



**FILE NUMBER:** Annexation: AN 17-03

**APPLICANT:** PDX Development, Inc.  
P.O. Box 2559  
Oregon City, OR 97045

**OWNER:** Bruce Raymond Miller and Shelly Alane Miller  
Trustees of the Bruce and Shelly Miller Revocable Living Trust  
19701 S Leland Road  
Oregon City, OR 97045

**REQUEST:** The applicant is seeking approval for the Annexation of a 6.33 acre property into the city limits of Oregon City. The site is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of Low Density Residential. The applicant is additionally seeking approval for a Zone Change from Clackamas County Future Urban 10-Acre (FU-10) Zone to “R-6” Single-Family Dwelling District and a Subdivision of 28 lots, w/ one Stormwater Facility Tract.

**LOCATION:** 19701 S Leland Road, Oregon City, OR 97045  
Map: 32E18, Tax Lot 1400

**REVIEWER:** Christina Robertson-Gardiner, AICP, Senior Planner  
Mario De La Rosa, Senior Development Engineer

**RECOMMENDATION:** Approval.

**PROCESS:** Pursuant to OCMC Chapter 14.04. *City Boundary Changes and Extension of Services*. The procedure for review of annexations is governed by State Law and Oregon City Code Chapter 14.04.

The public hearing process is governed by OCMC 14.04 and 17.50. The planning commission shall conduct a public hearing in the manner provided by OCMC Section 17.50.170(B) to evaluate the proposed annexation and make a recommendation to the city commission regarding how the proposal has or has not complied with the factors set forth in Section 14.04.060. The planning commission shall provide findings in support of its recommendation. Upon receipt of the planning commission's recommendation, the city commission shall hold a public hearing in the manner provided by OCMC Section 17.50.170(C).



The applicant and all documents submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 221 Molalla Avenue, Oregon City, Oregon 97045, from 8:30am to 3:30pm Monday thru Friday. The staff report, with all the applicable approval criteria, will also be available for inspection 7 days prior to the hearing. Copies of these materials may be obtained for a reasonable cost in advance.

Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the Planning Commission hearing, in person or by letter, with sufficient specificity to afford the Planning Commission and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. The Planning Commission shall make a recommendation to the City Commission as to whether the application has or has not complied with the factors set forth in section 14.04.060 of the Oregon City Municipal Code. The City Commission decision is appealable to LUBA within 14 days of issuance of the Notice of Decision.

## **PROPOSAL NO. AN-17-03 - CITY OF OREGON CITY - Annexation**

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Property Owners / Voters: Bruce Raymond Miller and Shelly Alane Miller  
Trustees of the Bruce and Shelly Miller Revocable Living Trust  
19701 S Leland Road  
Oregon City, OR 97045

Applicant(s): PDX Development, Inc.  
P.O. Box 2559  
Oregon City, OR 97045

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Proposal No. AN 17-03 is a single tax lot annexation initiated by consent petitions of a double majority of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 222.170 (2) (double majority annexation law) and Metro Code 3.09.040 (a) (Metro's minimum requirements for a petition).

Under the City's Code 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 may approve this annexation by resolution.

If a necessary party raises concerns prior to or at the City Commission's public hearing, the necessary party may appeal the decision to the Land Use Board of Appeals.

The territory to be annexed is located in the Hazel Grove/Westling Farms area of the City near Wesley Linn Park. The subject property is approximately  $\pm 6.33$  acres of generally flat underdeveloped land currently located within the jurisdiction of Clackamas County and zoned FU-10. The property is occupied by an existing single-family detached home and outbuildings situated adjacent to other underdeveloped land to the northwest also located in Clackamas County. The current estimated assessed value in 2017 of \$226,256.00.

The scope of this report is limited to the proposed Annexation.

### **Zoning**

The applicant is concurrently applying for a 28-lot subdivision and rezone to R-6 upon annexation (ZC 17-03, TP 17-07). Re-zoning following annexation is permitted under OCMC 17.68. If the Planning Commission or City Commission determines that the criteria for Zone change under OCMC 17.68 cannot be met, the subject site shall annex at R-10.

### **REASON FOR ANNEXATION**

The owner would be able to receive city services, including specifically, sanitary sewer connection, water system connection, and storm water services, development opportunity as well as the full range of administrative and municipal services provided upon annexation to the City. The property is within 300 feet of a city sanitary sewer system and by Oregon Revised Statute, it must be connected to the city sewer service if new development is proposed.

### **Notice and Public Comment**

Notice of the proposal was sent to various City departments, affected agencies, property owners within 300 feet, and the Neighborhood Association. Additionally, the subject property was posted with signs identifying that a land use action was occurring on the property.

Two public comments have been received for the combine applications (AN 17-01, ZC 17-03, TP 17-07) and response are also included in both staff reports.

**Mysha Angel**-12747 Lindsey Anne Lane- The application was originally noticed to be heard at the November 13, 2017 Planning Commission meeting, but was continued to November 27, 2017. Ms Angel attended and provided comment at the meeting. She did not support the application and felt that the views and open space of the property should be protected.

**Staff Response:** This property is within the urban growth boundary and is adjacent to the city limits and existing residential development and has a county zone of FU10- future development. The reports analyze the project for compliance with the applicable standards.

**Jamin Moore:** Mr. Moore cited 12.04.199 - Pedestrian and bicycle accessways and 12.04.245 - Street design—Pedestrian and bicycle safety as a reason to deny the application because the proposal did not provide adequate sidewalk or pedestrian access to Wesley Lynn Park. He additionally felt that the zone change necessitated dedication of a park onsite to serve the residents coupled with the upcoming construction of the accessway at Wesley Lynn Park which he believed effectively reduced the size of the park.

**Staff Response:** Residents of the new subdivision will access Wesley Lynn Park via Leland Road and Jessie Avenue. While Jessie Avenue was constructed in the 1960s without sidewalks, it is a local street. The stretch of Leland Road below has either sidewalk or protected shoulder access along much of its frontage. The Transportation Advisory Committee (TAC) will continue to monitor this intersection for a future crosswalk as they have done at Leland and Reddaway to see when adequate street lights and street conditions make a controlled crossing a safe option.

