AND EXTENSIONS OF SERVICES, AND DECLARING AN EMERGENCY.

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, on May 18, 1999 Oregon City voters approved a process for voter approval of future City boundary changes; and

WHEREAS, on June 2, 1999 the Mayor by general proclamation affirmed a City Charter amendment mandating voter approval of future City boundary changes; and

WHEREAS, it is necessary to codify the processes and procedure by which future proposed City boundary changes shall be presented to the City electorate; and

WHEREAS, processes and procedure comprising a new section of Municipal Code were reviewed by the Oregon City Planning Commission in worksession on October 25, 1999, and by public hearing on November 8, 1999; and

WHEREAS, on November 8, 1999 the Planning Commission recommended adoption of new Municipal Code section, titled "Boundary Changes and Extensions of Services" and incorporated as EXHIBIT A of this Ordinance; and

WHEREAS, the City Commission held a public hearing on the contents of EXHIBIT A on December 1, 1999; and

WHEREAS, the City Commission finds it is in the best interests of the residents of Oregon City to adopt clear processes and procedure by which future proposed City boundary changes are reviewed and prepared:

NOW, therefore,

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That the Oregon City Municipal Code of 1991 is amended to add Exhibit A of this Ordinance, titled "City Boundary Changes and Extension of Services."

Section 2. Because this Ordinance is necessary for the preservation of the peace, public health, safety and welfare of Oregon City, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the time of passage by the Commission.

Read first time at a regular meeting of the City Commission held on the 1st day of December, 1999 and the foregoing ordinance was finally enacted by the City Commission on the 1st day of December 1999.

Leilani Bronson-Crelly
LEILANI BRONSON-CRELLY, City Recorder

ATTESTED to this 1st day of December, 1999

John F. Williams, Jr.
JOHN F. WILLIAMS, Jr., Mayor

ORDINANCE NO. 99-1030
Effective Date: December 1, 1999

City Boundary Changes and Extension of Services

Section 1. Purpose.

It is the purpose and general intent of this Ordinance to delineate the appropriate procedures to be followed to annex territory to the City and to undertake other major and minor boundary changes. It is recognized that annexations to the corporate limits are major land use actions affecting all aspects of city government and that other boundary changes and extensions of services must also be regulated.

A. With respect to annexations, the procedures and standards established in this Chapter are required for review of proposed annexations in order to:

1. Provide adequate public information and sufficient time for public review before an annexation election;
2. Maximize citizen involvement in the annexation review process;
3. Establish a system for measuring the physical, environmental, fiscal, and related social effects of proposed annexations; and
4. Ensure adequate time for staff review.

B. With respect to major and minor boundary changes or extensions of services other than annexations, it is the purpose and general intent of this Ordinance to provide a method by which such changes or extensions may be reviewed in a rational way and in accordance with applicable comprehensive plans.

Section 2. State and Regional Regulations Regarding Annexations, Other Boundary Changes and Extensions of Services.

The regulations and requirements of Oregon Revised Statutes Chapter 222, and Metro Code Section 3.09, are concurrent obligations for annexation and are not affected by the provisions of this Chapter.

Section 3. Definitions. Unless the context requires otherwise, the following definitions and their derivations shall be used in this ordinance.

"City" means the City of Oregon City, Oregon.

"Commission" or "City Commission" means the City Commission of Oregon City, Oregon.

“District” means an entity described in ORS 198.010, 198.710(1) to (4) or 199.420.

“Major Boundary Change” means the formation, merger, consolidation or dissolution of a city or district.

“Minor Boundary Change” means an annexation or withdrawal of territory to or from a city or district or from a city-county to a district. “Minor boundary change” also means an extra-territorial extension of water or sewer service by a city or district.

“Planning Commission” means the Oregon City Planning Commission.

“Withdrawal” means the detachment, disconnection, or exclusion of territory from the City or district.

Section 4 Procedures for Major Boundary Changes and for Minor Boundary Changes Other Than Annexations

A. With respect to Major Boundary Changes and for Minor Boundary Changes other than for Annexations, the procedures that shall be followed shall be those provided by the laws of the State of Oregon.

B. The City Commission may provide for the withdrawal of territory from a District described in ORS 222.111, when land is annexed into the City. Any such withdrawal shall be specifically set forth in the final order of the City Commission approving the annexation.

Section 5. Annexation Procedures.

- A. **Application Filing Deadlines.** Annexation elections shall be scheduled for March, May, September and November of each year. Each application shall first be approved by the City Commission, which shall provide a valid ballot title in sufficient time for the matter to be submitted to the voters as provided by the election laws of the State of Oregon.
- B. **Preapplication Review.** Prior to submitting an annexation application, the applicant shall confer in the manner provided by Section 17.50.050(A) with the representative of the planning division appointed by the City Manager.
- C. **Neighborhood Contact.** Prior to filing an annexation application, the applicant is encouraged to meet with the City-recognized Neighborhood Association or Associations within which the property proposed to be annexed is located. If the City Manager deems that more than one such Association is affected, the applicant is encouraged to meet with each such Association, as identified by the City Manager. Unwillingness or unreasonable unavailability of a neighborhood association to meet shall not be deemed a negative factor in the evaluation of the annexation application.
- D. **Signatures on Consent Form and Application.** The applicant shall sign the Consent Form and the application for annexation. If the applicant is not the owner of the property

proposed for annexation, the owner shall sign the Consent Form and application in writing before the City Manager may accept the same for review.

