

ORDINANCE NO. 17-1004

**AN ORDINANCE OF THE CITY OF OREGON CITY
APPROVING ANNEXATION PROPOSAL NO. AN-16-0003 AND APPROVING THE
ANNEXATION OF CERTAIN PROPERTY LOCATED ON S BEAVERCREEK ROAD TO THE
CITY OF OREGON CITY WITH A DELAYED EFFECTIVENESS DATE**

WHEREAS, the owner of certain real property adjacent to the City of Oregon City, the Herberger Family Limited Partnership, proposed in Annexation Proposal No. AN-16-0003 that their 63.82 acre property located at 20124 S. Beaver Creek Road, Clackamas County map 3S-2E-10D tax lot 03500, more fully identified in Exhibit 'A' to this Ordinance, be annexed to the City; 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 upon acknowledgement of the Beaver Creek Road Concept Plan or other post acknowledgement plan amendment, 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, and the properties will remain zoned Clackamas County TBR until such time as a city zoning designation is applied to the properties and that the City apply and administer the zone; and

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

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

WHEREAS, the identified property is currently within and served by the Clackamas River Water (CRW) District service area; and the property will continue to be served by CRW when annexed; and

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

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

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

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

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

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 That the territory identified in Exhibit "A" is hereby withdrawn from Clackamas County Service District for Enhanced Law Enforcement, and henceforth, the Oregon City Police Department will be responsible for police services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

Section 4. That the territory identified in Exhibit "A" shall remain within Clackamas River Water District.

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 6. That the territory identified in Exhibit "A" will remain zoned Clackamas County TBR until such time as a city zoning designation is applied to the properties and that the City apply and administer the zones.

Section 7. That this annexation area shall be submitted to the Secretary of State and made effective, as provided in ORS 222.180, only after the land is subject to an acknowledged comprehensive plan, either the Beavercreek Concept Plan or other post acknowledgment plan amendment.

Read for the first time at a regular meeting of the City Commission held on the 15th day of March 2017, and the City Commission finally enacted the foregoing Ordinance this 5th day of April 2017.

DAN HOLLADAY, Mayor

Attested to this 5th day of April 2017,

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

ATTACHMENTS:

Exhibit A – Legal Description and Map of Proposed Annexation

Exhibit B – Proposed Findings, Reasons for Decision and Conclusions