The zone change and subdivision criteria do not provide an avenue for requiring onsite private parks. Each new housing unit will pay parks System Development Charges (SDCs) for future park



## LAND USE PLANNING

### *SITE CHARACTERISTICS*

The property gently slopes south at less than 5 percent. The applicant would be able to connect to the city sewer main system that passes along the south edge of the property with a service line. The site is a residential parcel with a few scattered trees around the existing house and outbuilding. The property is in the South End Drainage Basin.

### *REGIONAL PLANNING*

#### General Information

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

#### **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 boundary. The Metro Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans.

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

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

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

### ***REGIONAL FRAMEWORK PLAN***

The law that requires Metro to adopt criteria for boundary changes specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." The Growth Management Functional Plan was reviewed and found not to contain any criteria directly applicable to boundary changes. The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

### ***CLACKAMAS COUNTY PLANNING***

The Metro Code states that the Commission's decision on this boundary change should be ". . . consistent with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans, public facility plans, . . ."

The Clackamas County Comprehensive Plan is the currently applicable plan for this area. The plan designation for this site is Low Density Residential (LR) on the County's Oregon City Area Land Use Plan (Map IV-5).

The County Zoning on the property is FU-10. The FU-10 zone means a 10-acre minimum lot size. This 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. Lands located outside areas having sanitary sewer service available were designated Future Urbanizable.

Clackamas County Zoning and Development Ordinance (ZDO) section 314.02 provides that the Future Urban 10-Acre District is applied to those areas designated as Future Urban by Chapter 4 of the Clackamas County Comprehensive Plan.

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

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

#### Urban Growth Management Agreement

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

The applicant also wishes to receive R-6 zoning following annexation. The criteria for rezone can be found in Planning File no. ZC 17-02/ TP 17-07.

The Agreement presumes that all the urban lands within the UGMB will ultimately annex to the City. It specifies that the city is responsible for the public facilities plan required by Oregon Administrative Rule Chapter 660, division 11. The Agreement goes on to say:

#### 4. City and County Notice and Coordination

\* \* \*

*D. The CITY shall provide notification to the COUNTY, and an opportunity to participate, review and comment, at least 20 days prior to the first public hearing on all proposed annexations . . .*

\* \* \*

#### 5. City Annexations

A. *CITY may undertake annexations in the manner provided for by law within the UGMB. CITY annexation proposals shall include adjacent road right-of-way to properties proposed for annexation. COUNTY shall not oppose such annexations.*

B. *Upon annexation, CITY shall assume jurisdiction of COUNTY roads and local access roads that are within the area annexed. As a condition of jurisdiction transfer for roads not built to CITY street standards on the date of the final decision on the annexation, COUNTY agrees to pay to CITY a sum of money equal to the cost of a two-inch asphaltic concrete overlay over the width of the then-existing pavement; however, if the width of pavement is less than 20 feet, the sum shall be calculated for an overlay 20 feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of CITY and COUNTY. Arterial roads will be considered for transfer on a case- by-case basis. Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions.*

C. Public sewer and water shall be provided to lands within the UGMB in the manner provided in the public facility plan . . .

\* \* \*

The required notice was provided to the County at least 20 days before the Planning Commission hearing. The agreement requires that adjacent road rights-of-way be included within annexations. Leland Road abuts the site and is within the jurisdiction of Clackamas County and will remain so after this annexation occurs.

### **CLACKAMAS RIVER WATER**

Clackamas River Water (CRW) is currently serving 19701 S Leland Road with the following infrastructure within the public right-of-way with a 1960 era 6-inch steel waterline located within S Leland Rd Road. CRW has determine that this line should be abandoned

It is anticipated as the Leland Road area develops, water service will be through the Oregon City system. CRW is requesting the following service modifications to minimize future impacts:

#### **TP 17-07 Subdivision Conditions of Approval**

As part of the subdivision approval (TP 17-07), the applicant will install a 1-inch service connection for future ¾" water meter at:

1. 19695 S Leland Road – locate in future right-of-way at lot 12 or 13.
2. 19634 S Leland Road – locate at or near existing service.
3. 19646 S Leland Road – locate at or near existing service.
4. 19658 S Leland Road – locate at or near existing service.
5. 19717 S Leland Road – locate at or near existing service.

b. CRW will be financially responsible for those services not impacted by the development and located outside the City limits.

c. CRW will coordinate with the City of Oregon City on the S Leland Rd construction plan review regarding the transferring or abandonment of water services.



a. The applicant shall provide on the final subdivision plat any access or utility easements for the benefit of 19695 S Leland Rd.

**Outside of the Subject Land Use process (AN 17-03, AC 17-03, TP 17-07)**

CRW and Oregon City will negotiate at a later date a Joint User Agreement as the Oregon City area annexes and develops within the Urban Growth Area.

***Tri-City Sewer District***

The property at 19701 S Leland Road is not within the Tri City Service District (TCSD) and will be required to annex into TCSD to receive sanitary sewer service. Upon annexation approval, the applicant shall commence a separate annexation process. An application packet is attached as Exhibit 4

**CITY OF OREGON CITY MUNICIPAL CODE**

**Title 14 – ANNEXATIONS**

**Chapter 14.04: CITY BOUNDARY CHANGES AND EXTENSION OF SERVICES**

*14.04.050 Annexation procedures.*

*A. Application Filing Deadlines. Annexation elections shall be scheduled for March, May, September and November of each year. Each application shall first be approved by the city commission, which shall provide a valid ballot title in sufficient time for the matter to be submitted to the voters as provided by the election laws of the state of Oregon.*

**Finding: Complies as Proposed.** In accordance with Senate Bill 1573, which went into effect March 16, 2016 and, “applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city,” the following criteria found in Section 2 and 3 of Senate Bill 1573 have been addressed to determine the territory’s support for annexation.

**Section 2. (2)**

*Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:*

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

**Finding: Complies as Proposed.** 100% of the land owners have signed the annexation petition. This petition is included in the application materials, which has been certified by the Clackamas County Assessor’s Office. The territory is included within the Portland Metropolitan UGB.

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

**Finding: Complies as Proposed.** The subject property currently has an Oregon City Comprehensive Plan designation of Low Density Residential (LR), which includes the R-10, R-8, and R-6 zoning districts. Upon approval of this annexation and concurrent zone change application, the subject property is to be rezoned from the County's FU-10 zone to the City's R-6 zone, which is consistent with the City's LR Comprehensive Plan designation.

