

ORDINANCE NO. 21-1005

AN ORDINANCE OF THE CITY OF OREGON CITY APPROVING EMERGENCY ANNEXATION PROPOSAL NO. GLUA 20-00017: AN 20-0001 AND APPROVING THE ANNEXATION OF CERTAIN PROPERTY LOCATED AT 19242 BEAVERCREEK ROAD, INTO THE CITY OF OREGON CITY

WHEREAS, the owner of certain real property adjacent to the City of Oregon City, Candy Barney, proposed in Emergency Annexation Proposal No. GLUA 20-00017: AN 20-0001 that their 0.299-acre property located at 19242 Beaver Creek Road, Oregon City OR 97045 identified as Clackamas County Map 3-2E-09A -Tax Lot 0060, more fully identified in Exhibit 'A' to this Ordinance, be annexed to the City; and

WHEREAS, the annexation of this property is required due to a failed septic system, which necessitated a requirement to hook up to City sewer. City water and sewer services were available close to the property, and the owner desired to make the needed connections; and

WHEREAS, the City finds that the proposal complies with all applicable legal requirements, as detailed in the findings attached hereto and made a part of this Ordinance as Exhibit 'B'; 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, will be subject to an acknowledged comprehensive plan, is contiguous to the City limits and conforms with all other City requirements; and

WHEREAS, the City finds that applicant's proposal does not include rezoning the property at this time and that any such proposal shall be reviewed through a separate application consistent with OCMC 17.06.030 Zoning of Annexed Areas, the Oregon City Transportation System Plan, and the Statewide Transportation Planning Rule to support such rezoning; 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 Clackamas River Water (CRW) District service area. Clackamas River Water has requested that this parcel be withdrawn from the service district and the Commission concurs that the property should be withdrawn from the Clackamas River Water Service District; and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. The City hereby concurs with and approves the withdrawal of the territory identified in Exhibit "A" from the Clackamas River Water District, to the extent allowed by law.

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

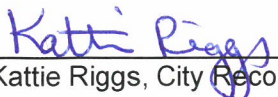
Section 7. That the effective date for this annexation is the date this Ordinance is submitted to the Secretary of State, as provided in ORS 222.180.

Read for the first time at a regular meeting of the City Commission held on the 3rd day of February, and the City Commission finally enacted the foregoing Ordinance this 17th day of February 2021.




ROCKY SMITH, JR.
Commission President

Attested to this 17th day of February 2021:



Kattie Riggs, City Recorder

Approved as to legal sufficiency:



City Attorney

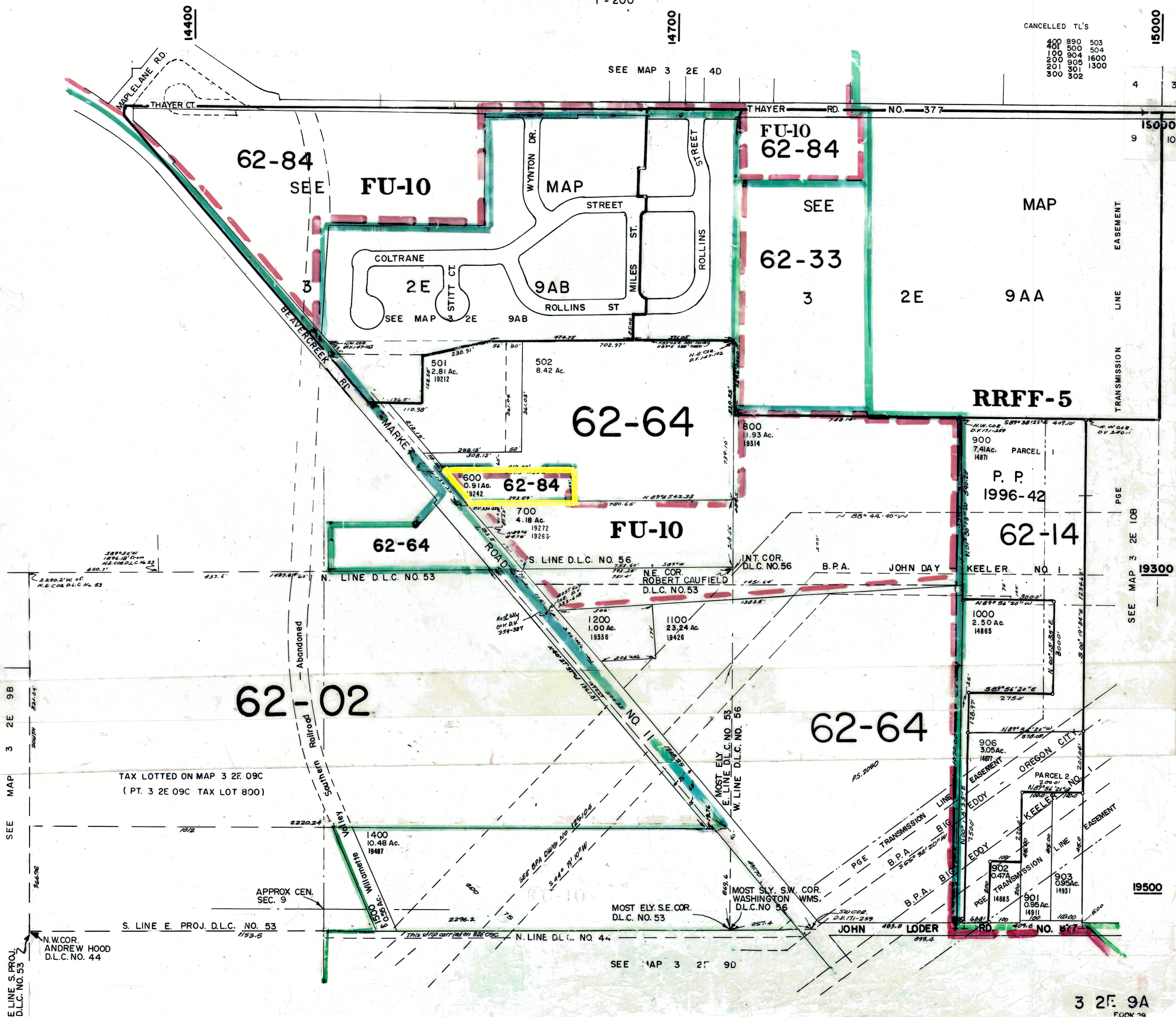
Attachments:

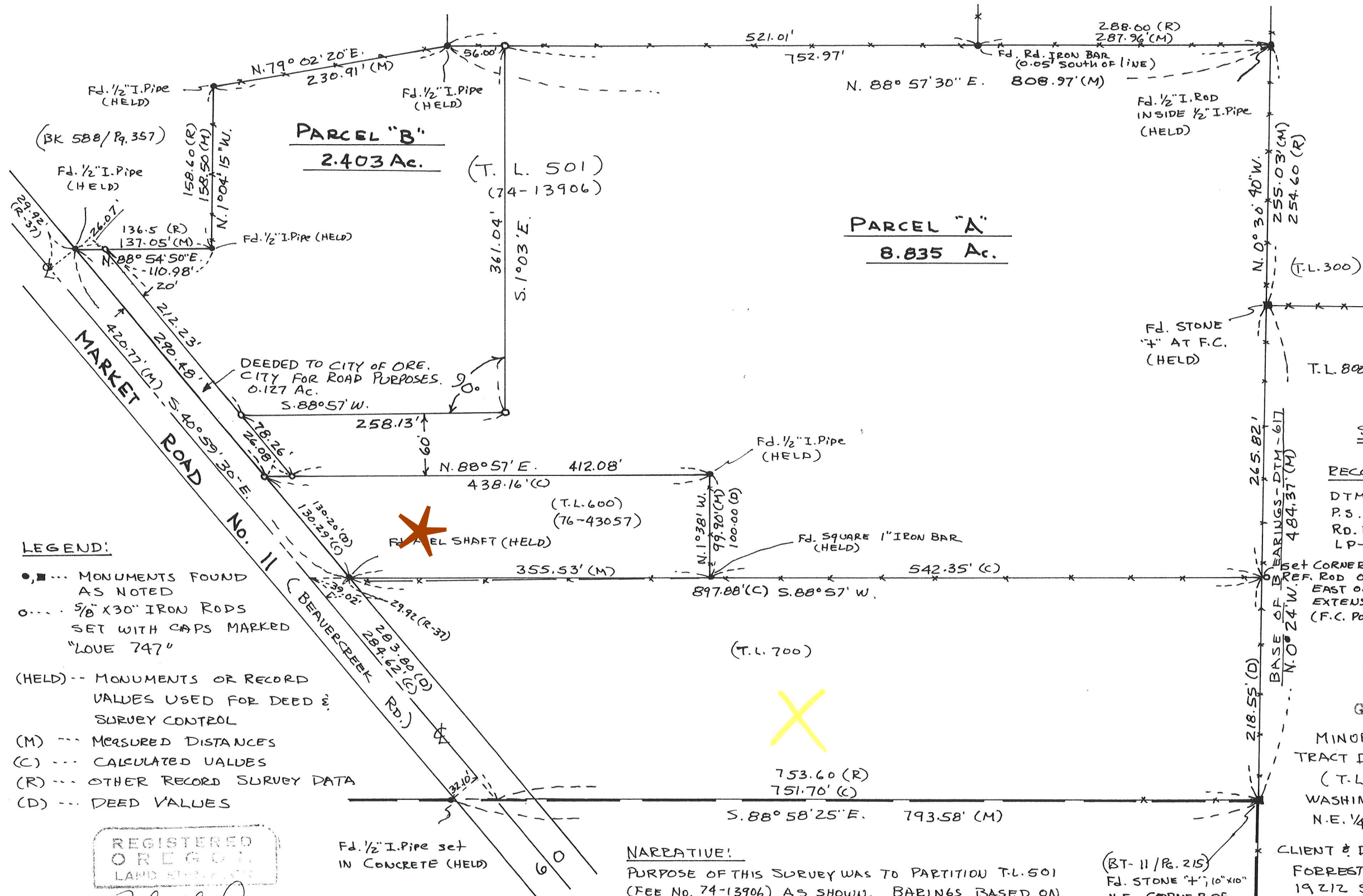
Exhibit A – Map and Legal Description of Proposed Annexation

Exhibit B – Proposed Findings, Reasons for Decision and Conclusions

CANCELLED TL'S

400	890	503
401	500	504
100	904	1600
200	905	1300
201	301	
300	302	





CLACKAMAS COUNTY
RECEIVED
DEC 29 1989
Thomas A. Milne, County Surveyor
Justin H. Kuiper, Deputy
Filed JAN 24 1990
PS-23538

SCALE: 1"=100'

RECORD SURVEYS
DTM - 617
P.S. 575
RD. MAP R-37
LP - COUNTY SURVEY

Set CORNER
REF. ROD 0.50'
EAST ON LINE
EXTENSION.
(F.C. POST ON CORNER)

Dick Love Land Surveys, Inc.
19310 Abernethy Lane
Gladstone, OR 97027 (503) 656-4915

MINOR PARTITION SURVEY OF
TRACT DESCRIBED BY FEE No. (74-13906)
(T.L. 501 MAP 32E9A)
WASHINGTON WILLIAMS D.L.C. # 56
N.E. 1/4 OF SEC. 9, T. 35, R. 2E, W.M.

PS-23538

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO LOCATE AND MARK A PROPOSED PROPERTY LINE ADJUSTMENT AS SHOWN ON THE ATTACHED MAP. THE EAST PROPERTY LINE OF DOC. NO. 74-13906 WAS CREATED BY A PARALLEL OFFSET OF THE EXISTING EAST PROPERTY LINE A DISTANCE OF 50 FEET. THE NORTH AND SOUTH PROPERTY LINES WERE EXTENDED 50 FEET AND MONUMENTED AS SHOWN. MONUMENTS FOUND WERE HELD AS SHOWN PER PS-23538. THE BASIS OF BEARING IS THE CENTERLINE OF MARKET ROAD #11 PER PS-23538.

CITY OF OREGON CITY APPROVAL

APPROVED THIS 14 DAY OF January, 1997
BY Jamara R. Riden
PLANNING MANAGER

RECORD OF SURVEY
PROPOSED PROPERTY LINE ADJUSTMENT SURVEY
CITY OF OREGON CITY FILE NO. LL-96-06

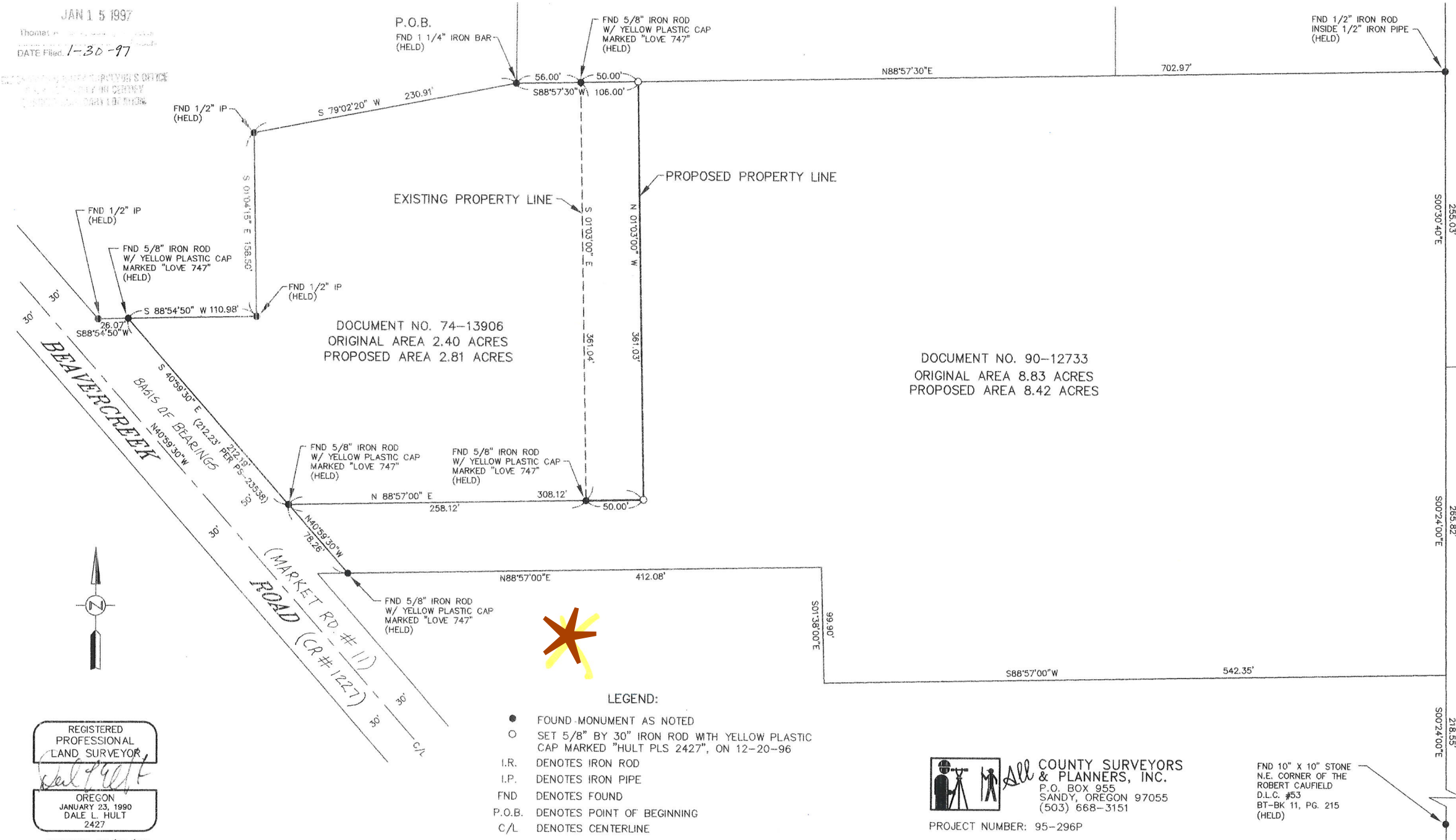
LOCATED IN THE N.E. 1/4 OF SECTION 9
TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN
CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON
SCALE: 1" = 60' DECEMBER 20, 1996

CLIENT: MONEY SAVER

PS. 27168
CLACKAMAS COUNTY SURVEYOR
RECEIVED

JAN 15 1997
Thomas R. Hult
DATE FILED 1-30-97

CLACKAMAS COUNTY SURVEYOR'S OFFICE
P.O. BOX 955
SANDY, OREGON 97055





FILE NO: GLUA 20-00017: AN 20-00001
APPLICATION TYPE: Annexation (Sewer Connection)

APPLICANT: Andy Barney
1212 N 674 W
West Bountiful UT, 84087

REQUEST: The applicant is requesting approval of an emergency annexation of one 0.91-acre property due to a failing septic system. The property will retain its existing FU-10 zoning.

LOCATION: 19242 Beavercreek Road, Oregon City OR 97045 identified as Clackamas County Map 3-2E-09A -Tax Lot 0060 (0.9 acres)

REVIEWER: Christina Robertson-Gardiner AICP, Senior Planner

RECOMMENDATION: Evaluate Annexation against Factors, and Adopt the Staff Report and Proposed Findings, Reasons for Decision, and Recommendations.

PROCESS: Pursuant to OCMC Chapter 14.04. *City Boundary Changes and Extension of Services*, the procedure for review of annexations is governed by State Law and Oregon City Code Chapter 14.04. The procedure for a zone change is outlined in Oregon City Code Chapter 17.50.

The public hearing process is governed by OCMC 14.04 and 17.50. The applicant and all documents submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 221 Molalla Avenue, Oregon City, Oregon 97045, from 8:30 am to 3:30 pm Monday thru Friday. The staff report, with all the applicable approval criteria, will also be available for inspection seven days before the hearing. Copies of these materials may be obtained for a reasonable cost in advance. The annexation was initiated as a result of a public health hazard, and as a result, City policy is to forward these annexations directly to the City Commission without a Planning Commission recommendation. Therefore, the City Commission will open the record and consider testimony to determine whether the application has or has not complied with the factors outlined in section 14.04.060 and 17.68.020 of the Oregon City Municipal Code. The City Commission decision is appealable to LUBA within 21 days of issuance of the Notice of Decision.

PROPOSAL NO. AN-20-0001 - CITY OF OREGON CITY - Annexation

Property Owners / Voters: 1

Applicant(s): Andy Barney

Proposal is a single tax lot annexation initiated by consent petition of 100% of the property owners and registered voters. Due to the nature of the emergency septic failure, this annexation proposal bypassed the Planning Commission as in the past emergency sewer connection requests. The petition meets the requirement for initiation set forth in ORS 222.170 and Metro Code 3.09.040(a).

The City's policy is to expedite the processing of such annexations by forwarding a recommendation directly to the City Commission without a Planning Commission recommendation. This is consistent with Comprehensive Plan Policy 14.4.4:

14.4.4

Expedite the annexation of property as provided by state law in order to provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system.

REASON FOR ANNEXATION

In order to address the emergency, the property is required to connect to the City sewer system on the condition that the owner concurrently petitions for annexation to the City.

The annexation of this property is required due to a failed septic system, which necessitated a requirement to hook up to City sewer. City water and sewer services were available close to the property, and the owner is required to make the needed connections.

The territory to be annexed is located at 19242 S. Beaver Creek Rd, Oregon City, OR 97045, and identified as Clackamas APN 3-2E-09A-00600. The site contains approximately 0.91 acres, has one single-family residence with a population of 2, and an assessed value of \$162,189.00.