E. Contents of Application. An applicant seeking to annex land to the City shall file with the City the appropriate application form approved by the City Manager. The application shall include the following:

1. Written consent form to the annexation signed by the requisite number of affected property owners, electors, or both, provided by ORS 222, if applicable.
2. A legal description of the territory to be annexed, meeting the relevant requirements of the Metro Code and ORS ch. 308. If such a description is not submitted, a boundary survey may be required. A lot and block description may be substituted for the metes and bounds description if the area is platted. If the legal description contains any deed or book and page references, legible copies of these shall be submitted with the legal description.
3. A list of property owners within 300 feet of the subject property and if applicable, those property owners that will be "islanded" by the annexation proposal, on mailing labels acceptable to the City Manager.
4. Two full quarter-section county tax assessor's maps, with the subject property(ies) outlined.
5. Twenty-five (25) copies of a site plan, drawn to scale (not greater than 1"=50'), indicating:
 - a. The location of existing structures (if any);
 - b. The location of streets, sewer, water, electric, and other utilities, on or adjacent to the property to be annexed;
 - c. The location and direction of all water features on and abutting the subject property. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flood data showing elevations of all property subject to inundation in the event of one-hundred year flood shall be shown;
 - d. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the Division of State Lands) wooded areas, isolated preservable trees (trees with trunks over 6" in diameter—as measured 4 feet above ground), and significant areas of vegetation;
 - e. General land use plan indicating the types and intensities of the proposed, or potential development;

- 6 If applicable, a Double-Majority Worksheet, Certification of Ownership and Voters, Certification of Legal Description and Map, and Boundary Change Data Sheet on forms provided by the City.
7. A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in Section 6 of this ordinance, as relevant, including:
 - a. Statement of availability, capacity, and status of existing water, sewer, drainage, transportation, park and school facilities;
 - b. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
 - c. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
 - d. Statement outlining method and source of financing required to provide additional facilities, if any;
 - e. Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;
 - f. Statement of potential physical, aesthetic, and related social effects of the proposed, or potential, development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;
 - g. Statement indicating the type and nature of any Comprehensive Plan text or map amendments or Zoning text or map amendments that may be required to complete the proposed development.
8. The application fee for annexations established by resolution of the City Commission and any fees required by Metro. In addition to the application fees, the City Manager shall require a deposit, which is adequate to cover any and all costs related to the election.

Section 6. Annexation Factors. When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:

1. Adequacy of access to the site;
2. Conformity of the proposal with the City's Comprehensive Plan;

3. Adequacy and availability of public facilities and services to service potential development;
4. Compliance with applicable sections of Oregon Revised Statutes Chapter 222, and Metro Code Section 3.09;
5. Natural hazards identified by the City, such as wetlands, floodplains, and steep slopes;
6. Any significant adverse effects on specially designated open space, scenic, historic or natural resource areas by urbanization of the subject property at time of annexation;
7. Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation.

Section 7. Action by the Planning Commission.

The Planning Commission shall conduct a public hearing in the manner provided by OCMC 17.50.170(B) to evaluate the proposed annexation and make a recommendation to the City Commission regarding how the proposal has or has not complied with the factors set forth in Section 6 Of this ordinance. The Planning Commission shall provide findings in support of its recommendation.

Section 8. Action by City Commission.

Upon receipt of the Planning Commission's recommendation, the City Commission shall hold a public hearing in the manner provided by OCMC 17.50.170(C). The City Commission shall endeavor to review all proposals prior to the City application deadline for submitting ballot measures to the voters. The City Commission shall only set for an election annexations consistent with a positive balance of the factors set forth in Section 6 of this ordinance. The City Commission shall make findings in support of its decision to schedule an annexation for an election.

Section 9. Legal Advertisement of Pending Election.

After City Commission review and approval, the City Manager shall cause a legal advertisement describing the proposed annexation and pending election to be published in at least one newspaper of general circulation in the city in the manner provided by state election law. The advertisement shall be placed at least 14 days prior to the election. The size of the advertisement shall be determined by the City Manager. The advertisement shall contain: a description of the location of the property; size of the property; its current zoning and any proposal for zone changes upon annexation; a general description of the potential land uses allowed; any required Comprehensive Plan text or map amendment or Zoning Ordinance text or map amendment; and where the City Commission's evaluation of the proposed annexation may be found. Any statement regarding development of the property proposed for annexation that is dependent upon

future action by the City shall be accompanied by a disclaimer to the effect that such development would not be affected by the annexation vote.

Section 10. Election Procedures.

- A. Pursuant to ORS 222.130(1), the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement of chief purpose shall not exceed 150 words. The City Attorney shall prepare the ballot title wording.
- B. Pursuant to ORS 222.130(2), the notice of an annexation shall be given as provided in ORS 254.095 and 254.205, except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.
- C. Pursuant to ORS 222.111(7), two or more proposals for annexation of territory may be voted upon simultaneously; however, each proposal shall be stated separately on the ballot and voted on separately.

Section 11. Setting of Boundaries and Proclamation of Annexation.

Upon approval by the voters of the proposed annexation, the City Commission, by Ordinance, shall set the boundaries of the area to be annexed by a legal description, adopt findings, and proclaim the results of the election.

Section 11. Exceptions.

The City Commission may authorize an exception to any of the requirements of this ordinance. An exception shall require a statement of findings that indicates the basis for the exception. Exceptions may be granted for identified health hazards and for those matters which the City Commission determines that the public interest would not be served by undertaking the entire annexation process. All annexations, however, shall be referred to the voters of the City except those exempted by state law. An exception referring to an annexation application that meets the approval criteria to an election cannot be granted except as provided for in the Oregon Revised Statutes.

City Boundary Changes and Extension of Services

Section 1. Purpose.

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What 5(E)(6)
does
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to?