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

**Finding: Complies as Proposed.** As shown on the preliminary plans, and the certified legal description and map included in the application materials, the subject property's southeast property line is contiguous to City limits.

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

**Finding: Complies as Proposed.** All required information, forms, and documents found in Oregon City's "Annexation Application Submittal Checklist" have been included in the application materials.

## **Section 2. (3)**

*The territory to be annexed under this section includes any additional territory described in ORS 222.111 (1) that must be annexed in order to locate infrastructure and right of way access for services necessary for development of the territory described in subsection (2) of this section at a density equal to the average residential density within the annexing city.*

**Finding: Complies as Proposed.** The territory to be annexed includes territory that must be annexed in order to locate future infrastructure and right-of-way access for services necessary for the territory to meet density equal to the average residential density within Oregon City per the R-6 zoning designation. Access is available from S Leland Road and abutting street stubs (Cedarwood Way and Cherrywood Way), and City services are available.

## **Section 2. (4)**

*When the legislative body of the city determines that the criteria described in subsection (2) of this section apply to territory proposed for annexation, the legislative body may declare that the territory described in subsections (2) and (3) of this section is annexed to the city by an ordinance that contains a description of the territory annexed.*

**Finding: Complies as Proposed.** A legal description and map for the subject property planned for annexation prepared by a Professional Land Surveyor and certified by the Clackamas County Assessor's Office is included in the application materials.

*This 2016 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect on its passage.*

**Finding: Complies as Proposed.** Senate Bill 1573 was signed by the Governor and became effective on March 15, 2016.

*B. Preapplication Review. Prior to submitting an annexation application, the applicant shall confer in the manner provided by Section 17.50.050(A) with the representative of the planning division appointed by the city manager.*

**Finding: Complies as Proposed.** A pre-application conference was held by the City March 8, 2017. Copies of the City's Pre-Application Conference Meeting Notes have been included in the application materials.

*C. Neighborhood Contact. Prior to filing an annexation application, the applicant is encouraged to meet with the city-recognized neighborhood association or associations within which the property proposed to be annexed is located. If the city manager deems that more than one such association is affected, the applicant is encouraged to meet with each such association, as identified by the city manager. Unwillingness or unreasonable unavailability of a neighborhood association to meet shall not be deemed a negative factor in the evaluation of the annexation application.*

**Finding: Complies as Proposed.** A neighborhood meeting with the Hillendale and Tower Vista Neighborhood Association was held on June 6, 2017. The required neighborhood meeting materials have been included in the application materials. This standard is met.

*D. Signatures on Consent Form and Application. The applicant shall sign the consent form and the application for annexation. If the applicant is not the owner of the property proposed for annexation, the owner shall sign the consent form and application in writing before the city manager may accept the same for review.*

**Finding: Complies as Proposed.** The appropriate consent form and annexation application have been signed by 100% of the property owners, a copy of which has been included in the application materials.

*E. Contents of Application. An applicant seeking to annex land to the city shall file with the city the appropriate application form approved by the city manager. The application shall include the following:*

*1. Written consent form to the annexation signed by the requisite number of affected property owners, electors or both, provided by ORS 222, if applicable;*

**Finding: Complies as Proposed.** The appropriate consent form and annexation application have been signed by 100% of the property owners. Copies of the signed consent form and application have been included in the application materials.

*2. A legal description of the territory to be annexed, meeting the relevant requirements of the Metro Code and ORS Ch. 308. If such a description is not submitted, a boundary survey may be required. A lot and block description may be substituted for the metes and bounds description if the area is platted. If the legal description contains any deed or book and page references, legible copies of these shall be submitted with the legal description;*

**Finding: Complies as Proposed.** A copy of the certified legal description and map for the subject property to be annexed has been included in the application materials. This standard is met.

*3. A list of property owners within three hundred feet of the subject property and, if applicable, those property owners that will be "islanded" by the annexation proposal, on mailing labels acceptable to the city manager;*

**Finding: Complies as Proposed.** A list of property owners within a 300-foot radius of the subject property, including appropriate mailing labels have been included in the application materials. This standard is met.

*4. Two full quarter-section county tax assessor's maps, with the subject property(ies) outlined;*

**Finding: Complies as Proposed.** Two full quarter-section County Tax Assessor's Maps with the subject property outlined on each map have been included in the application materials. This standard is met.

*5. A site plan, drawn to scale (not greater than one inch = fifty feet), indicating:*

*a. The location of existing structures (if any);*

*b. The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed;*

*c. The location and direction of all water features on and abutting the subject property. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flood data showing elevations of all property subject to inundation in the event of one-hundred-year flood shall be shown;*

*d. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the Division of State Lands), wooded areas, identified habitat conservation areas, isolated preservable trees (trees with trunks over six inches in diameter—as measured four feet above ground), and significant areas of vegetation;*

*e. General land use plan indicating the types and intensities of the proposed, or potential development;*

**Finding: Complies as Proposed.** Preliminary Plans containing the information required by these criteria have been included in the application materials.

*6. If applicable, a double-majority worksheet, certification of ownership and voters. Certification of legal description and map, and boundary change data sheet on forms provided by the city.*

**Finding: Complies as Proposed.** This application is using the Petition of Owners of 100% of Land Area method of annexation, not the double majority method. Valid forms contained in Oregon City's Annexation Application Packet certifying the petition, legal description, and map have been included in the application materials. A boundary data sheet has also been included in the application materials.

*7. A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in the ordinance codified in this chapter, as relevant, including:*

*a. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;*

**Finding: Complies as Proposed.** A narrative was submitted.

#### *Water Facilities -Availability*

The subject property is currently within Clackamas River Water (CRW) District and served by the CRW's 6-inch water main located in the S Leland Road right-of-way. A separate 12-

inch City water main is also located within the S Leland Road right-of-way approximately 120 feet southeast of the subject property. In addition, existing 8-inch water mains are located in both Cedarwood Way and Cherrywood Way abutting the subject property to the southeast from the existing Lindsay Anne Estates Subdivision.

#### *Water Facilities -Capacity*

Based upon discussions with City staff, the City's Water Master Plan, and the Public Facilities Memorandum included in the application materials, no known capacity or pressure issues exist in the vicinity.

