

ORDINANCE NO. 12-1002

AN ORDINANCE OF THE CITY OF OREGON CITY RESCINDING ORDINANCE NO. 08-1017, ADOPTING A REVISED LEGAL DESCRIPTION FOR PLANNING FILE AN 07-07, AND APPROVING THE ELECTION RESULTS ANNEXING CERTAIN PROPERTY TO THE CITY OF OREGON CITY.

WHEREAS, The City of Oregon City proposed that certain properties, more fully identified in the revised property legal description in Attachment 'A' to this Ordinance, be annexed to the City; and

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

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

WHEREAS, the annexation of the identified properties was submitted to the voters of the City of Oregon City at an election held on May 20, 2008; and

WHEREAS, the Clackamas County Clerk has returned the official figures indicating the results of the election held on May 20, 2008; and

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

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

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

WHEREAS, the Tri-City Service District requires the City's concurrence to annexations into the District; and

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

WHEREAS, the City Commission adopted Ordinance No. 08-1017 approving the annexation of the area identified in Planning File 07-07 into the City of Oregon City; and

WHEREAS, the City submitted the legal description for the area annexed into the City to the Department of Revenue, but the Department of Revenue rejected the legal description as not complying with the Department of Revenue's requirements and standards; and

WHEREAS, a new legal description of the subject site was created in order to meet the standards and requirements of the Department of Revenue and that new legal description does not alter the actual property affected by the annexation; and

WHEREAS, in order to comply with the Department of Revenue's requirements, the City must rescind the original approval of the results of the annexation election and adopt a new legal description.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That Ordinance No. 08-1017 is rescinded.

Section 2. That the area identified in the revised legal description attached hereto as Attachment 'A', is hereby annexed to and made a part of the City of Oregon City.

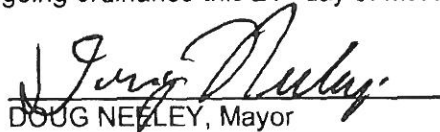
Section 3. That the findings attached hereto as Attachment 'B' are hereby adopted.

Section 4. That the territory identified in Attachment 'A' is hereby withdrawn from the Clackamas County Service District for Enhanced Law Enforcement.

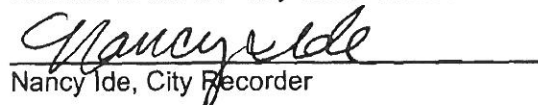
Section 5. The City hereby concurs with and approves the annexing of the territory identified in Exhibit "A" into the Tri-City Service District when and if the Clackamas County Board of Commissioners desires to annex the territory into their district, to the extent allowed by law.

Section 6. That the effective date for this annexation is the date this ordinance is submitted to the Secretary of State, as provided in ORS 222.180.

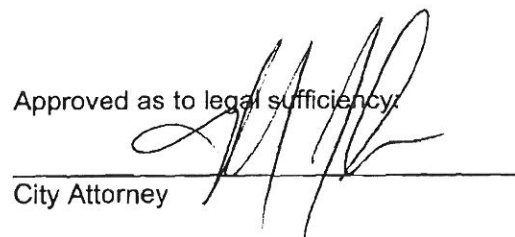
Read for the first time at a regular meeting of the City Commission held on the 7th day of March 2012, and the City Commission finally enacted the foregoing ordinance this 21st day of March 2012.


DOUG NEELEY, Mayor

Attested to this 21st day of March 2012:


Nancy Ide, City Recorder

Approved as to legal sufficiency:


City Attorney

**ENGINEERING PLANNING
FORESTRY**

13910 S.W. Galbreath Dr., Suite 100
Sherwood, Oregon 97140
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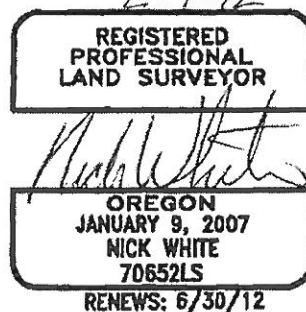
EXHIBIT A

