



FILE NO.: AN 12-04

APPLICATION TYPE: Annexation (0.89 acres)

HEARING DATES: **Planning Commission - July 23, 2012** - 7:00 p.m., City Hall, Commission Chambers
625 Center Street, Oregon City, OR 97045

City Commission – August 15, 2012 - 7:00 p.m., City Hall, Commission Chambers
625 Center Street, Oregon City, OR 97045

APPLICANT: Gary Bowles, 14362 S Mapelane Ct, Oregon City, OR 97045

REPRESENTATIVE: Sisul Engineering, 375 Portland Avenue, Gladstone, OR 97027

REQUEST: Annexation of approximately 0.89 acres into the City of Oregon City. The site is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of LR – Low Density Residential.

LOCATION: 14362 S Mapelane Ct, Oregon City, OR 97045 at intersection of Mapelane Rd & Mapelane Ct, and identified as Clackamas County Map 3-2E-04C -01600 (See Maps , Exhibit 1c).

REVIEWER: Pete Walter, AICP, Associate Planner

COMPREHENSIVE

PLAN DESIGNATION: LR – Low Density Residential

CURRENT ZONING: Clackamas County Future Urbanizable 10-Acre District (FU-10)

RECOMMENDATION: Approval, with an Election Date set for November 6, 2012.

REVIEW PROCESS: *Annexation Petitions are reviewed by the Planning Commission and City Commission at noticed Public Hearings. The city commission shall endeavor to review all proposals prior to the city application deadline for submitting ballot measures to the voters. The city commission shall only set for an election*

annexations consistent with a positive balance of the factors set forth in Section 14.04.060 of the Oregon City Municipal Code. The city commission shall make findings in support of its decision to schedule an annexation for an election.

Proposal

The applicant is seeking to annex one (1) parcel into the City of Oregon City. The parcel is currently located within unincorporated Clackamas County, inside the Portland metropolitan area Urban Growth Boundary (UGB), and within the Urban Growth Management Agreement (UGMA) Area of Oregon City and Clackamas County. The area of the proposed annexation is located east of Highway 213 and north of Beavercreek Road, at the intersection of Maplelane Road and S. Maplelane Court. The area is comprised of one (1) tax lot for a total area of approximately 0.89 acres.

Applicant's Narrative Statement

The applicant has prepared a detailed narrative addressing the required application factors in OCMC 14.040.050(E)(7)(a) through (g). The applicant's narrative is attached as Exhibit 1b.

Surrounding Zoning and Land Use

Currently the .89 acre parcel has a County Zoning designation of FU-10 Future Urban – (10 acre minimum), and is developed with one single family residence (built in 1943) and some outbuildings.

The site and neighboring lots are somewhat rural in character but transitioning to more urban densities. There is an Oregon City School District school bus parking facility located southwest of the site, on S. Maplelane Court. S. Maplelane Court is a dead end street. The site slopes from the northeast to the southwest and has an existing residence, large shed, and other miscellaneous structures. The site has access to S. Maplelane Court by way of two driveways. The following map indicates the surrounding zoning.

The site is not on or near any natural hazards identified by the City (such as wetlands, floodplains, and steep slopes). The site is not on, near, nor will it affect designated open space, scenic, historic, or natural resource areas.

Description of Petition

There is currently one resident who resides on the proposed annexation site. The 2011 assessed valuation for the property is \$104,453. Proposal No AN 12-04 was initiated by the consent petition of the owner of 100% of the acreage, 100% of the property owners, and 100% of the total assessed value of the property. The petition meets the requirement for initiation set forth in ORS 222.170 (2) (triple majority annexation law) and Metro Code 3.09.040 (a) (Metro's minimum requirements for a petition).

Under the City's Annexation Code Chapter 14.04, the Planning Commission reviews annexation proposals and makes a recommendation to the City Commission. If the City Commission decides the proposed annexation should be approved, the City Commission is required by the City Charter to submit the annexation to the electors of the City. If a necessary party raises concerns prior to or at the City Commission's public hearing, the necessary party may appeal the annexation to the Land Use Board of Appeals within 14 days of the date of the City Commission's decision.

Existing Utility Conditions

The parcel is currently served by Clackamas River Water (CRW) for water service. CRW has no conflicts with the annexation of the subject property (Exhibit 9). The parcel is not currently connected to sanitary sewer or storm water management facilities, although the site would be annexed to Tri-City Service District upon approval of the annexation to the City. City Sanitary sewer is located in S. Mapelane Court, approximately 400 feet southwest of the subject sites' southwestern property corner. A stormwater main is also located in S. Mapelane Court, approximately 350 feet southwest of the subject sites' southwestern property corner. If the subject property is annexed and developed, connections to sanitary and stormwater services are available along the S. Mapelane Court frontage.

