

**ORDINANCE No. 99-1033**

**AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE CITY OF OREGON CITY**

**OREGON CITY MAKES THE FOLLOWING FINDINGS:**

WHEREAS, The owners of certain real property adjacent to the City of Oregon City, more fully identified in Exhibit 'A' to this Ordinance, proposed that their property be annexed to the City in order to obtain city services to facilitate ultimate development of the property; and

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

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

WHEREAS, the annexation of the identified property was submitted to the voters of the City of Oregon City at a general election held on November 2, 1999; and

WHEREAS, the Clackamas County Clerk has returned the official figures indicating the results of the election held on November 2, 1999; and

WHEREAS, the official figures returned by the Clackamas County Clerk indicate that a majority of the voters of the City of Oregon City voted to approve the annexation of the identified property; and

WHEREAS, the identified property is currently in Clackamas County Rural Fire Protection District # 1; and

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

Now, therefore,

**OREGON CITY ORDAINS AS FOLLOWS:**

Section 1. That the area identified as:

Tax Lot 300, T3S, R1E, SW ¼ of the SW ¼ Section 1, on the southwest side of the City, west of South End Road, on the east edge of Rose Road south of the intersection of Rose Road with Deer Lane. Containing approximately 7.0 acres of vacant land.

And as further identified in the legal description attached hereto as Exhibit "A" is hereby annexed to and made a part of the City of Oregon City.

Section 2. That the findings attached hereto as Exhibit 'A' and reviewed by the City on September \_\_\_\_, 1999 are hereby adopted.

Section 3. That the territory identified above is hereby withdrawn from Clackamas County Rural Fire Protection District # 1.

Section 4. That the territory identified above is hereby withdrawn from the Clackamas County Service District for Enhanced Law Enforcement.

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

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

*Leilani Bronson-Crelly*  
LEILANI BRONSON-CRELLY, City Recorder

ATTESTED this 1<sup>st</sup> day of December, 1999

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

**ORDINANCE NO. 99-1033**  
**Effective Date: December 31, 1999**

# **EXHIBIT "A"**

**Being part of Samuel D. Pomeroy Donation Land Claim #39 in Township 3 South, Range 1 East of the Willamette Meridian in the County of Clackamas and State of Oregon.**

**Beginning at the most Easterly corner of the Samuel D. Pomeroy Donation Land Claim #39 contiguous with the centerline of South End Road; thence North 42° 59' 43" West a distance of 30.17 feet to the Westerly right-of-way of South End Road; thence continuing on said bearing a distance of 1163.14 feet to the true point of beginning for subject parcel; thence continuing on said bearing a distance of 835.18 feet to a point; thence South 45° 42' 35" West, 349.51 feet to a point; thence South 43° 00' 06" East, 835.27 feet to a point; thence North 45° 41' 38" East, 349.42 feet to the true point of beginning for subject parcel.**