The property has an Oregon City Comprehensive Plan designation of Industrial (I). The property is part of the 1979 Urban Growth Boundary and is within the Thimble Creek Concept Plan area. The identified future zone for this site is Campus Industrial (CI). The recent Thimble Creek Concept Plan Zoning Amendments rezoned property that was currently within the city limits of Oregon City. As this site was not currently inside the city limits, the applicant will be required to separately apply for and receive zoning for the site.

At this time, the applicant wishes to retain the current FU-10 zoning, requiring 10-acre minimum lots, which will serve to preclude any further development or land divisions on the subject property in advance of seeking a zone change. Any request for rezoning in the future must comply with the applicable provisions of OCMC Chapter 17.68 - Zoning Changes and Amendments.

Residential uses are not permitted in the CI District. Residential uses, however, are a permitted use in the FU-10 zone. Once the site is rezoned to Campus Industrial - CI - the property will be considered a pre-

existing nonconforming use and subject to OCMC 17.58 - *Lawful Nonconforming Uses, Structures, and Lots*.

Though the Oregon City Municipal Code requires application of a City zoning designation upon annexation, a zone change may only be initiated with a zone change application, which is accompanied by a transportation analysis to demonstrate compliance with applicable regulations, such as the Transportation Planning Rule (TPR). As the applicant is required to initiate annexation due to a failed septic system, staff finds it appropriate in this case to retain the existing Clackamas County zoning designation if the development onsite is limited.

The owner would be able to receive city services, specifically, sanitary sewer, and water connections as well as the full range of administrative and municipal services provided upon annexation to the City. The property is within 300 feet of a city sanitary sewer system, and by Oregon Revised Statute, it is required to be connected to the city sewer service and must be annexed.

If in the event, the annexation is denied by the City Commission, the Commission would need to direct city staff to allow an extraterritorial connection to city services by providing additional findings or mitigating factors for the record that show compliance with the Comprehensive Plan and specifically Policy 11.1.3- *Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land use planning goals and regulations. Facilities that serve the general public will be centrally located and accessible, preferably by multiple modes of transportation.*

SB 1573

If the City Commission determines that the proposed annexation should be approved, the City Commission is required by the Charter to submit the annexation to the electors of the City. However, the passage of SB 1573 requires that the City annex the territory without submitting the proposal to the electors of the City if:

(a) The territory is included within an urban growth boundary adopted by the City or Metro, as defined in ORS 197.015;

(b) The territory is, or upon annexation of the territory into the City will be, subject to the acknowledged comprehensive plan of the City;

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and

(d) The proposal conforms to all other requirements of the City's ordinances.

The territory is included within the City's UGB adopted by the City and Metro. The territory has a Comprehensive Plan Designation of Low-Density Residential pursuant to the acknowledged Oregon City Comprehensive Plan. The territory is contiguous to the City Limits. As demonstrated in this report, the proposal can meet the City's applicable ordinances.

Thus, the proposal meets items (a) through (d), with the conditions of approval, and the City may annex the territory without submitting the proposal to the electors of the City.

Measure 3-51- May 18, 1999 Voter-Approved Annexation Charter Amendment

The City Commission sent a measure to voters in 1999 to adopt a charter amendment that required all annexations be sent to the voters and indicated that *"this measure would not apply to certain annexations that the city is required to undertake, such as annexations to abate public health hazards pursuant to ORS 222.900."*

This is an emergency annexation to allow a single property to connect to the City's sanitary sewer system because of a failing septic system on site. OAR 340-071-0160 mandates that a property with a failing septic system must connect to a sanitary sewer if it is physically and legally available. A sewerage system is deemed legally available if the system is not under a DEQ connection permit moratorium and the sewerage system owner is willing or obligated to provide sewer service. The subject site has access to sanitary sewer in front of the house, and the line is not under a DEQ connection permit moratorium. Oregon City Comprehensive Plan Policy 11.1.3- *Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land use planning goals and regulations* directs the City to process this annexation.

Therefore, staff believes that the sewer connection and annexation is mandated by law. It is reasonable for the City Commission to also find that this would fall under the *"this measure would not apply to certain annexations that the city is required to undertake"* exemption above.

LAND USE PLANNING

SITE CHARACTERISTICS

The property is generally level. The applicant is required to connect to the City's sanitary sewer main system running in South Beaver Creek Road that fronts the property by constructing a new service line. The site is a residential parcel with a few scattered trees around the existing house and outbuildings. The property is in the Community College Sewer Basin.

The abutting right-of-way of South Beaver Creek Road is already within the City, and the property is contiguous to the City Limit for approximately 134 feet along its western boundary.

The property includes a home setback approximately 50 feet from South Beaver Creek Road and is located at the front quarter of the parcel, with two accessory structures. No land division is proposed at this time.



FIGURE 1. CONTIGUITY WITH CITY LIMITS



FIGURE 2. AERIAL PHOTOGRAPH (2019)



FIGURE 3. AERIAL PHOTOGRAPH (2018)



FIGURE 4. STREET VIEW (2018)

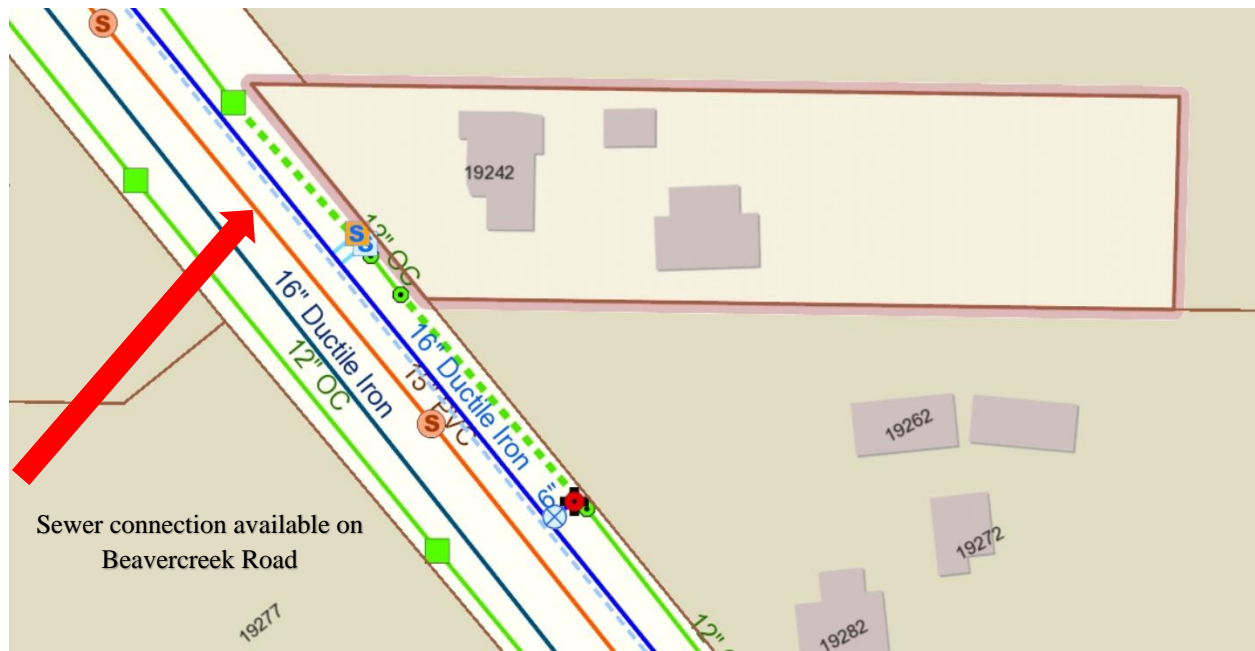


FIGURE 5. UTILITIES

The figure above indicates the location of Oregon City sewer, water, and stormwater utilities adjacent to the property.

Beavercreek Road Concept Plan

Proposed Zoning and Comprehensive Plan Designations

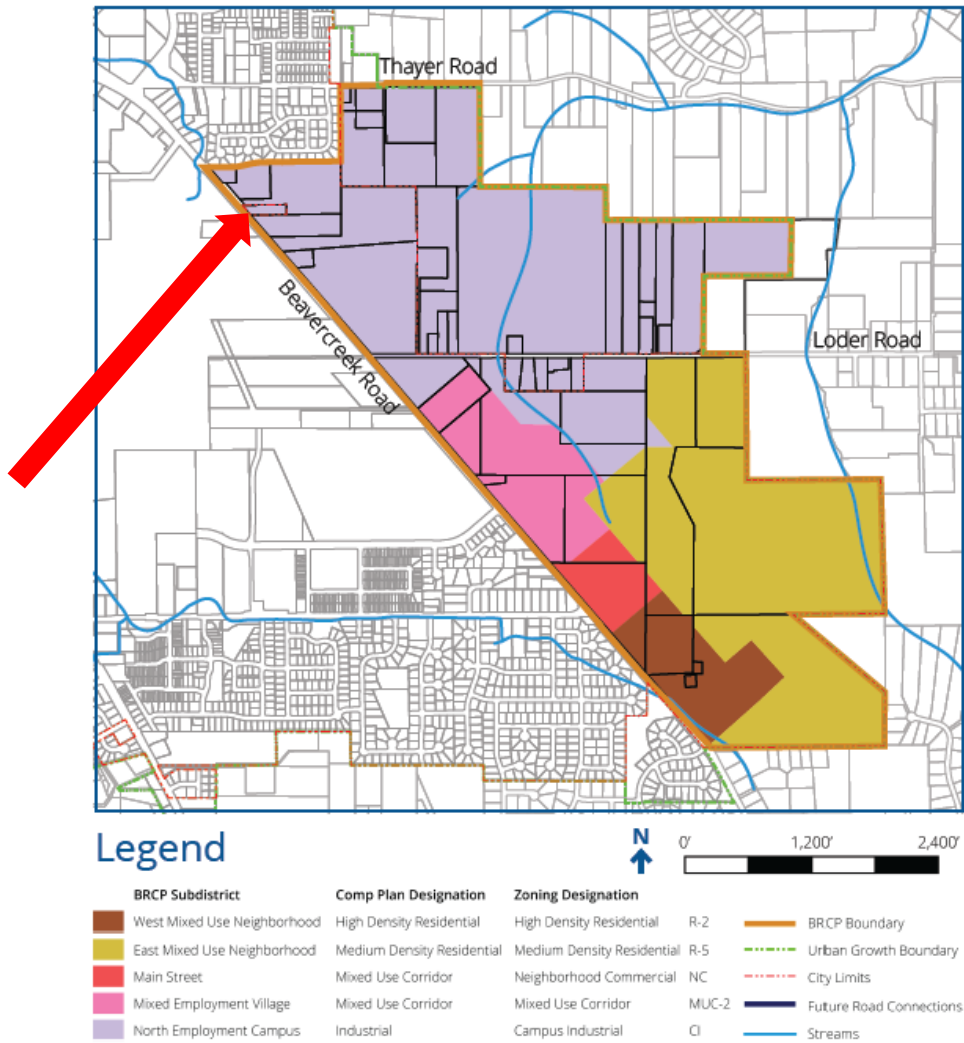


FIGURE 6. THIMBLE CREEK (BEAVERCREEK) CONCEPT PLAN

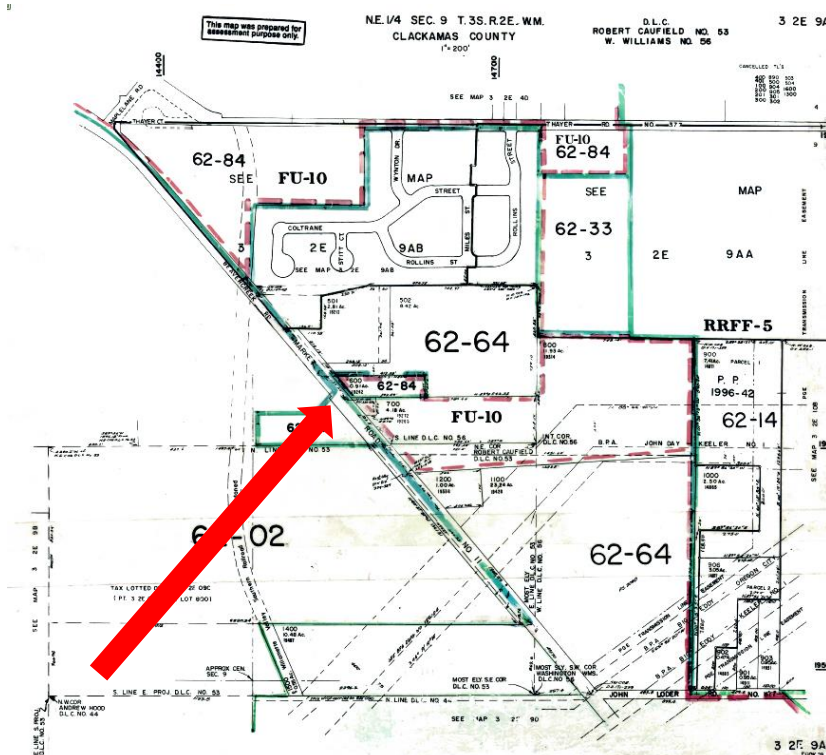


FIGURE 7. CLACKAMAS COUNTY TAX ASSESSOR MAP

REGIONAL PLANNING CONSIDERATIONS

General Information

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

Metro Boundary Change Criteria

The Legislature has directed Metro to establish criteria that must be used by all cities within the Metro boundary. The Metro Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans.
2. Consistency with directly applicable provisions of urban planning area agreements between the annexing entity and a necessary party.
3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.

5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. Consistency with other applicable criteria for the boundary change in question under state and local law.

Consistency with the County and urban service provider planning agreements along with the timely, orderly, and economic provision of public services as required by the Metro Code are discussed in greater detail below.

The Metro Code also contains a second set of 10 factors that are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. Those 10 factors are not applicable at this time to this annexation because no necessary party has contested the proposed annexation.

Metro Regional Framework Plan

The law that requires Metro to adopt criteria for boundary changes and 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]." Metro's Growth Management Functional Plan was reviewed and found not to contain any criteria directly applicable to boundary changes. The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

CLACKAMAS COUNTY PLANNING

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 currently applicable plan for this area. The plan designation for this site is Industrial (I) on the County's Oregon City Area Land Use Plan (Map 4-05). The County's zoning for the property is FU-10, Future Urban, with a 10-acre minimum lot size. This is a holding zone to prevent the creation of small parcels in areas within the Urban Growth Boundary to preserve the capacity of the 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.

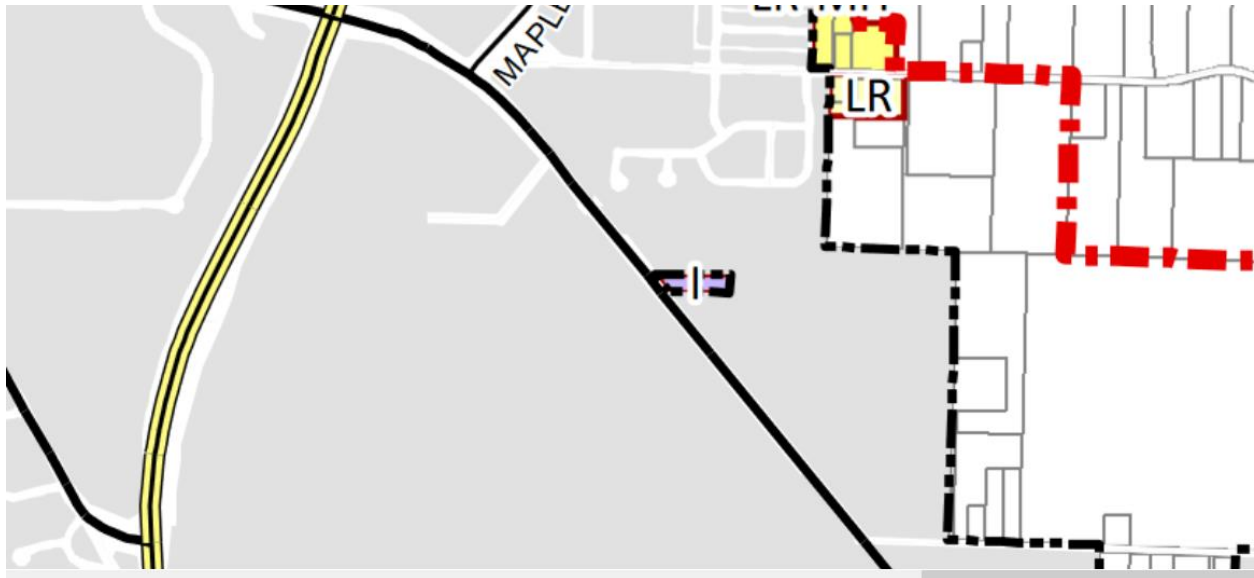


FIGURE 6. COUNTY COMPREHENSIVE PLAN DESIGNATION I-INDUSTRIAL

Clackamas County Zoning and Development Ordinance (ZDO) section 316 provides that the Future Urban 10-Acre District is applied to those areas designated as Future Urban by Chapter 4 of the Clackamas County Comprehensive Plan.

The *Land Use* section of the Plan, Chapter 4, identifies the territory proposed for annexation as *future urban*, which are defined as:

"Future urban areas are lands within urban growth boundaries but outside immediate urban areas. Future urban areas are planned to be provided with public facilities but currently lack providers of those facilities. Future urban areas are substantially underdeveloped and will be retained in their current use to ensure future availability for urban needs. Future urban areas are planned for urban uses but zoned for large-lot, limited development."

Urban Growth Management Agreement

The City and the County have an Urban Growth Management Agreement (UGMA), which is a part of their Comprehensive Plans. The territory to be annexed falls within the Urban Growth Management Boundary (UGMB) identified for Oregon City and is subject to the Agreement. The County agreed to adopt the City's Comprehensive Plan designations for this Industrial area.

Regarding transportation impacts, rezoning must demonstrate compliance with, or be exempted from, the mobility standards of [OCMC 12.04.205 – Mobility Standards](#). The applicant has not applied to rezone the property and does not intend to redevelop the site at a higher intensity. A transportation analysis is not required until such redevelopment is proposed. Staff recommends that the property maintain its existing County FU-10 zoning, which will serve to preclude any further development or land divisions on the subject property in advance of a zone change.

The UGMA presumes that all the urban lands within the Urban Growth Boundary 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. The Agreement goes on to say:

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 property is currently within the Clackamas River Water District (CRW) and is being served by CRW. The property will need to be removed from the Clackamas River Water District and begin receiving water service from the City of Oregon City.

The City requires connection of sewer service to the property in accordance with state requirements to hook up to city sewer and in accordance with the Oregon City Sanitary Sewer Master Plan (SSMP).

OREGON CITY COMPREHENSIVE PLAN

The property has an Oregon City Comprehensive Plan designation of Industrial . The property is part of the 1979 Urban Growth Boundary and is within the Thimble Creek Concept Plan area. The identified zone for this site is Campus Industrial.

Section 2 of the Oregon City Comprehensive Plan is entitled *Land Use*. Several Goals and Policies in this section are pertinent to proposed annexations.

The *Public Facilities* Section of the Comprehensive Plan contains the following pertinent Goals and Policies.

Goal 11.1: Provision of Public Facilities

Serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.