#### *Water Facilities -Status*

The subject property is currently within the Clackamas River Water (CRW) District and is served by the CRW's 6-inch water main located in the S Leland Road right-of-way. The subject property is also easily served by City water as described above. The Public Facilities Memorandum included in the application materials discusses adequacy of public facilities.

#### *Sanitary Sewer Facilities- Availability*

The existing residence located on the subject property is served by a private septic system. Tri-City Service District provides wastewater treatment for the City of Oregon City. The Applicant plans to file the appropriate documents for annexation into the Tri-City Service District following successful annexation of the property to the City, however, sewer connections are not planned with this application. The City of Oregon City currently operates the sanitary sewer collection system in this area, which connects to the Tri-City Service District interceptor. An existing 8-inch sanitary sewer main is located within the S Leland Road right-of-way approximately 120 feet southeast of the subject property. Additionally, existing 8-inch sanitary sewer mains are located in Cedarwood Way and Cherrywood Way of the adjoining Lindsay Anne Estate Subdivision to the southeast.

#### *Sanitary Sewer Facilities- Capacity*

Based upon discussions with City staff, the City's Sanitary Sewer Master Plan, and the Public Facilities Memorandum included in the application materials, no known capacity or pressure issues exist in the vicinity. The applicant's engineer has provided a memorandum dated November 13, 2017 evaluating the capacity of the City's sanitary system per the 2014 master plan flow demand methodology. Staff has reviewed the evaluation and concurs that there is adequacy in the system to serve the proposed development.

#### *Sanitary Sewer Facilities- Status*

As noted above, the Applicant plans to file the appropriate documents for annexation into the Tri-City Service District, following successful annexation of the subject property into the City.

#### *Storm Drainage Facilities-Availability*

Existing 12-inch storm lines are located directly to the southeast within the rights-of-way of Cedarwood Way and Cherrywood Way, the two separate stub streets located within the abutting Lindsay Anne Estates Subdivision. An existing 12-inch storm line is also located

within the S Leland Road right-of-way approximately 120 feet southeast of the subject property.

*Storm Drainage Facilities -Capacity*

Based upon comments received from City staff, and the Public Facilities Memorandum included in the application materials, no known stormwater capacity issues exist in the vicinity.

*Storm Drainage Facilities -Status*

Upon annexation, the property will be subject to the City's Stormwater and Grading Design Standards.

*Transportation Facilities -Availability*

The subject property is currently accessed by way of an existing private driveway from S Leland Road. S Leland Road is classified as a minor arterial street controlled by Clackamas County. Cedarwood Way and Cherrywood Way (local streets) are stubbed to the subject property from the adjacent Lindsay Anne Subdivision to the southeast.

*Transportation Facilities- Capacity*

Successful annexation of the subject property will not create any increase in service demands to transportation facilities. A Traffic Impact Study (TIS), which includes a Transportation Planning Rule (TPR) analysis, has been prepared by a registered professional traffic engineer based upon a scope of work provided by the City's traffic engineering consultant. The TIS includes trip generation estimates for the existing FU-10 zoning designation, the planned R-6 zoning designation, traffic count data, trip distribution and assignments, operational analysis, crash data analysis, and capacity analysis for the 20-year planning horizon consistent with the requirements of the State Transportation Planning Rule (OAR 660-012-060). The TIS concludes that study area intersections operate acceptably through the planning horizon, and that the annexation and zone change of the subject property will not significantly affect the City's transportation system. No mitigation has been recommended, and the Transportation Planning Rule is therefore satisfied. Please see the TIS included in the application materials for additional information.

*Park Facilities -Availability*

The closest park to the subject property is Wesley Lynn Park, approximately ±540 feet to the northeast. The annexation application, by itself, will not impact the existing parks in the area.

*Park Facilities -Capacity*

Annexation of the subject property will not affect the capacity of park facilities. *Park*

*Park Facilities -Status*

The subject property is not adjacent to existing park facilities, and the annexation application will not impact the existing parks in the area.

*School Facilities -Availability*

The subject property is currently served by the Oregon City School District. Annexation of the subject property to the City would have no impact on the School District. The subject property is located within approximately one ( $\pm 1$ ) mile of Gaffney Lane Elementary School to the east, and John McLoughlin Elementary School to the northwest; less than two ( $\pm 2$ ) miles from Gardiner Middle School to the northeast; roughly four ( $\pm 4$ ) miles from Oregon City High School, and two and a half ( $\pm 2\frac{1}{2}$ ) miles from Clackamas Community College to the east.

#### *School Facilities -Capacity*

Oregon City School District Superintendent, Wes Rogers attended the pre-application conference for this application. The annexation/zone change application was discussed along with potential future re-development of the subject property at R-6 residential densities.

#### *School Facilities -Status*

The responses to the availability, capacity, and status of existing water, sewer, storm drainage, transportation, park, and school facilities of the annexation of the subject property meet the above standard.

*b. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;*

**Finding: Complies as Proposed.**

#### *Water Facilities*

Annexation to the City as provided for in this application will not create an increased demand for water facilities. That said, it anticipates the potential redevelopment of the property at R-6 residential densities, consistent with several other properties in this area. Based upon discussions with City staff at the pre-application conference and experience with nearby projects, it is understood that there is sufficient capacity as conditioned in ZC 17-03/TP 17-07, to satisfy potential increased demand to the public water system at R-6 residential densities.

#### *Sanitary Sewer Facilities*

Annexation to the City as provided for in this application will not create an increased demand for sanitary sewer facilities. That said, it anticipates the potential redevelopment of the property at R-6 residential densities, consistent with several other properties in this area. The proposed change to a higher density zoning will create a slightly increased demand on the sanitary sewer system. Based upon discussions with City staff at the pre-application conference and experience with nearby projects, it is understood that there is sufficient capacity to satisfy potential increased demand, as conditioned in ZC 17-03/TP 17-07, to the public sanitary sewer system at R-6 residential densities. The applicant's engineer has provided a memorandum dated November 13, 2017 evaluating the capacity of the City's sanitary system per the 2014 master plan flow demand methodology. Staff has reviewed the evaluation and concurs that there is adequacy in the system to serve the proposed development.