**And including the right-of-way of Rose Avenue adjacent to the above described property.**

# Proposal No. AN-99-03

SE 1/4 SW 1/4 SEC. 1 T3S R1E W.M.  
CLACKAMAS COUNTY

:3800

CITY OF OREGON CITY

AREA TO BE  
ANNEXED

F.U.-10

18900

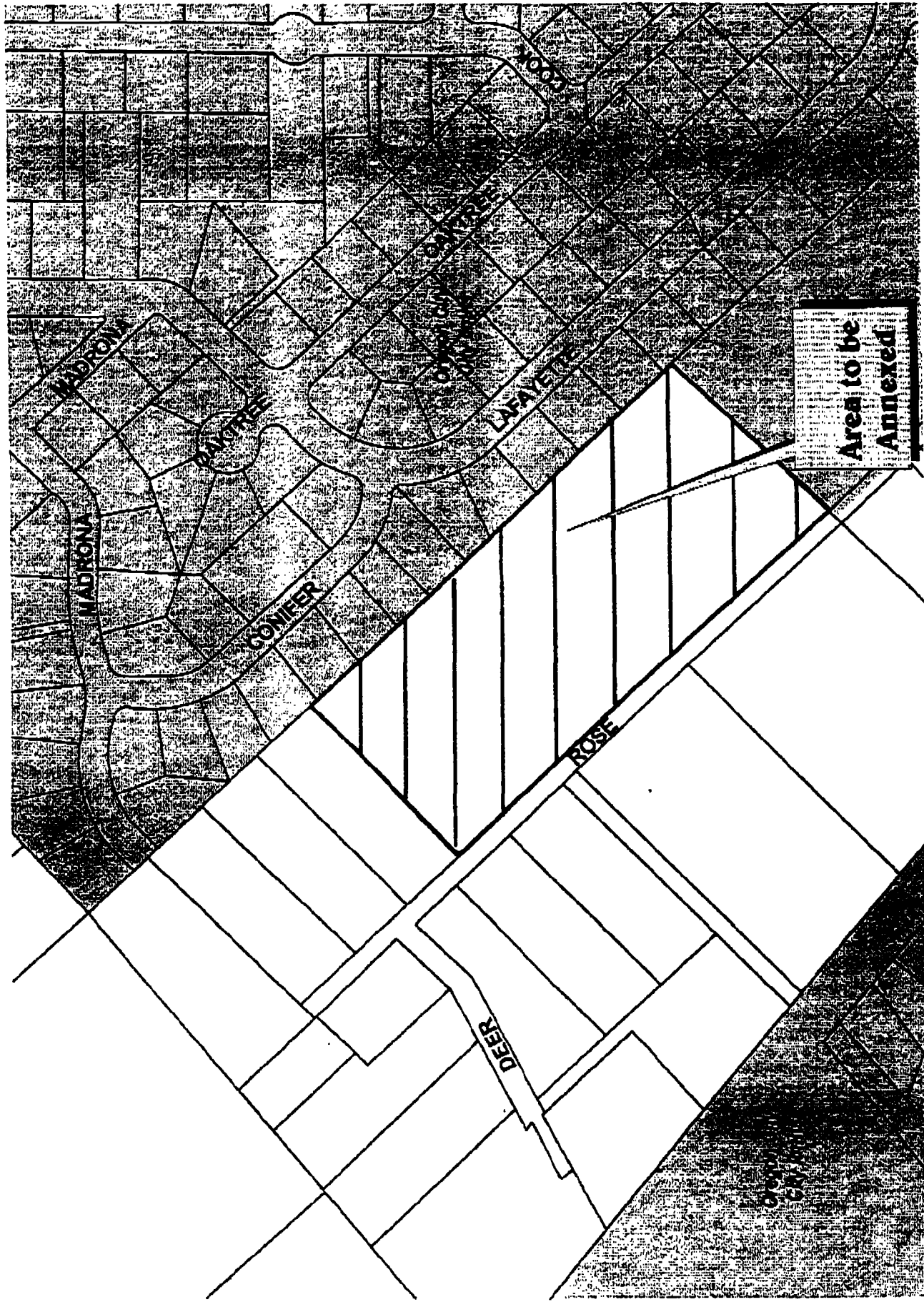
62-33

PROPOSAL NO. AN-99-03  
CITY OF OREGON CITY  
Figure 2

1E 12A

Exhibit "A"

City of Oregon City Measure 3-62



Area to be  
Annexed

## FINDINGS

Based on the study and the public hearing the City Commission found:

1. The territory to be annexed is Tax Lot 300 T3S, R1E, SW 1/4 SW 1/4 Section 1, on the southwest side of the City, west of South End Road, on the east edge of Rose Road south of the intersection of Rose Road with Deer Lane. The territory contains 7.0 acres, is vacant and is evaluated at \$83,820.
2. The petition meets the requirement for initiation set forth in ORS 222.170(2), the double majority annexation law.
3. The property owner / applicant wants annexation to obtain city services to facilitate ultimate development of the property. They have proposed no specific development plans.
4. The site is vacant and contains no structures. This site previously supported an apple and filbert orchard. The property owners ceased all agricultural activities on the site some years ago and removed most of the trees within the past year. The site is now overgrown with Scotch Broom and some Himalayan blackberry.