Policies

Policy 11.1.1 Ensure adequate public funding for the following urban facilities and services, if feasible:

- a. Streets and other roads and paths*
- b. Wastewater collection*
- c. Storm water management services*
- d. Police protection*
- e. Fire protection*
- f. Parks and recreation*
- g. Water distribution*
- h. Planning, zoning and subdivision regulation*

Streets and other roads and paths

South Beavercreek Road is County-owned and maintained. The road restoration requirements and/or any requirements to improve the road are the purview of Clackamas County Transportation Engineering. A permit from the County for road restoration or improvement will be a condition of City sewer construction permits.

Wastewater collection

Upon annexation, this one home will start paying the current City stormwater utility fee. Therefore, no additional public funds will need to be spent.

Police and Fire Protection

This annexation will immediately add one home to the City's police and fire protection coverage and withdraw the property from Clackamas County Sheriff's Enhanced Law Enforcement District. The Oregon City Police Department indicated the address is serviced by Clackamas County Sheriff's Office. Currently, any calls to Clackamas County 9-1-1 (CCOM) are dispatched to a Clackamas County Sheriff's Deputy. However, if it is a priority call and Oregon City officers are available, they would respond as they would be able to arrive much quicker than a Clackamas County Sheriff's Deputy. Once annexed, the property will be serviced by Oregon City Police Department (OCPD). OCPD has not indicted any conflicts with this annexation.

The property is already within the Clackamas Fire District #1 and will remain in CFD#1 upon annexation.

Water

The property is currently within the Clackamas River Water District (CRW). CRW has stipulated that the property is required to be removed from CRW service and adopt City of Oregon City water service. The switch-over requires CRW meter removal and service abandonment and City service connection and meter installation with a meter set fee and removal from CRW jurisdiction. Once the meter set fee is paid, the applicant is required to contact CRW to coordinate jurisdictional removal.

Policy 11.1.1 defines what is encompassed within the term "urban facilities and services" as it pertains to annexation. The City's plan is more inclusive in its definition of what services are considered an "urban service" than is the Metro Code. The City's Plan adds fire protection and planning, zoning, and commercial development regulation to the list of urban services that are to be considered by the Metro Code. The adequacy of these facilities and services to serve the subject property, containing a single home, is discussed in greater detail below. The Metro Code also includes mass transit in addition to streets and roads.

Policy 11.1.3 Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land use planning goals and regulations. Facilities that serve the general public will be centrally located and accessible, preferably by multiple modes of transportation.

Policy 11.1.4 Support development on underdeveloped or vacant buildable land within the City where urban facilities and services are available or can be provided and where land use compatibility can be found relative to the environment, zoning, and comprehensive plan goals.

Policy 11.1.5 Design the extension or improvement of any major urban facility and service to an area to complement other urban facilities and services at uniform levels.

Policies 11.1.3 and 11.1.4 encourage development on sites within the City where urban facilities and services are either already available or can be provided. This policy implies that lands that cannot be provided urban services should not be annexed. The City has capacity to provide urban services to this existing home.

Policy 11.1.5 requires that the installation of a major urban facility or service should be coordinated with the provision of other urban facilities or services. No major urban facility or service is required here; rather, it requires normal extension of sanitary sewer from the existing sewer main abutting the site in Beaver Creek Road.

The owner has not proposed to further develop the existing parcel at this time, and neither is rezoning the property proposed at this time as explained elsewhere in this report.

Read together, these policies suggest that when annexing lands, the City should consider whether a full range of urban facilities or services are available or can be made available to serve the territory to be annexed. Oregon City has implemented these policies with its Code provisions on processing annexations, which requires the City to consider the adequacy of access and adequacy and availability of public facilities and services. Overall, it appears that the City can provide urban service capacity to this one home.

Goal 11.2: Wastewater

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's wastewater collection system while protecting the environment and meeting state and federal standards for sanitary sewer systems.

Policies

Policy 11.2.2 Plan, operate and maintain the wastewater collection system for all current and anticipated city residents within the existing urban growth boundary. Strategically plan for future expansion areas.

Since all new development on annexed land is required to connect to the sanitary sewer system, this policy suggests that a measure of the adequacy of the sanitary system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The City's sanitary sewer is available to this property.

Policy 11.2.3 Work with Tri-City Service District to provide enough capacity in its collection system to meet standards established by the Oregon Department of Environmental Quality (DEQ) to avoid discharging inadequately treated sewage to surface waters.

The Tri-City Service District was provided notice of this annexation. The District responded that it has adequate capacity to serve the annexation. The District provides sewer collection to the Cities of West Linn, Oregon City and Gladstone. The property owner must initiate the Tri-City Service District annexation after annexation to the City. The City Commission should concur with Tri-City Service District's annexation of the subject property in the ordinance annexing the property.

Goal 11.3: Water Distribution

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's water distribution system while protecting the environment and meeting state and federal standards for potable water systems.

Policies

Policy 11.3.1 Plan, operate and maintain the water distribution system for all current and anticipated city residents within its existing urban growth boundary and strategically plan for future expansion areas.

Since new development on annexed lands may connect to the city water distribution system, this policy suggests that a measure of the adequacy of the water distribution system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The subject property is zoned FU-10, imposing a 10-acre minimum lot size, which will serve to preclude any further land divisions until the land is rezoned to a City zoning designation.

Goal 11.4: Stormwater Management

Seek the most efficient and economical means available for constructing, operating, and maintaining the City's stormwater management system while protecting the environment and meeting regional, state, and federal standards for protection and restoration of water resources and fish and wildlife habitat.

Policies

Policy 11.4.1 Plan, operate, and maintain the stormwater management system for all current and anticipated city residents within Oregon City's existing urban growth boundary and strategically plan for future expansion areas.

Policy 11.4.4 Maintain existing drainageways in a natural state for maximum water quality, water resource preservation, and aesthetic benefits.

Since new development on annexed lands may connect to the city stormwater management system, this policy suggests that a measure of the adequacy of the stormwater management system should be whether the City (or the county stormwater management system in the event that drainage goes to the County) could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. New development may also have opportunities to provide further protection to preserve water quality. This annexation will not result in any changes to the stormwater drainage. No future development would be allowed under the existing FU-10 zoning designation. Improvement of the

existing stormwater connections leading to the site would be in conformance with the City's stormwater design standards.

Goal 11.9: Fire Protection

Maintain a high level of fire suppression and emergency medical services capacity.

Policies

Policy 11.9.1 Ensure that all areas, including newly annexed areas, receive fire protection and emergency medical services.

The property is already within Clackamas County Fire District #1. Fire protection and emergency services will be unaffected by this proposal. The annexation was transmitted to Clackamas County Sheriff's Department and Oregon City Police Department for comment. OCPD already responds to priority County emergency calls for the unincorporated area in this location. Clackamas County Sheriff's Department was contacted and had no conflicts with the annexation. Upon annexation, the area would be removed from the Clackamas County Sheriff's Enhanced Law Enforcement District. OCPD does not anticipate any police service problems due to the annexation of this one home.

The final section of this staff report addresses each urban service to determine whether the services are currently available or can be made available at an adequate level to serve the potential development of the property under the current planning designation and zoning that implements it.

Section 14 of the Plan is entitled *Urbanization*. Several policies in this section are pertinent to proposed annexations. The following excerpts expand on the City's annexation philosophy and requirements.

The City is required to refer all proposed annexations to the voters. Rather than having voter approval of individual property owners' requests to annex, the City should prepare and implement an annexation plan and program. The City could then annex large blocks of properties (with voter approval) at one time, rather than in a piecemeal fashion. Annexation would be tied more directly to the City's ability to provide services efficiently, maintain regular city boundaries, and help the City meet Metro targets for housing and employment. The zoning of the property should be decided at the time the Planning Commission and City Commission review and approve the annexation request.

Applications for annexation, whether initiated by the City or by individuals, are based on specific criteria contained in the City's municipal code. Metro and state regulations promote the timely and orderly provision of urban services, with which inappropriate annexations can conflict. Therefore, an annexation plan that identifies where and when areas might be considered for annexation can control the expansion of the city limits and services to help avoid those conflicts and provide predictability for residents and developers. Other considerations are consistency with the provisions of this comprehensive plan and the City's public facility plans, with any plans and agreements of urban service providers, and with regional annexation criteria.

The City has not completed an annexation plan and program for this area. The requirement to refer this annexation to the voters has been superseded by the passage of Senate Bill 1573 as explained earlier in this report. This annexation is still sufficiently tied directly to the City's ability to provide services efficiently with the logical extension of physical utility lines as it is adjacent to two city subdivisions that have utilities and street improvements. The proposal does not include a zone change, and as such, conditions will be placed on the annexation limiting development until a zone change to a City designation occurs.

The following Plan annexation policies are approval criteria for annexations under Criteria 3 of the Metro Code.

Goal 14.4: Annexation of Lands to the City

Annex lands to the City through a process that considers the effects on public services and the benefits to the City as a whole and ensures that development within the annexed area is consistent with the Oregon City Comprehensive Plan, City ordinances, and the City Charter.

The city annexation process is set out in Chapter 14 of the Municipal Code. By requiring compliance with that code, the Metro code, and the statewide planning rules, the City is identifying the potential effects that build-out of the annexed property will have on public services and any benefits to the City as a whole.

Policy 14.4.1 *In order to promote compact urban form to support efficient delivery of public services, lands to be annexed must be within the City's Urban Growth Boundary, and must be contiguous to the existing City limits. Long linear extensions, such as cherry stems and flag lots, shall not be considered contiguous to City limits.*

The proposed property is contiguous to the city limits along the side and side property line. No long linear extensions are proposed. The annexation would not create any islands.

Policy 14.4.2 *Concept Plans and Sub-area Master Plans for unincorporated areas within the Urban Growth Boundary shall include an assessment of the fiscal impacts of providing public services to the area upon annexation, including the costs and benefits to the City as a whole.*

The property has an Oregon City Comprehensive Plan designation of Industrial –. The property is part of the 1979 Urban Growth Boundary and is within the Thimble Creek Concept Plan area. The identified zone for this site is Campus Industrial.

The property has been included in all of the City's adopted public facilities master plans for sewer, water, stormwater and transportation. No zone change is proposed at this time.

Policy 14.4.3 *When an annexation is requested, the Commission may require that parcels adjacent to the proposed annexation be included to:*

- a) avoid creating unincorporated islands within the City;*
- b) enable public services to be efficiently and cost-effectively extended to the entire area; or*
- c) implement a Concept Plan or Sub-area Master Plan that has been approved by the Commission.*

This proposed annexation does not create an unincorporated island within the City, and if annexed, will resolve an existing island condition. There is no development proposed at this time, and future development is limited as the property has proposed to retain the exiting Clackamas County zoning designation. No additional parcels are anticipated to be annexed to enable more efficient public services at this time.

Policy 14.4.4 *The City may, as provided by state law, provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system; the Commission may expedite the annexation of the subject property into the City, subject to any voter approvals of annexations.*

A public health hazard existed by nature of the failing septic system. The property owner has already connected the property to the City sewer system and obtained the proper city and county permits to complete the extension of the sewer line to the property.

LAND USE

Section 2, of the City's Comprehensive Plan, identifies land use types. This application has one residential land use type:

1. *Industrial [I] Areas in the Category are primarily for employment use*

The City/County urban growth management agreement specifies that the County's acknowledged Comprehensive Plan and implementing regulations shall apply until annexation and the City adopts subsequent plan amendments. The Oregon City Code requires the City Planning Department to review the final zoning designation within sixty days of annexation, utilizing the chart below and some guidelines laid out in Section 17.06.030.

CITY LAND USE CLASSIFICATION

Industrial Comprehensive Plan Classification	City Zone
Industrial	CI, GI

That section goes on to say:

"In cases where only a single city zoning designation corresponds to the comprehensive plan designation . . . Section 17.68.025 shall control."

Section 17.68.025, Zoning changes for land annexed into the City, says:

"Although the subject property is designated I- Industrial on the City's Comprehensive Plan, this proposal does not include a request to rezone the land to Campus Industrial- CI. As noted above, no further development or land division may occur until the land is rezoned to a City zoning designation.

The City's Code contains provisions on annexation processing. Section 6 of Chapter 14 requires the City Commission "to consider the following factors, as relevant":

1. *Adequacy of access to the site;*

Finding: The site access is discussed below in the Facilities and Services section. The site has direct access onto Beaver Creek Road, and the existing access is adequate.

2. *Conformity of the proposal with the City's Comprehensive Plan;*

Finding: As demonstrated in this section of the staff report, the City's Comprehensive Plan is satisfied.

3. *Adequacy and availability of public facilities and services to service potential development;*

Finding: The Facilities and Services discussion of this report demonstrates that public facilities and services are available and are adequate to serve any potential development that could occur under the existing Industrial plan designation, though none is proposed.

4. *Compliance with applicable sections of Oregon Revised Statutes Chapter 222, and Metro Code 3.09;*
Finding: The only applicable criterion in ORS 222 is that annexed lands be contiguous to the City. The site is contiguous and fully borders city property. The Metro Code criteria are set out on page 2 of this report. This report considers each factor and the Conclusions and Reasons in the Findings and Reasons demonstrate that these criteria are satisfied.

5. *Natural hazards identified by the City, such as wetlands, floodplains, and steep slopes;*
Finding: No natural hazards are identified on the property.

6. *Any significant adverse effects on specially designated open space, scenic historic or natural resource areas by urbanization of the subject property at the time of annexation;*
Finding: No adverse effects on the identified resources are apparent. There are no overlay districts that affect the property. The property is in the Newell drainage basin, according to the Drainage Master Plan.

7. *Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of annexation."*
Finding: No significant adverse effects have been identified by any necessary party.

The Commission interprets the "community" as including the City of Oregon City and the lands within its urban service area. The City will obtain a small increase in property tax revenues from adding additional assessed value to its tax roll as a result of annexing the territory. The City will also obtain land use jurisdiction over the territory. Finally, it will have service responsibilities, including fire, police, and general administration. The City already occasionally delivers police service to the unincorporated area in the course of patrolling to deliver service to the incorporated area. The increases in service responsibilities to the area that result from the annexation are insignificant.

If annexed, the property owner could apply to the City for land use permits, including a zone change. Any impacts on the community that result from approval of development permits are a direct consequence of the future permit approval, not of the annexation. Before any urban development can occur, the territory must also be annexed to the Tri-City Service District. The City Commission must concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.

Section 8 of the Ordinance states that:

"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."

As analyzed earlier in this report, the requirement to refer this annexation to the voters has been superseded by the passage of Senate Bill 1573, which exempts certain annexations from a voter approval requirement provided specific criteria have been met.

FACILITIES AND SERVICES

ORS 195 Agreements. ORS 195 requires agreements among providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit.

Sanitary Sewers.

The Tri-City 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 the 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 City Commission must concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.

The Tri-City Service Water Pollution Control Plant is along Interstate 205 in Oregon City just east of the junction of the Willamette and the Clackamas Rivers. The plant had an average flow capacity of 4.4 million gallons per day (MGD) and a design peak flow capacity of 50.0 MGD and served a population of 66,500 in the year 2001. However, the facility was expanded in 2012 to increase the available average dry weather capacity to 11.9 MGD and a peak flow of 68.7 MGD. The plant is currently serving a population of 98,000 residents and set have expanded solids handling capacity by 2020.

Due to the public health concern caused by a failed septic system, the City has approved access to the City sewer system and the process of permitting a service connection is underway as of the date of publishing of this staff report.

Water. The property is currently within the Clackamas River Water District (CRW) and will need to be removed from the District after the annexation and connected to City water.

Stormwater. The site is located in the Newall Drainage Basin. No additional development has been proposed. Onsite stormwater drainage or discharge to a city or county facility will be required upon future development. Any future development would have to convey site stormwater runoff to the appropriate stormwater system in the area.

Fire Protection. This territory is currently within Clackamas Fire District #1 which serves portions of Clackamas County as well as Oregon City.

Police Protection. The Clackamas County Sheriff's Department currently serves the territory.

The area to be annexed lies within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. Due to the location being surrounded by Oregon City, Oregon City Police Department already occasionally responds to County emergency calls for the unincorporated area. The impact to police services upon annexation will be negligible.

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 were withdrawn from the District, the District's levy would no longer apply to the property.

Upon annexation the Oregon City Police Department will officially serve the property.

Parks, Open Space, and Recreation. The nearest developed City park is Tyrone S Woods Park. Additional open space and trails are available on the Clackamas Community College campus across the street. Following annexation, rezoning, and development review, any further development constructed on the property would contribute the city Parks System Development Charge.

Transportation. Access is provided from Beavercreek Road, which is under Clackamas County jurisdiction. Though the Oregon City Municipal Code requires application of a City zoning designation upon annexation, a zone change may only be initiated with a zone change application, which is accompanied by a required transportation analysis to demonstrate compliance with applicable regulations, such as the Transportation Planning Rule (TPR) or TIA (Transportation Impact Analysis). As the applicant is required to initiate annexation due to a failed septic system, it is appropriate to retain the existing Clackamas County zoning designation if the development onsite is limited.

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

STAFF RECOMMENDATION

Based on the study and the Proposed Findings and Reasons for Decision for this annexation, staff recommends that the City Commission approve Planning File GLUA 20-00017: AN 20-0001 and adopt as its own this Staff Report and Exhibits and;

- Find that this annexation is consistent with a positive balance of the factors set forth in OCMC Section 14.04.060.
- Recommends withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute.
- Recommend that the City Commission concur with Tri-City Service District's annexation of the subject property in the enacting ordinance.
- Recommend that the City Commission concur with Clackamas River Water withdrawing the subject property in the enacting ordinance.
- Recommend that the applicant record a covenant acknowledging that development is reviewed for compliance with the Oregon City Municipal Code and Clackamas County Zoning and Development Ordinance and until a zone change is approved, the site use shall not change or intensify or receive approval of a land division or development of the site.

ANNEXATION PETITION: GLUA 20-00017: AN 20-00001 PROPOSED FINDINGS, CONDITIONS, AND REASONS FOR DECISION

Based on the staff report and findings, the Commission determines:

1. The Metro Code calls for consistency of the annexation with the Regional Framework Plan or any functional plan. The Commission concludes the annexation is not inconsistent with this criterion

because there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan, or the Regional Transportation Plan.

2. Metro Code 3.09.050(d)(1) requires the Commission's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted according to ORS 195. As noted in the Findings, there are no such plans or agreements in place. Therefore, the Commission finds that there are no inconsistencies between these plans/agreements and this annexation.
3. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The County Plan also identifies the property as *Immediate Urban* lands, which should ensure the "orderly, economic provision of public facilities and services." The property owner has demonstrated that the City can provide all necessary urban services. Nothing in the County Plan speaks directly to criteria for annexation. Therefore, the Commission finds this proposal is consistent with the applicable plan as required Metro Code 3.09.050 (d)(3).
4. The Commission concludes that the annexation is consistent with the City Comprehensive Plan that calls for a full range of urban services to be available to accommodate new development, as noted in the Findings above. The City operates and provides a full range of urban services. Specifically, with regard to water and sewer service, the City has both of these services available to serve the area from existing improvements abutting the property.
5. With regard to storm drainage to the Newell Drainage Basin, the City has the service available in the form of regulations to protect and control stormwater management.
6. The Commission notes that the Metro Code also calls for consistency of the annexation with urban planning area agreements. As stated in the Findings, the Oregon City-Clackamas County Urban Growth Management Agreement specifically provides for annexations by the City.
7. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly, and economic provision of public facilities and services." Based on the evidence in the Findings, the Commission concludes that the annexation will not interfere with the timely, orderly, and economic provision of services.
8. The Oregon City Code contains provisions on annexation processing. Section 6 of the ordinance requires that the City Commission consider seven factors if they are relevant. These factors are covered in the Findings, and on balance the Commission believes they are adequately addressed to justify approval of this annexation.
9. The City Commission concurs with Tri-City Service District's annexation of the subject property in the enacting City ordinance.
10. The Commission determines that the property should be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide police services upon annexation.