#### Storm Drainage Facilities

Annexation to the City as provided for in this application will not create an increased demand for storm drainage facilities. That said, it anticipates the potential redevelopment of the property at R-6 residential densities, consistent with several other properties in this area. Based upon discussions with City staff at the pre-application conference and experience with nearby projects, it is understood that there is sufficient capacity as conditioned in ZC 17-03/TP 17-07, to satisfy potential increased demand to the public storm drainage system at R-6 residential densities.

#### Transportation Facilities

Annexation to the City as provided for in this application will not create an increased demand for transportation facilities. That said, it anticipates the potential redevelopment of the property at R-6 residential densities, consistent with several other properties in this area. Based upon discussions with City staff at the pre-application conference and experience with nearby projects, it is understood that there is sufficient capacity to satisfy potential increased demand to the public transportation system at R-6 residential densities.

#### Park Facilities

Annexation to the City as provided for in this application will not create an increased demand for park facilities. That said, it anticipates the potential redevelopment of the property at R-6 residential densities, consistent with several other properties in this area. Based upon discussions with City staff at the pre-application conference and experience with nearby projects, it is understood that there is sufficient capacity to satisfy potential increased demand to the public parks system at R-6 residential densities.

#### School Facilities

Annexation to the City as provided for in this application will not create an increased demand for school facilities. That said, it anticipates the potential redevelopment of the property at R-6 residential densities, consistent with several other properties in this area. Based upon discussions with City staff at the pre-application conference and experience with nearby projects, it is understood that there is sufficient capacity to satisfy potential increased demand to the public school system at R-6 residential densities.

c. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;

**Finding: Complies as Proposed.** No additional facilities are required for this application.

#### Water Facilities

The subject property is currently within the Clackamas River Water (CRW) District. Annexation of the subject property to the City of Oregon City would not cause increased demand on water services. Therefore, additional facilities or phased facilities are not required or relevant to the annexation and zone change application. Potential future redevelopment of the property at R-6 residential densities was discussed with City staff and CRW at the pre-application conference required for this application. Based on this conversation, written information provided by City and CRW staff, and previous experience



with recent projects in the area, it is understood that the City of Oregon City will be the ultimate provider of water service in this area and that sufficient capacity exists to serve the property at R-6 residential densities. This is summarized in the Public Facilities Memorandum that is included in the application materials. It is also understood that potential future water main extensions are subject to compliance with applicable City design standards (and necessary permits), and that service connections to the City system are also subject to payment of required City fees (that fund plan review and inspections) and SDC's which provide funding for necessary City water system infrastructure capacity improvements.

#### Sanitary Sewer Facilities

The existing residence located on the subject property is served by an on-site private septic system. It is understood that the ultimate provider for public sanitary sewer service is the City of Oregon City, whose system transports wastewater to the Tri-City Service District treatment plant (operated by Clackamas County Water Environment Services). Annexation of the subject property to the City of Oregon City would not cause increased demand on the existing septic system or the City Sanitary Sewer System. Therefore, additional facilities or phased facilities are not required or relevant to the annexation and zone change application.

Potential future redevelopment of the property at R-6 residential densities was discussed with City staff at the pre-application conference required for this application. Based on this conversation, written information provided by City staff, and previous experience with recent projects in the area, it is understood that sufficient capacity exists to serve the property at R-6 residential densities. This is summarized in the Public Facilities Memorandum that is included in the application materials. The applicant's engineer has provided a memorandum dated November 13, 2017 evaluating the capacity of the City's sanitary system per the 2014 master plan flow demand methodology. Staff has reviewed the evaluation and concurs that there is adequacy in the system to serve the proposed development.

It is also understood that potential future sanitary sewer system infrastructure improvements would be subject to compliance with applicable City design standards (and necessary permits), and that service connections to the City system are also subject to payment of required City fees (that fund plan review and inspections) and System Development Charges (SDCs) which provide funding for necessary City sanitary sewer system infrastructure capacity improvements.

#### Storm Drainage Facilities

The property is over 6 acres, there is limited impervious areas, and the existing home was built in 1909. It is understood that the ultimate provider for public stormwater management service is the City of Oregon City. Annexation of the subject property to the City of Oregon City would not cause increased demand on the City stormwater management system. Therefore, additional facilities or phased facilities are not required or relevant to the annexation and zone change application.

Potential future redevelopment of the property at R-6 residential densities was discussed with City staff at the pre-application conference required for this application. Based on this conversation, the written information provided by City staff, and previous experience with recent projects in the area, it is understood that sufficient capacity exists to serve the property at R-6 residential densities. This is summarized in the Public Facilities Memorandum that is included in the application materials.

It is also understood that potential future stormwater management system infrastructure improvements would be subject to compliance with applicable City design standards (and necessary permits), and that service connections to the City system are also subject to payment of required City fees (that fund plan review and inspections) and SDC's which provide funding for necessary City stormwater management system infrastructure capacity improvements.

#### Transportation Facilities

The subject property fronts on S Leland Road, which is a Clackamas County arterial roadway. Annexation of the subject property to the City of Oregon City would not cause increased demand on the County/City management system. Therefore, additional facilities or phased facilities are not required or relevant to the annexation and zone change application.

Potential future redevelopment of the property at R-6 residential densities was discussed with City staff at the pre-application conference required for this application. Based on that conversation, a Traffic Impact Analysis has been prepared and is included in the application materials. The Traffic Impact Analysis includes a Transportation Planning Rule Analysis which analyzes capacity at certain intersections for the 20-year planning horizon as required by Oregon State Administrative Rule (OAR) 660-012-060). The analysis found that study area intersections operate acceptably through the planning horizon with the annexation and zone change.

It is also understood that potential future transportation management system infrastructure improvements would be subject to compliance with applicable City and County design standards (and necessary permits), and are also subject to payment of required City fees (that fund plan review and inspections) and SDC's which provide funding for necessary transportation system infrastructure capacity improvements.

#### Park Facilities

Wesley Lynn Park, is located approximately ±540 feet to the northeast of the subject property. It is understood that the ultimate provider for park services is the City of Oregon City. Annexation of the subject property to the City of Oregon City would not cause increased demand on the City's parks system. In fact, once the property is annexed, taxes (including those that support parks) would be assessed and collected by the City.