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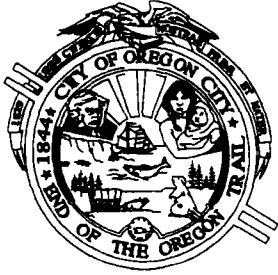
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**CITY OF OREGON CITY**

INCORPORATED 1844

COMMISSION REPORT

FOR AGENDA

DATED

December 1, 1999

TO THE HONORABLE MAYOR AND COMMISSIONERS

Page 1 of 1

Subject: Proposed Ordinance No. 99-1030, Adopting New Language To the Oregon City Municipal Code Titled "City Boundary Changes and Extensions of Services."
Report No. 99-211
 Planning File No. ZC 98-17 – Public Hearing

At a Special Election held May 18, 1999, Oregon City residents approved a ballot measure requiring voter approval of future annexations. On June 2, 1999, the Mayor signed a general proclamation that stated pursuant to the May election, the City Charter was now amended. Codification of procedures for voter-approved annexations was to follow. These proposed procedures are found in Exhibit A of attached Proposed Ordinance No. 99-1030.

The Oregon City Planning Commission held a worksession on this proposal on October 25, 1999. The Commissioners requested additional information on the May Ballot measure. They also wished to clarify which types of annexation requests were required to go through a voter approval process.

The Planning Commission held a public hearing on November 8, 1999. Having received satisfactory response to their worksession questions, the Commission recommended that the City Commission adopt the procedure attached as Exhibit A to Proposed Ordinance No. 99-1030. The Planning Commission adopted the finding that adoption of the proposed boundary change procedures does not conflict with the Citizen Involvement Goal of the Oregon City Comprehensive Plan.

Attachment 2 is a complete red-line version of the original ordinance draft.

Staff recommends that the City Commission adopt Proposed Ordinance No. 99-1030 as the boundary change processes and procedure for the City of Oregon City.


 BRIAN S. NAKAMURA
 City Manager

Attachments: Proposed Ordinance No. 99-1030
 Red-Line Version of Ordinance
 cc: Maggie Collins, Planning Manager

*Approved
 w/ sec 12
 amendments.*

City Boundary Changes and Extension of Services

Section 1. Purpose.

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5. ~~If the annexation is for the purposes of development,~~ ⁹⁻¹¹ twenty-five (25) copies of a site plan, drawn to scale (not greater than 1"=50'), indicating:
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- 6 If applicable, a Double-Majority Worksheet, Certification of Ownership and Voters, Certification of Legal Description and Map, and Boundary Change Data Sheet on forms provided by the City.
7. A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in Section 6 of this ordinance, as relevant, including:
 - a. Statement of availability, capacity, and status of existing water, sewer, drainage, transportation, park and school facilities;
 - b. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
 - c. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
 - d. Statement outlining method and source of financing required to provide additional facilities, if any;
 - e. Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;
 - f. Statement of potential physical, aesthetic, and related social effects of the proposed, or potential, development of the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;
 - g. Statement indicating the type and nature of any Comprehensive Plan text or map amendments or Zoning text or map amendments that may be required to complete the proposed development.
8. The application fee for annexations established by resolution of the City Commission and any fees required by Metro. In addition to the application fees, the City Manager shall require a deposit, which is adequate to cover any and all costs related to the election.

Section 6. Annexation Factors. When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:

1. Adequacy of access to the site;
2. Conformity of the proposal with the City's Comprehensive Plan;

3. Adequacy and availability of public facilities and services to service potential development;
4. Compliance with applicable sections of Oregon Revised Statutes Chapter 222, and Metro Code Section 3.09;
5. Natural hazards identified by the City, such as wetlands, floodplains, and steep slopes;
6. Any significant adverse effects on specially designated open space, scenic, historic or natural resource areas by urbanization of the subject property at time of annexation;
7. Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation.

Section 7. Action by the Planning Commission.

The Planning Commission shall conduct a public hearing in the manner provided by OCMC 17.50.170(B) to evaluate the proposed annexation and make a recommendation to the City Commission regarding how the proposal has or has not complied with the factors set forth in Section 6 Of this ordinance. The Planning Commission shall provide findings in support of its recommendation.

Section 8. Action by City Commission.

Upon receipt of the Planning Commission's recommendation, the City Commission shall hold a public hearing in the manner provided by OCMC 17.50.170(C). The City Commission shall endeavor to review all proposals prior to the City application deadline for submitting ballot measures to the voters. The City Commission shall only set for an election annexations consistent with a positive balance of the factors set forth in Section 6 of this ordinance. The City Commission shall make findings in support of its decision to schedule an annexation for an election.

Section 9. Legal Advertisement of Pending Election.

After City Commission review and approval, the City Manager shall cause a legal advertisement describing the proposed annexation and pending election to be published in at least one newspaper of general circulation in the city in the manner provided by state election law. The advertisement shall be placed at least 14 days prior to the election. The size of the advertisement shall be determined by the City Manager. The advertisement shall contain: a description of the location of the property; size of the property; its current zoning and any proposal for zone changes upon annexation; a general description of the potential land uses allowed; any required Comprehensive Plan text or map amendment or Zoning Ordinance text or map amendment; and where the City Commission's evaluation of the proposed annexation may be found. Any statement regarding development of the property proposed for annexation that is dependent upon

future action by the City shall be accompanied by a disclaimer to the effect that such development would not be affected by the annexation vote.

Section 10. Election Procedures.

- A. Pursuant to ORS 222.130(1), the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement of chief purpose shall not exceed 150 words. The City Attorney shall prepare the ballot title wording.
- B. Pursuant to ORS 222.130(2), the notice of an annexation shall be given as provided in ORS 254.095 and 254.205, except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.
- C. Pursuant to ORS 222.111(7), two or more proposals for annexation of territory may be voted upon simultaneously; however, each proposal shall be stated separately on the ballot and voted on separately.