11. The Commission determines that the property should not be withdrawn from the Clackamas Fire District #1.
12. The Commission determines that the property should be withdrawn from the Clackamas River Water Service District.
13. The Commission acknowledges that the site will not be rezoned by this annexation and will retain its existing of FU-10 County Zone, which directs development to be reviewed for compliance with the Oregon City Municipal Code and Clackamas County Zoning and Development Ordinance. Further, until a zone change is approved, the site use shall not change or intensify or receive approval of a land division or development of the site including, but not limited to: no new structures or additions to existing structures. Also, the property shall be subject to the City's overlay districts, fence regulations in OCMC 17.54.100, as well as the City's nuisance, business licensing, and animal regulations.

**RECOMMENDED CONDITIONS OF APPROVAL
PLANNING FILES GLUA 20-00017: AN 20-0001**

(P) = Verify that condition of approval has been met with the Planning Division.

(DS) = Verify that condition of approval has been met with the Development Services Division.

(B) = Verify that condition of approval has been met with the Building Division.

(F) = Verify that condition of approval has been met with Clackamas Fire Department.

1. Prior to final annexation, the property owner or assigns will record a covenant, to be approved by the City Attorney, which limits the development of the site until such time that a zone change to a City zoning designation has been approved. The covenant shall acknowledge that development is reviewed for compliance with the Oregon City Municipal Code and Clackamas County Zoning and Development Ordinance. Further, until a zone change is approved, the site use shall not change or intensify or receive approval of a land division or development of the site including, but not limited to: no new structures or additions to existing structures. In addition, the property shall be subject to the City's overlay districts, fence regulations in OCMC 17.54.100, as well as the City's nuisance, business licensing, and animal regulations.

Exhibits:

1. Annexation Application
 - a. Annexation Packet
2. Public comment
 - a. Erik Carr- WES
 - b. Adam M. Bjornstedt, P.E. Chief Engineer CRW
 - c. John Replinger PE, Replinger and Associates
3. Measure 3-51- May 18, 1999 voter-approved charter amendment (on file)
4. Public Notices/ Vicinity Map (on file)

Annexations to OREGON CITY - Double Majority Method, 100% Owners Method

I. Application Process for Property Owners and Registered Voters

PLEASE READ ALL INSTRUCTIONS BEFORE FILING A PETITION WITH THE CITY

Step 1. Petition

Attached is a *Petition* form for your use. Please fill in the blanks on the first page, sign and fill in the requested information on the second page and insert or attach the legal description to the first two pages.

Who May Sign: An elector registered to vote in the territory to be annexed; a property owner who is the legal owner of record or, where there is a recorded land contract, the purchaser thereunder. If there is multiple ownership each signer is counted in proportion to the size of their ownership. If a corporation owns land, the corporation is considered the individual owner.

After completing the petition, have the County Assessor's Office certify the property owner signatures using the attached *Certification of Property Ownership* form. While you are at the Assessor's Office show them your legal description, buy two 1/4 Section Maps showing the property to be annexed and have them certify the map and legal description using the attached *Certification Of Legal Description And Map* form. Proceed to the County Elections Department and have them certify the signatures of the registered voters by completing the attached *Certification of Registered Voters* form. Do this even if the property is vacant. In that case they certify that there are no registered voters in the affected territory.

Step 2. Legal Description

The legal description noted above must be a metes and bounds legal description of the territory to be annexed. This description should be inserted in or attached to the Petition. In addition, one separate copy of the metes and bounds description should be submitted. (A lot, block and subdivision description may be substituted for the metes and bounds description if the area is platted and no metes and bounds description is available, and if this is acceptable to the County Assessor's Office.) If

the legal description contains any deed or book and page references, legible copies of these must be submitted with the legal description.

Step 3. Map

As noted above you must submit two copies of the 1/4 Section map. This should be the latest County Assessor's quarter section map (or maps) which indicates the territory to be annexed. Outline the area to be annexed on the maps.

Step 4. Notice List

You must submit a list of all property owners and registered voters in the area to be annexed regardless of whether they signed the annexation petition or not. Additionally this list must include the names and addresses of all property owners within 300 feet of the outside edge of the territory to be annexed. Please submit this list on peel-off label sheets.

Step 5. Information Sheet

Complete the attached *Boundary Change Information Sheet*.

Step 6. Double Majority Work Sheet

A *Double Majority Worksheet* is attached for your convenience. This is to help verify that all double majority requirements are met.

Step 7. Submit Application To City

Submit all materials and the required filing fee (see attached schedule) to the City Manager or his designee at Oregon City City Hall, 320 Warner-Milne Rd., Oregon City, OR 97045.

II. City Review

Below is a summary of the steps which will be taken regarding annexations initiated by these two methods.

Step 1. Compliance Review

Submitted materials will be checked for compliance with requirements of state statutes, the Metro Code requirements and the City Code requirements.

Step 2. Public Hearing Date Set

The proposal will be set for a hearing by the Planning Commission and the City Commission. The setting of the hearing date for the City Commission must occur within 30 days of the day the proposal is judged to be complete.

Step 3. Public Hearing Notice

Notice of the public hearing by the Planning Commission and notice of the public hearing of the City Commission will be sent to service providers in the area, to the applicant, to adjacent property owners and to appropriate neighborhood or community organizations. Notice of the hearing will be posted in and/or around the territory to be annexed. The hearing will also be advertised twice in a newspaper of general circulation in the area.

Step 5. Staff Study and Report

A staff report will be prepared on each proposed boundary change. This report will cover at a minimum five items specified in the Metro Code including availability of services, compatibility with regional and local plans, etc.. The report will also cover the approval criteria laid out in the Oregon City Municipal Code. This report will be made available to the public 7 days prior to the Planning Commission hearing and 15 days prior to the City Commission hearing.

Step 6. Public Hearings

The Planning Commission will hold its public hearing. After reviewing the proposal in light of the criteria in the City Code and the Metro Code, the Planning Commission will make a recommendation on the boundary change to the City Commission.

The City Commission holds a public hearing. At the hearing the City Commission will consider 7 minimum criteria laid out in the Metro Code including compliance with urban service agreements, consistency with applicable land use plans and service availability. The City Commission

will also consider the 7 Annexation Factors contained in the City Municipal Code. At the conclusion of the public hearing the Commission determines whether the proposed annexation is consistent the Metro Code and with a positive balance of the factors in the City Code and if so schedules an annexation election.

If the Council approves the proposal and schedules it for election it must do so with an order containing findings and reasons. If there are no objections to the approval by another unit of government within 10 days then the issue proceeds to election. If the the decision is contested by a necessary party then the matter is transferred to the Metro Boundary Appeals Commission.

Step 7. Election

If the City Commission approves the annexation it will be scheduled for an election at one of the four regular state election dates (March, May, September and November). The applicant will be required to submit a deposit to cover any and all costs of the election. City and State required processes leading up to an election take a significant amount of time and should be allowed for in planning by the applicant.

After the election results are certified an order must be generated to officially change the boundary. The order must be sent to Secretary of State, County Recorder and County Assessor, State Revenue Department, and City Recorder. Other interested parties (such as the utilities) are notified as well. These notifications and official map changes are done by Metro. A separate fee for this operation will be collected at the time the proposed boundary change is first submitted to the City.

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

PETITION FOR ANNEXATION TO THE CITY OF OREGON CITY , OREGON

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

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

The property to be annexed is described as follows:

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

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

PETITION FOR ANNEXATION TO THE CITY OF OREGON CITY , OREGON

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

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

The property to be annexed is described as follows:

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

CERTIFICATION OF PROPERTY OWNERSHIP OF

AT LEAST ONE-HALF LAND AREA

(City Double Majority Method)

I hereby certify that the attached petition for a proposed boundary change involving the territory described in the petition contains the names * of at least one-half of the land area within the annexation area described in the petition, as shown on the last available complete assessment roll.

NAME _____

TITLE _____

DEPARTMENT _____

COUNTY OF _____

DATE _____

- * "Owner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

CERTIFICATION OF PROPERTY OWNERSHIP OF

100% OF LAND AREA

(City 100% Ownership Method)

I hereby certify that the attached petition for a proposed boundary change involving the territory described in the petition contains the names of the owners* of 100% of the land area within the annexation area described in the petition, as shown on the last available complete assessment roll.

NAME



TITLE

CARTOGRAPHER 1

DEPARTMENT

TAX ASSESORS OFFICE

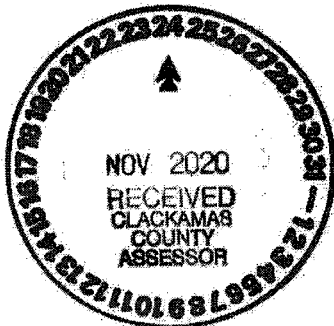
COUNTY OF

CLACKAMAS

DATE

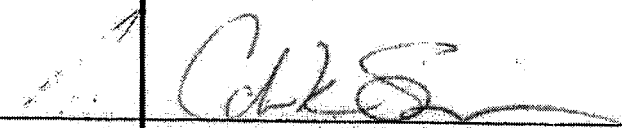
11/24/2020

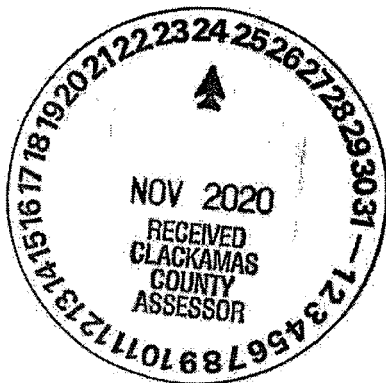
* "Owner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners, and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.



I hereby certify that the description of the property included within the attached
petition (located on Assessor's Map 32E09A 00600

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 
TITLE CARTOGRAPHER 1
DEPARTMENT TAX ASSESORS OFFICE
COUNTY OF CLACKAMAS
DATE 11/24/20



$$I^H = 200$$

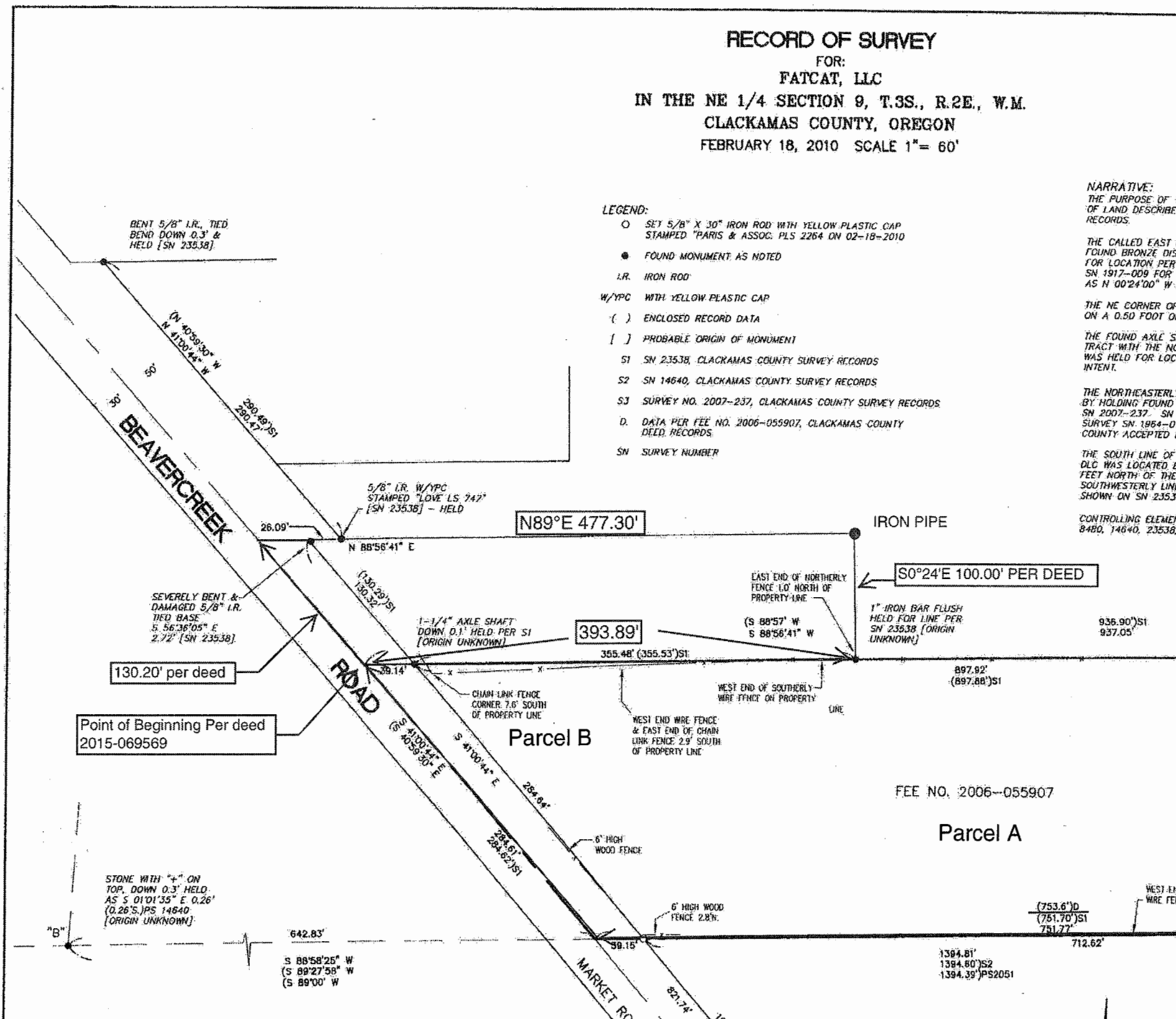
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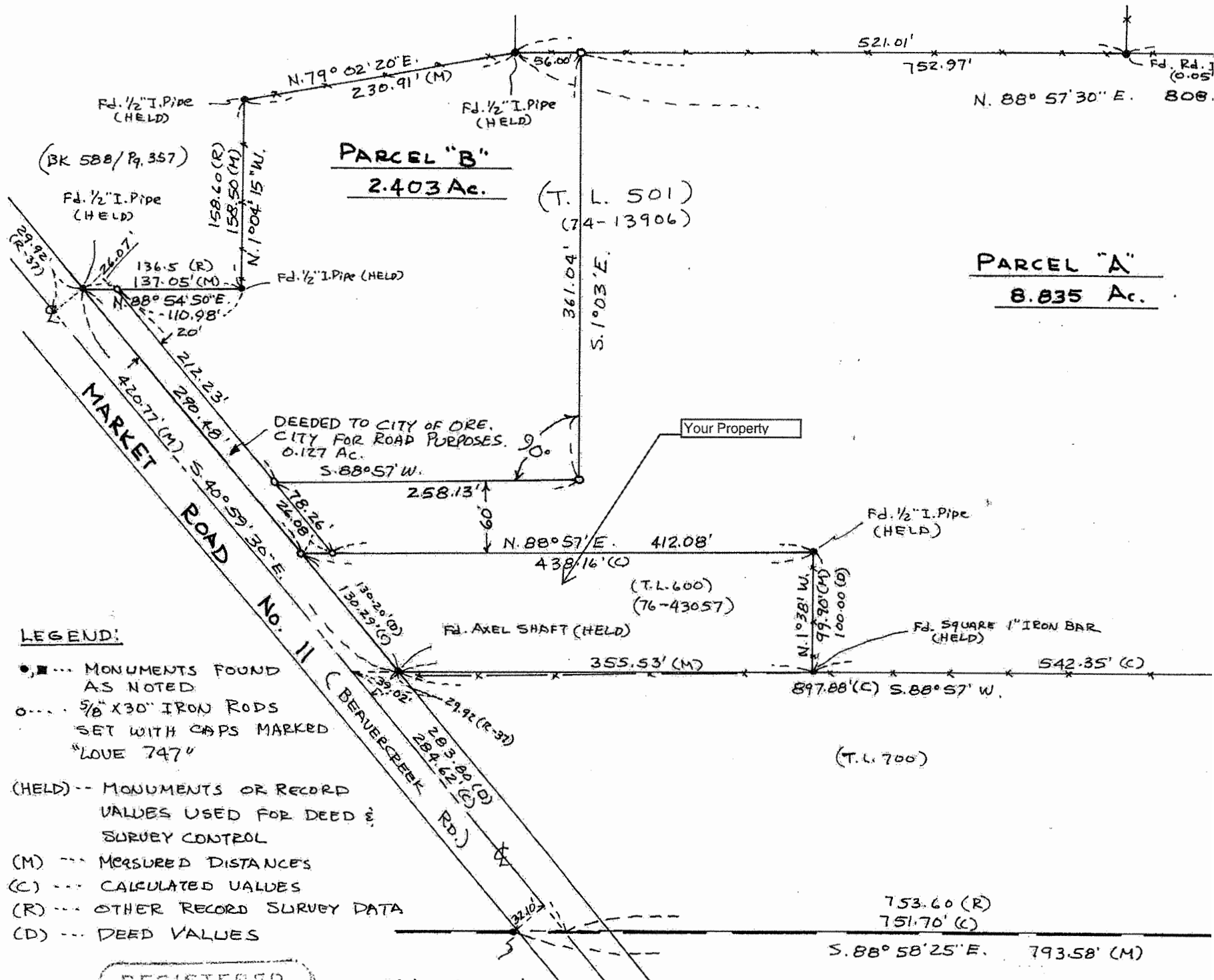
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FOR:
FATCAT, LLC
IN THE NE 1/4 SECTION 9, T.3S., R.2E., W.M.
CLACKAMAS COUNTY, OREGON
FEBRUARY 18, 2010 SCALE 1"= 60'

SN SURVEY NUMBER

CONTROLLING ELEMENTS
8480, 14640, 23538.





CITY OF OREGON CITY APPROVAL

THE PURPOSE OF THIS SURVEY WAS TO LOCATE AND MARK A PROPOSED
PROPERTY LINE ADJUSTMENT AS SHOWN ON THE ATTACHED MAP. THE
EAST PROPERTY LINE OF DOC. NO. 74-13906 WAS CREATED BY A PARALLEL
OFFSET OF THE EXISTING EAST PROPERTY LINE A DISTANCE OF 50 FEET.
THE NORTH AND SOUTH PROPERTY LINES WERE EXTENDED 50 FEET
AND MONUMENTED AS SHOWN. MONUMENTS FOUND WERE HELD AS SHOWN
PER PS-2353B. THE BASIS OF BEARING IS THE CENTERLINE OF MARKET ROAD
!! PER PS-2353B.