Therefore, additional facilities or phased facilities are not required or relevant to the annexation and zone change application. Potential future redevelopment of the property at R-6 residential densities was discussed with City staff at the pre-application conference

required for this application. Based on this conversation, the written information provided by City staff, and previous experience with recent projects in the area, it is understood that sufficient capacity exists to serve the property at R-6 residential densities. It is also understood that potential future SDC's and property taxes would provide funding for necessary City parks system improvements.

The subject property is located within the Oregon City School District. Annexation of the subject property to the City of Oregon City would not cause increased demand on the school district. Therefore, additional facilities or phased facilities are not required or relevant to the annexation and zone change application.

Wes Rogers, Oregon City School District Superintendent attended the pre-application conference for this application. The annexation/zone change application was discussed and Mr. Rogers concluded that based on a variety of factors (i.e. demographic trends, the small size of the property) that sufficient capacity exists to serve the property at R-6 residential densities. It is also understood that potential future construction excise taxes and property taxes would provide funding for necessary school district improvements.

#### Additional Facilities

The subject property is currently within and served by Clackamas Fire District #1. Annexation of the subject property to the City of Oregon City would not cause increased demand on the fire district's resources. Therefore, additional facilities or phased facilities are not required or relevant to the annexation and zone change application.

Potential future redevelopment of the property at R-6 residential densities was discussed with City staff at the pre-application conference required for this application. Based on this conversation, the written information provided by City staff, and previous experience with recent projects in the area, it is understood that the fire district has sufficient resources to serve the property at R-6 residential densities. It is also understood that potential future property taxes, potential district bonds, etc. provide necessary funding for the fire district.

The subject property is currently within and served by the Clackamas County Sheriff's Office. It is understood that the ultimate provider of police service is the City of Oregon City Police Department. Annexation of the subject property to the City of Oregon City would not create a negligible demand on the City's Police Department resources. Therefore, additional facilities or phased facilities are not required or relevant to the annexation and zone change application.

Potential future redevelopment of the property at R-6 residential densities was discussed with City staff at the pre-application conference required for this application. Based on this conversation, the written information provided by City staff, and previous experience with recent projects in the area, it is understood that the Police Department has sufficient resources to serve the property at R-6 residential densities. It is also understood that potential future property taxes, potential district bonds, etc. will provide necessary funding for the Police Department.

## Phasing of Facilities

As discussed above, phasing of facilities is not necessary for any necessary service.

*d. Statement outlining method and source of financing required to provide additional facilities, if any;*

**Finding: Complies as Proposed.** Annexation of the subject property to the City of Oregon City would not cause increased demand on City or service provider resources. Therefore, additional facilities requiring financing are not required or relevant to the annexation and zone change application. That said, to the extent potential future redevelopment of the subject property at R-6 residential densities is relevant to this application, such financing mechanisms were described in Section c. above.

*e. Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;*

**Finding: Complies as Proposed.** Annexation of the subject property to the City of Oregon City will not affect a physical change of the property. That said, a conceptual shadow plat is included in the application materials that illustrates a potential vision for the property given the City's R-6 Low Density Residential designation to be applied upon annexation. The plan features a continuation of the adjacent low density residential development pattern with critical connections to adjacent developed streets. Assumed with the plan are the types of features that accompany new residential communities such as frontage improvements on S Leland Road, public sanitary sewer and stormwater management infrastructure, new public streets with sidewalks and street trees, areas to build new homes, plant landscaping, etc.

*f. Statement of potential physical, aesthetic, and related social effects of the proposed, or potential development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;*

**Finding: Complies as Proposed.** Annexation of the subject property to the City of Oregon City will not affect a physical, aesthetic, or discernable social change of the property. That said, a conceptual shadow plat is included in the application materials that illustrates a potential vision for the property given the City's R-6 Low Density Residential designation to be applied upon annexation. The plan features a continuation of the adjacent low density residential development pattern with critical connections to adjacent developed streets. Assumed with the plan are the types of features that accompany new residential communities such as frontage improvements on S Leland Road, public sanitary sewer and stormwater management infrastructure, new public streets with sidewalks and street trees, areas to build new homes, plant landscaping, etc. Therefore, negative effects are not anticipated. That said, this annexation/zone change application does not authorize any physical changes to the property. The City of Oregon City has established standards, requirements, and review procedures by which development applications are considered. That process involves a neighborhood meeting and public notice by which members of the community may provide input on the application, potential issues can be identified, and remedies created.

*g. Statement indicating the type and nature of any comprehensive plan text or map amendments, or zoning text or map amendments that may be required to complete the proposed development;*

**Finding: Complies as Proposed.** In accordance with the Clackamas County/Oregon City UGMA, the subject property already exhibits an Oregon City Comprehensive Plan designation of Low Density Residential (LR). Consistent with that designation, this application includes placing the City's R-6 zoning designation on the subject property on the City zoning map. Because the R-6 designation is identified as a Low Density Residential zone, a comprehensive plan map amendment is not relevant to this application.

*8. The application fee for annexations established by resolution of the city commission and any fees required by metro. In addition to the application fees, the city manager shall require a deposit, which is adequate to cover any and all costs related to the election;*

**Finding: Complies as Proposed.** The required application fee has been included with this application submittal. That said, pursuant to Senate Bill 1573, approval of the application will not involve an election.

*9. Paper and electronic copies of the complete application as required by the community development director.*

**Finding: Complies as Proposed.** The appropriate number of application packets, and electronic copies of the application packet have been submitted.

*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;*

**Finding: Complies as Proposed.** The subject property has direct access onto S Leland Road, a minor arterial controlled by Clackamas County. Local streets (Cedarwood Way and Cherrywood Way) are stubbed to the subject property from the adjacent Lindsay Anne Estates Subdivision. Therefore, the subject property has excellent site access.

*2. Conformity of the proposal with the city's comprehensive plan;*

**Comprehensive Plan Section 2: Land Use**

**Goal 2.1: Efficient Use of Land**

*Ensure that property planned for residential, commercial, office, and industrial uses is used efficiently and that land is developed following principles of sustainable development.*

**Finding: Complies as Proposed.** The subject property is located within the UGB, and has an existing Low Density Residential Comprehensive Plan designation. That said, the future anticipated use of the property is low density residential at R-6 densities as envisioned and consistent with other projects in the area, which is consistent with the City's Comprehensive Plan designation, and ensures an adequate supply of housing in an area that can be provided with urban services in an efficient and timely manner.