Section 11. Setting of Boundaries and Proclamation of Annexation.

Upon approval by the voters of the proposed annexation, the City Commission, by Ordinance, shall set the boundaries of the area to be annexed by a legal description, adopt findings, and proclaim the results of the election.

Section 11. Exceptions.

The City Commission may authorize an exception to any of the requirements of this ordinance. An exception shall require a statement of findings that indicates the basis for the exception. Exceptions may be granted for identified health hazards and for those matters which the City Commission determines that the public interest would not be served by undertaking the entire annexation process. All annexations, however, shall be referred to the voters of the City except those exempted by state law. An exception referring to an annexation application that meets the approval criteria to an election cannot be granted except as provided for in the Oregon Revised Statutes.

EXHIBIT A

City Boundary Changes and Extension of Services

Section 1. Purpose.

It is the purpose and general intent of this Ordinance to delineate the appropriate procedures to be followed to annex territory to the City and to undertake other major and minor boundary changes. It is recognized that annexations to the corporate limits are major land use actions affecting all aspects of city government and that other boundary changes and extensions of services must also be regulated.

A. With respect to annexations, the procedures and standards established in this Chapter are required for review of proposed annexations in order to:

1. Provide adequate public information and sufficient time for public review before an annexation election;
2. Maximize citizen involvement in the annexation review process;
3. Establish a system for measuring the physical, environmental, fiscal, and related social effects of proposed annexations; and
4. Ensure adequate time for staff review.

B. With respect to major and minor boundary changes or extensions of services other than annexations, it is the purpose and general intent of this Ordinance to provide a method by which such changes or extensions may be reviewed in a rational way and in accordance with applicable comprehensive plans.

Section 2. State and Regional Regulations Regarding Annexations, Other Boundary Changes and Extensions of Services.

The regulations and requirements of Oregon Revised Statutes Chapter 222, and Metro Code Section 3.09, are concurrent obligations for annexation and are not affected by the provisions of this Chapter.

Section 3. Definitions. Unless the context requires otherwise, the following definitions and their derivations shall be used in this ordinance.

"City" means the City of Oregon City, Oregon.

"Commission" or "City Commission" means the City Commission of Oregon City, Oregon.

“District” means an entity described in ORS 198.010, 198.710(1) to (4) or 199.420.

“Major Boundary Change” means the formation, merger, consolidation or dissolution of a city or district.

“Minor Boundary Change” means an annexation or withdrawal of territory to or from a city or district or from a city-county to a district. “Minor boundary change” also means an extra-territorial extension of water or sewer service by a city or district.

“Planning Commission” means the Oregon City Planning Commission.

“Withdrawal” means the detachment, disconnection, or exclusion of territory from the City or district.

Section 4 **Procedures for Major Boundary Changes and for Minor Boundary Changes Other Than Annexations**

A. With respect to Major Boundary Changes and for Minor Boundary Changes other than for Annexations, the procedures that shall be followed shall be those provided by the laws of the State of Oregon.

B. The City Commission may provide for the withdrawal of territory from a District described in ORS 222.111, when land is annexed into the City. Any such withdrawal shall be specifically set forth in the final order of the City Commission approving the annexation.

Section 5. **Annexation Procedures.**

A. **Application Filing Deadlines.** Annexation elections shall be scheduled for March, May, September and November of each year. Application deadlines are established to permit public hearings by both the Planning Commission and City Commission in time to meet State requirements for submitting ballot information for these election dates. The deadline for receipt of applications involving a ballot election in March is 5:00 p.m. on the last working day in August. The deadline for receipt of applications involving a ballot election in May is 5:00 p.m. on the last working day in October. The deadline for receipt of applications involving a ballot election in September is 5:00 p.m. on the last working day in February. The deadline for receipt of applications involving a ballot election in November is 5:00 p.m. on the last working day in April.

B. **Preapplication Review.** Prior to submitting an annexation application, the applicant shall confer in the manner provided by Section 17.50.050(A) with the representative of the planning division appointed by the City Manager.

C. **Neighborhood Contact.** Prior to filing an annexation application, the applicant is encouraged to meet with the City-recognized Neighborhood Association or Associations within which the property proposed to be annexed is located. If the City Manager deems that more than one such Association is affected, the applicant is encouraged to meet with

each such Association, as identified by the City Manager. Unwillingness or unreasonable unavailability of a neighborhood association to meet shall not be deemed a negative factor in the evaluation of the annexation application.

- D. Signatures on Consent Form and Application. The applicant shall sign the Consent Form and the application for annexation. If the applicant is not the owner of the property proposed for annexation, the owner shall sign the Consent Form and application in writing before the City Manager may accept the same for review.
- E. Contents of Application. An applicant seeking to annex land to the City shall file with the City the appropriate application form approved by the City Manager. The application shall include the following:
1. Written consent form to the annexation signed by the requisite number of affected property owners, electors, or both, provided by ORS 222, if applicable.
 2. A metes and bounds legal description and boundary survey of the territory to be annexed certified by a registered engineer or surveyor. A lot and block description may be substituted for the metes and bounds description if the area is platted. If the legal description contains any deed or book and page references, legible copies of these shall be submitted with the legal description.
 3. A list of property owners within 300 feet of the subject property and if applicable, those property owners that will be "islanded" by the annexation proposal, on mailing labels acceptable to the City Manager.
 4. Two full quarter-section county tax assessor's maps, with the subject property(ies) outlined.
 5. ~~If the annexation is for the purposes of development,~~ ^{Twenty-five} twenty-five (25) copies of a site plan, drawn to scale (not greater than 1"=50'), indicating:
 - a. The location of existing structures (if any);
 - b. The location of streets, sewer, water, electric, and other utilities, on or adjacent to the property to be annexed;
 - c. The location and direction of all water features on and abutting the subject property. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flood data showing elevations of all property subject to inundation in the event of one-hundred year flood shall be shown;
 - d. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the Division of State Lands) wooded areas, isolated

preservable trees (trees with trunks over 6" in diameter—as measured 4 feet above ground), and significant areas of vegetation;