APPROVED THIS 14 DAY OF 1997

BY Sumana Kulkarni
PLANNING MANAGER

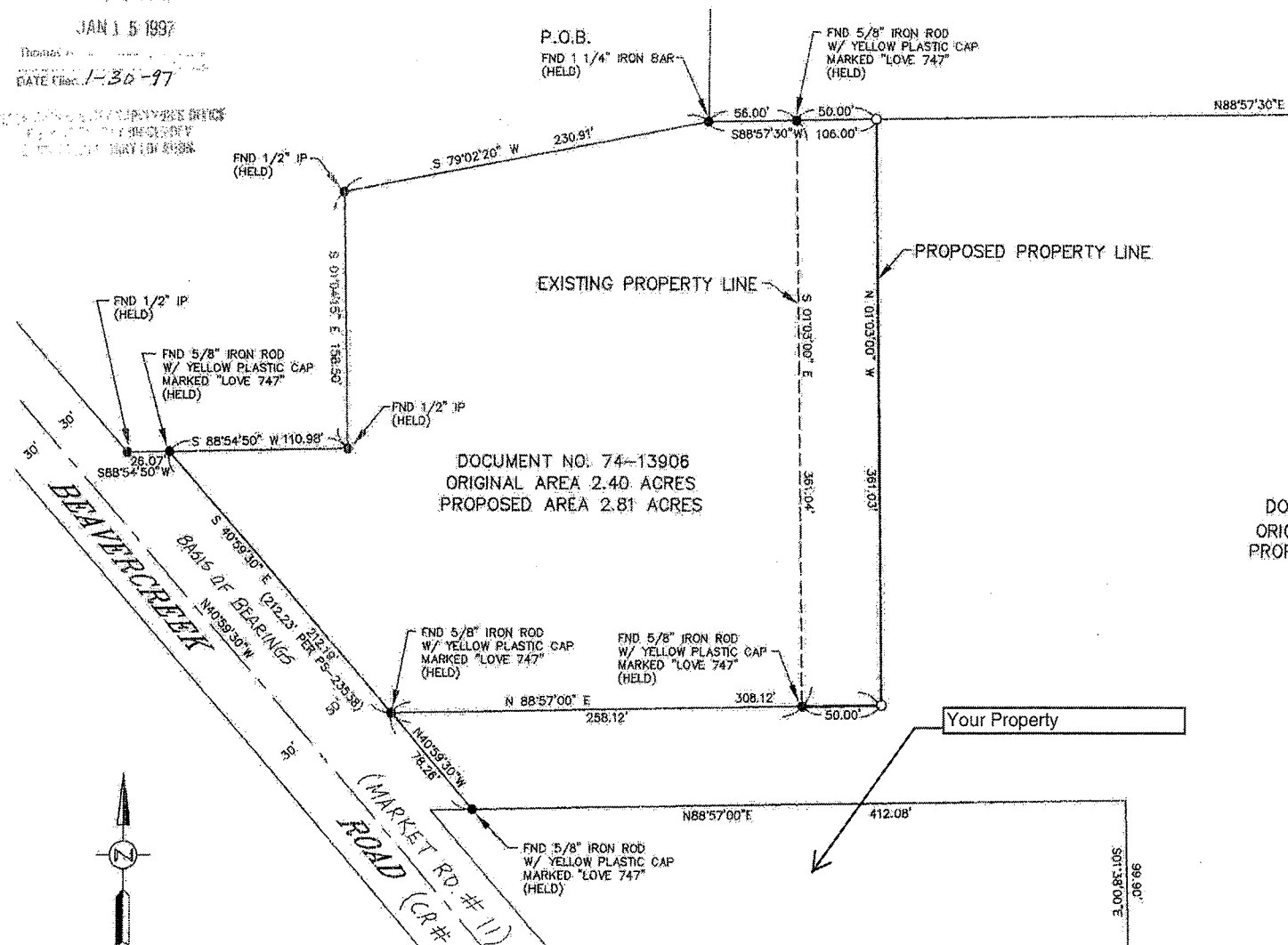
PS. 27168

BLACKHAWK COUNTY SURVEYOR
APR 2 1983

JAN 15 1997

DATE FILED 1-30-97

SECRET
NOFORN
NOFORN





Clackamas Branch
File No. 16F0186641

Clackamas County Official Records Sherry Hall, County Clerk	2015-069569 10/15/2015 10:04:48 AM
D-D Cnt=1 Stn=4 JANIS \$15.00 \$16.00 \$10.00 \$22.00	\$63.00

After recording return to:
Andy Barney
19242 Beavercreek Road
Oregon City, OR 97045

Until a change is requested, all tax statements shall be sent
to the following address:
Andy Barney
19242 Beavercreek Road
Oregon City, OR 97045

STATUTORY WARRANTY DEED

Brett Howard Brucker, Grantor, conveys and warrants to Andy Barney, Grantee, the following
described real property free of encumbrances except as specifically set forth herein:

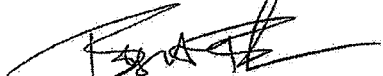
SEE ATTACHED EXHIBIT "A"

Tax Account No. 00868957

This property is free of encumbrances, EXCEPT:
SEE EXHIBIT "A" WITH EXCEPTIONS
The true consideration for this conveyance is \$215,000.00

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE
SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND
195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9
AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS
2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS
INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING
OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD
CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT
OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS
92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY
LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND
TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS
195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS
2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7,
CHAPTER 8, OREGON LAWS 2010.

Dated 13th ^{October} day of ~~September~~, 2015

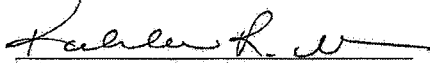


Brett Howard Brucker

STATE OF OREGON

COUNTY OF Clackamas

The foregoing instrument was acknowledged before me this 13th ^{October} day of ~~September~~, 2015 by
Brett Howard Brucker



Notary Public State of Oregon

My commission expires: 10-24-2017

Order No. 16F0186641

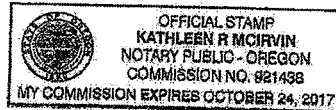


Exhibit "A" with Exceptions

Part of the Washington Williams and wife Donation Land Claim, in Section 9, Township 3 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at a basalt stone 16 x 10 x 10 inches set at the Northeast corner of the Robert Caufield Donation Land Claim, in Section 9, Township 3 South, Range 2 East of the Willamette Meridian, which point is also a re-entrant corner of the Washington Williams Donation Land Claim; thence South 89° West along claim line 753.60 feet to a point in the center of the Oregon City-Beavercreek County Road; thence North 40° 50' West in the center of said road, 283.80 feet to the true point of beginning of th tract herein described; said point marks the Northwest corner of the Bond tract described in Book 328, Page 738, Deed Records; from said true point of beginning; thence North 40° 50' West along the center line of said road 130.20 feet; thence North 89° East, 477.30 feet to an iron pipe; thence South 0° 24' East, 100.00 feet to an iron pipe on the North boundary of the Moehnke tract described in Book 214, Page 398, Deed Records; thence South 89° West, 393.89 feet to the true point of beginning.

Subject to:

SPECIAL EXCEPTIONS:

1. Rights of the public to any portion of the Land lying within roads and highways.

CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition for annexation of territory described herein to the City of Oregon City contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME Rebekah Stern Doll

TITLE Deputy Clerk

DEPARTMENT Elections

COUNTY OF Clackamas

DATE November 24, 2020



NOTICE LIST

(This form is NOT the petition)

ALL OWNERS OF PROPERTY AND/OR REGISTERED VOTERS INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA. ALL OWNERS OF PROPERTY WITHIN 300 FEET OF THE OUTSIDE BOUNDARY OF THE AREA TO BE ANNEXED.

NAME OF OWNER/VOTER

ADDRESS

PROPERTY DESIGNATION

(Indicate tax lot, section number, Township and Range)

(1) Terry Emmert 501 sect 9 T3S R2E

(2) Nancy Travis 700 sect 9 T3S R2E

(3)

(4)

(5)

(6)

(7) _____

(8) _____

(9) _____

(10) _____

(11) _____

(12) _____

(13) _____

(14) _____

(15) _____

(16) _____

(17) _____

(18) _____

BOUNDARY CHANGE INFORMATION SHEET

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED

A. General location 19242 S Beavercreek Rd Oregon City

B. Land Area: Acres .91 acres or Square Miles _____

C. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal).

100' wide parcel 383 to 412' long with a few trees (about 10) almost level with a few bushes. 1 house, 1 shop and a small shed

D. Describe land uses on surrounding parcels. Use tax lots as reference points.

North: Entrance to field, flag lot has access to street from here Tax Lot 502

East: Field Tax Lot 502

South: Neighboring house Tax Lot 700

West: Beavercreek Rd

E. Existing Land Use:

Number of single-family units 1 Number of multi-family units 0

Number commercial structures 0 Number industrial structures 0

Public facilities or other uses N/A

What is the current use of the land proposed to be annexed: SFR

F. Total current year Assessed Valuation \$ 250,000

G. Total existing population 2

II. REASON FOR BOUNDARY CHANGE

A. The City Code (Section 6) and the Metro Code (3.09.050 (d) & (e)) spell out criteria for consideration (see copies attached). Please provide a narrative which addresses these criteria. With regard to the City criteria, please provide a narrative statement explaining the conditions surrounding the proposal and addressing the factors in Section 6, as relevant, including:

1. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;
2. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
3. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
4. Statement outlining method and source of financing required to provide additional facilities, if any;
5. Statement of overall development concept and methods by which physical and related social environment of the site, surrounding area and community will be enhanced;
6. 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;
7. 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.

B. Please submit 25 copies of a site plan, drawn to scale (not greater than 1" = 50') indicating:

1. The location of existing structures (if any);
2. The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed.
3. 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 flooding data showing elevations of all property subject to inundation in the event of one-hundred year flood shall be shown;
4. 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 the ground) and significant areas of vegetation.
5. General land use plan indicating the types and intensities of the proposed or potential development;

III. LAND USE AND PLANNING

A. What is the applicable County Planning Designation? LDR
What City Planning Designation is being sought? LDR

B. What is the zoning on the territory to be served?

FD-10

What zoning designation is being sought? No change

C. Is the subject territory to be developed at this time? No

D. Generally describe the anticipated development (building types, facilities, number of units).

N/A

E. Can the proposed development be accomplished under current county zoning?



Yes



No

If No,---has a zone change been sought from the county either formally or informally.



Yes



No

Please describe outcome of zone change request if answer to previous questions was Yes. N/A

F. Is the proposed development compatible with the city's comprehensive land use plan for the area?



Yes



No



City has no Plan for the area.

Has the proposed development been discussed either formally or informally with any of the following? (Please indicate)



City Planning Commission



City Council



City Planning Staff



City Manager

Please describe the reaction to the proposed development from the persons or agencies indicated above.

No change proposed by city manager

G. Please indicate all permits and/or approvals from a City, County, or Regional Government which will be needed for the proposed development. If already granted, please indicate date of approval and identifying number:

APPROVAL	PROJECT FILE #	DATE OF APPROVAL	FUTURE REQUIREMENT
Metro UGB Amendment			
City or County Plan Amendment			
Pre-Application Hearing (City or County)	AN-20-00001		
Preliminary Subdivision Approval			
Final Plat Approval			
Land Partition			
Conditional Use			
Variance			
Sub-Surface Sewage Disposal			
Building Permit			

Please submit copies of proceedings relating to any of the above permits or approvals which are pertinent to the annexation.

- H. Does the proposed development comply with applicable regional, county or city comprehensive plans? Please describe.

Yes

- I. If a city and/or county-sanctioned citizens' group exists in the area of the annexation, please list its name and address of a contact person.

Kristina Browning 503 505 3798
Coufield Neighborhood Association
Kristina@spaceandreason.com

IV. SERVICES AND UTILITIES

- A. Please indicate the following:

1. Location and size of nearest water line which can serve the subject area.

3/4" Already connected on Beaver Creek Rd

2. Location and size of nearest sewer line which can serve the subject area.

16" line on Beaver Creek Rd
This is where I want to get connected to

3. Proximity of other facilities (storm drains, fire engine companies, etc.) which can serve the subject area _____

Ditch by street
Clackamas Fire Department

4. The time at which services can be reasonably provided by the city or district.

Immediately

5. The estimated cost of extending such facilities and/or services and what is to be the method of financing. (Attach any supporting documents.)

Owners Expense, Project estimate
\$30,000 to tie into city sewer

6. Availability of the desired service from any other unit of local government. (Please indicate the government.)

None

- B. If the territory described in the proposal is presently included within the boundaries of or being served extraterritorially or contractually by, any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved.

City None

Rural Fire Dist Clackamas

County Service Dist. Clackamas
county sheriff

Sanitary District NO

Hwy. Lighting Dist. None

Water District Clackamas River Water Dist

Grade School Dist. OCSD

Drainage District NONE

High School Dist. OCSD

Diking District NONE

Library Dist. OCSD

Park & Rec. Dist. NONE

Special Road Dist. None

Other Dist. Supplying Water Service NONE

- C. If the territory is proposed to be served by any of the above units or any other units of government please note. law enforcement will shift to Oregon City PD

- D. If any of the above units are presently servicing the territory (for instance, are

residents in the territory hooked up to a public sewer or water system), please so describe.

Currently The property is hooked up to
public water service

APPLICANT'S NAME

Andy Barney

MAILING ADDRESS

1212 N 675 W

West Bountiful

Utah 84087

TELEPHONE NUMBER

503 535 9554

(Work)

(Res.)

REPRESENTING

Owner

DATE:

10/29/20

DOUBLE MAJORITY WORK SHEET

Please list all properties/registered voters included in the proposal. (If needed, use separate sheet for additional listings).

PROPERTY OWNERS

Property Designation (Tax Lot #s)	Name of Owner	Acres	Assessed Value	Signed Petition (Y/N)
600	Andy Barney	.91	250K	Y
TOTALS				

Worksheet (continued)

REGISTERED VOTERS

Name of Registered Voter	Address of Registered Voter	Signed Petition (Y/N)

SUMMARY

TOTAL NUMBER REGISTERED VOTERS IN THE PROPOSAL _____

NUMBER OF REGISTERED VOTERS WHO SIGNED _____

PERCENTAGE OF REGISTERED VOTERS WHO SIGNED _____

TOTAL ACREAGE IN PROPOSAL _____

ACREAGE SIGNED FOR _____

PERCENTAGE OF ACREAGE SIGNED FOR _____



OREGON CITY

Community Development - Planning

221 Melalla Ave. Suite 200 | Oregon City OR 97045

Ph (503) 722-3789 | Fax (503) 722-3880

LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification
- ☐ Site Plan and Design Review

Type II (OCMC 17.50.030.B)

- ☐ Extension
- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review
- ☐ Subdivision (4+ lots)
- ☐ Minor Variance
- ☐ Natural Resource (NROD) Review

Type III / IV (OCMC 17.50.030.C)

- ☒ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☐ Variance
- ☐ Zone Change

File Number(s): _____

Proposed Land Use or Activity: Residential

Project Name: Emergency Annexation Number of Lots Proposed (If Applicable): _____

Physical Address of Site: 16242 S. Beavercreek Rd

Clackamas County Map and Tax Lot Number(s): _____

Applicant(s):

Applicant(s) Signature: Andy Barney

Applicant(s) Name Printed: Andy Barney Date: 3/12/20

Mailing Address: 1212 N 675 W West Bountiful UT 84087

Phone: 503 535 9554 Fax: 801 299 7165 Email: andynotandrew@sbcglobal.net

Property Owner(s):

Property Owner(s) Signature: Andy Barney

Property Owner(s) Name Printed: Andy Barney Date: 3/12/20

Mailing Address: 1212 N 675 W West Bountiful UT 84087

Phone: 503 535 9554 Fax: 801 299-7165 Email: andynotandrew@sbcglobal.net

Representative(s)

Representative(s) Signature: River City Chad Richardson

Representative(s) Name Printed: Chad Richardson River City Date: 4-13-2020

Mailing Address: Po Box 30089 PDX OR 97229

Phone: 971 251-3611 Fax: _____ Email: Chad.richardson@rivercityusa.com

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.

www.orcity.org/planning



Applicant's Submittal

FILE NO:

APPLICATION TYPE: Annexation (Sewer Connection)

APPLICANT:

REQUEST: The applicant is requesting approval of an emergency annexation of .91 acre property due to a failing septic system. The property will retain its existing Campus Industrial zoning.

LOCATION: 19242 S Beavercreek Road Oregon City Oregon 97045

PROCESS: Pursuant to OCMC Chapter 14.04. *City Boundary Changes and Extension of Services*, the procedure for review of annexations is governed by State Law and Oregon City Code Chapter 14.04. The procedure for a zone change is set forth in Oregon City Code Chapter 17.50. The public hearing process is governed by OCMC 14.04 and 17.50. The applicant and all documents submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 221 Molalla Avenue, Oregon City, Oregon 97045, from 8:30am to 3:30pm Monday thru Friday. The staff report, with all the applicable approval criteria, will also be available for inspection 7 days prior to the hearing. Copies of these materials may be obtained for a reasonable cost in advance. The annexation was initiated as a result of a public health hazard and as a result, City policy is to forward these annexations directly to the City Commission without a Planning Commission recommendation. Therefore, the City Commission will open the record and consider testimony to determine whether the application has or has not complied with the factors set forth in section 14.04.060 and 17.68.020 of the Oregon City Municipal Code. The City Commission decision is appealable to LUBA within 21 days of issuance of the Notice of Decision.

PROPOSAL NO. AN-17-0001 - CITY OF OREGON CITY - Annexation

Property Owners / Voters: Andy Barney

Applicant(s): Andy Barney

Proposal is a single tax lot annexation initiated by consent petition of 100% of the property owners and registered voters. Due to the nature of the emergency septic failure, this annexation proposal bypassed the Planning Commission as in the past emergency sewer connection requests. The petition meets the requirement for initiation set forth in ORS 222.170 and Metro Code 3.09.040(a).

The City's policy is to expedite the processing of such annexations by forwarding a recommendation directly to the City Commission without a Planning Commission recommendation. This is consistent with Comprehensive Plan Policy 14.4.4:

14.4.4

Expedite the annexation of property as provided by state law in order to provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system.

REASON FOR ANNEXATION

In order to address the emergency, the property has already connected to the City sewer system, on the condition that the owner concurrently petition for annexation to the City.

The annexation of this property is required due to a failed septic system, which necessitated a requirement to hook up to City sewer. City water and sewer services were available close to the property and the owner desired to make the needed connections.

The territory to be annexed is located on Beaver Creek Rd Map 32E09A 00600 as shown in attached JPG. The territory contains approximately 0.91 acres, has one single-family residence with a population of 2, and an assessed value of \$ \$307,051.

The property has an Oregon City a Campus Industrial zoning, it is on the back side of the Clackamas College. I am told that the property is in an urban growth and project zone and I am not requesting any zone changes. I understand that any request for rezoning in the future must comply with the applicable provisions of OCMC Chapter 17.68 - Zoning Changes and Amendments. Though the Oregon City Municipal Code requires application of a City zoning designation upon annexation, a zone change may only be initiated with a zone change application which is accompanied by a transportation analysis to demonstrate compliance with applicable regulations, such as the Transportation Planning Rule (TPR). As the applicant is required to initiate annexation due to a failed septic system, staff finds it

appropriate in this case to retain the existing Clackamas County zoning designation if the development onsite is limited.

The owner would be able to receive city services, specifically, sanitary sewer, and water connections as well as the full range of administrative and municipal services provided upon annexation to the City. The property is within 300 feet of a city sanitary sewer system and by Oregon Revised Statute, it has been connected to the city sewer service and must be annexed.

SB 1573

If the City Commission determines that the proposed annexation should be approved, the City Commission is required by the Charter to submit the annexation to the electors of the City. However, the passage of SB 1573 requires that the City annex the territory without submitting the proposal to the electors of the city if:

(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;

(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and

(d) The proposal conforms to all other requirements of the city's ordinances.

The territory is included within the City's UGB adopted by the City and Metro. The territory has a Comprehensive Plan Designation of Low Density Residential pursuant to the acknowledged Oregon City Comprehensive Plan. The territory is contiguous to the City Limits. As demonstrated within this report, the proposal can meet the City's applicable ordinances.

