

ORDINANCE NO. 18-1006

**AN ORDINANCE OF THE CITY OF OREGON CITY APPROVING AN ANNEXATION,
AMENDING TITLE 17: ZONING, CHAPTER 17.06.020 AND AMENDING THE OFFICIAL
ZONING MAP OF THE OREGON CITY MUNICIPAL CODE FROM FU-10 FUTURE URBAN
10-ACRES TO R-6 SINGLE FAMILY DWELLING DISTRICT, AND APPROVING A 12-LOT
SUBDIVISION FOR 2.98 ACRES OF PROPERTY IDENTIFIED AS CLACKAMAS COUNTY
MAP 3-2E-07C TAX LOT 199**

WHEREAS, the owners of certain real property adjacent to the City of Oregon City, Owners identified as Ross and Kay Smith, proposed that their 2.98 acre properties consisting of one tax lot identified as Clackamas County Map 3-2E-07C Tax Lot 199, more fully identified in Exhibit 'A' to this Ordinance, be annexed to the City seeking in conjunction with an approval for a Zone Change from Clackamas County Future Urban 10-Acre (FU-10) Zone to "R-6" Single-Family Dwelling District and a subdivision of 12 lots, w/ one stormwater facility tract; and

WHEREAS, on April 9, 2018 after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opposing and interested parties, the Oregon City Planning Commission voted to forward a recommendations of approval with conditions to the City Commission; and

WHEREAS, on May 17, 2018, the City Commission held a public hearing where it considered the Planning Commission recommendation, along with testimony of those who participated in the proceedings before the Planning Commission; and

WHEREAS, the City finds that the proposal complies with all applicable legal requirements, as detailed in the findings set forth in two staff reports and adopted below; and

WHEREAS, Senate Bill 1573, adopted in 2016, requires annexation of territory without a vote by the people, notwithstanding city charter and regulations to the contrary, and the City finds that the annexed area is within the urban growth boundary, is subject to an acknowledged comprehensive plan, is contiguous to the city limits and conforms with all other city requirements; thus meeting the requirements of Senate Bill 1573; and

WHEREAS, the City of Oregon City has adopted a Zoning Map to implement the Comprehensive Plan in conformance with statutory requirements and the requirements of the Statewide Land Use Goals; and

WHEREAS, the City of Oregon City Zoning Map implements the Comprehensive Plan Map by illustrating the location best suited for specific development; and

WHEREAS, the City of Oregon City Zoning Map may be amended and updated as necessary upon findings of fact that satisfy approval criteria in the City of Oregon City Municipal Code Section 17.68.020; and

WHEREAS, the zoning map amendment to R-6 is consistent with the acknowledged Oregon City Comprehensive Plan designation of Low Density Residential LDR; and

WHEREAS, the City finds that zone changes within the same comprehensive plan designation should be generally allowed upon a finding that the facilities and services are adequate as regulated in the OCMC standards and the Comprehensive Plan should be viewed and implemented as a complete package that balances the need for neighborhood compatibility and the need to encourage a variety of housing opportunities as well as increased density to support a more efficient system of infrastructure; and

WHEREAS, the City finds that applicant's proposal includes a proposal for rezoning to R-6 Single Family Residential which meets the City's requirements and which includes appropriate conditions for compliance with the Statewide Transportation Planning Rule, OAR 660-12; and

WHEREAS, the proposal with conditions, will result in the timely provision of public services and facilities and, with the imposition of conditions, will have no significant unmitigated impact on the water, sewer, storm drainage, or transportation; and

WHEREAS, the proposed Annexation, Subdivision and Zone Change with conditions of approval complies with the requirements of the Oregon City Municipal Code; and

WHEREAS, approving the Annexation, Subdivision and Zone Change with conditions of approval is in compliance with the applicable Goal and Policies of the Oregon City Comprehensive Plan, the Statewide Land Use Goals and the Metro Urban Growth Management Functional Plan and is in compliance with all applicable city requirements; and

WHEREAS, the identified property is currently in Clackamas Fire District # 1 (CFD#1); and CFD#1 will continue to provide fire protection service to the identified property when annexed; and

WHEREAS, the identified property is currently within the Clackamas County Service District for Enhanced Law Enforcement; and the Oregon City Police Department will be responsible for police services to the identified property when annexed; and

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

WHEREAS, with approval of the annexation, the property will be withdrawn from Clackamas River Water (CRW) District and future development will be connected to the Oregon City water distribution system; and

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

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

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That the area further identified in the legal description attached hereto as Exhibit "A", is hereby annexed to and made a part of the City of Oregon City.