The area to the north of the site is zoned R-10 and has been developed as a single family residential subdivision. The area on the south side of Rose Road, directly across from the subject site, is characterized by a mixture of single-family residential dwellings on large lots ranging in size from one-third to two acres. South Ridge, a recently completed 104-lot single-family residential subdivision is approximately 300 feet south of the subject site, on the west side of South End Road. The area to the east is within Oregon City and zoned for low density residential uses. A pending development application proposes to create a 41-lot residential subdivision on the adjoining parcel to the east. The area to the west of the subject site is not within Oregon City and is characterized by a mixture of single family residential dwellings on large lots ranging in size from one-third to two acres.

5. 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 Code requires these findings and conclusions to address the following minimum criteria:

- 1) Compliance with applicable ORS 195 agreements;

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- 2) Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans, Public facilities plans, Regional framework and functional plans, Urban planning agreements and similar agreements of the affected entity and necessary parties
- 3) Assurance that the affected entity can provide, directly or by contract, urban service[s] now or soon;

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 now part of Metro's Regional Framework Plan. The Regional Framework Plan also includes the 2040 Growth Concept. Metro is authorized to adopt functional plans which are limited purpose plans addressing designated areas and activities of metropolitan concern and which mandate local plan changes. Metro adopted one functional plan - the Urban Growth Management Functional Plan. They have codified this functional plan in Metro Code Chapter 3.07. and they include it as an appendix to the Regional Framework Plan.

The Urban Growth Management Functional Plan requires cities and counties to amend their comprehensive plans and implementing ordinances to 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 was reviewed and found not to contain specific criteria applicable to boundary changes.

6. 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, . . ."

The Clackamas County Comprehensive Plan is the applicable plan for this area. The plan designation for this site is Future Urbanizable on the County's Northwest Urban Land map (Map IV-1) and Low Density Residential (LR) on the County's Oregon City Area Land Use Plan (Map IV-5). Zoning on the property is FU-10, Future Urban-10 Acre Minimum Lot Size. This is a holding zone to prevent the creation of small parcels in areas within the UGB to preserve the capacity of land to fully develop once a full range of urban services is

available. Lands located outside areas having sanitary sewer service available were designated Future Urbanizable.

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 (UPAA's). The Plan is implemented by the County zoning and subdivision 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 concerning annexations. Sections of these elements which speak directly to the issue of annexation have been reviewed to decide whether the current proposal is consistent with them.

*Citizen Involvement* is the title of Chapter 2 of the Comprehensive Plan. 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 are consistent with this policy. 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 Low Density Residential (LR).

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.*

Policy 5.0 provides that land is converted from "Future Urbanizable to Immediate Urban when land is annexed to either a city or special district capable of providing public sewer."

Policy 6.0 contains guidelines that apply to annexations that convert 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.)*

As the findings on the Facilities and Services show, all public facilities are available to serve this site. Although the applicant did not address the quantity of immediate urban land now available, the recent analysis by Metro concerning expansion of the UGB demonstrates that additional urban land is needed. Findings within this section of the staff report demonstrate that the policies of the Clackamas County comprehensive plan and provisions within the urban growth management agreement are met, or can be met by modifying the annexation to include the right-of way of Rose Road adjacent to the proposed annexation.

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

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.*

\* \* \*

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.*

7. 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 next to the City. The territory to be annexed falls within this urban growth management boundary (UGMB) and is subject to the agreement. 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 city is responsible for the public facilities plan required by Oregon Administrative Rule Chapter 660, division 11, in coordination with other service providers in the area.

The Agreement goes on to say:

3. Development Proposals in Unincorporated Area

\* \* \*

- B. *The provision of public facilities and services shall be consistent with the adopted public facility plan for the unincorporated UGMB . . .*

\* \* \*

4. City and County Notice and Coordination

\* \* \*

- 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 . . .*

\* \* \*

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 . . .*

\* \* \*

The required notice was provided to the County.

