OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)	Type II (OCMC 17.50.030.B)	Type III / IV (OCMC 17.50.030.C)
❑ Compatibility Review	❑ Extension	☒ Annexation
❑ Lot Line Adjustment	❑ Detailed Development Review	❑ Code Interpretation / Similar Use
❑ Non-Conforming Use Review	❑ Geotechnical Hazards	❑ Concept Development Plan
❑ Natural Resource (NROD) Verification	❑ Minor Partition (<4 lots)	❑ Conditional Use
❑ Site Plan and Design Review	❑ Minor Site Plan & Design Review	❑ Comprehensive Plan Amendment (Text/Map)
	❑ Non-Conforming Use Review	❑ Detailed Development Plan
	❑ Site Plan and Design Review	❑ Historic Review
	❑ Subdivision (4+ lots)	❑ Municipal Code Amendment
	❑ Minor Variance	❑ Variance
	❑ Natural Resource (NROD) Review	❑ Zone Change

File Number(s): PA19-05

Proposed Land Use or Activity: Emergency Sewer Application

Project Name: — Number of Lots Proposed (If Applicable): _____

Physical Address of Site: 19420 S. Pease Rd.

Clackamas County Map and Tax Lot Number(s): _____

Applicant(s):

Applicant(s) Signature: [signature]

Applicant(s) Name Printed: Charles Flavel Date: 2/22/19

Mailing Address: 10940 SW Barnes Rd. PMB 340 Portland, OR 97225

Phone: 503-314-3841 Fax: _____ Email: Charles@Mooncreekhomes.com

Property Owner(s):

Property Owner(s) Signature: [signature]

Property Owner(s) Name Printed: Charles Flavel, Moon Creek Homes, Inc Date: 2/22/19

Mailing Address: 10940 SW Barnes Rd PMB 340 Portland, OR 97225

Phone: 503-314-3841 Fax: _____ Email: Charles@Mooncreekhomes.com

Representative(s):

Representative(s) Signature: _____

Representative (s) Name Printed: _____ Date: _____

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.

CITY OF OREGON CITY

Community Development Department, 320 Warner-Milne Road
P.O. Box 3040, Oregon City, OR 97045 (503) 657-0891
www.ci.oregon-city.or.us

ANNEXATION APPLICATION SUBMITTAL CHECKLIST

Quoted from OCMC 14.04.050.

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;

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;

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 (equal to 30 labels per 8.5-inch by 11-inch sheet);

4. ____~~Two full~~ 1 Digital quarter-section county tax assessor's maps, with the subject property(ies) outlined;

5. ____~~Twenty-five copies~~ 1 Copy of 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, isolated preservable trees (trees with trunks over six inches in diameter--as measured four feet above ground), and significant areas of vegetation,

