

ORDINANCE NO. 19-1018

**AN ORDINANCE OF THE CITY OF OREGON CITY APPROVING AN ANNEXATION,
AMENDING TITLE 17: ZONING, CHAPTER 17.06.020 AND AMENDING THE OFFICIAL
ZONING MAP OF THE OREGON CITY MUNICIPAL CODE FROM FU-10 FUTURE URBAN
10-ACRES TO R-3.5 RESIDENTIAL DISTRICT, APPROVING A 7-LOT SUBDIVISION AND A
MINOR VARIANCE TO LOT DEPTH FOR ONE ACRE OF PROPERTY IDENTIFIED AS
CLACKAMAS COUNTY MAP 3-2E-04DB, TAX LOT 200**

WHEREAS, the owners of certain real property adjacent to the City of Oregon City, identified as Nathan and Desiree Rowland, proposed that their one acre property consisting of one tax lot identified as Clackamas County Map 33-2E-04DB Tax Lot 200, more fully identified in Exhibit 'A' to this Ordinance, be annexed to the City in conjunction with an approval for a Zone Change from Clackamas County Future Urban 10-Acre (FU-10) Zone to "R-3.5" Residential District and a subdivision of 7 lots, with a minor variance to lot depth; and

WHEREAS, on October 29, 2019 after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opposing and interested parties, the Oregon City Planning Commission voted to forward a recommendation of approval with conditions to the City Commission; and

WHEREAS, on November 20, 2019, the City Commission held a public hearing where it considered the Planning Commission recommendation, along with testimony of those who participated in the proceedings before the Planning Commission; and

WHEREAS, the City finds that the proposal complies with all applicable legal requirements, as detailed in the findings set forth in Exhibit "B"; and

WHEREAS, Senate Bill 1573, adopted in 2016, requires annexation of qualified territory without a vote by the people, notwithstanding any city charter and regulations to the contrary, and the City finds that the annexed area is within the urban growth boundary, is subject to an acknowledged comprehensive plan, is contiguous to the city limits and conforms with all other city requirements; thus meeting the requirements of Senate Bill 1573; and

WHEREAS, the City of Oregon City has adopted a Zoning Map to implement the Comprehensive Plan in conformance with statutory requirements and the requirements of the Statewide Land Use Goals; and

WHEREAS, the City of Oregon City Zoning Map implements the Comprehensive Plan Map by illustrating the location best suited for specific development; and

WHEREAS, the City of Oregon City Zoning Map may be amended and updated as necessary upon findings of fact that satisfy approval criteria in the City of Oregon City Municipal Code Section 17.68.020; and

WHEREAS, the zoning map amendment to R-3.5 is consistent with the acknowledged Oregon City Comprehensive Plan designation of Medium Density Residential - MR; and

WHEREAS, the City finds that zone changes within the same comprehensive plan designation should be generally allowed upon a finding that the facilities and services are adequate as regulated in the OCMC standards; and

WHEREAS, the City finds that applicant's proposal includes a proposal for rezoning to R-3.5 Residential District, which meets the City's requirements and which includes appropriate conditions for compliance with the Statewide Transportation Planning Rule, OAR 660-12; and

WHEREAS, the proposal with conditions will result in the timely provision of public services and facilities and, with the imposition of conditions, will have no significant unmitigated impact on the water, sewer, storm drainage, or transportation; and

WHEREAS, the proposed Annexation, Zone Change, Subdivision and Minor Variance with conditions of approval complies with the requirements of the Oregon City Municipal Code; and

WHEREAS, approving the Annexation, Zone Change, Subdivision and Minor Variance with conditions of approval is in compliance with the applicable Goal and Policies of the Oregon City Comprehensive Plan, the Statewide Land Use Goals and the Metro Urban Growth Management Functional Plan and is in compliance with all applicable city requirements; 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

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 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 be withdrawn from Clackamas River Water (CRW) District and future development will be connected to the Oregon City water distribution system.

Section 5. The City hereby concurs with and supports the annexation of the territory identified in Exhibit "A" into the Tri-City Sewer Service District by the Clackamas County Board of Commissioners, to the extent allowed by law.

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

Section 7. That the Annexation, Zoning Map Amendment, Subdivision and Minor Variance proposals satisfy all of the applicable approval standards for the reasons set forth in the Staff Report and Recommendation approving the Annexation, Zoning Map Amendment, Subdivision and Minor Variance, City File No. GLUA-19-00021 (AN-19-00002 / SUB-19-00001 / ZC-19-00002 / VAR-19-00005), and are adopted by the City Commission in support of this decision.

Read for the first time at a regular meeting of the City Commission held on the 20th day of November 2019, and the City Commission finally enacted the foregoing Ordinance this 4th day of December 2019.

DAN HOLLADAY, Mayor

Attested to this 4th day of December 2019:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

ATTACHMENTS:

Exhibit 1 – Legal Description & Map of Proposed Annexation

Exhibit 2 – Findings and Conditions of Approval