As noted above, while this territory is not covered by the Oregon City acknowledged Comprehensive Plan, the City prepared a plan for its surrounding area and its 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.

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.*

Oregon City has three zones that may be applied to the County's Low Density Residential plan designation: R-10, R-8, and R-6. These zones require a minimum lot size of 10,000, 8,000, and 6,000 square feet and a minimum density of 4.4, 5.5, and 7.3 units per acre respectively.

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.*

\* \* \*

- 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 [Clackamas River] Water District 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 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 desired ("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.*
8. 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 no urban service agreements have yet been adopted in Clackamas County.
9. The City of Oregon City provides sanitary sewer collector service. A 10-inch public sanitary sewer line is in South End Road. The line is sized to serve the entire South End Sewer basin, within which the subject property is located. The City assessed the property

through the formation of a local improvement district to pay the cost of the recently completed system improvements.

The Tri-City County Service District provides sewage transmission and treatment services to the cities of Oregon City, West Linn and Gladstone. Each city owns and maintains its own local sewage collection system. The District owns and maintains the sewage treatment plant and interceptor system. The three cities are in the District and as provided in the intergovernmental agreement between the District and the city, the District does not serve territories outside Oregon City, with one exception.

Before 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 no longer applies in this area. Therefore, each annexation to Oregon City needs 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 Tri-City plant has had measured flows of 50 mgd. At this flow, the collection system was backed up, however the District did not divert any flows to the Willamette River. 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 \$3,178 per equivalent dwelling unit. Of this amount Oregon City retains \$1,333, transmits \$2,020 to the Tri-City Service District and \$25 is for inspection fees.

10. Oregon City has a 16-inch water line in South End Road. The line is sized to serve the subject property

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.

Both the river intake facility and the treatment plant have a capacity of twenty million gallons per day (MOD). There is an intertie with Lake Oswego's water system that allows up to five mgd to be transferred between Lake Oswego and SFWB (from either system to the other).

After leaving the treatment plant, water is pumped to Oregon City's ten million gallon reservoir (located near Mountain View Street). The Mountain View Street reservoir complex is the hub of the City's four pressure zones. The capacity of the Division Street Pump Station and the transmission pipeline to the terminal reservoir is sixteen million gallons per day.

The present combined service population for the South Fork Water Board, which is the total of the populations of Oregon City, West Linn, and Clairmont Water District (now part of Clackamas River Water District) is approximately 40,000 persons. Maximum daily flows in 1988 approached sixteen-million gallons per day. These water demands are within the capacity of the South Fork Water Board system up to the Division Street Pump Station. On peak demand days, the Division Street Pump Station and transmission pipeline is at capacity.

When development is proposed for the subject site, the owner will be required to design and construct a water system to serve the site that complies with the City's development ordinance.

Oregon City charges City water customers \$9.75 per month plus \$1.63 per 100 cubic feet of water. There is a \$1,436 systems development charge for Oregon City's distribution system, a \$1,220 systems development charge for the South Fork Water Board system, and a \$550 installation fee charged for new water connections, for a total of \$3,206.

11. Storm sewer facilities are available to serve the subject property. The City recently adopted the South End Basin Drainage Study that outlines necessary system improvements and strategies for improving the availability of storm sewer capacity in this area. As properties develop, this plan will be implemented. Typically, larger scale residential subdivisions require the installation of on-site storm detention facilities in addition to a piped overflow to a City system.

When development is proposed for the subject site the owner or will be required to design and construct a storm water collection and detention system that complies with the City's development ordinance and applicable rules set forth by the state Department of Environmental Quality.

Oregon City charges a monthly storm user charge of \$2.00. The charge pays for maintenance and administration of the drainage system. The portion of projects financed by the city capital improvements program that relate to the needs of existing growth is also funded from the user charge. Oregon City also has a \$519 per residential unit system development charge for storm water facilities. This charge finances system improvements that relate to needs generated by new development.

12. This territory is currently within Clackamas County R.F.P. D. # 1. First response emergency services for the area are provided by Oregon City forces as part of an interagency cooperation agreement. Oregon City has a station within five miles of the property. 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.
13. 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.