Section 2. That the territory identified in Exhibit "A" shall hereby remain within Clackamas County Fire District # 1.

Section 3. That the territory identified in Exhibit "A" is hereby withdrawn from Clackamas County Service District for Enhanced Law Enforcement, and henceforth, the Oregon City Police Department will be responsible for police services to the identified property.

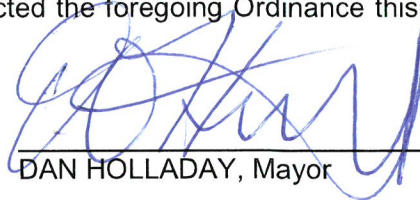
Section 4. That the territory identified in Exhibit "A" shall be withdrawn from Clackamas River Water (CRW) District and future development will be connected to the Oregon City water distribution system; and

Section 5. The City hereby concurs with and supports the annexation of the territory identified in Exhibit "A" into the Tri-City Sewer Service District by the Clackamas County Board of Commissioners, to the extent allowed by law.

Section 6. 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.

Section 7. That the Zoning Map Amendment, Annexation and Subdivision proposals satisfy all of the applicable approval standards for the reasons set forth in the Staff Report approving the annexation, City File No. AN 17-05, and the Staff Report and Recommendation approving the Zoning Map amendment and subdivision, City File No. ZC 17-06 and TP 17-09, and are adopted by the City Commission in support of this decision.

Read for the first time at a regular meeting of the City Commission held on the 18th day of May 2018, and the City Commission finally enacted the foregoing Ordinance this 6th day of June 2018.



DAN HOLLADAY, Mayor

Attested to this 6th day of June 2018,



Kattie Riggs, City Recorder

Approved as to legal sufficiency:




City Attorney

Attachments:

Exhibit A – Legal Description and Map of Proposed Annexation

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 35 2E 07C) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME  Kevin Clarke
TITLE GIS Cartographer II
DEPARTMENT Assessment and Taxation
COUNTY OF Clackamas
DATE 12/20/17





AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #6141

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A

Annexation Description

A tract of land, and a portion of right-of-way, located in the Southwest One-Quarter of Section 7, Township 3 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Beginning at the westerly corner of Parcel 1 of Partition Plat 1992-078, also being on the City of Oregon City city limits line; thence leaving said city limit line along the northwesterly line of said plat, South 43°40'48" West 5.72 feet to the southeasterly extension of the southwesterly line of Document Number 2012-005687; thence along said southeasterly extension, North 46°22'54" West 20.00 feet to the southerly corner of said deed; thence along the southeasterly line of said deed, North 43°40'13" East 499.47 feet to the easterly corner of said deed; thence along the northeasterly line of said deed, North 46°18'20" West 279.94 feet to the northerly corner of said deed, also being on the southerly line of Deed Book 654 Page 456; thence along said southerly line and the northeasterly extension thereof, North 43°40'41" East 459.98 feet to the northeasterly right-of-way line of Leland Road (30.00 feet from centerline); thence along said right-of-way line, South 46°21'05" East 299.88 feet to the City of Oregon City city limits line, also being on the northeasterly extension of the northwesterly line of said plat; thence along said northeasterly extension and northeasterly line of said plat and said city limits line, South 43°40'13" West 953.94 feet to the Point of Beginning.

The above tract of land contains 3.40 acres, more or less.