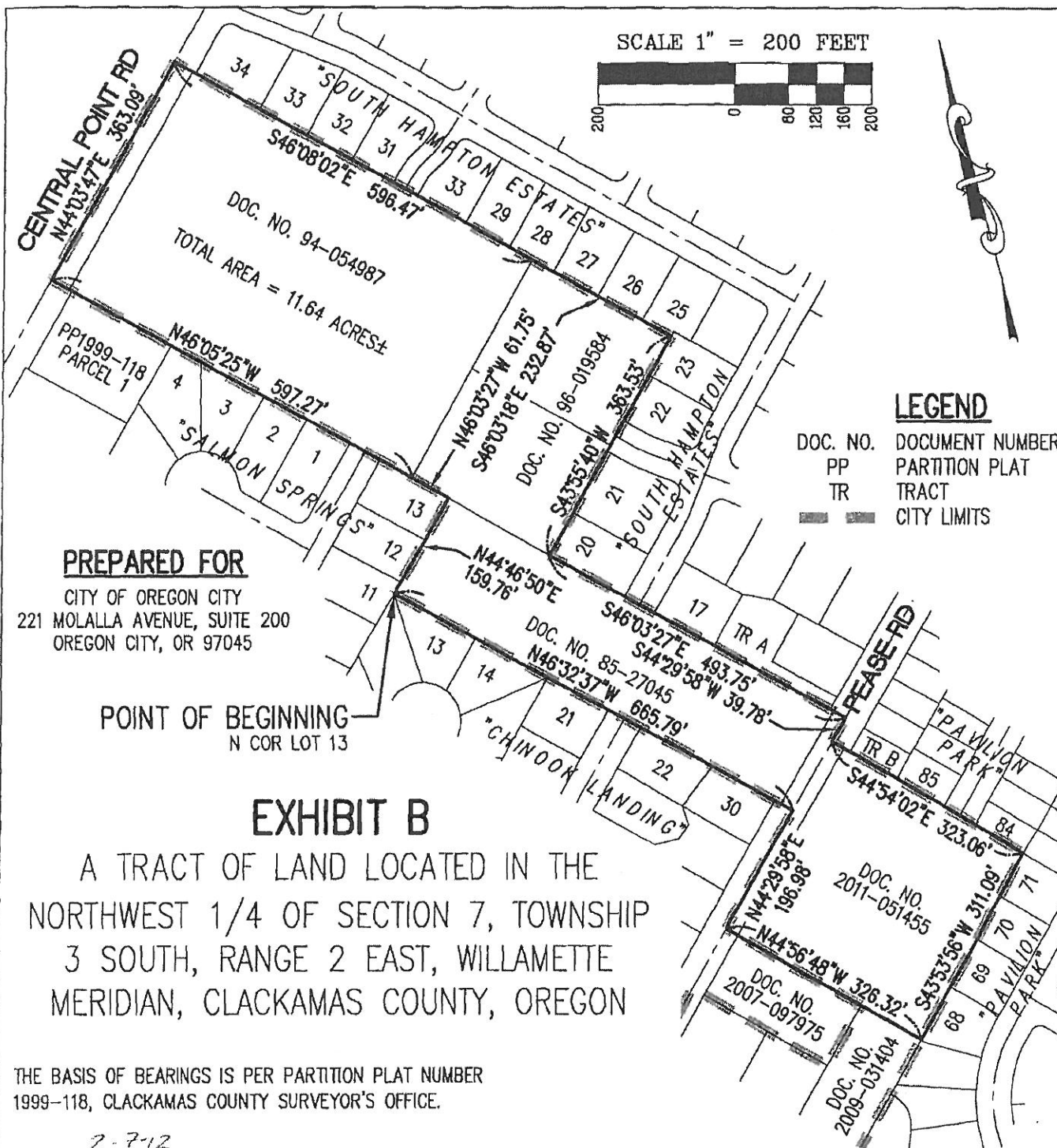
Legal Description
Annexation Parcel

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

Beginning at the north corner of Lot 13 of the Plat "Chinook Landing"; thence along the southeasterly line of the Plat "Salmon Springs" and the City of Oregon City City Limits North 44°46'50" East 159.76 feet to the easterly corner of Lot 13 of the Plat "Salmon Springs"; thence along the northeasterly line of said Lot 13 and the City of Oregon City City Limits North 46°03'27" West 61.75 feet to a point; thence along the northeasterly line of said Plat, Partition Plat 1999-118 and the westerly extension thereof, and the City of Oregon City City Limits North 46°05'26" West 597.27 feet to the centerline of Central Point Road; thence along said centerline and the City of Oregon City City Limits North 44°03'47" East 363.09 feet to a point; thence along the southwesterly lines of Lots 34 through 28 of the Plat "South Hampton Estates" and the westerly extension thereof, and the City of Oregon City City Limits South 46°08'02" East 596.47 feet to a point; thence along the southwesterly lines of Lots 28 through 25 of said Plat and the City of Oregon City City Limits South 46°03'18" East 232.87 feet to a point on the northwesterly line of Lot 23 of said Plat; thence along the northwesterly lines of Lots 23 through 20 of said Plat and the City of Oregon City City Limits South 43°55'40" West 363.53 feet to the westerly corner of Lot 20 of said Plat; thence along the southwesterly lines of Lots 20, 17 and Tract 'A' of said Plat and the easterly extension thereof, and the City of Oregon City City Limits South 46°03'27" East 493.75 feet to the centerline of Pease Road; thence along said centerline and the City of Oregon City City Limits South 44°29'58" West 39.78 feet to a point; thence along the southwesterly lines of Tract 'B', Lot 85 and Lot 84 of the Plat "Pavilion Park" and the westerly extension thereof, and the City of Oregon City City Limits South 44°54'02" East 323.06 feet to the northerly corner of Lot 71 of said Plat; thence along the northwesterly lines of Lots 71 through 68 of said Plat and the City of Oregon City City Limits South 43°53'56" West 311.09 feet to the easterly corner of Document Number 2009-031404; thence along the northeasterly lines of said Document Number, Document Number 2007-097975 and the westerly extension thereof, and the City of Oregon City City Limits North 44°56'48" West 326.32 feet to the centerline of Pease Road; thence along said centerline and the City of Oregon City City Limits North 44°29'58" East 196.98 feet to a point; thence along the northeasterly lines of Lots 30, 22, 21, 14, and 13 of the Plat "Chinook Landing" and the easterly extension thereof, and the City of Oregon City City Limits North 46°32'37" West 665.79 feet to the Point of Beginning.