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According to 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 would no longer apply to the property.

Upon annexation the Oregon City Police Department will serve the territory. Oregon City fields approximately 1.3 officers per 1000 population. The City is divided into three patrol districts with a four-minute emergency response and a twenty minute non-emergency response time.

14. 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 City Commission 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 before the hearing; 2) mailed notice to necessary parties 45 days before the hearing; 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. The Regional Framework Plan contains no decision-making criteria directly applicable to boundary changes.
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 acknowledged Clackamas County Comprehensive Plan which currently applies to this site 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 service available as called for in Policy 5.0 of this chapter of the County Plan.

The Commission considered the four conversion criteria in Policy 6.0. As the findings on Facilities and Services show, all public facilities are available to serve this site. Although the applicant did not address the quantity of immediate urban land now available, the recent analysis by Metro concerning expansion of the UGB demonstrates that additional urban land is needed. The comprehensive plan criteria findings demonstrate that the policies of the Clackamas County comprehensive plan and provisions within the urban growth management agreement are met, or can be met by modifying the annexation to include the right-of-way of Rose Road adjacent to the proposed annexation.

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 is consistent with Policy 14.0 which requires the County to, "Encourage development in urban areas where adequate urban water facilities already exist."

15. The Commission finds that this proposal is consistent with the Clackamas County - City of Oregon City UGMA which requires the City to notify the County of any annexation decisions. The Commission 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. The UGMA requires that the City assume jurisdiction of county roads and local access roads that are within the area annexed. The annexation as proposed did not include the right-of-way of Rose Road adjacent to the annexation. The Commission has concluded that the annexation should be modified to include the right-of-way of Rose Road adjacent to the annexation site. Consequently, the annexation, as approved, is consistent with the UGMA.

16. As noted in Conclusion No. 2 above, the Metro Code calls for boundary changes to be consistent with comprehensive plans. While the property proposed for annexation is currently subject to the County's Comprehensive Plan, the City Commission's decisions must be consistent with the City's Comprehensive Plan and the City's Comprehensive Plan will apply to the annexation site after the annexation is effective. The Commission concludes that the annexation is consistent with the City's Plan. 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, Policy 2 of Chapter G that states that Oregon City will ensure that it will be responsible for providing the full range of urban services for annexed lands. The City's Plan provides that the city will process a zone change from County FU-10 to a city zone designation that corresponds to the County's Comprehensive Plan designation of Low Density Residential. Oregon City has three zones that may be applied to the County's Low Density Residential plan designation: R-10, R-8, and R-6. The City's comprehensive plan provides that the zoning decision will be made through a quasi-judicial proceeding that addresses the City's comprehensive goals and policies and compatibility with the land use pattern in the area established by the comprehensive plan.

The property must have urban services available before it can develop. The full range of urban services, particularly sanitary sewer service can only be obtained from Oregon City after annexation. (Policy 3, Chapter I). As the Findings on facilities and services demonstrate, the City has urban facilities and services available to serve the property. Sewer and Water facilities have recently been extended to the area of the proposed annexation consistent with the City's adopted sewer and water master plans.

The territory is not within the Tri-City Service District which provides sanitary sewer services to lands within Oregon City. There is no provision for automatic annexation to the Tri-City Service district concurrent with annexation to the City. Therefore, each annexation to Oregon City needs to be followed by a separate annexation of the territory to the Tri-City Service District. The property owners want sanitary treatment services and can be required to annex to the District as a condition of development approval. Therefore, the Commission concludes that it is not necessary to require the property owners to petition to annex to the Tri-City Service District at this time.

17. Metro Code 3.09.050(e)(3) states that another criterion 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 concludes that the City's services are adequate to serve this area, based on Findings 11-15.