Thus, the proposal meets items (a) through (d), with the conditions of approval and the City may annex the territory without submitting the proposal to the electors of the city.

LAND USE PLANNING

SITE CHARACTERISTICS

The property is generally level. The applicant has connected to the city sewer main system running down Beavercreek Road that is in front of the property. The site is a residential parcel with a few scattered trees around the existing house and outbuilding.

The property includes a small home setback approximately 200 feet from S. Beaver Creek Road and located at the front of the parcel, with two accessory structures. No land division is proposed at this time.

REGIONAL PLANNING CONSIDERATIONS

General Information

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

Metro Boundary Change Criteria

The Legislature has directed Metro to establish criteria that must be used by all cities within the Metro boundary. The Metro Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans.
2. Consistency with directly applicable provisions of urban planning area agreements between the annexing entity and a necessary party.
3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. Consistency with other applicable criteria for the boundary change in question under state and local law.

Consistency with the County and urban service provider planning agreements along with the timely, orderly and economic provision of public services as required by the Metro Code are discussed in greater detail below.

The Metro Code also contains a second set of 10 factors that are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. Those 10 factors are not applicable at this time to this annexation because no necessary party has contested the proposed annexation.

Metro Regional Framework Plan

The law that requires Metro to adopt criteria for boundary changes and 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]." Metro's Growth Management Functional Plan was reviewed and found not to contain any criteria directly applicable to boundary changes. The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

CLACKAMAS COUNTY PLANNING

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 currently applicable plan for this area. The plan designation for this site is Low Density Residential (LR) on the County's Oregon City Area Land Use Plan (Map 4-05). The County's zoning for the property is FU-10, Future Urban, with a 10-acre minimum lot size. This is a holding zone to prevent the creation of small parcels in areas within the Urban Growth Boundary 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.

Clackamas County Zoning and Development Ordinance (ZDO) section 316 provides that the Future Urban 10-Acre District is applied to those areas designated as Future Urban by Chapter 4 of the Clackamas County Comprehensive Plan.

The *Land Use* section of the Plan, Chapter 4, identifies the territory proposed for annexation as *future urban*, which are defined as:

"Future urban areas are lands within urban growth boundaries but outside immediate urban areas. Future urban areas are planned to be provided with public facilities, but currently lack providers of those facilities. Future urban areas are substantially underdeveloped and will be retained in their current use to ensure future availability for urban needs. Future urban areas are planned for urban uses but zoned for large-lot, limited development."

Urban Growth Management Agreement

The City and the County have an Urban Growth Management Agreement (UGMA), which is a part of their Comprehensive Plans. The territory to be annexed falls within the Urban Growth Management Boundary (UGMB) identified for Oregon City and is subject to the agreement. The County agreed to adopt the City's Comprehensive Plan designations for this area that is Low Density Residential. Consequently, when property is annexed to Oregon City, it may receive a City planning designation by default, which is R-10 single-family dwelling district, provided adequate public facilities can be demonstrated.

Regarding transportation impacts, rezoning must demonstrate compliance with, or be exempted from, the mobility standards of [OCMC 12.04.205 – Mobility Standards](#). The

applicant has not applied to rezone the property and does not intend to redevelop the site at higher density. A transportation analysis is not required until such redevelopment is proposed. Staff recommends that the property maintain its existing County FU-10 zoning, which will serve to preclude any further development or land divisions on the subject property in advance of a zone change.

The UGMA presumes that all the urban lands within the Urban Growth Boundary 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. The Agreement goes on to say:

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 property is currently within the Clackamas River Water District (CRW). The property is hooked up to City water. The City is currently working with CRW on a plan to clarify the City / CRW service boundaries, and will include this property with a large scale withdrawal of multiple properties from CRW. The property will be removed from the Clackamas River Water District at the time that this plan is finalized.

The City provided sewer service to the property in accordance with state requirements to hook up to city sewer and in accordance with the Oregon City Sanitary Sewer Master Plan (SSMP). The property also is currently receiving water service from the City.

OREGON CITY COMPREHENSIVE PLAN

This territory is designated by the Oregon City acknowledged Comprehensive Plan as LR – Low Density Residential. Portions of the City’s Comprehensive Plan have some applicability and these are covered here.

Section 2 of the Oregon City Comprehensive Plan is entitled *Land Use*. Several Goals and Policies in this section are pertinent to proposed annexations.

The *Public Facilities* Section of the Comprehensive Plan contains the following pertinent Goals and Policies.

Goal 11.1: Provision of Public Facilities

Serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.

Policies

Policy 11.1.1 Ensure adequate public funding for the following urban facilities and services, if feasible:

- a. Streets and other roads and paths*
- b. Wastewater collection*
- c. Storm water management services*
- d. Police protection*
- e. Fire protection*
- f. Parks and recreation*
- g. Water distribution*
- h. Planning, zoning and subdivision regulation*

Streets and other roads and paths

Pease Road is city-owned and maintained. There are currently no plans to alter or improve the roads abutting the property. The policies that govern city streets and roads are the adopted 2014 Transportation System Plan and Municipal Code Chapter 12.04 - Streets, Sidewalks and Public Places. The City charges a pavement maintenance utility fee (PMUF) for upkeep of road surfaces which will be applied to the property upon annexation.

Wastewater collection

Upon annexation, this one home will start paying the current stormwater utility fee. Therefore, no additional public funds will need to be spent.

Police and Fire Protection

This annexation will immediately add one home to the city’s police and fire protection coverage and withdraw the property from Clackamas County Sheriff’s Enhanced Law

Enforcement District. The Oregon City Police Department indicated the address is serviced by Clackamas County Sheriff's Office. Currently any calls to Clackamas County 9-1-1 (CCOM) are dispatched to a Clackamas County Sheriff's Deputy. However, if it is a priority call and Oregon City officers are available they would respond as they would be able to arrive much quicker than a Clackamas County Sheriff's Deputy. Once annexed, the property will be serviced by Oregon City Police Department (OCPD). OCPD has not indicted any conflicts with this annexation.

The property is already within the Clackamas Fire District #1 and will remain in CFD#1 upon annexation.

Water

The property is currently within the Clackamas River Water District (CRW) and this annexation will not affect that service.

Policy 11.1.1 defines what is encompassed within the term "urban facilities and services" as it pertains to annexation. The City's plan is more inclusive in its definition of what services are considered an "urban service" than is the Metro Code. The City's Plan adds fire protection and planning, zoning and subdivision regulation to the list of urban services that are to be considered by the Metro Code. The adequacy of these facilities and services to serve the subject property, containing a single home, is discussed in greater detail below. The Metro Code also includes mass transit in addition to streets and roads.

Policy 11.1.3 Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land use planning goals and regulations. Facilities that serve the general public will be centrally located and accessible, preferably by multiple modes of transportation.

Policy 11.1.4 Support development on underdeveloped or vacant buildable land within the City where urban facilities and services are available or can be provided and where land use compatibility can be found relative to the environment, zoning, and comprehensive plan goals.

Policy 11.1.5 Design the extension or improvement of any major urban facility and service to an area to complement other urban facilities and services at uniform levels.

Policies 11.1.3 and 11.1.4 encourage development on sites within the City where urban facilities and services are either already available or can be provided. This policy implies that lands that cannot be provided urban services should not be annexed. The City has capacity to provide urban services to this existing home.

Policy 11.1.5 requires that the installation of a major urban facility or service should be coordinated with the provision of other urban facilities or services. No major urban facility or service is required here; rather, it requires normal extension of sanitary sewer from the existing sewer main abutting the site in Pease Road.

The owner has not proposed to further divide the existing parcel at this time, and neither is re-zoning the property proposed at this time as explained elsewhere in this report.

Read together, these policies suggest that when annexing lands, the City should consider whether a full range of urban facilities or services are available or can be made available to serve the territory to be annexed. Oregon City has implemented these policies with its Code provisions on processing annexations, which requires the City to consider adequacy of access and adequacy and availability of public facilities and services. Overall, it appears that the city can provide urban service capacity to this one home.

Goal 11.2: Wastewater

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's wastewater collection system while protecting the environment and meeting state and federal standards for sanitary sewer systems.

Policies

Policy 11.2.2 Plan, operate and maintain the wastewater collection system for all current and anticipated city residents within the existing urban growth boundary. Strategically plan for future expansion areas.

Since all new development on annexed land is required to connect to the sanitary sewer system, this policy suggests that a measure of the adequacy of the sanitary system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The city's sanitary sewer is available to this property.

Policy 11.2.3 Work with Tri-City Service District to provide enough capacity in its collection system to meet standards established by the Oregon Department of Environmental Quality (DEQ) to avoid discharging inadequately treated sewage to surface waters.

The Tri-City Service District was provided notice of this annexation. The District responded that it has adequate capacity to serve the annexation. The District provides sewer collection to the Cities of West Linn, Oregon City and Gladstone. The property owner must initiate the Tri-City Service District annexation after annexation to the City. The City Commission should concur with Tri-City Service District's annexation of the subject property in the ordinance annexing the property.

Goal 11.3: Water Distribution

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's water distribution system while protecting the environment and meeting state and federal standards for potable water systems.

Policies

Policy 11.3.1 Plan, operate and maintain the water distribution system for all current and anticipated city residents within its existing urban growth boundary and strategically plan for future expansion areas.

Since new development on annexed lands may connect to the city water distribution system, this policy suggests that a measure of the adequacy of the water distribution system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The subject property is zoned FU-10, imposing a 10-acre minimum lot size, which will serve to preclude any further land divisions until the land is rezoned to a City zoning designation.

Goal 11.4: Stormwater Management

Seek the most efficient and economical means available for constructing, operating, and maintaining the City's stormwater management system while protecting the environment and meeting regional, state, and federal standards for protection and restoration of water resources and fish and wildlife habitat.

Policies

Policy 11.4.1 Plan, operate, and maintain the stormwater management system for all current and anticipated city residents within Oregon City's existing urban growth boundary and strategically plan for future expansion areas.

Policy 11.4.4 Maintain existing drainageways in a natural state for maximum water quality, water resource preservation, and aesthetic benefits.

Since new development on annexed lands may connect to the city stormwater management system, this policy suggests that a measure of the adequacy of the stormwater management system should be whether the city (or the county stormwater management system in the event that drainage goes to the county) could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. New development may also have opportunities to provide further protection to preserve water quality. This annexation will not result in any changes to the stormwater drainage. No future development would be allowed under the existing FU-10 zoning designation. Improvement of the existing stormwater connections leading to the site would be in conformance with the City's stormwater design standards.

Goal 11.9: Fire Protection

Maintain a high level of fire suppression and emergency medical services capacity.

Policies

Policy 11.9.1 Ensure that all areas, including newly annexed areas, receive fire protection and emergency medical services.

The property is already within Clackamas County Fire District #1. Fire protection and emergency services will be unaffected by this proposal. The annexation was transmitted to

Clackamas County Sheriff's Department and Oregon City Police Department for comment. OCPD already responds to priority County emergency calls for the unincorporated area in this location. Clackamas County Sheriff's Department was contacted and had no conflicts with the annexation. Upon annexation the area would be removed from the Clackamas County Sheriff's Enhanced Law Enforcement District. OCPD does not anticipate any police service problems due to the annexation of this one home.

The final section of this staff report addresses each urban service to determine whether the services are currently available or can be made available at an adequate level to serve the potential development of the property under the current planning designation and zoning that implements it.

Section 14 of the Plan is entitled *Urbanization*. Several policies in this section are pertinent to proposed annexations. The following excerpts expand on the City's annexation philosophy and requirements.

The City is required to refer all proposed annexations to the voters. Rather than having voter approval of individual property owners' requests to annex, the City should prepare and implement an annexation plan and program. The City could then annex large blocks of properties (with voter approval) at one time, rather than in a piecemeal fashion. Annexation would be tied more directly to the City's ability to provide services efficiently, maintain regular city boundaries, and help the city meet Metro targets for housing and employment. The zoning of the property should be decided at the time the Planning Commission and City Commission review and approve the annexation request.

Applications for annexation, whether initiated by the City or by individuals, are based on specific criteria contained in the City's municipal code. Metro and state regulations promote the timely and orderly provision of urban services, with which inappropriate annexations can conflict. Therefore, an annexation plan that identifies where and when areas might be considered for annexation can control the expansion of the city limits and services to help avoid those conflicts and provide predictability for residents and developers. Other considerations are consistency with the provisions of this comprehensive plan and the City's public facility plans, with any plans and agreements of urban service providers, and with regional annexation criteria.

The City has not completed an annexation plan and program for this area. The requirement to refer this annexation to the voters has been superseded by the passage of Senate Bill 1573 as explained earlier in this report. This annexation is still sufficiently tied directly to the City's ability to provide services efficiently with the logical extension of physical utility lines as it is adjacent to two city subdivisions that have utilities and street improvements. The proposal does not include a zone change and as such, conditions will be placed on the annexation limiting development until a zone change to a City designation occurs.

The following Plan annexation policies are approval criteria for annexations under Criteria 3 of the Metro Code.

Goal 14.4: Annexation of Lands to the City

Annex lands to the city through a process that considers the effects on public services and the benefits to the city as a whole and ensures that development within the annexed area is consistent with the Oregon City Comprehensive Plan, City ordinances, and the City Charter.

The city annexation process is set out in Chapter 14 of the Municipal Code. By requiring compliance with that code, the Metro code, and the statewide planning rules, the city is identifying the potential effects that build-out of the annexed property will have on public services and any benefits to the city as a whole.

Policy 14.4.1 *In order to promote compact urban form to support efficient delivery of public services, lands to be annexed must be within the City's Urban Growth Boundary, and must be contiguous to the existing City limits. Long linear extensions, such as cherry stems and flag lots, shall not be considered contiguous to City limits.*

The proposed property is contiguous to the city limits along the side and side property line. No long linear extensions are proposed. The annexation would not create any islands.

Policy 14.4.2 *Concept Plans and Sub-area Master Plans for unincorporated areas within the Urban Growth Boundary shall include an assessment of the fiscal impacts of providing public services to the area upon annexation, including the costs and benefits to the city as a whole.*

This property is part of the 1979 Urban Growth Boundary and was previously part of the city's existing Comprehensive Plan with a Low Density Residential land use designation. The property was part of the study area boundary for the 2013 South End Concept Plan, which when adopted did not change the existing Low Density Comprehensive Plan designation of the property.

The property has been included in all of the City's adopted public facilities master plans for sewer, water, stormwater and transportation. No zone change is proposed at this time.

Policy 14.4.3 *When an annexation is requested, the Commission may require that parcels adjacent to the proposed annexation be included to:*

- a) avoid creating unincorporated islands within the city;*
- b) enable public services to be efficiently and cost-effectively extended to the entire area;*
- or*
- c) implement a Concept Plan or Sub-area Master Plan that has been approved by the Commission.*

This proposed annexation does not create an unincorporated island within the city. There is no development proposed at this time, and future development is limited as the property has proposed to retain the exiting Clackamas County zoning designation. No additional parcels are anticipated to be annexed to enable more efficient public services at this time.

Policy 14.4.4 *The City may, as provided by state law, provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank*

sewage system; the Commission may expedite the annexation of the subject property into the city, subject to any voter approvals of annexations.

A public health hazard existed by nature of the failing septic system. The property owner has already connected the property to the City sewer system and obtained the proper city and county permits to complete the extension of the sewer line to the property.

LAND USE

Section 2, of the City's Comprehensive Plan identifies land use types. This application has one residential land use type:

1. *Low Density Residential [LR]: Areas in the LR category are primarily for single-family detached homes.*

The City/County urban growth management agreement specifies that the County's acknowledged Comprehensive Plan and implementing regulations shall apply until annexation and the City adopts subsequent plan amendments. The Oregon City Code requires the City Planning Department to review the final zoning designation within sixty days of annexation, utilizing the chart below and some guidelines laid out in Section 17.06.030.

CITY LAND USE CLASSIFICATION

<u>Residential Type</u>	<u>City Zone</u>
Low-density residential	R-10, R-8, R-6
Medium-density residential	R-3.5, R-5
High-density residential	R-2

That section goes on to say:

"In cases where only a single city zoning designation corresponds to the comprehensive plan designation . . . Section 17.68.025 shall control."

Section 17.68.025, Zoning changes for land annexed into the city, says:

"Notwithstanding any other section of this chapter, when property is annexed into the city from the city/county dual interest area with any of the following comprehensive plan designations, the property shall be zoned upon annexation to the corresponding city zoning designations as follows:"

<u>Plan Designation</u>	<u>Zone</u>
Low-density residential	R-10
Medium-density residential	R-3.5
High-density residential	R-2

Although the subject property is designated Low-density residential on the City's Comprehensive Plan, this proposal does not include a request to rezone the land to R-10. As noted above, no further development or land division may occur until the land is rezoned to a City zoning designation.

The City's Code contains provisions on annexation processing. Section 6 of Chapter 14 requires the City Commission "to consider the following factors, as relevant":

1. Adequacy of access to the site;

Finding: The site access is discussed below in the Facilities and Services section. The site has direct access onto S. Parrish Road and the existing access is adequate.

2. Conformity of the proposal with the City's Comprehensive Plan;

Finding: As demonstrated in this section of the staff report, the City's Comprehensive Plan is satisfied.

3. Adequacy and availability of public facilities and services to service potential development;

Finding: The Facilities and Services discussion of this report demonstrates that public facilities and services are available and are adequate to serve any potential development that could occur under the existing low density plan designation, though none is proposed.

4. Compliance with applicable sections of Oregon Revised Statutes Chapter 222, and Metro Code 3.09;

Finding: The only applicable criterion in ORS 222 is that annexed lands be contiguous to the City. The site is contiguous at its border with city property for about 340 feet along the property boundary. The Metro Code criteria are set out on page 2 of this report. This report considers each factor and the Conclusions and Reasons in the Findings and Reasons demonstrate that these criteria are satisfied.

5. Natural hazards identified by the City, such as wetlands, floodplains, and steep slopes;

Finding: No natural hazards are identified on the property.

6. Any significant adverse effects on specially designated open space, scenic historic or natural resource areas by urbanization of the subject property at the time of annexation;

Finding: No adverse effects on the identified resources are apparent. There are no overlay districts which affect the property. The property is in the South End drainage basin according to the Drainage Master Plan.

7. Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of annexation."

Finding: No significant adverse effects have been identified by any necessary party.

The Commission interprets the "community" as including the City of Oregon City and the lands within its urban service area. The City will obtain a small increase in property tax revenues from adding additional assessed value to its tax roll as a result of annexing the

territory. The City will also obtain land use jurisdiction over the territory. Finally it will have service responsibilities including fire, police, and general administration. The City already occasionally delivers police service to the unincorporated area in the course of patrolling to deliver service to the incorporated area. The increases in service responsibilities to the area that result from the annexation are insignificant.

If annexed, the property owner could apply to the City for land use permits, including a zone change. Any impacts on the community that result from approval of development permits are a direct consequence of the future permit approval, not of the annexation. Before any urban development can occur, the territory must also be annexed to the Tri-City Service District. The City Commission must concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.

Section 8 of the Ordinance states that:

"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."

As analyzed earlier in this report, the requirement to refer this annexation to the voters has been superseded by the passage of Senate Bill 1573, which exempts certain annexations from a voter approval requirement provided specific criteria have been met.

FACILITIES AND SERVICES

ORS 195 Agreements. ORS 195 requires agreements among providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit.

Sanitary Sewers.

The Tri-City 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 City Commission must concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.