Regional Planning Considerations

This parcel is within the original 1979 UGB area, approved by Metro Ord. 79-77 which was adopted by Metro 11/8/1979 (Exhibit 7). In 2002, Metro passed Title 11 to require Concept Plans for urban growth boundary expansions before those lands may be annexed by the City. Since this property was already within the UGB before 2002 it is not subject to the title 11 Concept Planning requirement. However, the property annexation still must show compliance with Metro Code 3.09, as documented in this staff report.

CONSIDERATION OF ANNEXATION FACTORS

Chapter 14.04 - CITY BOUNDARY CHANGES AND EXTENSION OF SERVICES

OCMC 14.04.020 - State and regional regulations regarding annexations, other boundary changes and extensions of services.

The regulations and requirements of ORS Ch. 222, and Metro Code Section 3.09, are concurrent obligations for annexation and are not affected by the provisions of this chapter.

Consideration of ORS 222 and Metro Code 3.09 has been included later in this staff report.

14.04.060 - Annexation Factors.

A. When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:

1. ADEQUACY OF ACCESS TO THE SITE:

The property is ¼ mile from the intersection of Beaver Creek Road and OR 213. Direct access to the property is currently provided by way of two existing private driveway approaches from S. Maplelane Court. Maplelane Ct. intersects with Maplelane Road at the corner of the site. With the exception of the road sections directly abutting the subject property, both Maplelane Ct and Maplelane Road are city public rights-of-way. The Urban Growth Management Agreement (UGMA) with Clackamas County (Exhibit 6) requires that the annexation proposal shall include the adjacent road right-of-way of the property proposed for annexation and that the applicant shall provide a corrected map and legal description for the adjacent road-right-of-way before the resolution forwarding the annexation to the voters is approved.

Finding: The proposed annexation site has adequate access.

2. CONFORMITY OF THE PROPOSAL WITH THE CITY'S COMPREHENSIVE PLAN:

Section 14 of the Oregon City Comprehensive Plan is entitled "Urbanization". Several policies in this section are pertinent to proposed annexations. Additionally, the following excerpts from the Comprehensive Plan 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 prepared an annexation plan and program to facilitate wholesale large block area annexations. Until such a methodology and process is in place, annexation will continue in a piecemeal fashion such as this

proposal. 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 Maplelane Court. This annexation does maintain regular city boundaries since about 760' of the property boundary of the properties touches the city limits.

Although small, development of the annexation site could help the city meet Metro targets for housing.

The following Oregon City Comprehensive Plan annexation goals and policies are factors for approval of annexations.

Urbanization 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.

Finding: the proposed annexation is consistent with Goal 14.4. 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 effects that build-out of annexed properties will have on public services and any benefits to the city as a whole. Since the property has been in the UGB since 1979, appropriate City Master Plans, such as the Transportation System Plan, Water and Sewer Master Plans for example, are up to date and address the future impacts of development of the properties.

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.*

Finding: the proposed annexation is consistent with Policy 14.4.1. The proposed property is contiguous to the city limits along a majority of its perimeter by touching the city boundary. There are no flag lots or long linear extensions involved in this proposed annexation. If the annexation is approved the area would complete a contiguous block of land within the city which upon subsequent zoning and development will promote compact urban form and the efficient delivery of public services.

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.*

Finding: the proposed annexation is consistent with Policy 14.4.2. The parcel was brought into the UGB prior to the Title 11 Concept Planning requirement. The applicant has provided an adequate assessment of the fiscal impacts of providing public services to the site. Annexation alone of the subject property will not fiscally impact the City of Oregon City. There will not be any additional demand of fire services, as the property is currently within and served by Clackamas County Fire District #1. The City will not collect SDC fees until development

occurs or the existing house is connected to sewer, as the property will not be connecting immediately to City operated utilities.

The property is currently being served by Clackamas County Sheriff's Office, but will be annexed into and served by the Oregon City Police Department upon annexation. The proposal was submitted to the Oregon City Police Department for comment. Oregon City police department has not indicated that there are inadequate police resources to serve the property. Utility (water, sewer and drainage) connections would be paid for through SDC fees. Additional property would also result in additional property tax revenue.

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.*

Finding: Not applicable. This proposed annexation does not create unincorporated islands within the city. The proposed annexation by itself enables efficient extension of public services without the need to include adjacent parcels.

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.*

Finding: Not applicable. A sewer public health hazard does not exist for the property at this time. Annexation of the subject property will not affect sewer service as the property is currently served by private septic system. The applicant will file the appropriate documents for annexation into the Tri-City Service District if the annexation is successful, but no sewer connection will be made. If the subject property were to divide in the future, the existing sanitary main could be extended east and made available for connection.