18. The City may withdraw the territory from the Clackamas River Water District at a future date, consistent with the terms of agreements between the City and the District.
19. First response to this area is provided by the City under the terms of an agreement between the City and the District. The City's general property tax levy includes revenue for City fire protection. To prevent the property from being taxed by both the District and the City for fire services, the territory should be simultaneously withdrawn from the Clackamas County Rural Fire Protection District #1.
20. Upon annexation the City's police department will be responsible for police services to the annexed territory. The City's general property tax levy includes revenue for City police services. To prevent the property from being taxed by both the District and the City for police services, the territory should be simultaneously withdrawn from the Enhanced Law Enforcement District.

## **NOTICE**

**NOTICE IS HEREBY GIVEN** that proposed ORDINANCE NO. 99-1033, of the City of Oregon City, Clackamas County, Oregon, three copies of which are available for public inspection at the office of the City Recorder, 320 Warner Milne Road, Oregon City, Oregon.

Said Ordinance will be considered by the City Commission at its meeting on the 1st day of December 1999, at the hour of 7:00 o'clock p.m. The title of said Ordinance is as follows:

### **AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE CITY OF OREGON CITY**

**POSTED** this 24th day of November 1999, by direction of the City Recorder. Places of posting are as follows:

1. City Hall, 320 Warner Milne Road, Oregon City, Oregon.
2. Municipal Elevator, 300 Seventh Street, Oregon City, Oregon.
3. Pioneer Community Center, 615 Fifth Street, Oregon City, Oregon.
4. Oregon City Library, 362 Warner Milne Road, Oregon City.

LEILANI BRONSON-CRELLY, City Recorder

**PLEASE DO NOT REMOVE PRIOR TO DECEMBER 2, 1999**



## 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: November 2, 1999 – Special Election for Annexation  
Election Results, Proposed Ordinance No. 99-1033

Report No. 99-221

On Tuesday, November 2, 1999, Oregon City voters cast votes for Measure No. 3-62 which asked the question "Shall the City's boundaries be expanded to include additional land on the southeast side of the City?"

The Oregon City Charter of 1982, Chapter 6, Elections, Section 27, Canvass of Returns, states in part the following:

"...The results of all elections shall be entered in the record of the proceedings of the Commission. The entry shall state the total number of votes cast at the election, the votes cast for each person and for and against each proposition..."

On the December 1, 1999, agenda is the Official Statement of Votes as prepared by the office of the County Clerk and on file with the City Recorder. The Official Statement of Votes shows the following:

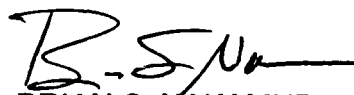
Measure 3-62

Yes	=	1,987
No	=	1,441

**TOTAL = 3,428**

This information is provided pursuant to Chapter 6, Section 27 of the Oregon City Charter of 1982.

To implement this election, the Commission should also approve Proposed Ordinance No. 99-1033.

  
BRIAN S. NAKAMURA  
City Manager

Attachments

*Approved*

	OFFICIAL STATEMENT OF VOTES-CLACKAMAS COUNTY STATE-WIDE ELECTION, NOVEMBER 2, 1999 *** MEASURE 3-61, MEASURE 3-62 & MEASURE 3-63 *** CITY OF OREGON CITY
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Page Number 23.006.001

[illegible]

**From:** Kabeiseman, William (PTL) <wkabeise@prestongates.com>  
**To:** 'recorder@ci.oregon-city.or.us' <recorder@ci.oregon-city.or.us>  
**Cc:** Sullivan, Ed (PTL) <esulliva@prestongates.com>; 'Bryan Cosgrove' <ocbryan@ci.oregon-city.or.us>; 'Maggie Collins' <ocmaggie@ci.oregon-city.or.us>  
**Date:** Wednesday, December 01, 1999 11:14 PM  
**Subject:** RE: Annexation ordinance

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Leilani,

Attached should be a clean copy of the annexation ordinance with all of the changes that were read into the record last night. By copy of this e-mail, I'm also asking Bryan Cosgrove to review it to make certain that all of the changes are included. Please do not have the mayor sign off until you have heard from Bryan.

If you have any questions, please do not hesitate to contact me.

<<boundarychord12-01-99.doc>>

Bill

12/2/99