



NOTICE OF DECISION

DATE OF MAILING OF NOTICE OF DECISION: August 7, 2014

FILE NO.: AN 14-01

APPLICATION TYPE: Annexation (Approximately 5.5 acres)

HEARING DATE: City Commission – August 6, 2014

APPLICANT: Brian D'Ambrosio and Valerie Hunter, 3336 SE Belmont, Portland, OR 97215

REPRESENTATIVE: AKS Engineering, 13910 SW Galbreath Dr, Ste. 100, Sherwood, OR 97214

OWNER: David G. Douglass, 19588 S McCord Road, Oregon City, OR 97045

REQUEST: Annexation of approximately 5.5 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: 19588 S. McCord Road, Oregon City, OR 97045
Located on the northeast side of McCord Road, west of Leland Road
Clackamas County Map 3-2E-07B -04100

DECISION: On August 6, 2014, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant and citizens, the City Commission concluded that the criteria for the annexation had been met. Accordingly, the City Commission approved Resolution 14-18 sending the annexation to the voters on November 4, 2014 for final approval, adopted as its own the Staff Report and Findings, attached as exhibits to File Number AN 14-01. All materials are on file at the Planning Division.

PROCESS: Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and must be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. At the evidentiary hearing held before the planning commission, all issues are addressed. If the planning commission denies the application, any party with standing (i.e., anyone who appeared before the planning commission either in person or in writing) may appeal the planning commission denial to the city commission. If the planning commission denies the application and no appeal has been received within ten days of the issuance of the final decision then the action of the planning commission becomes the final decision of the city. If the planning commission votes to approve the application, that decision is forwarded as a recommendation to the city commission for final consideration. In either case, any review by the city commission is on the record and only issues raised before the planning commission may be raised before the city commission. The city commission decision is the city's final decision and is appealable to the land use board of appeals (LUBA) within twenty-one days of when it becomes final. The application, decision, and supporting documents are available for inspection at the Oregon City Planning Division located at 221 Molalla Avenue, Suite 200, Oregon City, OR 97045, (503) 722-3789, between the hours of 8am and 5pm. Copies of these documents are available (for a fee) upon request.

CITY COMMISSION FINDINGS, REASONS FOR DECISION, AND RECOMMENDATIONS
AN 14-01

Based on the Findings in the Staff 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 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 states 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.
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 area.
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.
14. The City Commission recognizes that the property shall be rezoned ministerially to R-10 Single Family Residential following approval of the annexation pursuant to OCMC 17.68.025(A).

ORDINANCE NO. 14-1019

AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE CITY OF OREGON CITY AND APPROVING THE ELECTION RESULTS FOR AN 14-01

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, The City of Oregon City proposed that certain property, more fully identified in Exhibit '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 Exhibit '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 property was submitted to the voters of the City of Oregon City at a special election held on November 4th, 2014; and

WHEREAS, the Clackamas County Clerk has returned the official figures indicating the results of the election held on November 4th, 2014; and

WHEREAS, the official figures returned by the Clackamas County Clerk attached hereto as Exhibit "C" indicate that a majority of the voters of the City of Oregon City voted to approve the annexation of the identified property (7,985 yes: 3,777 no); and

WHEREAS, the identified property is currently within Clackamas County Fire District # 1; and will remain in said District upon annexation to the City of Oregon City; and

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

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

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


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

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

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

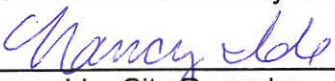
- Section 1. That the area further identified in the legal description attached hereto as Exhibit "A", is hereby annexed to and made a part of the City of Oregon City.
- Section 2. That the territory identified in Exhibit "A" shall hereby remain within Clackamas County Fire District # 1.
- Section 3. That the territory identified in Exhibit "A" is hereby withdrawn from Clackamas County Service District for Enhanced Law Enforcement, and henceforth, the Oregon City Police Department will be responsible for police services to the identified property.
- Section 4. That the territory identified in Exhibit "A" shall be withdrawn from the Clackamas River Water (CRW) District and connected to the Oregon City water distribution system upon development.
- 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" is designated as Low Density Residential on the Oregon City Comprehensive Plan land use map and in accordance with the findings in Exhibit "B" shall be rezoned to R-10 Single Family Residential on the Oregon City Zoning map.
- 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 21st day of January, 2015, and the foregoing ordinance was finally enacted by the City Commission this 21st day of January, 2015.