- e. General land use plan indicating the types and intensities of the proposed, or potential development;
6. If applicable, a Double-Majority Worksheet, Certification of Ownership and Voters, Certification of Legal Description and Map, and Boundary Change Data Sheet on forms provided by the City.
7. A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in Section 5 of this ordinance, as relevant, including:
- a. Statement of availability, capacity, and status of existing water, sewer, drainage, transportation, park and school facilities;
 - b. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
 - c. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
 - d. Statement outlining method and source of financing required to provide additional facilities, if any;
 - e. Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;
 - f. Statement of potential physical, aesthetic, and related social effects of the proposed, or potential, development ~~of~~ the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;
 - g. Statement indicating the type and nature of any Comprehensive Plan text or map amendments or Zoning text or map amendments that may be required to complete the proposed development.
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Section 5. Annexation Factors. When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:

1. Adequacy of access to the site;
2. Conformity of the proposal with the City's Comprehensive Plan;
3. Adequacy and availability of public facilities and services to service potential development;
4. Compliance with applicable sections of Oregon Revised Statutes Chapter 222, and Metro Code Section 3.09;
5. Identification of natural hazards that might be expected to occur on the subject property;
6. Any significant adverse effects on specially designated open space, scenic, historic or natural resource areas by urbanization of the subject property at time of annexation;
7. Lack of Any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation.

Section 6. Action by the Planning Commission.

The Planning Commission shall conduct a public hearing in the manner provided by OCMC 17.50.170(B) to evaluate the proposed annexation and make a recommendation to the City Commission regarding how the proposal has or has not complied with the factors set forth in Section 5 of this ordinance. The Planning Commission shall provide findings in support of its recommendation.

Section 7. Action by City Commission.

Upon receipt of the Planning Commission's recommendation, the City Commission shall hold a public hearing in the manner provided by OCMC 17.50.170(C). The City Commission shall endeavor to review all proposals prior to the City application deadline for submitting ballot measures to the voters in May or November. The City Commission shall only set for an election annexations consistent with a positive balance of the factors set forth in Section 5 of this ordinance. The City Commission shall make findings in support of its decision to schedule an annexation for an election.

Section 8. Legal Advertisement of Pending Election.

After City Commission review and approval, the City Manager shall cause a legal advertisement describing the proposed annexation and pending election to be published in at least one newspaper of general circulation in the city in the manner provided by state election law. The

advertisement shall be placed at least 14 days prior to the election. The size of the advertisement shall be determined by the City Manager, but shall not be less than one-half of a full page. The advertisement shall contain: a description of the location of the property; size of the property; its current zoning and any proposal for zone changes upon annexation; a general description of the potential land uses allowed; any required Comprehensive Plan text or map amendment or Zoning Ordinance text or map amendment; and where the City Commission's evaluation of the proposed annexation may be found. Any statement regarding development of the property proposed for annexation that is dependent upon future action by the City shall be accompanied by a disclaimer to the effect that such development would not be affected by the annexation vote.

Section 9. Election Procedures.

- A. Pursuant to ORS 222.130(1), the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement of chief purpose shall not exceed 150 words. The City Attorney shall prepare the ballot title wording.
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Section 10. Setting of Boundaries and Proclamation of Annexation.

Upon approval by the voters of the proposed annexation, the City Commission, by Ordinance, shall set the boundaries of the area to be annexed by a legal description, adopt findings, and proclaim the results of the election.

Section 11. Exceptions.

The City Commission may authorize an exception to any of the requirements of this ordinance. An exception shall require a statement of findings that indicates the basis for the exception. Exceptions may be granted for identified health hazards and for those matters which the City Commission determines that the public interest would not be served by undertaking the entire annexation process. All annexations, however, shall be referred to the voters of the City except those exempted by state law. An exception referring to an annexation application that meets the approval criteria to an election cannot be granted except as provided for in the Oregon Revised Statutes.

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“Planning Commission” means the Oregon City Planning Commission.

“Withdrawal” means the detachment, disconnection, or exclusion of territory from the City or district.

Section 4 Procedures for Major Boundary Changes and for Minor Boundary Changes Other Than Annexations

A. With respect to Major Boundary Changes and for Minor Boundary Changes other than for Annexations, the procedures that shall be followed shall be those provided by the laws of the State of Oregon.

B. The City Commission may provide for the withdrawal of territory from a District described in ORS 222.111, when land is annexed into the City. Any such withdrawal shall be specifically set forth in the final order of the City Commission approving the annexation.

Section 5. Annexation Procedures.

A. Application Filing Deadlines. Annexation elections shall be scheduled for March, May, September and November of each year. ~~Application deadlines are established to permit public hearings by both the Planning Commission and City Commission in time to meet State requirements for submitting ballot information for~~ Each application shall first be approved by the City Commission, which shall provide a valid ballot title in sufficient time for the matter to be submitted to the voters as provided by the election ~~these election dates. The deadline for receipt of applications involving a ballot election in March is 5:00 p.m. on the last working day in August. The deadline for receipt of applications involving a ballot election in May is 5:00 p.m. on the last working day in October. The deadline for receipt of applications involving a ballot election in September is 5:00 p.m. on the last working day in February. The deadline for receipt of applications involving a ballot election in November is 5:00 p.m. on the last working day in April.~~ laws of the State of Oregon.