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.

Policy 11.1.1

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

- *Transportation infrastructure*
- *Wastewater collection*
- *Stormwater management*

- *Police protection*
- *Fire protection*
- *Parks and recreation*
- *Water distribution*
- *Planning, zoning and subdivision regulation*
- *Library services*
- *Aquatic Center*
- *Carnegie Center*
- *Pioneer Community Center*
- *City Hall*
- *Buena Vista House*
- *Ermatinger House*

Finding: the proposed annexation is consistent with Goal 11.1 and Policy 11.1.1. 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 police services, fire protection and planning, zoning and subdivision regulation to the list of urban services that are to be considered by the Metro Code. The Metro Code also includes mass transit in addition to streets and roads.

If the property was to be divided and developed, the property would be required to connect to the city’s water, sewer and stormwater system and would pay the appropriate connection fees, and/or SDCs and on-going user fees, thereby paying their fair share.

The proposal was submitted to the Oregon City Police Department for comment. Oregon City police department has not indicated that there are inadequate police resources to serve the property.

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.*

Finding: The proposed annexation is consistent with Policies 11.1.3 and 11.1.4, which 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 proposed land in this annexation can be provided urban service.

Finding: The proposed annexation is consistent with Policy 11.1.5, which 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 would require normal extension of water and sanitary sewer from the existing utility stubs in adjacent local streets at the time of re-development.

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 area.

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.

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.*

Finding: The proposed annexation is consistent with Goal 11.2 and Policy 11.2.2. Since all new development on annexed lands 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 operates the sanitary sewer collection system, which connects to the Tri-City Service District interceptor. Sanitary sewer is available to the subject property if it were to divide in the future. The nearest City sanitary sewer mains to the property are an 8-inch line in S. Mapelane Court and an 8-inch line in Walnut Grove Way. If the subject property were to divide in the future, the sanitary main in S. Mapelane Court would be extended east for service lateral connection.

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.*

Finding: The proposed annexation is consistent with Policy 11.2.3. Before sanitary sewers can be extended to lands annexed to the City, those lands will need to annex to the Tri-City Service District. The property owner has included a petition to initiate annexation to Tri-City Service District after annexation to the City. The City Commission should concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the annexation.

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.

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.*

Finding: The proposed annexation is consistent with Goal 11.3 and Policy 11.3.1. The subject property is currently within and served by the Clackamas River Water (CRW) District service area. The CRW District provides domestic water supply to the City of Oregon City. There is a 12-inch OD (outside diameter) water main in S. Mapelane Court and a 16-inch DI (ductile iron) water main in Mapelane Road. If the property was to develop new water connection would be accessed along the site's frontage on S. Mapelane Court. If the property was to be developed, it would connect to the existing water system and would pay the appropriate connection fees, and/or SDCs and on-going user fees, thereby paying their fair share.

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.

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.*

Finding: The proposed annexation is consistent with Goal 11.4 and Policy 11.4.1. This annexation will not result in any changes to the stormwater drainage. Stormwater collection and connection would not be required with the subject property's annexation, but would most likely be required if the property were to divide and develop in the future. If the property were to develop, the existing 12" stormline in S. Mapelane Court would most likely be extended east for connection. If the property was to divide and developed in the future, the properties would most likely be connected to the City's stormwater system and would pay connection fees, SDCs and on-going user fees, thereby paying their fair share.

Goal 11.9: Fire Protection

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

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

Finding: The proposed annexation is consistent with Goal 11.9 and Policy 11.9.1. Clackamas Rural Fire Protection District #1 provides all fire protection for the City since the entire City was annexed into their district in 2007. The subject annexation area is also already in the CRFPD#1 district so there is no action required for fire protection.

Finding: Based on consistency with the goals and policies listed above, the proposed annexation is consistent with the Oregon City Comprehensive Plan.

14.04.060 - Annexation Factors.- Continued:**3. ADEQUACY AND AVAILABILITY OF PUBLIC FACILITIES AND SERVICES TO SERVICE POTENTIAL DEVELOPMENT:**

This section of the 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. The adequacy and availability of existing public facilities and services is also addressed in the Metro Code 3.09 section of this Staff Report (See Page 16).

Sanitary Sewers.*Availability*

At this time the subject property is not connected to a sanitary sewer system, nor is it within the service area of a sewer district. The existing residence is served by private septic system. The Tri-City Service District provides wastewater treatment for the City of Oregon City. Per the Pre-Application Conference notes, the applicant will file the appropriate documents for annexation into the Tri-City Service District if the annexation is successful, but no sewer connection will be made.