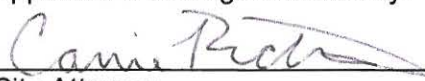
DAN HOLLADAY, Mayor

Attested to this 21st day of January 2015:



Nancy Ide, City Recorder

Approved as to legal sufficiency:



Carrie Becker, City Attorney

**ENGINEERING PLANNING
FORESTRY**

13910 S.W. Galbreath Dr., Suite 100
Sherwood, Oregon 97140
Phone: (503) 925-8799
Fax: (503) 925-8969
AKS Job #3523



**LANDSCAPE ARCHITECTURE
SURVEYING**

AKS Group of Companies:
SHERWOOD, OREGON
SALEM, OREGON
VANCOUVER, WASHINGTON
www.aks-eng.com

EXHIBIT A

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:

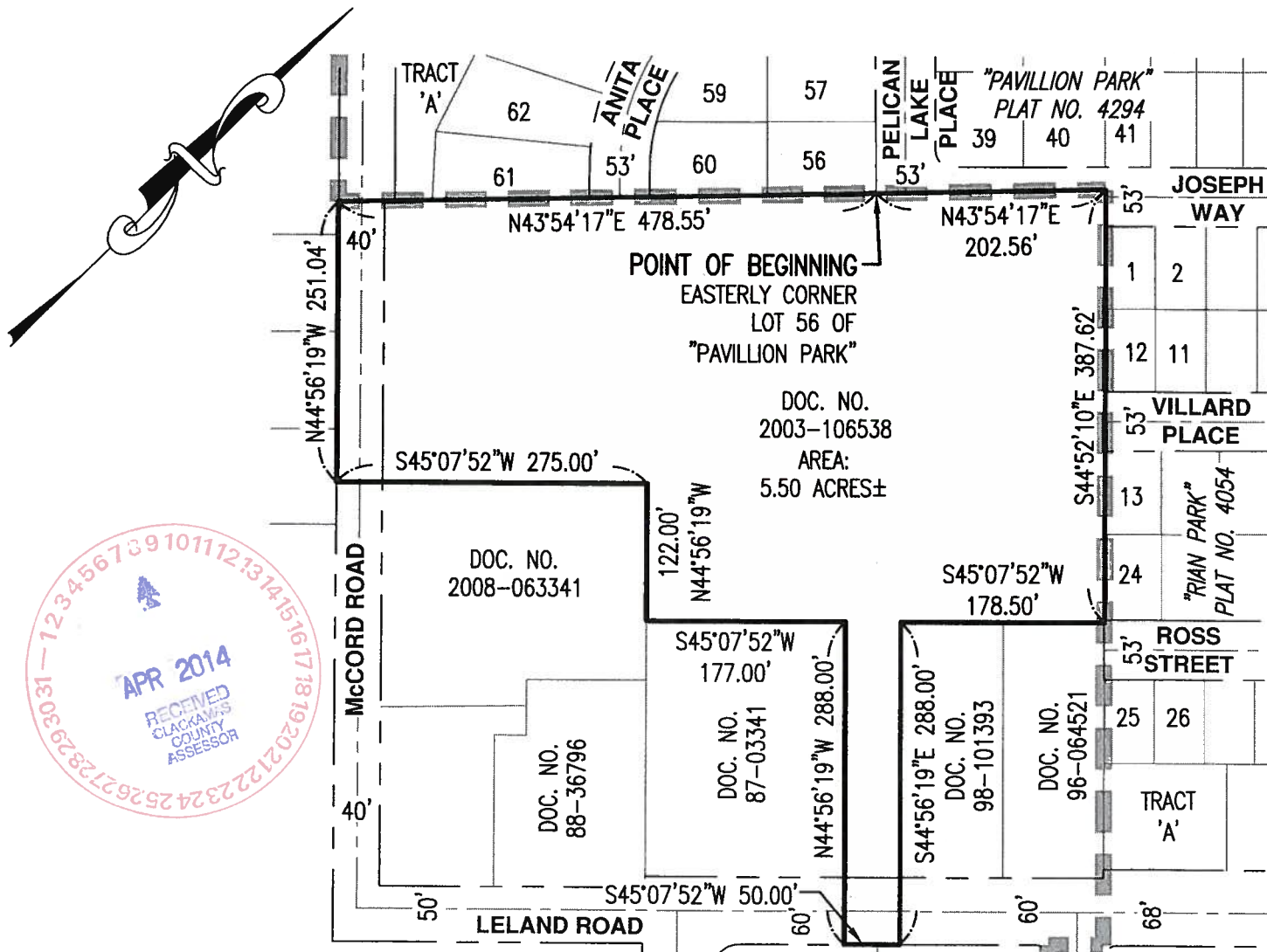
Beginning at the easterly corner of Lot 56 of the Plat of "Pavillion Park", thence along the southeasterly line of said Plat and the city limits of Oregon City, North 43°54'17" East 202.56 feet to the westerly corner of the Plat of "Rian Park"; thence along the southwesterly line of said Plat of "Rian Park" and being the city limits of Oregon City, South 44°52'10" East 387.62 feet to the northerly corner of that tract of land conveyed to Bond A. Fisher and Kellie I. Fisher in Document Number 96-064521, Clackamas County deed records; thence along the northwesterly line of the Fisher tract and the northwesterly line of that tract land conveyed to Dennis Mark Brown in Document Number 98-101393, Clackamas County deed records, South 45°07'52" West 178.50 feet to the westerly corner of the Brown tract; thence along the southwesterly line of the Brown tract and the southeasterly extension thereof, South 44°56'19" East 288.00 feet to a point on the southeasterly right-of-way line of Leland Road (30.00 feet from centerline); thence along said southeasterly right-of-way line, South 45°07'52" West 50.00 feet to a point on the southeasterly extension of the northeasterly line of that tract of land conveyed to Judy J. Douglass in Document Number 87-03341, Clackamas County deed records; thence along