B. Preapplication Review. Prior to submitting an annexation application, the applicant shall confer in the manner provided by Section 17.50.050(A) with the representative of the planning division appointed by the City Manager.

← started here reading amendment

- C. Neighborhood Contact. Prior to filing an annexation application, the applicant is encouraged to meet with the City-recognized Neighborhood Association or Associations within which the property proposed to be annexed is located. If the City Manager deems that more than one such Association is affected, the applicant is encouraged to meet with each such Association, as identified by the City Manager. Unwillingness or unreasonable unavailability of a neighborhood association to meet shall not be deemed a negative factor in the evaluation of the annexation application.
- D. Signatures on Consent Form and Application. The applicant shall sign the Consent Form and the application for annexation. If the applicant is not the owner of the property proposed for annexation, the owner shall sign the Consent Form and application in writing before the City Manager may accept the same for review.
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1. Written consent form to the annexation signed by the requisite number of affected property owners, electors, or both, provided by ORS 222, if applicable.
 2. ~~A metes and bounds legal description and boundary survey of the territory to be annexed certified by a registered engineer or surveyor.~~ annexed, meeting the relevant requirements of the Metro Code and ORS ch. 308. If such a description is not submitted, a boundary survey may be required. A lot and block description may be substituted for the metes and bounds description if the area is platted. If the legal description contains any deed or book and page references, legible copies of these shall be submitted with the legal description.
 3. A list of property owners within 300 feet of the subject property and if applicable, those property owners that will be "islanded" by the annexation proposal, on mailing labels acceptable to the City Manager.
 4. Two full quarter-section county tax assessor's maps, with the subject property(ies) outlined.
 5. If the annexation is for the purposes of development, twenty-five (25) copies of a site plan, drawn to scale (not greater than 1"=50'), indicating:
 - a. The location of existing structures (if any);
 - b. The location of streets, sewer, water, electric, and other utilities, on or adjacent to the property to be annexed;
 - c. The location and direction of all water features on and abutting the subject property. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flood data showing elevations of all

property subject to inundation in the event of one-hundred year flood shall be shown;

- d. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the Division of State Lands) wooded areas, isolated preservable trees (trees with trunks over 6" in diameter—as measured 4 feet above ground), and significant areas of vegetation;
 - e. General land use plan indicating the types and intensities of the proposed, or potential development;
- 6 If applicable, a Double-Majority Worksheet, Certification of Ownership and Voters, Certification of Legal Description and Map, and Boundary Change Data Sheet on forms provided by the City.
7. A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in Section 56 of this ordinance, as relevant, including:
- a. Statement of availability, capacity, and status of existing water, sewer, drainage, transportation, park and school facilities;
 - b. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
 - c. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
 - d. Statement outlining method and source of financing required to provide additional facilities, if any;
 - e. Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;
 - f. Statement of potential physical, aesthetic, and related social effects of the proposed, or potential, development of the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;
 - g. Statement indicating the type and nature of any Comprehensive Plan text or map amendments or Zoning text or map amendments that may be required to complete the proposed development.

8. The application fee for annexations established by resolution of the City Commission and any fees required by Metro. In addition to the application fees, the City Manager shall require a deposit, which is adequate to cover any and all costs related to the election.

Section 5-6. Annexation Factors. When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:

1. Adequacy of access to the site;
2. Conformity of the proposal with the City's Comprehensive Plan;
3. Adequacy and availability of public facilities and services to service potential development;
4. Compliance with applicable sections of Oregon Revised Statutes Chapter 222, and Metro Code Section 3.09;
5. Natural hazards identified by the City, such as wetlands, floodplains, and steep slopes;
6. Any significant adverse effects on specially designated open space, scenic, historic or natural resource areas by urbanization of the subject property at time of annexation;
7. Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation.

Section 6-7. Action by the Planning Commission.

The Planning Commission shall conduct a public hearing in the manner provided by OCMC 17.50.170(B) to evaluate the proposed annexation and make a recommendation to the City Commission regarding how the proposal has or has not complied with the factors set forth in Section ~~56~~ Of this ordinance. The Planning Commission shall provide findings in support of its recommendation.

Section 7-8. Action by City Commission.

Upon receipt of the Planning Commission's recommendation, the City Commission shall hold a public hearing in the manner provided by OCMC 17.50.170(C). The City Commission shall endeavor to review all proposals prior to the City application deadline for submitting ballot measures to the voters ~~in May or November~~. The City Commission shall only set for an election annexations consistent with a positive balance of the factors set forth in Section ~~56~~ of this ordinance. The City Commission shall make findings in support of its decision to schedule an annexation for an election.

Section 8-9. Legal Advertisement of Pending Election.

After City Commission review and approval, the City Manager shall cause a legal advertisement describing the proposed annexation and pending election to be published in at least one newspaper of general circulation in the city in the manner provided by state election law. The advertisement shall be placed at least 14 days prior to the election. The size of the advertisement shall be determined by the City Manager, ~~but shall not be less than one half of a full page.~~ The advertisement shall contain: a description of the location of the property; size of the property; its current zoning and any proposal for zone changes upon annexation; a general description of the potential land uses allowed; any required Comprehensive Plan text or map amendment or Zoning Ordinance text or map amendment; and where the City Commission's evaluation of the proposed annexation may be found. Any statement regarding development of the property proposed for annexation that is dependent upon future action by the City shall be accompanied by a disclaimer to the effect that such development would not be affected by the annexation vote.