The City operates the sanitary sewer collection system, which connects to the Tri-City Service District interceptor. Sanitary sewer is available to the subject property if it were to divide in the future. The nearest City sanitary sewer mains to the property are an 8-inch line in S. Maplelane Court and an 8-inch line in Walnut Grove Way. If the subject property were to divide in the future, the sanitary main in S. Maplelane Court would be extended east for service lateral connection.

If the subject property develops it would connect to the City's sewer system and would pay connection fees, SDC's and on-going user fees, thereby paying their fair share.

Capacity

The Tri-City Service District has adequate capacity to serve the subject property if it were to divide and develop in the future.

Status

As noted above, the applicant will file the appropriate documents for annexation into the Tri-City Service District, following the annexation process if said process is successful. If the subject property were to divide in the future, the sanitary main in S. Maplelane Court would be extended east for service lateral connection and connection fees, SDC's and ongoing user fees would be paid.

The Tri-City Service District plant is along Interstate 205 in Oregon City just east of the junction of the Willamette and the Clackamas Rivers. The plant has an average flow capacity of 11 million gallons per day (mgd) and a design peak flow capacity of 50 mgd. The available average capacity is 4.4 mgd. The plant was designed to serve a population of 66,500 in the year 2001; however, the facility is currently being expanded to increase the available average dry weather capacity to 11.9 mgd. Therefore, Tri-City Service District has capacity to serve this parcel should the annexation occur.

Water.

The subject property is currently within and served by the Clackamas River Water (CRW) District service area. The CRW District provides domestic water supply to this area. There is a 12-inch OD (outside diameter) water main in S. Maplelane Court and a 16-inch DI (ductile iron) water main in Maplelane Road. If the property was to develop new water connection would be accessed along the site's frontage on S. Maplelane Court. CRW has no conflicts with annexation of the subject property (Exhibit 9).

Status

If the property was to develop it would connect to the existing water system and would pay the appropriate connection fees, and/or SDCs and on-going user fees, thereby paying their fair share.

Capacity

The existing 12-inch water main in S. Maplelane Court has adequate capacity to serve any development of the subject property in the future.

Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from the Clackamas River Water District upon approval of the annexation.

CRW has provided comments (Exhibit 9) stating that the application does not conflicts with their interests. CRW requests that the District be provided notice of future annexations to Oregon City and be involved in withdrawal

discussions where the District's current service boundaries are involved. CRW recommends that the property be served by the City and withdrawn from CRW's service districts if any future water lines are constructed by Oregon City on Maplelane Court or Maplelane Road. CRW's recommendation has been incorporated into the findings, reasons for decision and recommendations attached as Exhibit 8.

Stormwater.

Availability

Currently there is no stormwater management facility for the subject parcel. Stormwater collection and connection would not be required with the subject property's annexation, but would most likely be required if the property were to divide and develop in the future. If the property were to develop, the existing 12" stormline in S. Maplelane Court would most likely be extended east for connection.

If the property was to divide and developed in the future, the properties would most likely be connected to the City's stormwater system and would pay connection fees, SDCs and on-going user fees, thereby paying their fair share.

Capacity

If the property were to divide and develop in the future, the stormwater management facility may have the capacity to serve the properties.

Status

As noted above, if the property were to divide and develop, the existing stormline in S. Maplelane Court would most likely be extended east for connection. As a result, the developed properties would connect to the City's storm main and would pay connection fees, SDCs and on-going user fees, thereby paying their fair share.

Fire Protection.

This territory is currently within Clackamas Fire District # 1 (CCFD#1). Based on the November 2007 fire district annexation approval, staff recommends that the properties remain within CCFD#1.

Police Protection.

The subject property is currently within and served by Clackamas Fire District No.1 and Clackamas County Sheriff's Office. There will not be any additional demand of either service if the annexation is approved, although police services would change from Clackamas County Sheriff's Office to the Oregon City Police Department. The proposal was submitted to the Oregon City Police Department for comment. Oregon City police department has not indicated that there are inadequate police resources to serve the property.

Parks, Open Space and Recreation.

Availability

The property is not adjacent, near, or large enough to affect park availability. The closest park is Hillendale Park, over a mile away to the west.

Capacity

Annexation of the subject property would not affect the capacity of park facilities.

Status

As noted above, the site is not adjacent, near, or large enough to effect park facilities.

Future building permits are required to pay a dedicated park system development charge at the time of issuance, which may be used to fund park capital infrastructure improvements. The current 2011 park SDC for a single-family residence is \$3,643.

Transportation

Availability

Access to the property is currently provided by way of two existing private driveway approaches from S. Maplelane Court. Maplelane Court connects to Maple Lane Road, a minor arterial street. Maplelane Road, in turn, provides access outside the city to the east, and connects directly to Beaver Creek Road and the OR 213 approximately ¼ mile south of the property.