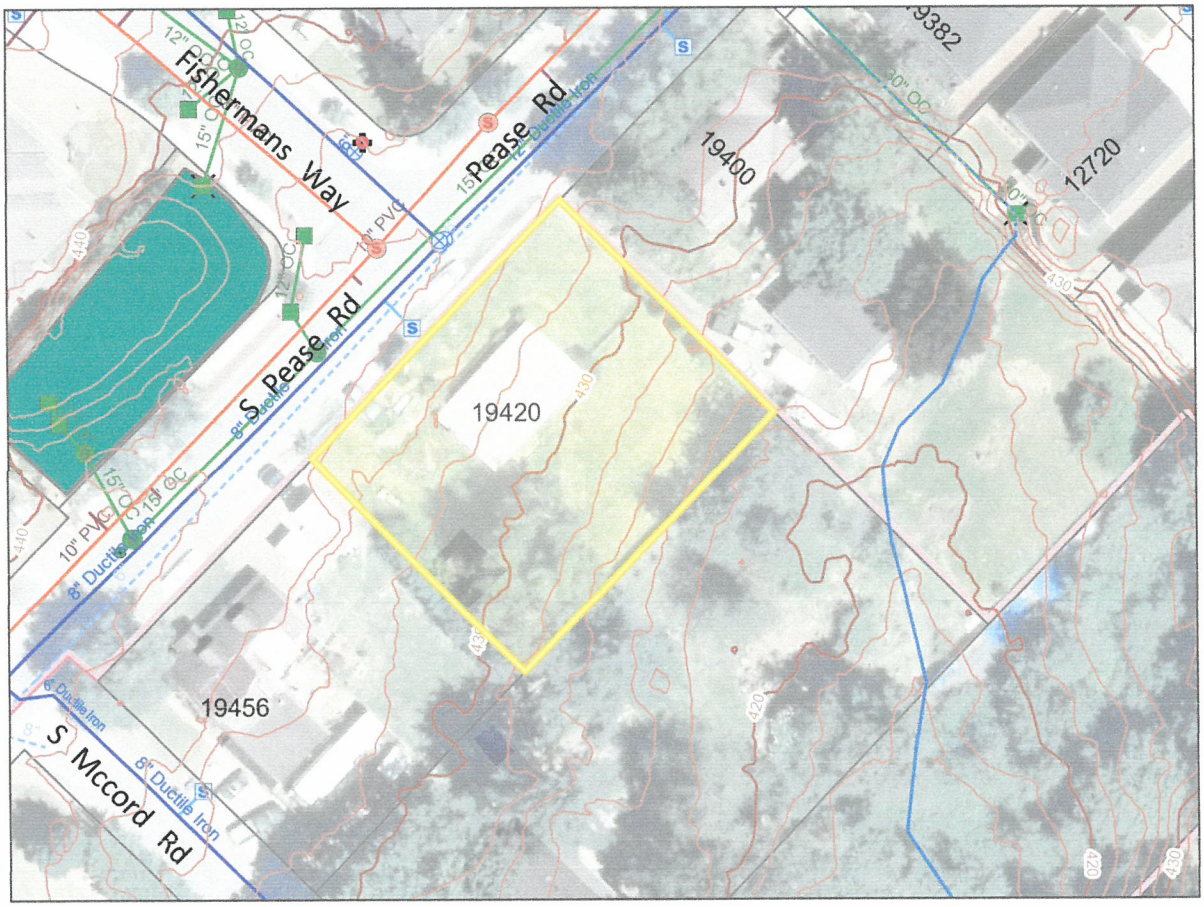
e. General land use plan indicating the types and intensities of the proposed, or potential development;

6. ___X_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.

7. ___X_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,

Oregon City GIS Map

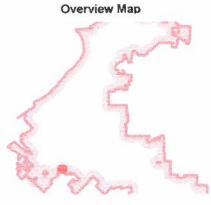


Legend

- Streams
  - Above Ground
  - Below Ground
- Contours (2ft) - 1:3,600 and closer
  - 10 foot
  - 2 foot
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- Water Hydrants
  - (Other owner)
  - OC
  - CRWD
  - Private
- Water Service Meters
  - (Other owner or Type not defined)
  - OC
  - CRWD