Section 9-10. Election Procedures.

- A. Pursuant to ORS 222.130(1), the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement of chief purpose shall not exceed 150 words. The City Attorney shall prepare the ballot title wording.
- B. Pursuant to ORS 222.130(2), the notice of an annexation shall be given as provided in ORS 254.095 and 254.205, except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.
- C. Pursuant to ORS 222.111(7), two or more proposals for annexation of territory may be voted upon simultaneously; however, each proposal shall be stated separately on the ballot and voted on separately.

Section 10-11. Setting of Boundaries and Proclamation of Annexation.

Upon approval by the voters of the proposed annexation, the City Commission, by Ordinance, shall set the boundaries of the area to be annexed by a legal description, adopt findings, and proclaim the results of the election.

Section 11. Exceptions.

The City Commission may authorize an exception to any of the requirements of this ordinance. An exception shall require a statement of findings that indicates the basis for the exception. Exceptions may be granted for identified health hazards and for those matters which the City Commission determines that the public interest would not be served by undertaking the entire annexation process. All annexations, however, shall be referred to the voters of the City except those exempted by state law. An exception referring to an annexation application that meets the

approval criteria to an election cannot be granted except as provided for in the Oregon Revised Statutes.

INTEROFFICE MEMORANDUM
CITY OF OREGON CITY
PLANNING DIVISION

TO: ~~XXXXXXXXXXXXXX~~
FROM: *MLC* MAGGIE COLLINS
SUBJECT: ~~XX~~
DATE: 04/10/00

*Anna- 4/10
need new tabs
for Title 14 - C.B.
Jennifer Lucas
x 222, custom serv.
Michael, Superv. on*

I REVIEWED MY FILES FOR THE EMAIL CORRESPONDENCE ON THIS TOPIC; IT IS ATTACHED.

The Planning Division strongly recommends that Title 14 be the repository for this Ordinance. While the subject Ordinance composes only one section of Code, we believe that as the City develops its own procedures for processing annexations in-house, and with possible City annexation of County islands within the City limits, more ordinances may follow on this topic.

Major arguments against using either Title 16 or 17 include:

- Title 16 implements ORS Chapter 92. Title 17 is devoted to local regulations that implement ORS Chapters 92, 197 and 227. See Section 17.50.010. Ordinance 93-1030 implements ORS Chapter 222. If we use Title 17, it means an amendment to include ORS 222 to Section 17.50 of Title 17. This is more needless work.
- The Ordinance in question is not strictly a land use matter. It is a municipal procedure that incorporates several chapters of ORS dealing with elections, filing fees ballot statements, and the like. A hefty fee is paid by each applicant desiring an annexation to cover the many costs of holding an election, getting an accurate count of the results and publicly declaring said results. This is all before invoking Title 16 or Title 17 for follow-up land use permits.
- The required Planning Commission and City Commission public hearings prior to an annexation request being placed on the ballot are not quasi-judicial (land use) public hearings. The Planning Commission makes a recommendation to the City Commission. The City Commission, in turn, does not decide on the merits of the request as a land use request; the Commission only decides whether there is enough merit in the request to put it on the ballot for the Oregon City voters to decide. Again, the procedure described in Ordinance 99-1030 does not implement Titles 16 or 17.
- Even if the answer is yes by the voters, yet another procedure is necessary before official land use designations and zoning is conferred on the property. In short, the land use processes covered by Titles 16 and 17 apply after the processes stipulated by this Ordinance and ORS 222 are completed. Section 17.68.025 requires a rezone process that must follow land use review procedures.

*4/7 suggested ~ 4/10
that we use Title 14.*

*CITY OF OREGON CITY OF OREGON CITY
PLANNING DIVISION
INTEROFFICE MEMORANDUM
PAGE 2*

In summary, Planning recommends that Ordinance 99-1030 have its own title in the Municipal Code. Please note the email attached to this memo.

Please contact me if I can answer further questions.

Attachments: Emails

4/10/00title14ocmc.doc/maggie

We Do Chicken Right

Subject: Fw: Annexations

Date: Tue, 21 Sep 1999 15:08:58 -0700

From: "Kyenne Williams" <ockyenne@ci.oregon-city.or.us>

To: "Maggie Collins" <ocmaggie@ci.oregon-city.or.us>

Here's your answer....

-----Original Message-----

From: Sullivan, Ed (PTL) <esulliva@prestongates.com>

To: 'Kyenne Williams' <ockyenne@ci.oregon-city.or.us>

Date: Tuesday, September 21, 1999 3:07 PM

Subject: RE: Annexations

>Kyenne:

>

> I have no "wisdom"; however, if the chapter is reserved, it can be
>used for any purpose. Let's use it.

>

> Ed

>

>> -----Original Message-----

>> From: Kyenne Williams [SMTP:ockyenne@ci.oregon-city.or.us]

>> Sent: Tuesday, September 21, 1999 2:58 PM

>> To: Sullivan, Ed (PTL)

>> Subject: Fw: Annexations

>>

>> At Marnie's suggestion, and at Jean's urging, I am referring this request
>> to

>> you for a final determination. The Annexation process that Bryan is
>> working

>> on - Tamara originally had identified it as a new Title, number 14 to be
>> exact. Currently, the OCMC has no Title 14, rather a space 'reserved' for
>> it. The concensus is to go with Title 14 as opposed to inserting it as a
>> chapter in Title 15. Your wisdom would be appreciated. Thanks.