Capacity

The annexation, if approved, would not create any impact on the transportation system. No impact would occur unless the property proposed to be annexed was developed in the future.

The applicant has provided a TPR (Transportation Planning Rule) analysis as part of the annexation request based on an R-10 zoning scenario. The applicant hired Lancaster Engineering to complete the TPR analysis. If the property were to develop and divide, page 3 of Lancaster's TPR analysis states, "...The proposed annexation and zone change is projected to result in a maximum of 2 additional peak hour trips and 20 additional daily trips on area roadways and intersections. The proposed zone change will not have a significant effect on the surrounding transportation system as defined under the Transportation Planning Rule. Accordingly, no mitigation is recommended in association with the proposed zone change."

Status

As previously noted, access to the property is currently provided by way of two existing private driveway approaches from S. Maplelane Court. The annexation, if approved, would not create any increase in service demands. If the property were to develop with a new home(s) in the future, the traffic "...impacts of the development are treated as negligible.", as stated from page 3 of the TPR analysis.

Re-Zoning and the Transportation Planning Rule

Per OCMC 17.68.025(A), annexed properties receive a default City zoning designation as a single process. This procedure has historically served the city well for annexing county land zoned FU-10 and Low Density Residential, since the default zoning has typically been to the comparably low density residential zoning R-10.

The applicant has submitted a traffic impact analysis (TIA) study that indicates compliance with the Transportation Planning Rule. The applicant seeks to annex to the City now and receive the default zoning of R-10 for the subject property.

The applicant's Traffic Engineer concluded that the proposed annexation and zone change is projected to result in a maximum of 2 additional peak hour trips and 20 additional daily trips on area roadways and intersections. The proposed zone change will not have a significant effect on the surrounding transportation system as defined under the Transportation Planning Rule. Accordingly, the applicant recommends no mitigation in association with the proposed zone change to R-10.

The property has had a low density residential comprehensive plan designation since the City adopted its Transportation System Plan in 2001. Section 7 of the 2001 TSP documents how the City of Oregon City is in compliance with the provisions of the Transportation Planning Rule, and includes a finding that "the TSP is based on the current, acknowledged comprehensive plan and provides enhancements to the integration of transportation and land use systems". Based on the methodology used in assessing the impact of development for the TSP, it is apparent that the peak hour vehicle trips generated by development of this .89 acre parcel as low density residential land have already been accounted for in the city's existing System Development Charge fee structure. Furthermore, the impacts from future division of the property at R-10 zoning are negligible in comparison to the capacity of the state transportation system.

Additionally, since the previous attempt to annex this property was submitted (AN 11-03) the Transportation Planning Rule was amended. The new TPR regulations in Section 9 provide that under OAR 660-012-0060 *Plan and Land Use Regulation Amendments*;

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

The existing City of Oregon City comprehensive plan map shows the subject property is designated "LR". The proposed zoning is R-10 and is one of the City's zoning districts that is consistent with the low-density comprehensive plan designation. This criterion is satisfied.

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

The City of Oregon City's current TSP is adopted and acknowledged. The TSP was adopted in 2001 (Ordinance No. 01-1009). At the time of adoption, and during the preparation of the TSP, the subject property had the low-density comprehensive plan designation. While the TSP does not provide specific zoning designations for all properties in the City, it does consider urban growth and development of properties that are designated in the comprehensive plan. As such, the growth estimates and future traffic volumes derived in the current TSP reflect low density residential development on this site. This criterion is satisfied.

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

There were no special exemptions or other provisions made affecting this property at the time of inclusion within the Urban Growth Boundary. This criterion is satisfied.

TPR Conditions (a), (b) , and (c) above are all met for the annexation proposal.

The City's Transportation Engineer, Replinger and Associates, has reviewed the applicant's TPR analysis and concurs with the applicants conclusions (Exhibit 2). Based on this analysis, the property may be automatically rezoned to R-10 upon approval of the annexation by the voters.

Public Facilities and Services – Continued - Other Services.

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

Finding: Based on the above analysis, the public facilities and services necessary to service potential development on the site are adequate and available.

14.04.060 - Annexation Factors.- Continued:

4. COMPLIANCE WITH APPLICABLE SECTIONS OF ORS CH. 222, AND METRO CODE SECTION 3.09;

Compliance with ORS. 222

Finding: The annexation petition has been reviewed consistent with ORS 222. ORS 222 provides the statutory framework, notice requirements and procedures for city boundary changes, voter approval, and special district coordination. ORS 222 requires that annexed lands be contiguous to the City. The proposed property is contiguous to the city limits along a majority of it's perimeter with the city boundary. There are no flag lots or long linear extensions involved in this proposed annexation demonstrating that the properties are contiguous to the city. If the annexation is approved the area would provide a contiguous block of new land, promoting the efficient delivery of public services. Compliance with Metro Code 3.09 is addressed below.