**Goal 2.7: Oregon City Comprehensive Plan Land-Use Map**

*Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.*

**Finding: Complies as Proposed.** The annexation/zone change of the subject property is consistent with and maintains the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for development within the area of the property. This application has no impact on this policy.

#### ***Comprehensive Plan Section 14: Urbanization***

##### ***Goal 14.1: Urban Growth Boundary***

*Establish, and amend when appropriate, the Urban Growth Boundary in the unincorporated area around the city that contains sufficient land to accommodate growth during the planning period for a full range of city land uses, including residential, commercial, industrial, and institutional.*

**Finding: Complies as Proposed. :** The subject property is located within the UGB and greater than 6 acres in size, which is sufficient to accommodate future residential growth at R-6 densities as envisioned and consistent with other projects in the area.

##### ***Policy 14.1.1***

*The Urban Growth Boundary shall conform to Title 11 of the Code of the Metropolitan Service District and will provide sufficient land to accommodate 20-year urban land needs, resulting in efficient urban growth and a distinction between urban uses and surrounding rural lands, and promoting appropriate infill and redevelopment in the city.*

**Finding: Complies as Proposed.** The subject property has been within the UGB since it was established by Metro in 1979. Based on the property size (greater than 6 acres), it is included in the Metropolitan Service District's inventory of sufficient land to accommodate 20-year urban land needs. The annexation/zone change of the subject property to the City's R-6 zoning designation promotes appropriate infill and redevelopment in the City consistent with the City's Comprehensive Plan.

##### ***Policy 14.1.2***

*Concept plans that provide more detail than the city's Comprehensive Plan will be required prior to development of lands within the Urban Growth Boundary.*

**Finding: Complies as Proposed.** Although no physical alterations of the subject property are included with this application, an Aerial Photo and Conceptual Shadow Plat of the property has been included in the application materials to show how the property can conceptually be redeveloped in the future.

##### ***Goal 14.3: Orderly Provision of Services to Growth Areas***

*Plan for public services to lands within the Urban Growth Boundary through adoption of a concept plan and related Capital Improvement Program, as amendments to the Comprehensive Plan.*

**Finding: Complies as Proposed.** The subject property is located within the UGB; however, no concept plan has been adopted for the area. That said, the future anticipated use of the property is low density residential at R-6 densities as envisioned and consistent with other projects in the area. The City's Capital Improvement Program includes utility master plans that have been updated in anticipation of serving additional properties annexed in the area. The availability, capacity, and status of existing and planned services and facilities (water,

sanitary sewer, storm drainage, access/transportation) in the area have been discussed previously in this narrative.

***Policy 14.3.1***

*Minimize new public facilities and services by encouraging new development within the Urban Growth Boundary at maximum densities allowed by the Comprehensive Plan.*

**Finding: Complies as Proposed.** Annexation of the subject property will not affect current public facilities or services in the area. The zone change of the property to the City's R-6 zone is consistent with this policy as it allows compatible residential density within the Low Density Residential Comprehensive Plan designation of the property.

***Policy 14.3.2***

*Ensure that the extension of new services does not diminish the delivery of those same services to existing areas and residents in the city.*

**Finding: Complies as Proposed.** Annexation of the subject property will not affect existing utility services. That said, and as addressed above, the City's utility master plans have been updated to account for the extension of services to annexed properties within the area without diminishing the delivery of those same services to existing areas and residents within the City.

***Policy 14.3.3***

*Oppose the formation of new urban services districts and oppose the formation of new utility districts that may conflict with efficient delivery of city utilities within the Urban Growth Boundary.*

**Finding: Complies as Proposed.** Annexation of the subject property will not create a new service district or affect the future delivery of City utilities to the subject property or the area.

***Policy 14.3.4***

*Ensure the cost of providing new public services and improvements to existing public services resulting from new development are borne by the entity responsible for the new development to the maximum extent allowed under state law for Systems Development Charges.*

**Finding: Complies as Proposed.** Annexation of the subject property will not create any new service connections, therefore, no costs borne by the Applicant for new connections are required. Utility connection fees, SDC's, and ongoing user fees, are planned to be paid for by private parties with the future redevelopment of the property.

***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: Complies as Proposed.** This application is required by the City to be reviewed through a Type IV land use process, which ensures consideration of the effects of annexed properties on public services and the City as a whole. Future anticipated use of the property is low density residential at R-6 densities as envisioned and consistent with other

projects in the area, and the Oregon City's Low Density Comprehensive Plan designation applied to the property.

***Policy 14.4.1***

*Promote compact urban form and support efficient delivery of public services by ensuring that lands to be annexed are within the City's Urban Growth Boundary, and contiguous with the city limits. Do not consider long linear extensions, such as cherry stems and flag lots, to be contiguous with the city limits.*

**Finding: Complies as Proposed.** Annexation of the subject property would support compact urban form and support efficient delivery of public services as the property is within the UGB and contiguous to City limits. No physical alterations to the property are included with this application.

***Policy 14.4.2***

*Include an assessment of the fiscal impacts of providing public services to unincorporated areas upon annexation, including the costs and benefits to the city as a whole as a requirement for concept plans.*

**Finding: Complies as Proposed.** The City of Oregon City does not currently have a concept plan for this area. That said, the annexation of the subject property will have no fiscal impacts on providing public services because no physical alterations to the property are included with this application. The City's various public facilities master plans include analyses of the costs associated with providing adequate levels of service in the area, which can be assessed at the time of future land application submittal for the property.

***Policy 14.4.3***

*Evaluate and in some instances require that parcels adjacent to proposed annexations be included*

*to:*

- *avoid creating unincorporated islands within the city;*
  - *enable public services to be efficiently and cost-effectively extended to the entire area;*
- or*
- *implement a concept plan or sub-area master plan that has been approved by the Planning and City Commissions.*

**Finding: Complies as Proposed.** As shown on the preliminary plans, annexation of the subject property will not create unincorporated islands within the City, or interfere with the timely or efficient extension of public services to the area in the future. No concept plan or sub-area master plan currently exists.

***Policy 14.4.4***

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

**Finding: Complies as Proposed.** The subject property is currently on a private septic system. However, the property is not subject to a public health hazard associated with a failing septic system.