12/14/2017

REGISTERED
PROFESSIONAL
LAND SURVEYOR

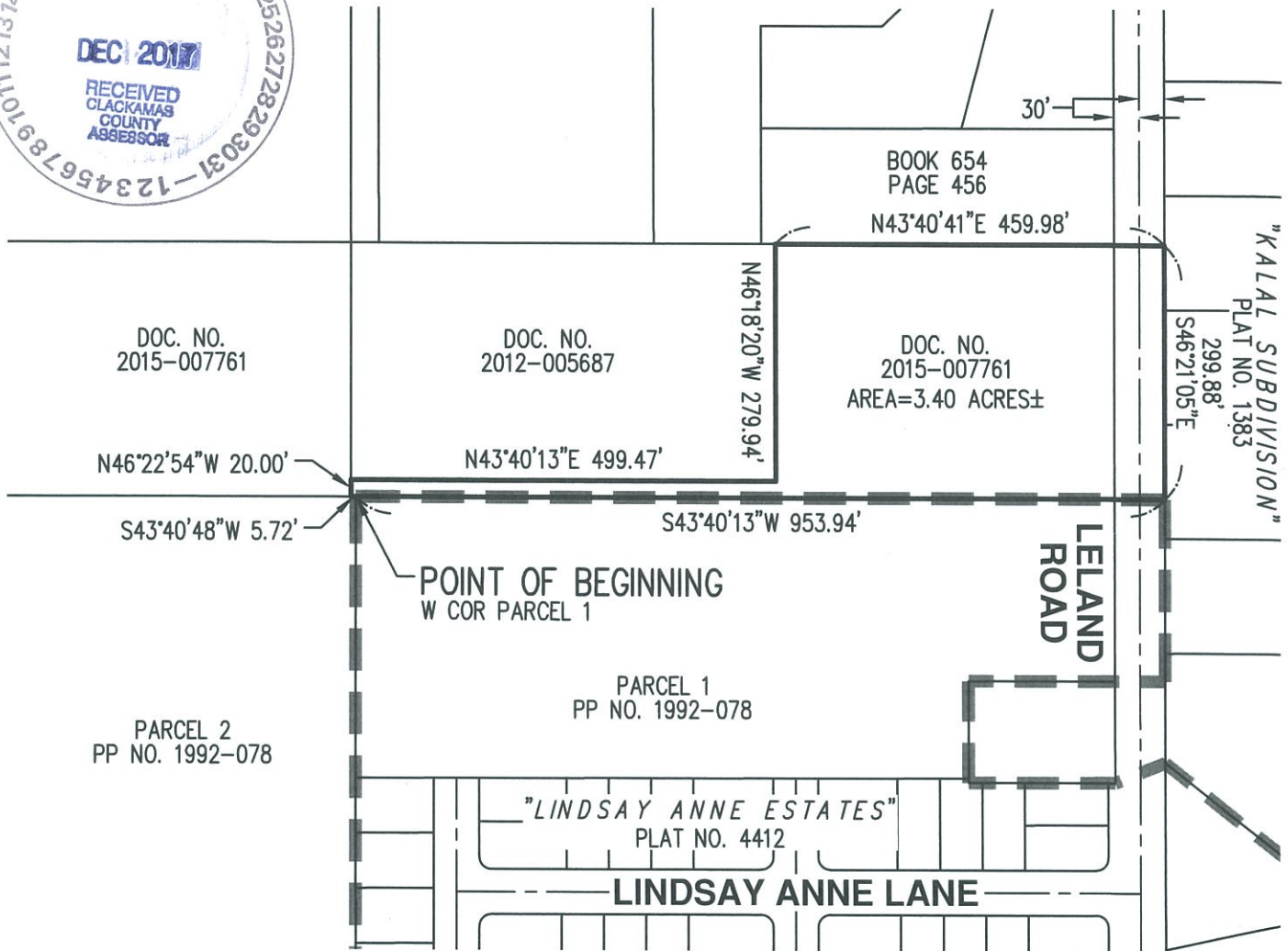
OREGON
JANUARY 11, 2005
ROBERT D. RETTIG
60124LS

RENEWS: 12/31/18



EXHIBIT B

A TRACT OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 7,
TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN,
CLACKAMAS COUNTY, OREGON



LEGEND

--- CITY OF OREGON CITY LIMITS LINE

PREPARED FOR

RICK DOTSON
19695 S LELAND ROAD
OREGON CITY, OR 97045

SCALE: 1" = 200 FEET



REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]

OREGON
JANUARY 11, 2005
ROBERT D. RETTIG
60124LS

RENEWALS: 12/31/18

MAP OF ANNEXATION

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
P: 503.563.6151 F: 503.563.6152 aks-eng.com



EXHIBIT
B

DRWN: WCB
CHKD: RDR
AKS JOB:
6141