Metro Boundary Change Criteria – Chapter 3.09

The Legislature has directed Metro to establish criteria that must be used by all cities within the Metro Urban Growth Boundary. The Metro Code states that the City’s annexation 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. Metro defines annexations as “Minor Boundary Changes” pursuant to Metro Code 3.09.020. Chapter 3.09 contains the standards for annexations that cities must follow. Metro Code 3.09 requires these findings and conclusions to address the following minimum criteria:

Metro Title 3.09.045(D)(1)(a & b)

Consistency with expressly applicable provisions in ORS 195 urban service agreements or annexation plans.

Finding: This criterion is met. These criteria require that annexations be consistent with applicable provisions of annexation plans or urban service agreements that have been adopted pursuant to ORS 195. 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, and have been addressed in criterion (d)(1)(C) below. There are no adopted annexation plans applicable to this property.

Metro Title 3.09.045(D)(1)(c)

Consistency with expressly applicable provisions of cooperative planning agreements between the annexing entity and a necessary party.

Metro Title 3.09.045(D)(2)(A)

Whether the proposed boundary change will promote the timely, orderly and economic provision of public facilities and services.

Finding: These criteria are met. The proposed annexation will promote the timely, orderly or economic provision of public facilities and services in the area. As demonstrated above in the Annexation Factors section 14.040.060 and consistency with the Oregon City Comprehensive Plan goals and policies, water, sanitary sewer, storm sewer police services, fire protection, parks and schools are public facilities and services that are immediately available to serve the property.

Metro Title 3.09.045(D)(2)(B)

Whether the proposed boundary change will affect the quality and quantity of urban services.

Finding: This criterion is met. The proposed boundary change will provide adequate levels of city police, fire, water, sanitary sewer and transportation services to serve urbanization of the annexed territory at the time of development as detailed in this report.

Metro Title 3.09.045(D)(2)(C)

Whether the proposed boundary change would eliminate or avoid unnecessary duplication of facilities or services.

Finding: This criterion is met. The proposed boundary change was forwarded to all applicable service providers for review and comment with the intent to avoid unnecessary duplication of facilities and services for the annexed territories. Annexation to or withdrawal from the applicable fire, road, water, sewer and sanitary sewer provider district has been addressed in this report and recommendations.

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. At this time, those 10 factors are not applicable to this annexation because no necessary party has contested the proposed annexation. This criterion is not applicable.

Clackamas County Comprehensive Plan Compliance

Metro Code 3.09 requires findings for annexation showing compliance with applicable County comprehensive plans (Applicable Oregon City Comprehensive Plan goals and policies are addressed in a separate section above). The Clackamas County Comprehensive Plan states that annexations which convert Future Urbanizable lands to Immediate Urban lands should ensure the “orderly, economic provision of public facilities and urban services”. As demonstrated below, public facilities and urban services can be orderly and economically provided to the subject site. Nothing in the County Plan speaks directly to criteria for annexation of property from the County to the City.

The Clackamas County Comprehensive Plan implements the Oregon City Comprehensive Plan for lands within the Urban Growth Boundary. The plan designation for these properties on the County’s Oregon City Area Land Use Plan (Map IV-5) identifies the Low-Density Residential designation as Future Urban with a 10-acre minimum lot size. The FU-10 zoning is a holding zone to prevent the creation of small parcels in areas within the UGB to preserve the capacity of land to fully develop once a full range of urban services is available.

Clackamas County Comprehensive Plan Compliance

The Land Use section of the Clackamas County Comprehensive Plan, Chapter 4, identifies the territory proposed for annexation as future urban areas, 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.”
([Amended by Board Order 2000-140, 6/29/00; Amended by Board Order 2006-90, 4/13/06])

Clackamas County Policy 7.0 – Future Urban Policies provides the following applicable policies for Future Urban lands:

Clackamas County Policy 7.1 - Control premature development (before services are available) by:

a. Applying a future urban zone with a 10 acre minimum lot size within the Portland Metropolitan UGB except those lands identified in Subsection 7.1.b.