>>

>> Kyenne Williams

>> Planning Technician

>> -----Original Message-----

>> From: Allen, Marnie (PTL) <mallen@prestongates.com>

>> To: 'Kyenne Williams' <ockyenne@ci.oregon-city.or.us>

>> Date: Tuesday, September 21, 1999 2:29 PM

>> Subject: RE: Annexations

>>

>>

>> >Hmmm - I do not know what Title 4 is reserved for, or if it is reserved
>> >specifically for ordinances on a specific topic (like annexations). If
>> you

>> >haven't already, you might check with Jean or Ed. In quickly looking at
>> the

>> >Troutdale and Hillsboro municipal codes they also have reserved Title 4
>> and

>> >do not specify what it is reserved for. I am not aware of anything that
>> >would preclude the City from adopting the annexation ordinance as Title
>> 4

>> if

>> >that is where the City Commission wants it. Another thought is to
>> include

>> >the annexation ordinances in a Chapter in Title 17 since annexation
>> >decisions (excluding the decision by the voters) are land use
decisions.

>> >Hope that helps. - Marnie

>> >

>> >> -----Original Message-----
>> >> From: Kyenne Williams [SMTP:ockyenne@ci.oregon-city.or.us]
>> >> Sent: Tuesday, September 21, 1999 2:12 PM
>> >> To: Allen, Marnie (PTL)
>> >> Subject: Annexations
>> >>
>> >> Dear Marnie,
>> >>
>> >> Maggie asked me to check with you regarding what you might know about
>> >> Title
>> >> 14 of the OCMC being 'reserved' for Annexations. We are (or rather
>> >> Bryan)
>> >> is
>> >> working on the rewording of that section for the City, and we simply
>> >> need
>> >> to
>> >> know that we are identifying it correctly.
>> >>
>> >> THANKS,
>> >>
>> >> Kyenne
>> >> Planning Tech

Subject: Follow-up work for Title 14 (Annexation Procedures)

Date: Fri, 29 Oct 1999 16:49:55 -0700

From: Maggie Collins <ocmaggie@ci.oregon-city.or.us>

Organization: City of Oregon City

To: Ed@ci.oregon-city.or.us, Sullivan@ci.oregon-city.or.us

Ed:

From the 10/25 Planning Commission worksession on this topic, could you please address the following:

1. Does adoption of Title 14 negate other annexation options that the City might exercise? (Another way that the Planning Commission meant to say this: (a) what were the ways that the City could annex property before the May '99 election; and (b) what has changed?)
2. Why shouldn't the City allow the upcoming Island Annexation project (assuming that it goes forward) to be a Title 14 process?
3. Bryan tells me that although we noticed this legislative amendment as Amendments to OCMC Title 14, you are now recommending that the language be placed in a different section of OCMC. Could we have the new magic numbers for my staff report?

I'll be putting together the staff report for this project on Monday, Nov.1, 1999. Any helpful information on 1,2, or 3 above would be appreciated. After Monday, material will go as an Staff Report Addendum.

Thank you for your help,
Maggie

Subject: RE: Follow-up Work for Title 14 (Annexation Procedures)

Date: Sat, 30 Oct 1999 08:44:38 -0700

From: "Sullivan, Ed (PTL)" <esulliva@prestongates.com>

To: "Maggie Collins" <ocmaggie@ci.oregon-city.or.us>

CC: "Cosgrove, Bryan" <ocbryan@spiretech.com>,
"Kabeiseman, William (PTL)" <wkabeise@prestongates.com>,
"Allen, Marnie (PTL)" <mallen@prestongates.com>

Maggie:

Thanks for the lead time. Here are my answers:

1. Except for health hazard annexations, the draft ordinance provides the exclusive method for annexations to the City. Between the time of the demise of the Boundary Commission and the adoption of the Charter Amendment on annexations, the City could annex either through consent or through an election. Because all non-health hazard annexations are now subject to election, the proposed ordinance covers them all (although it has some flexibility in procedures before a proposed annexation goes to election). The biggest change is that all non-health hazard annexations are subject to an election and most are also subject to City Commission approval as well.

2. The only reason not to allow the island annexation process to go forward under the new procedures is that they have not been adopted yet. Otherwise, they can be subject to those procedures.

3. I think we should let the City's code codifier identify the proper place in the code for annexations. I just wonder whether we should take a whole Title with what seems to be a single chapter. Until it is codified, let's refer to it as section __ of Ordinance No. 99-__.

I hope this helps.

Ed Sullivan

> -----Original Message-----

> From: Maggie Collins [SMTP:ocmaggie@ci.oregon-city.or.us]

> Sent: Friday, October 29, 1999 6:11 PM

> To: Sullivan, Ed (PTL)

> Subject: Follow-up Work for Title 14 (Annexation Procedures)

>

> Ed:

>

> Could you please address the following issues from the 10/25 Planning

> Commission worksession:

>

> 1. Does adoption of Title 14 negate other annexation options that the
> City might exercise? (Another way that the Planning Commission meant to
> say this: (a) what were the ways that the City could annex property
> before the May '99 election; and (b) what has changed?)

>

> 2. Why Shouldn't the City allow the upcoming Island Annexation project
> (assuming that it goes forward) to be a Title 14 process?

>

> 3. Bryan tells me that although we noticed this legislative amendment
> as Amendments to OCMC Title 14, you are now recommending that the
> language be placed in a different section of OCMC. Could we have the
> new magic numbers for my staff report?

>

> Unfortunately, my staff report for the Nov. 8th PC meeting is due
> Monday, Nov. 1st. Any helpful information in #1, 2, or 3 above would be

> appreciated. After Monday material will go as a Staff Report Addendum.
>
> Thank you for your help.
>
> Maggie