The above described tract of land contains 11.64 acres, more or less.





PREPARED FOR
CITY OF OREGON CITY
221 MOLALLA AVENUE, SUITE 200
OREGON CITY, OR 97045

POINT OF BEGINNING
N COR LOT 13

EXHIBIT B

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

THE BASIS OF BEARINGS IS PER PARTITION PLAT NUMBER
1999-118, CLACKAMAS COUNTY SURVEYOR'S OFFICE.

2-7-12

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nick White

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/12

CITY OF OREGON
JOB NAME: CITY ANNEXATIONS

JOB NUMBER: 3062

DRAWN BY: WCB

CHECKED BY: NSW

DWG NO.: 020712_3062EXB

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FINDINGS, REASONS FOR DECISION, AND RECOMMENDATIONS FOR AN 07-07

Based on the Findings, the Commission determined:

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. 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 says annexation which converts *Future Urbanizable* 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 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 site from existing improvements within close proximity to the site.

Water service is available in large water mains in Central Point Road, Pease Road, and adjacent local streets and the existing homes will continue to be serviced by Clackamas River Water (CRW) until such time as the City and CRW confer on the issue or development provides water main extensions and connections.

With regard to storm drainage, the City has the service available in the form of regulations to protect and control stormwater management. The specifics of applying these will be a part of the development review process.

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 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 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.
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 Commission determines that the property should be withdrawn from the Clackamas River Water District as allowed by statute.
11. The City Commission requires all consenting property owners to sign a waiver of Measure 37 rights and submit them to the City Manager prior to the City Commission adopting a final ordinance accepting a positive annexation election result and directs the City Manager to sign these waivers and record them. Applicant to pay recording fees.
12. The City Commission recognizes that the applicant did specifically offer a solution to the police funding shortcomings as identified on Schedule A – Police Funding Fees. AN 07-07.
13. The City Commission recognizes that the properties will be zoned R-10 upon annexation if approved by the voters.

RECOMMENDATIONS

Based on the study and the Proposed Findings and Reasons for Decision for this annexation, the staff recommends that the City Commission:

- Make a recommendation on Proposal No. AN07-07 regarding how the proposal has or has not complied with the factors set forth in Section 14.04.060. Staff has prepared draft Findings and stands ready to adjust them as needed.

If the City Commission recommends approval, then the staff further recommends that the City Commission:

- Recommend withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute.

- Concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.
- Recommend withdrawing from the Clackamas River Water District.
- Recommend not withdrawing from the Clackamas County R.F.P.D. # 1.
- Recommend that all consenting property owners be required to sign a waiver of Measure 37 rights prior to the City Commission adopting a final ordinance accepting a positive annexation election result.
- Recommend accepting the Annexation Agreements providing for supplemental Police funding as approved by the Public Safety Director and identified as Schedule A – Police Funding Fees for AN 07-07. These Annexation Agreements, at a minimum, should be signed prior to the City Commission adopting a final ordinance accepting a positive annexation election result.

Schedule A
Police Funding Fees
AN 07-07

<u>LAND USE</u>	<u>SERVICE RATING</u>	<u>FEE</u>
Industrial / Employment	Low	\$0.10 / sq. ft.
Commercial / Office	Low	\$0.10 / sq. ft.
Urgent Care Clinics, Senior Living Facilities, Apartment Buildings, Hotels	High	\$0.20 / sq. ft.
Residential	High	\$3,500 / unit