Clackamas County Policy 7.2 - Prohibit subdivisions, as defined in the Zoning and Development Ordinance, until the land qualifies as Immediate Urban. *Immediate urban areas are lands that are within urban growth boundaries, are planned and zoned for urban uses, and meet at least one of the following conditions: 1. Served by public facilities, including sanitary sewage treatment, water, storm drainage, and transportation facilities; 2. Included within boundaries of cities or within special districts capable of providing public facilities and planned to be served in the near future; or 3. Substantially developed or surrounded by development at urban densities.*

CITY, SPECIAL DISTRICT AND AGENCY COORDINATION

Clackamas County recognizes that many activities and problems spill across political boundaries, making coordination with special districts, cities, and state and federal agencies essential. The “Planning Process” section of the County’s Plan (Section 11) provides the following policies relevant to coordination between Oregon City and Clackamas County.

6.0 *Adopt Urban Growth Management Agreements with each city and offer to sign such agreements with all special districts.*

7.0 *Apply the County's Comprehensive Plan to unincorporated dual interest areas, except those areas where the County has adopted city plan designations in accordance with an urban growth management agreement. Such agreements may provide that the County will not plan or zone dual interest areas at urban densities prior to their annexation by a city. After annexation to a city, the County Plan will continue to apply, in accordance with the provisions of ORS 215.130, until the city applies its own land use plan and/or zoning designation. The County will revise Urban Growth Management Agreements to insure that all agreements include provisions consistent with ORS 215.130.*

8.0 *Notify the parties to Urban Growth Management Agreements of proposed land use actions and Plan amendments and encourage participation in formulating and evaluating the proposals. Request necessary technical assistance in assessing impacts on the area and enter all formal comments into the public record.*

9.0 *Insure consistency between city and County plans. Any conflicts shall be stated in an Urban Growth Management Agreement, and resolution of these conflicts will occur through the Plan amendment process.*

10.0 Engage the public in development of intergovernmental agreements.

Finding: The proposed annexation is consistent with the applicable provisions of the Clackamas County Comprehensive Plan. The City has a signed Urban Growth Management Agreement with the County which ensures consistency between City and County plans. Further details for the UGMA are addressed below. The City provided notice to the County of the proposed annexation and has not received any notice or comment from the County indicating any conflicts.

14.04.060 - Annexation Factors.- Continued:

5. NATURAL HAZARDS IDENTIFIED BY THE CITY, SUCH AS WETLANDS, FLOODPLAINS AND STEEP SLOPES:

Finding: Not applicable. The site is not on or near any natural hazards identified by the City (such as wetlands, floodplains, and steep slopes). The site is not on, near, nor will it affect designated open space, scenic, historic, or natural resource areas.

6. ANY SIGNIFICANT ADVERSE EFFECTS ON SPECIALLY DESIGNATED OPEN SPACE, SCENIC, HISTORIC OR NATURAL RESOURCE AREAS BY URBANIZATION OF THE SUBJECT PROPERTY AT TIME OF ANNEXATION:

Finding: Not applicable. The property is not within any specially designated open space, scenic, historic or natural resource areas.

7. LACK OF ANY SIGNIFICANT ADVERSE EFFECTS ON THE ECONOMIC, SOCIAL AND PHYSICAL ENVIRONMENT OF THE COMMUNITY BY THE OVERALL IMPACT OF THE ANNEXATION.

Annexation of the vacant property will have virtually no affect on the economic, social, or physical environment of the community. The Commission interprets the “community” as including the City of Oregon 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.

The City will have service responsibilities including police and general administration. The City 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. The proposal was submitted to the Oregon City Police Department for comment. Oregon City police department has not indicated that there are inadequate police resources to serve the property.

If approved by City electors for annexation, the property will be automatically rezoned to R-10 Single Family Residential. The property has not been subdivided or partitioned and the zoning must be changed before

development at any density other than FU-10 can be approved. Any impacts on the community that result from approval of development permits are a direct consequence of a zone change, land division or development permit approval, not of the annexation. The applicant has indicated compliance with the State's Transportation Planning Rule for the desired re-zoning to R-10, and 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.

Urban Growth Management Agreement (UGMA - 1992)

The City and the County have an Urban Growth Management Agreement (UGMA), which is a part of their Comprehensive Plan (Exhibit 6). The territory to be annexed falls within the Urban Growth Management Boundary (UGMB) identified for Oregon City and is subject to the agreement. Unless rezoning is deferred to a separate application as with this application, the default zoning is R-5 single-family dwelling district. The applicant is not proposing zoning or development of the property at this time. The property will remain County Zone FU-10.

The UGMA presumes that all the urban lands within the UGB 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.

In accordance with the UGMA, the City requires that the annexation include the adjacent road right-of-way of Maplelane Court. The applicant will need to provide a corrected survey, map and legal description of the additional right-of-way to be annexed at the time of approval of the resolution to forward the annexation to the voters by the City Commission. This requirement is included in the proposed findings, reasons for decision, and recommendations.

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.