said southeasterly extension and the northeasterly line of the Douglass tract, North 44°56'19" West 288.00 feet to the northerly corner thereof; thence along the northwesterly line of the Douglass tract, South 45°07'52" West 177.00 feet to the westerly corner thereof, being a point on the northeasterly line of that tract of land conveyed to Bill Creel and Dana Creel in Document Number 2008-063341, Clackamas County deed records; thence along the northeasterly line of the Creel tract, North 44°56'19" West 122.00 feet to the northerly corner thereof; thence along the northwesterly line of the Creel tract and the southwesterly extension thereof, South 45°07'52" West 275.00 feet to a point on the southwesterly right-of-way line of McCord Road (20.00 feet from centerline); thence along said southwesterly right-of-way line, North 44°56'19" West 251.04 feet to a point on the southwesterly extension of the southeasterly line of the Plat of "Pavillion Park"; thence along said southwesterly extension of the southeasterly line of said Plat, being the city limits of Oregon City, North 43°54'17" East 478.55 feet to the Point of Beginning.

The above described tract of land contains 5.50 acres, more or less.



EXHIBIT B

A TRACT OF LAND LOCATED IN THE NW 1/4 OF SEC. 7,
TOWNSHIP 3 SOUTH, RANGE 2 EAST, W.M.,
CLACKAMAS COUNTY, OREGON



PREPARED FOR
H&H PREFERRED REAL ESTATE

SCALE 1" = 150 FEET



LEGEND

CITY OF OREGON CITY
CITY LIMITS

08-01-13
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 11, 2005
ROBERT D. RETTIG
60124LS

RENEW: 12/31/14

JOB NAME: McCORD ROAD

JOB NUMBER: 3523

DRAWN BY: MSK

CHECKED BY: RDR

DWG NO.: ANNEX-1

AKS ENGINEERING AND FORESTRY, LLC
13910 SW GALBREATH DR
SUITE 100
SHERWOOD, OR 97140
PHONE: 503.925.8799
FAX: 503.925.8969

AKS

ENGINEERING · PLANNING · SURVEYING
FORESTRY · LANDSCAPE ARCHITECTURE



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