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

**Finding: Complies as Proposed.** As described in the preceding sections of this narrative, adequate public facilities and services are available to support potential future development of the subject property.

*4. Compliance with applicable sections of ORS Ch. 222, and Metro Code Section 3.09;*

**Finding: Complies as Proposed.** ORS Chapter 222 provides several options for annexing land into a City, and requires that property to be annexed be contiguous to City limits. The process by which the subject property is being annexed is in accordance with Senate Bill 1573 which, “applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.” That said, the planned annexation of the subject property meets ORS Ch. 222, as it includes a petition signed by 100% of the land owners in the territory, is within the adopted UGB, is within an area subject to the adopted and acknowledged Oregon City Comprehensive Plan, and is contiguous to existing City limits. In addition, this application is consistent with the applicable boundary change criteria of Metro’s Code Section 3.09, more specifically Section 3.09.045 D, which has been addressed below.

*Metro Code 3.09.045.D: To approve a boundary change through an expedited process, the city shall:*

*1. Find that the change is consistent with expressly applicable provisions in:*

*a. Any applicable urban service agreement adopted pursuant to ORS 195.065*

**Finding: Complies as Proposed.** The subject property is currently within the CRW service district, which upon annexation the property will be included in the City’s service districts. The property will annex into the Tri-City Service District.

*b. Any applicable annexation plan adopted pursuant to ORS 195.205;*

**Finding: Complies as Proposed.** No applicable annexation plan for the area currently exists.

*c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;*

**Finding: Complies as Proposed.** Annexation of the subject property is consistent with the applicable UGMA in place between Clackamas County and Oregon City.

*d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;*

**Finding: Complies as Proposed.** Annexation of the subject property is consistent with the City’s Capital Improvement Program, which includes utility master plans that have been updated in anticipation of serving additional properties annexed in the area.

*e. Any applicable comprehensive plan;*

**Finding: Complies as Proposed.** Annexation of the subject property is consistent with the City's Comprehensive Plan, which designates the property as Low Density Residential.

*f. Any applicable concept plan; and*

**Finding: Complies as Proposed.** No applicable concept plan for the area currently exists.

*2. Consider whether the boundary change would:*

*a. Promote the timely, orderly and economic provisions of public facilities and services; Finding: Complies as Proposed.* The subject property is within the UGB, contiguous to City limits, and adjacent to properties currently receiving City services. Therefore, the application promotes the timely, orderly, and economic provision of public facilities.

*b. Affect the quality and quantity of urban services; and*

**Finding: Complies as Proposed.** Annexation of the subject property will not affect the quality and quantity of urban services in the area.

*c. Eliminate or avoid unnecessary duplication of facilities or services.*

**Finding: Complies as Proposed.** As part of the annexation process, the City will notify applicable service providers as to the annexation or withdrawal of the property to or from their district to avoid duplication of facilities and/or services.

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

**Finding: Complies as Proposed.** The subject property is not on or near any natural hazards identified by the City (such as wetlands, floodplains, and steep slopes).

*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: Complies as Proposed.** The annexation of the subject property will not have an effect on 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.*

**Finding: Complies as Proposed.** The annexation of the subject property will have no adverse effects on the economic, social, and/or physical environment of the community. Public services are available to support future land uses of the property.

## **STAFF RECOMMENDATION**

Based on the findings made in this report and the applicant's petition, staff recommends that the City Commission approve Planning File AN 17-03, and adopt as its own this Staff Report and Exhibits. Staff makes the following recommendations, which have been included in the attached findings, reasons for decision and recommendations attached hereto.

- As required by State Statute, The City Commission should find that this annexation is consistent with a positive balance of the factors set forth in OCMC Section [14.04.060](#) and complies with ORS 222.170(2).
- Recommend withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute.
- Recommend that the City Commission concur with Tri-City Service District's annexation of the subject property in the enacting ordinance.
- Recommend that the City Commission concur Clackamas River Water de-annexation of the subject property in the enacting ordinance.
- Recommend that the property annex to R-6 subject to the approval of ZC 17-03/TP 17-04 as part of the concurrent Subdivision and Zone Change Applications. If the Planning Commission or City Commission determines that the criteria for Zone change under OCMC 17.68 cannot be met, the subject site shall annex at R-10.

## **EXHIBITS**

1. Vicinity Map
2. Applicant's Narrative and Plans
  - a. AN 17-03 findings
  - b. ZC 17-03 & TP 17-07 plans and findings.
3. Clackamas River Water (CRW) comments
4. Clackamas County Comments
5. TCSD Comments
  - a. Tri City Service District (TCSD) Annexation Packet
6. Replinger and Associates Comments
7. November 13, 2017 letter from Monty Hurley-Sanitary Sewer Service Capacity addendum
8. Public comments
  - a. Mysha Angell (November 13, 2017 PC Meeting, oral testimony)
  - b. Jamin More

The complete record and application is available for inspection at the Planning Division.

## PROPOSED FINDINGS, REASONS FOR DECISION, AND RECOMMENDATIONS

Based on the Findings, the Commission determines the following:

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 consistent 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 identifies the property as *Immediate Urban* lands, which should ensure the "orderly, economic provision of public facilities and services." The property owner has demonstrated that the City can provide all necessary urban services. Nothing in the County Plan speaks directly to criteria for annexation. Therefore the Commission finds this proposal is consistent with the applicable plan as required Metro Code 3.09.050 (d)(3).
4. The Commission concludes that the annexation is consistent with the City Comprehensive Plan that calls for a full range of urban services to be available to accommodate new development as noted in the Findings above. The City operates and provides a full range of urban services. Specifically with regard to water, storm and sewer service, the City has both of these services available to serve the area.
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 the Commission finds that this proposal is consistent with a positive balance of those factors.
8. The City Commission concurs with Tri-City Service District's annexation of the subject property in the enacting City ordinance.
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 not be withdrawn from the Clackamas County Fire District #1.
11. The Commission determines that the property should be withdrawn from Clackamas River Water District.
12. The City Commission determines that the property be annexed to R-6 subject to the approval of ZC 17-03/TP 17-07 as part of the concurrent Subdivision and Zone Change Applications. If the Planning Commission or City Commission determines that the criteria for Zone Change under OCMC 17.68 cannot be met, the subject site shall annex at R-10.