Finding: The proposed annexation is consistent with the UGMA. The required notice was provided to the County at least 20 days before the Planning Commission hearing. There are existing City water and sanitary sewer on the north side of this annexation. Upon zoning and development approval of the subject site, public sewer and water will be provided through extensions of these public facilities.

Oregon City Municipal Code – Chapter 17 – Zoning upon Annexation

The Land Use section of the Oregon City Comprehensive Plan identifies land use types.

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 CLASSIFICATIONS

<u>Residential Plan Classification</u>	<u>City Zone</u>
Low Density Residential	R-10, R-8, R-6

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 Single Family Dwelling
Medium Density Residential	R-5 Single Family Dwelling

Per OCMC 17.68.025(A), annexed properties receive a default City zoning designation as a single process. This procedure has historically served the city well for annexing county land zoned FU-10 and Low Density Residential, since the default zoning has typically been to the comparably low density residential zoning R-10.

The applicant has submitted a traffic impact analysis (TIA) study that indicates compliance with the Transportation Planning Rule. The applicant seeks to annex to the City now and receive the default zoning of R-10 for the subject property. Based on the provided TPR analysis and additional findings in the staff report the property may be automatically rezoned to R-10 upon approval of the annexation by the voters.

RECOMMENDATIONS

Oregon City Municipal Code section 14.04.080 states the following:

“The city commission shall endeavor to review all proposals prior to the city application deadline for submitting ballot measures to the voters. The city commission shall only set for an election annexations consistent with a positive balance of the factors set forth in Section 14.04.060 of this chapter. The city commission shall make findings in support of its decision to schedule an annexation for an election.”

The proposed annexation demonstrates a positive balance of the factors set forth in Section 14.04.060. Based on the study and the Proposed Findings and Reasons for Decision for this annexation, the Community Development Director recommends that the Planning Commission:

- 1) Determine that the proposed Annexation demonstrates a positive balance of the factors set forth in Section 14.04.060 of the Oregon City Municipal Code as shown in this Staff report.
- 2) Recommend that the City Commission adopt the Staff Report with Exhibits and the attached Proposed Findings, Reasons for Decision, and Recommendations in Exhibit 8.
- 3) Recommend that the City Commission set AN 12-04 for election on the November 6, 2012 ballot at their meeting on August 15, 2012.

EXHIBITS

1. Applicant's Annexation Application
 - a. Application Form
 - b. Narrative
 - c. Site Maps and Attachments
 - d. Caufield Neighborhood Executive Committee Meeting Notes
 - e. Annexation Petition
 - f. Tax Map
 - g. Transportation Planning Rule (TPR) analysis, dated 11/09/2011
2. Replinger and Associates Review of TPR Analysis, dated 12/22/2011
3. Public Notices.
4. Application Transmittal Comment Form
5. Signed Affidavit of Posting of Land Use Notice Sign
6. Urban Growth Management Agreement (UGMA) with Clackamas County;
7. Metro Ordinance 79-77;
8. Proposed Findings, Reasons for Decision and Recommendation.
9. Comments from Lee E. Moore, Sr., General Manager, Clackamas River Water (CRW), dated July 9, 2012.

Exhibit 8.

AN 12-04

PROPOSED FINDINGS, REASONS FOR DECISION, AND RECOMMENDATIONS

Based on the Findings in this Report, 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 pursuant to ORS 195. 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 Clackamas County Comprehensive Plan also says annexation which converts Future Urban lands to Immediate Urban lands 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 Oregon 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.
5. 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 (UGMA) specifically provides for annexations by the City.
6. 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.
7. 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 Staff Report Findings and on balance the Commission believes they are adequately addressed to justify approval of this annexation.

8. The City Commission concurs with Tri-City Service District's annexation of the subject property in the enacting City ordinance upon voter approval of the city annexation. Prior to the City approving a final zoning designation for the property, the applicant shall provide documentation that the property has been annexed into the Tri-City Service District.
9. 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.
10. The City Commission recognizes that the applicant has adequately addressed compliance with the Oregon Statewide Transportation Planning Rule OAR 660-012-0060.
11. The City Commission recognizes that the Urban Growth Management Agreement with Clackamas County requires that the annexation proposal shall include the adjacent road right-of-way of the property proposed for annexation and that the applicant shall provide a corrected map and legal description for the adjacent road-right-of way before the resolution forwarding the annexation to the voters is approved.
12. The City Commission concurs with the Clackamas River Water District (CRW) recommendation that the property be served by the City and withdrawn from CRW's service districts if any future water lines are constructed to serve the property by Oregon City on Maplelane Court or Maplelane Road.
13. The City Commission recognizes that the Applicant shall provide all necessary mapping and legal property descriptions for approval by the Oregon Department of Revenue to ensure completion of the annexation.