The Tri-City Service Water Pollution Control Plant is along Interstate 205 in Oregon City just east of the junction of the Willamette and the Clackamas Rivers. The plant had an average flow capacity of 4.4 million gallons per day (MGD) and a design peak flow capacity of 50.0 MGD and served a population of 66,500 in the year 2001. However, the facility was expanded in 2012 to increase the available average dry weather capacity to 11.9 MGD and a peak flow of 68.7 MGD. The plant is currently serving a population of 98,000 residents and set have expanded solids handling capacity by 2020.

Due to the public health concern caused by a failed septic system, the City has approved access to the City sewer system and the site has been connected. The city issued permits for the connection in May, 2017.

Water. The property is currently within the Clackamas River Water District (CRW) and will remain in the district after the annexation.

Stormwater. No additional development has been proposed. On-site stormwater drainage or discharge to a city or county facility will be required upon future development. Any future development would have to convey site stormwater runoff to the appropriate stormwater system in the area.

Fire Protection. This territory is currently within Clackamas Fire District #1 which serves portions of Clackamas County as well as Oregon City.

Police Protection. The Clackamas County Sheriff's Department currently serves the territory.

The area to be annexed lies within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. Due to the location being surrounded by Oregon City, Oregon City Police Department already occasionally responds to County emergency calls for the unincorporated area. The impact to police services upon annexation will be negligible.

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 were withdrawn from the District, the District's levy would no longer apply to the property.

Upon annexation the Oregon City Police Department will officially serve the property.

Parks, Open Space and Recreation. The nearest developed City park is Filbert Run Park and Wesley Linn Park. Any further homes constructed on the property, following annexed, re-zoning and land division, would contribute the Parks System Development Charge.

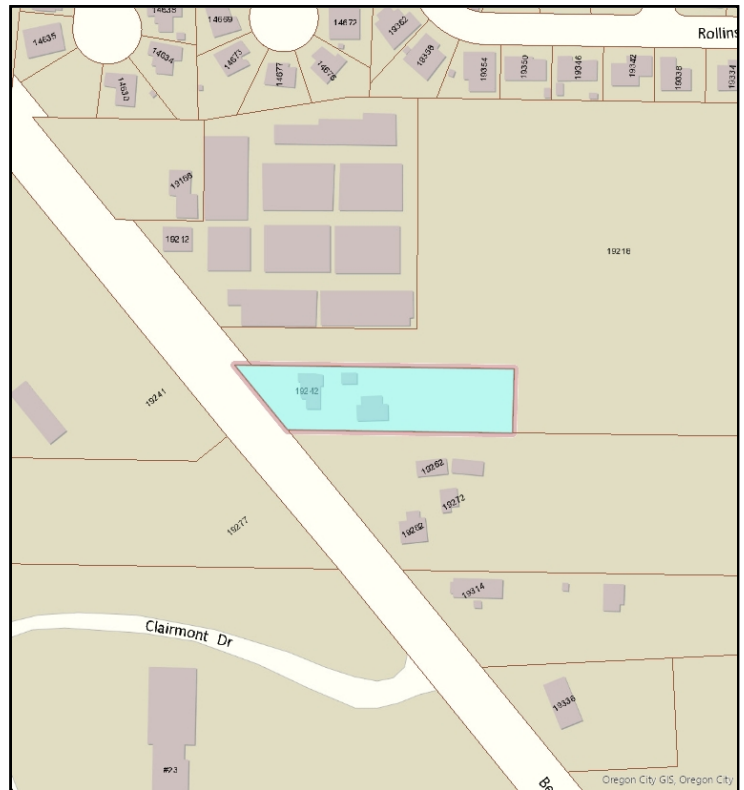
Transportation. Access is provided from Pease Road, which are under Oregon City jurisdiction. Though the Oregon City Municipal Code requires application of a City zoning designation upon annexation, a zone change may only be initiated with a zone change

application which is accompanied by a required transportation analysis to demonstrate compliance with applicable regulations, such as the Transportation Planning Rule (TPR). As the applicant is required to initiate annexation due to a failed septic system, it is appropriate to retain the existing Clackamas County zoning designation if the development onsite is limited.

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



Google Streetview photo locations are approximate



Taxlot Information

Parcel Number (APN) 3-2E-09A -00600
 Primary Situs Address 19242 S BEAVERCREEK RD
 OREGON CITY, OR 97045
 County CLACKAMAS

Section T3S R2E S09
 Latitude 45.327911
 Longitude -122.566826
 R Number (Alt ID) 00868957
 Approx. Size (acres) 0.90272557
 USGS Quad Name Oregon City
 Within Oregon City Limits? N
 Urban Growth Boundary (UGB) Inside

Political Boundaries

Jurisdiction Unincorporated
 Voting Precinct 512.00000000
 US Congressional District 5
 Oregon House District 40
 Oregon Senate District 20
 Metro Council District 2
 Metro Councilor Christine Lewis
 Metro Councilor Email christine.lewis@oregonmetro.gov

Assessment & Value Information

Taxmap 3S2E09A
 Land Value (Mkt) \$233,808
 Building Value (Mkt) \$95,070
 Exempt Amount \$0
 Net Value (Mkt)
 Assessed Value \$162,189
 Year Built (if known) 1935
 Sale Date 201510
 Sale Price \$215,000
 Document Date 2015-10-13 00:00
 Document Number 2015-069569
 State General Prop. Code 101
 County Tax Code 062084

Land Use and Planning

<i>Zoning</i>	County	<i>In SDC Discount Area?</i>	N
<i>Comprehensive Plan</i>	I	<i>In Thayer Rd Pond Fee Area?</i>	N
<i>Subdivision</i>	NONE	<i>In Beavercreek Rd Access Area?</i>	N
<i>Subdivision Plat Number</i>		<i>In Willamette River Greenway?</i>	N
<i>PUD (if known)</i>	0	<i>In Geologic Hazard?</i>	N
<i>Partition Plat Number</i>	0	<i>In High Water Table Area?</i>	Y
<i>Neighborhood Association</i>	NONE	<i>In Nat. Res. Overlay District (NROD)?</i>	N
<i>Urban Renewal District</i>	NONE	<i>In 1996/FEMA 2008 100-yr Floodplain?</i>	N
<i>Historic District</i>	NONE	<i>In FEMA Floodway?</i>	N
<i>Historic Designated Struct.?</i>	NONE	<i>In Barlow Trail Area?</i>	N
<i>Concept Plan Area</i>	BEAVERCREEK	<i>In Vertical Housing Dev. Zone?</i>	N
<i>Urban/Rural Reserve</i>		<i>In Enterprise Zone?</i>	Y
<i>Reserve Name</i>		<i>In Opportunity Zone?</i>	N
<i>Watershed</i>	Abernethy Creek-Willamette River		
<i>Sub-Watershed</i>	Abernethy Creek		
<i>Basin</i>	Middle Willamette		
<i>Sub-Basin</i>	Willamette		

Service Districts

<i>Elementary School</i>	BEAVERCREEK ELEMENTARY
<i>Middle School</i>	OGDEN MIDDLE
<i>High School</i>	OREGON CITY HIGH
<i>School District</i>	OREGON CITY
<i>Oregon Dept. of Ed. Dist. ID</i>	1928
<i>Nat Cntr for Ed Stats Dist ID</i>	4109330
<i>Water District</i>	Clackamas River Water District
<i>Park District</i>	
<i>Sewer District</i>	
<i>Fire District</i>	Clackamas Fire District #1
<i>Fire Management Zone</i>	6799
<i>Transit District</i>	Tri-County Metropolitan
<i>Garbage Hauler</i>	Oregon City Garbage Co.
<i>Garbage Hauler Phone</i>	(503) 656-8403

Census Information

<i>Census Tract</i>	230.01000000
<i>Census Block Group</i>	1
<i>Census Block Grp. Pop. (2010)</i>	2288

Overlay Information

Category	Description	Acres	Percent Coverage
Parcel Statistics for: 3-2E-09A -00600	Overall Acres	0.90	100.0%
FEMA 100 Yr Floodplain	In Floodplain (100 yr)	0.00	0.0%
Buildings	Built up % (approx)	0.09	9.7%
Geologic Hazards	In Geologic Hazard	0.00	0.0%

The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed.



Taxlot Detail Report

3-2E-09A -00600

Steep Slopes	Slopes >= 25%	0.00	0.0%
NROD	In NROD	0.00	0.0%
Willamette Greenway	In Willamette Greenway	0.00	0.0%
Vacant Lands (All)	In Vacant Lands	0.00	0.0%
Vacant Lands (Constrained)	In Vacant Lands (Constrained)	0.00	0.0%
Vacant Lands (Unconstrained)	In Vacant Lands (Unconstrained)	0.00	0.0%

SITUS Addresses

Address	Latitude	Longitude
19242 S BEAVERCREEK RD	45.32794179	-122.56731499

Permits

None found!								
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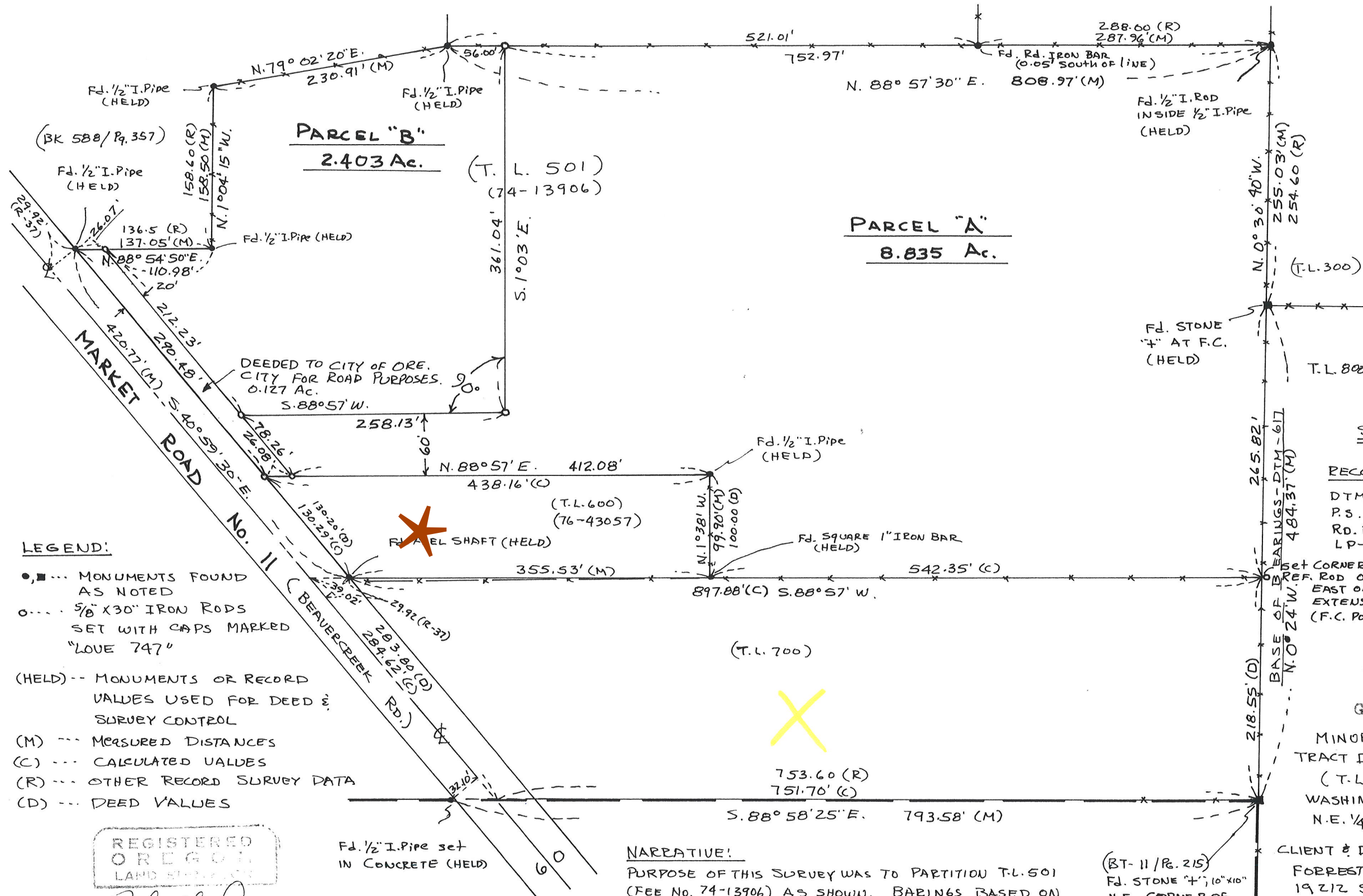
Plans

Plan Number	Plan Type	Work Class	Description	Main Address	Plan Status	Apply Date	Expire Date	Complete Date
AN-20-00001	Annexation	Annexation	Emergency Sewer Annexation	19242 S BEAVERCREEK RD	Review Expired	04/15/2020	10/12/2020	
GLUA-20-00017	General Land Use Application	General Land Use - Type II - IV	Emergency Sewer Annexation	19242 S BEAVERCREEK RD	Review Expired	04/15/2020	10/12/2020	
PA-20-00015	Pre-Application Conference	Minor	Emergency sewer annexation	19242 S BEAVERCREEK RD	Approved	04/06/2020	10/05/2020	07/17/2020

Business Licenses

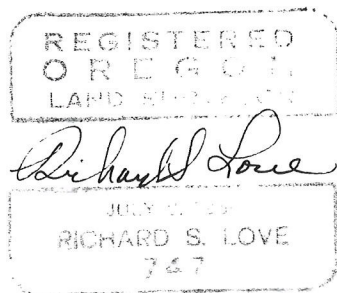
None found!								
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LEGEND:

- , ■, ... MONUMENTS FOUND AS NOTED
- , ... 5/8" X 30" IRON RODS SET WITH CAPS MARKED "LOVE 747"
- (HELD) -- MONUMENTS OR RECORD VALUES USED FOR DEED & SURVEY CONTROL
- (M) --- MEASURED DISTANCES
- (C) --- CALCULATED VALUES
- (R) --- OTHER RECORD SURVEY DATA
- (D) --- DEED VALUES



NARRATIVE:

PURPOSE OF THIS SURVEY WAS TO PARTITION T.L. 501 (FEE No. 74-13906) AS SHOWN. BARINGS BASED ON D.T.M. 617 SURVEY ON LINE AS INDICATED. I, HELD DEED CALL DIST. NORTH FROM D.L.C. STONE TO ESTABLISH S.E. COR. FEE 74-13906. HELD OTHER MONUMENTS SO INDICATED FOR OTHER CORNERS. FOR WESTERLY PORTION OF S. LINE, I HELD PARALLEL WITH EASTERLY PORTION OF SOUTH LINE & INTERSECTED R/W LINE OF M.R. #11. PARTITIONED AS PER INSTRUCTIONS FROM CLIENT.

(BT-11/Pg. 215)
Fd. Stone "T", 10" x 10"
N.E. CORNER OF
ROBERT CAUFIELD
D.L.C. # 53
(HELD)

CLIENT & DEVELOPER:

FORREST ANDERSON
19212 S. BEAVERCREEK RD
ORE. City, OR. 97045
655-4302

DATE: DEC. 27, 1989

JOB No. 89-1404

CLACKAMAS COUNTY
RECEIVED
DEC 29 1989

Thomas A. Milne, County Surveyor
Justin H. Kuiper, Deputy
Filed JAN 24 1990
PS-23538

SCALE: 1"=100'

RECORD SURVEYS

DTM - 617
P.S. 575
RD. MAP R-37
LP - COUNTY SURVEY

Set CORNER
REF. ROD 0.50'
EAST ON LINE
EXTENSION.
(F.C. POST ON CORNER)

Dick Love Land Surveys, Inc.
19310 Abernethy Lane
Gladstone, OR 97027 (503) 656-4915

MINOR PARTITION SURVEY OF
TRACT DESCRIBED BY FEE No. (74-13906)
(T.L. 501 MAP 32E9A)
WASHINGTON WILLIAMS D.L.C. # 56
N.E. 1/4 OF SEC. 9, T. 35, R. 2E, W.M.

PS-23538

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO LOCATE AND MARK A PROPOSED PROPERTY LINE ADJUSTMENT AS SHOWN ON THE ATTACHED MAP. THE EAST PROPERTY LINE OF DOC. NO. 74-13906 WAS CREATED BY A PARALLEL OFFSET OF THE EXISTING EAST PROPERTY LINE A DISTANCE OF 50 FEET. THE NORTH AND SOUTH PROPERTY LINES WERE EXTENDED 50 FEET AND MONUMENTED AS SHOWN. MONUMENTS FOUND WERE HELD AS SHOWN PER PS-23538. THE BASIS OF BEARING IS THE CENTERLINE OF MARKET ROAD #11 PER PS-23538.