Notes

Overview Map



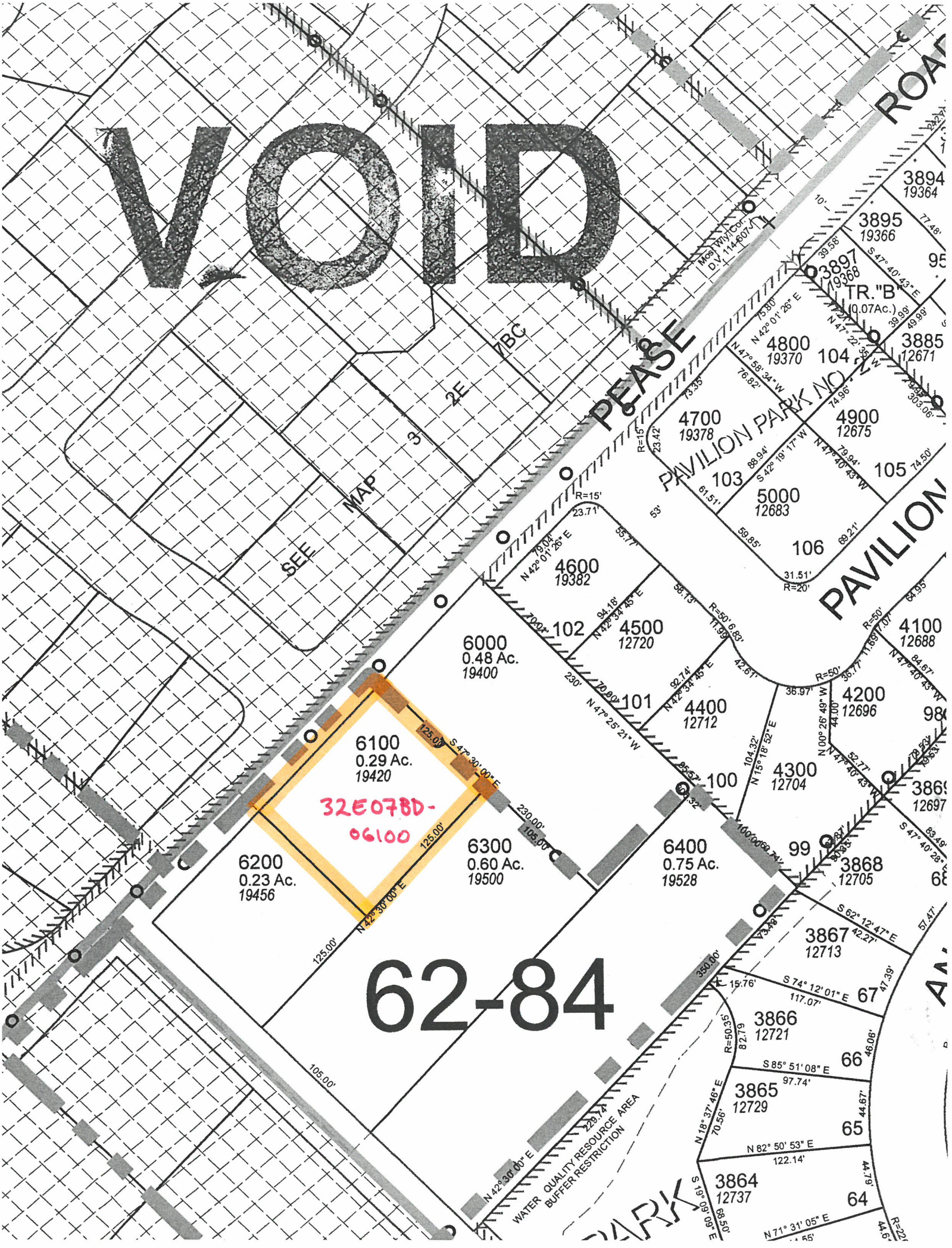
0 50 100 Feet

1: 600

The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

Map created 1/10/2019

City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orcity.org


VOID
PEASE
ROAD
PAVILION PARK NO. 2
PAVILION
SEE MAP 3 2E 7BC
Mos. Wly. Cor. D.V. 114-607
TR."B" (0.07Ac.)
3894 19364
3895 19366
3897 19368
3885 12671
4800 19370
104
4700 19378
4900 12675
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105
5000 12683
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4600 19382
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4500 12720
6000 0.48 Ac. 19400
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4400 12712
4100 12688
4200 12696
4300 12704
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6100 0.29 Ac. 19420
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99
3868 12705
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3865 12729
65
3864 12737
64
62-84
WATER QUALITY RESOURCE AREA BUFFER RESTRICTION
PARK

OREGON CITY

Community Development – Planning

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Applicant's Submittal

FILE NO:

APPLICATION TYPE: Annexation (Sewer Connection)

APPLICANT: Moon Creek Homes, Inc. (c/o Charles Flaxel)

REQUEST: The applicant is requesting approval of an emergency annexation of one 0.299 acre / 13,054 sf property due to a failing septic system. The property will retain its existing FU-10 zoning.

LOCATION: 19420 Pease Rd., Oregon City, OR 97045

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 procedure for a zone change is set forth in Oregon City Code Chapter 17.50. The public hearing process is governed by OCMC 14.04 and 17.50.
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. The annexation was initiated as a result of a public health hazard and as a result, City policy is to forward these annexations directly to the City Commission without a Planning Commission recommendation. Therefore, the City Commission will open the record and consider testimony to determine whether the application has or has not complied with the factors set forth in section 14.04.060 and 17.68.020 of the Oregon City Municipal Code. The City Commission decision is appealable to LUBA within 21 days of issuance of the Notice of Decision.

PROPOSAL NO. AN-17-0001 - CITY OF OREGON CITY - Annexation

Property Owners / Voters: Moon Creek Homes, Inc.

Applicant(s): Moon Creek Homes, Inc.

Proposal is a single tax lot annexation initiated by consent petition of 100% of the property owners and registered voters. Due to the nature of the emergency septic failure, this annexation proposal bypassed the Planning Commission as in the past emergency sewer connection requests. The petition meets the requirement for initiation set forth in ORS 222.170 and Metro Code 3.09.040(a).