CITY OF OREGON CITY APPROVAL

APPROVED THIS 14 DAY OF January, 1997
BY Jamara R. Riden
PLANNING MANAGER

RECORD OF SURVEY
PROPOSED PROPERTY LINE ADJUSTMENT SURVEY
CITY OF OREGON CITY FILE NO. LL-96-06

LOCATED IN THE N.E. 1/4 OF SECTION 9
TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN
CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON
SCALE: 1" = 60' DECEMBER 20, 1996

CLIENT: MONEY SAVER

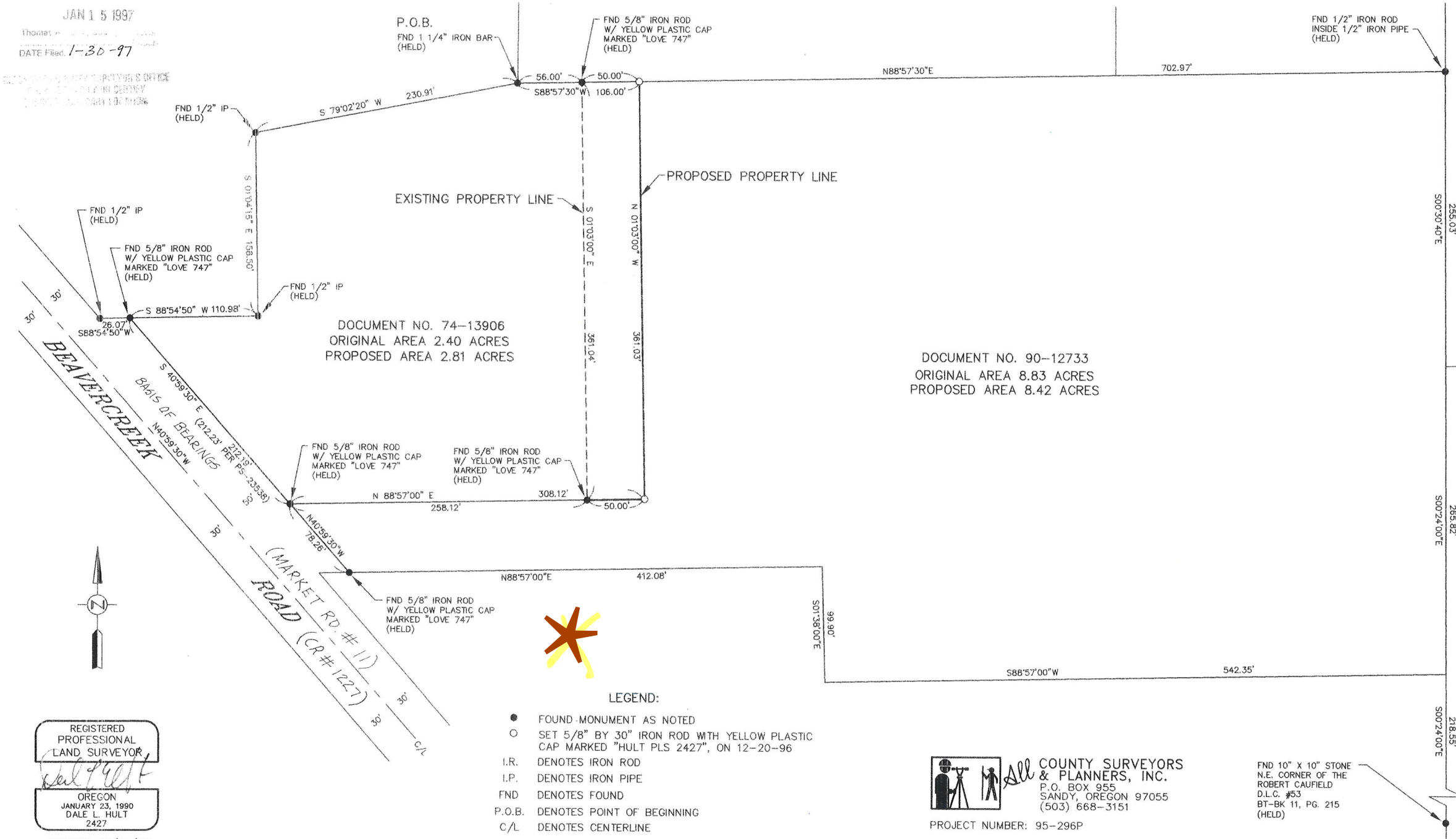
PS. 27168

CLACKAMAS COUNTY SURVEYOR
RECEIVED

JAN 15 1997

Thomas R. Hult
DATE FILED 1-30-97

CLACKAMAS COUNTY SURVEYOR'S OFFICE
P.O. BOX 955
SANDY, OREGON 97055



FOR: City File #

CITY OF OREGON CITY
SANITARY SEWER CONNECTION AND ANNEXATION COMPLIANCE AGREEMENT

ANNEXATION COMPLIANCE AGREEMENT ("Agreement") is made and entered into this 14 day of April, 2020 by and between the CITY OF OREGON CITY, a municipal corporation of the State of Oregon (City), and Name(s) of Property Owner(s)

RECITALS

- A. The City is required to mandate connection to City service by the State if a sewer main is both physically and legally available to a property. Physically available is defined as within 300 feet of the property line. Legally available is defined as the sewerage system owner (City) is willing or obligated to provide sewer service. (OAR 340-071-0160 (4)(f))
- B. On x day the city received notice that the Applicant's septic system had failed from Clackamas County Wastewater Environmental Services (WES) and provided notice that a sanitary sewer connection was physically available within 300 feet of the property.
- C. As Oregon City continues to grow, it must manage the growth for the benefit of its citizens and businesses. The Goals and Policies of the Comprehensive Plan were adopted to ensure that the city grows in ways that are fiscally sound, results in high-quality development, allow services to be provided efficiently and protect natural resources. Oregon City will urbanize in a thoughtful and deliberate manner to protect, preserve, and enhance the positive facets of city life.
- D. *Policy 11.1.3 of the Comprehensive Plan* states that the City is to "Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land-use planning goals and regulations" and provides additional guidance in this manner.
- E. Applicant held a pre-application conference with the Planning and Development Services Divisions on April 9, 2020 to review the process of an Emergency Sewer Annexation; and
- F. In order to obtain a city permit to hook up to city sanitary sewer, the Applicant is required to submit and pay for an annexation application to the City of Oregon City that includes all required property owner signatures and includes proof of submittal and payment of an annexation application to the Tri-City Sewer District and provide a commitment through this agreement to pursue annexation until the property is annexed.

NOW, THEREFORE, the City hereby grants the approval of the Sanitary Sewer Permit.

SANITARY SEWER CONNECTION AND ANNEXATION COMPLIANCE AGREEMENT

AGREEMENT

I, Andy Br. ref (Owner) commit to submit and pay for an annexation application to the City of Oregon City that includes all required property owner signatures and includes proof of submittal and payment of an annexation application to the Tri-City Sewer District and commit, through this agreement, to pursue annexation until the property is annexed.

IN WITNESS WHEREOF, the City has caused this Agreement to be signed by the Public Works Director and Community Development Director, and the Applicant has caused this Agreement to be signed and the Applicant's seal affixed the date and year first written above.

APPLICANT

Andy Barney

Applicant/ Owner's Name Printed

Chad Robertson Project Manager, River City

**Applicant/ Owner's Representative's Name,
and Title**

STATE OF OREGON

County of Clark } ss.

On this 14 day of April, 2020, before me, Erin Winfield,
the undersigned Notary Public, personally appeared _____



personally known to me

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
 he within instrument, and acknowledged that they executed it.

NOTICE: No stamp or corporate seal is allowed over any typed information.

Stamp seal below

WITNESS my hand and official seal.

Witness

~~Notary's signature~~

My commission expires: N/A



Clackamas Branch
File No. 16F0186641

After recording return to:
Andy Barney
19242 Beaver Creek Road
Oregon City, OR 97045

Until a change is requested, all tax statements shall be sent
to the following address:
Andy Barney
19242 Beaver Creek Road
Oregon City, OR 97045

Clackamas County Official Records
Sherry Hall, County Clerk

2015-069569

10/15/2015 10:04:48 AM

D-D Cnt=1 Stn=4 JANIS
\$15.00 \$16.00 \$10.00 \$22.00

\$63.00

STATUTORY WARRANTY DEED

Brett Howard Brucker, Grantor, conveys and warrants to Andy Barney, Grantee, the following
described real property free of encumbrances except as specifically set forth herein:

SEE ATTACHED EXHIBIT "A"

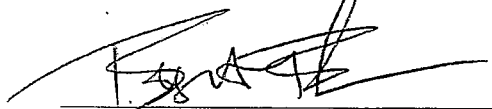
Tax Account No. 00868957

This property is free of encumbrances, EXCEPT:
SEE EXHIBIT "A" WITH EXCEPTIONS
The true consideration for this conveyance is \$215,000.00

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE
SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND
195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9
AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS
2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS
INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING
OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD
CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT
OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS
92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY
LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND
TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS
195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS
2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7,
CHAPTER 8, OREGON LAWS 2010.

Lawyer's 16F0186641

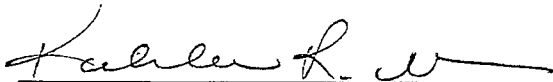
Dated 13th ^{October} day of ~~September~~, 2015


Brett Howard Brucker

STATE OF OREGON

COUNTY OF Clackamas

The foregoing instrument was acknowledged before me this 13th ^{October} day of ~~September~~, 2015 by
Brett Howard Brucker



Notary Public State of Oregon

My commission expires: 10-24-2017

Order No. 16F0186641

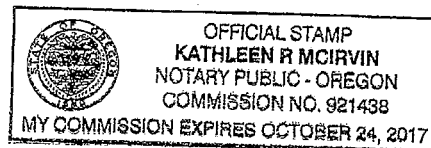


Exhibit "A" with Exceptions

Part of the Washington Williams and wife Donation Land Claim, in Section 9, Township 3 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at a basalt stone 16 x 10 x 10 inches set at the Northeast corner of the Robert Caufield Donation Land Claim, in Section 9, Township 3 South, Range 2 East of the Willamette Meridian, which point is also a re-entrant corner of the Washington Williams Donation Land Claim; thence South 89° West along claim line 753.60 feet to a point in the center of the Oregon City-Beavercreek County Road; thence North 40° 50' West in the center of said road, 283.80 feet to the true point of beginning of th tract herein described; said point marks the Northwest corner of the Bond tract described in Book 328, Page 738, Deed Records; from said true point of beginning; thence North 40° 50' West along the center line of said road 130.20 feet; thence North 89° East, 477.30 feet to an iron pipe; thence South 0° 24' East, 100.00 feet to an iron pipe on the North boundary of the Moehnke tract described in Book 214, Page 398, Deed Records; thence South 89° West, 393.89 feet to the true point of beginning.

Subject to:

SPECIAL EXCEPTIONS:

- 1. Rights of the public to any portion of the Land lying within roads and highways.**

From: Replinger & Associates <replinger-associates@comcast.net>
Sent: Monday, January 25, 2021 10:23 AM
To: Christina Robertson-Gardiner
Subject: Re: GLUA-20-00017: AN 20-00001 – Emergency Annexation to City Of Oregon City Transmittal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Christina:

Annexation will not result in any transportation impact. The applicant should be aware that any future development will require a transportation analysis. Rezoning will require showing compliance with the Transportation Planning Rule in addition.

John

John Replinger PE
Replinger & Associates LLC
503-719-3383

On Jan 22, 2021, at 2:45 PM, Christina Robertson-Gardiner <crobertson@orccity.org> wrote:

Hi John,

The following annexation is not asking for a zone change and will stay FU-10. Can you add a comment for the file by the end of day Monday, if possible?

Thanks!

CRG

From: Christina Robertson-Gardiner
Sent: Friday, January 22, 2021 2:28 PM
To: Carr, Erik <ECarr@clackamas.us>; Adam Bjornstedt <abjornstedt@crwater.com>; Betty Johnson <bjohnson@crwater.com>
Subject: FW: GLUA-20-00017: AN 20-00001 – Emergency Annexation to City Of Oregon City Transmittal

Erik, Adam & Betty,

I am finalizing the staff report for this emergency annexation and had not heard back from either of you. The applicant wishes to annex into the city of OC because of a failed

septic. He is not rezoning as part of this application and will retail the current county FU-10 zone.

Let me know if you have any questions and if you might be able to send me your comments before the end of day Monday.

Thanks!

Christina

From: Christina Robertson-Gardiner
Sent: Tuesday, December 15, 2020 3:29 PM
Subject: GLUA-20-00017: AN 20-00001 – Emergency Annexation to City Of Oregon City Transmittal

HEARING DATE: City Commission Hearing: February 3, 2021
HEARING BODY: City Commission
FILE # & TYPE: GLUA-20-00017: AN 20-00001 – Emergency Annexation to City Of Oregon City
PROJECT FILE: <https://www.orcity.org/planning/project/glua-20-00017-20-00001-%E2%80%93-emergency-annexation-city-oregon-city>
PLANNER: Christina Robertson-Gardiner, Senior Planner, 503-496-1564, crobertson@orcity.org
APPLICANT: Andy Barney
OWNER: Andy Barney
REQUEST: The Applicant desires to provide the property with city services due to the failing septic system on the property. Annexation is required as a condition of connecting to the city sewer system.
This proposal does not include a request for development approval, rezoning or change in use. The decision on annexation to the City does not authorize or prevent any specific use of land.
Current county zoning and planning designations will remain on the property until the Applicant takes action to rezone the property.
LOCATION: 19242 Beaver Creek Road, Oregon City OR 97045 identified as Clackamas County Map 3-2E-09A -Tax Lot 0060

Please send comment by January 22, 2021 to be included in the staff report.

<image002.jpg>

[What's your Vision for Oregon City?](#)

Christina Robertson-Gardiner, AICP, Senior Planner
695 Warner Parrott Rd, Oregon City, OR 97045
crobertson@orcity.org
503) 496-1564 Direct
(503) 722-3789 Main

[Interactive Maps and Apps](#)

[On-Line Submittal of Land Use Applications](#)

[COVID-19 \(Coronavirus\) Information](#)

*The City of Oregon City is open for business and continues to offer services and programs online and virtually. Some City facilities are open to the public, find current openings **here**, we encourage visitors to wear a mask, practice physical distancing, and reschedule in-person visits if you are feeling unwell. The City has installed additional shielding and is providing hand sanitizer as well as occupancy limits to ensure our staff and visitors have a safe, no touch experience. Our goal is to be responsive to our community throughout this pandemic; we appreciate your understanding and cooperation.*

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

<GLUA-20-00017- AN-20-00001 - ANNEXATION TO CITY OF OREGON CITY
Transmittal.pdf>



LAND USE TRANSMITTAL

DISTRIBUTION OF APPLICATION

- Building Official
- Development Services
- Public Works Operations
- City Engineer
- Public Works Director
- Parks Manager
- Community Services Director
- Police
- Economic Development Manager
- Traffic Engineer
- Natural Resource Committee
- City Manager's Office
- Oregon City Neighborhood Associations
- Clackamas County Transportation
- Clackamas County Planning
- Clackamas Fire District #1
- ODOT – Division Review
- Oregon City School District
- Tri-Met
- Metro
- PGE
- South Fork Water Board
- Hamlet of Beavercreek
- Holcomb Outlook CPO
- Central Point / Leland Road / New Era CPO
- Other – See Email List

NOTICE OF THE APPLICATION MAILED TO

- All Properties within 300 feet

HEARING DATE: City Commission Hearing: February 3, 2021
HEARING BODY: _Staff Review; ____PC; ____HRB; __X__CC
FILE # & TYPE: GLUA-20-00017: AN 20-00001 – Emergency Annexation to City Of Oregon City
PROJECT FILE: <https://www.orcity.org/planning/project/glua-20-00017-20-00001-%E2%80%93-emergency-annexation-city-oregon-city>
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LOCATION: 19242 Beavercreek Road, Oregon City oR 97045 identified as Clackamas County Map 3-2E-09A - Tax Lot 0060

This application material is referred to you for your information, study and official comments. If extra copies are required, please contact the Planning Department. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and insure prompt consideration of your recommendations. Please check the appropriate spaces below.

____ The proposal does not conflict with our interests.
____ The proposal conflicts with our interests for the reasons attached.
X The proposal would not conflict our interests if the changes noted below are included.

As part of this annexation application the parcel will be required to be withdrawn from the
Clackamas River Water District Boundary.

Signed

Betty A. Johnson

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL WITH THIS FORM.

From: Carr, Erik <ECarr@clackamas.us>
Sent: Friday, January 22, 2021 3:34 PM
To: Christina Robertson-Gardiner
Subject: RE: GLUA-20-00017: AN 20-00001 – Emergency Annexation to City Of Oregon City Transmittal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Christina,

The applicant will need to annex into the Tri-City Service District in order to receive sanitary sewer service. He's already submitted a complete TCSD annexation application to WES. I can finish processing the application once I receive confirmation that the property has annexed into the City of Oregon City.

Thanks,

Erik Carr Bertram
Clackamas Water Environment Services
503-742-4571 (office)
503-936-3666 (cell)

From: Christina Robertson-Gardiner <crobertson@orccity.org>
Sent: Friday, January 22, 2021 2:28 PM
To: Carr, Erik <ECarr@clackamas.us>; Adam Bjornstedt <abjornstedt@crwater.com>; Betty Johnson <bjohnson@crwater.com>
Subject: FW: GLUA-20-00017: AN 20-00001 – Emergency Annexation to City Of Oregon City Transmittal

Warning: External email. Be cautious opening attachments and links.

Erik, Adam & Betty,

I am finalizing the staff report for this emergency annexation and had not heard back from either of you. The applicant wishes to annex into the city of OC because of a failed septic. He is not rezoning as part of this application and will retail the current county FU-10 zone.

Let me know if you have any questions and if you might be able to send me your comments before the end of day Monday.

Thanks!

Christina

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Subject: GLUA-20-00017: AN 20-00001 – Emergency Annexation to City Of Oregon City Transmittal

HEARING DATE: City Commission Hearing: February 3, 2021

HEARING BODY: City Commission

FILE # & TYPE: GLUA-20-00017: AN 20-00001 – Emergency Annexation to City Of Oregon City

PROJECT FILE: <https://www.orcity.org/planning/project/glua-20-00017-20-00001-%E2%80%93-emergency-annexation-city-oregon-city>

PLANNER: Christina Robertson-Gardiner, Senior Planner, 503-496-1564, crobertson@orcify.org

APPLICANT: Andy Barney

OWNER: Andy Barney

REQUEST: The Applicant desires to provide the property with city services due to the failing septic system on the property. Annexation is required as a condition of connecting to the city sewer system.

This proposal does not include a request for development approval, rezoning or change in use. The decision on annexation to the City does not authorize or prevent any specific use of land.

Current county zoning and planning designations will remain on the property until the Applicant takes action to rezone the property.

LOCATION: 19242 Beavercreek Road, Oregon City OR 97045 identified as Clackamas County Map 3-2E-09A -Tax Lot 0060

Please send comment by January 22, 2021 to be included in the staff report.



[What's your Vision for Oregon City?](#)

Christina Robertson-Gardiner, AICP, Senior Planner

695 Warner Parrott Rd, Oregon City, OR 97045

crobertson@orcify.org

503) 496-1564 Direct

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PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

**NOTICE OF HEARING
OREGON CITY, CITY COMMISSION**

NOTICE IS HEREBY GIVEN THAT AT 7:00 PM ON **WEDNESDAY, February 3, 2021**, IN THE COMMISSION CHAMBERS FOR OREGON CITY, 1234 LINN AVENUE, OREGON CITY, OREGON; THERE SHALL BE A PUBLIC HEARING BY AND BEFORE THE OREGON CITY **CITY COMMISSION** ON THE EMERGENCY BOUNDARY CHANGE PROPOSAL LISTED BELOW.

INTERESTED PERSONS MAY APPEAR AT THE HEARING AND WILL BE GIVEN REASONABLE OPPORTUNITY TO BE HEARD. INTERESTED PERSONS MAY ALSO SUBMIT WRITTEN COMMENTS ON THE PROPOSAL AT OR BEFORE THE HEARING.

PROPOSAL NO. GLUA-20-00017: AN-20-00001 - ANNEXATION TO CITY OF OREGON CITY of territory located generally in the southeast of the city totaling one (1) property and located at 19242 Beaver Creek Road, Oregon City OR 97045 identified as Clackamas County Map 3-2E-09A -Tax Lot 0060 (0.9 acres)

The Applicant desires to provide the property with city services due to the failing septic system on the property. Annexation is required as a condition of connecting to the city sewer system. This proposal does not include a request for development approval, rezoning or change in use. The decision on annexation to the City does not authorize or prevent any specific use of land. Current county zoning and planning designations will remain on the property until the Applicant takes action to rezone the property.

Criteria for processing the annexation by the City are found in Metro Code 3.09, Oregon City Municipal Code Title 14, the Land Use chapter of the Clackamas County Comprehensive Plan, the City / County Urban Growth Management Agreement, and Sections 11 and 14 of the Oregon City Comprehensive Plan.

Any interested party may testify at the hearing or submit written comments on the proposals at or before the hearing. The staff report will be available one week before the hearing. Any issue, which is intended to provide a basis for an appeal, must be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties an opportunity to respond to the issue.

The applications and all supporting materials and evidence submitted in support of the applications may be inspected at no charge, and copies may be obtained at reasonable cost at the Oregon City Community Development Department, 695 Warner Parrott Rd, Oregon City, OR 97045.

General information and/or a copy of the staff report may be obtained by calling Christina Robertson-Gardiner at (503) 496-1564 or email at crobertson@orccity.org

December 15, 2020

Christina Robertson-Gardiner, AICP, Senior Planner

GLUA-20-00017: AN-20-00001 - ANNEXATION TO CITY OF OREGON CITY

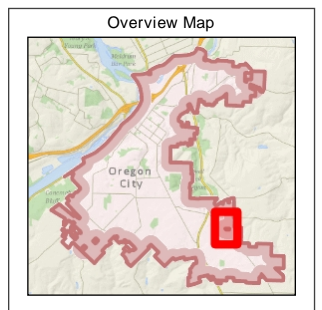


Legend

Street Names

- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.



0 400 Feet
1: 4,800

City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orcity.org