The City's policy is to expedite the processing of such annexations by forwarding a recommendation directly to the City Commission without a Planning Commission recommendation. This is consistent with Comprehensive Plan Policy 14.4.4:

> *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.*

REASON FOR ANNEXATION

In order to address the emergency, the property has already connected to the City sewer system, on the condition that the owner concurrently petition for annexation to the City.

The annexation of this property is required due to a failed septic system, which necessitated a requirement to hook up to City sewer. City water and sewer services were available close to the property and the owner desired to make the needed connections.

The territory to be annexed is located at the southern edge of City, near the end of Pease Road as shown in Exhibit 1. The territory it contains is approximately 0.29 acres, has one single-family residence with a population of 0 (as of now), and an assessed value of $159,833.

The property has an Oregon City Comprehensive Plan designation of LR – Low Density Residential. The property is part of the 1979 Urban Growth Boundary and is within the South End Concept Plan area. The applicant wishes to retain the current FU-10 zoning, requiring 10-acre minimum lots, which will serve to preclude any further development or land divisions on the subject property in advance of seeking a zone change. Any request for rezoning in the future must comply with the applicable provisions of OCMC Chapter 17.68 - Zoning Changes and Amendments. Though the Oregon City Municipal Code requires application of a City zoning designation upon annexation, a zone change may only be initiated with a zone change application which is accompanied by a transportation analysis

to demonstrate compliance with applicable regulations, such as the Transportation Planning Rule (TPR). As the applicant is required to initiate annexation due to a failed septic system, staff finds it appropriate in this case to retain the existing Clackamas County zoning designation if the development onsite is limited.

The owner would be able to receive city services, specifically, sanitary sewer, and water connections 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 has been connected to the city sewer service and must be annexed.

SB 1573

If the City Commission determines that the proposed annexation should be approved, the City Commission is required by the Charter to submit the annexation to the electors of the City. However, the passage of SB 1573 requires that the City 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;

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

(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; and

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

The territory is included within the City's UGB adopted by the City and Metro. The territory has a Comprehensive Plan Designation of Low Density Residential pursuant to the acknowledged Oregon City Comprehensive Plan. The territory is contiguous to the City Limits. As demonstrated within this report, the proposal can meet the City's applicable ordinances.

Thus, the proposal meets items (a) through (d), with the conditions of approval and the City may annex the territory without submitting the proposal to the electors of the city.

LAND USE PLANNING

SITE CHARACTERISTICS

The property is slightly sloping down from Pease Road. The applicant is seeking to connect to the city sewer main system running down Pease Road that abuts the northwestern edge of the property with a service line. The site is a residential parcel with a few scattered trees located primarily in the southwest corner of the property.

The abutting right-of-way of Pease Road is already within the city, and the property is contiguous to the City Limit for approximately 125 feet along its northwest boundary.

The property includes a small home, setback approximately 19 feet from Pease Road and located at the front half of the parcel, with no accessory structures. No land division is proposed at this time.

REGIONAL PLANNING CONSIDERATIONS

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

Metro Boundary Change Criteria
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.

Metro Regional Framework Plan

The law that requires Metro to adopt criteria for boundary changes and 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]." Metro's 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 4-05). The County's zoning for the property is FU-10, Future Urban, with a 10-acre minimum lot size. This is a holding zone to prevent the creation of small parcels in areas within the Urban Growth Boundary 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 316 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, provided adequate public facilities can be demonstrated.

Regarding transportation impacts, rezoning must demonstrate compliance with, or be exempted from, the mobility standards of OCMC 12.04.205 – Mobility Standards. The applicant has not applied to rezone the property and does not intend to redevelop the site at higher density. A transportation analysis is not required until such redevelopment is proposed. Staff recommends that the property maintain its existing County FU-10 zoning, which will serve to preclude any further development or land divisions on the subject property in advance of a zone change.

The UGMA presumes that all the urban lands within the Urban Growth Boundary 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 property is currently within the Clackamas River Water District (CRW). The property is hooked up to City water. The City is currently working with CRW on a plan to clarify the City / CRW service boundaries, and will include this property with a large scale withdrawal of multiple properties from CRW. The property will be removed from the Clackamas River Water District at the time that this plan is finalized.

The City provided sewer service to the property in accordance with state requirements to hook up to city sewer and in accordance with the Oregon City Sanitary Sewer Master Plan (SSMP). The property also is currently receiving water service from the City.

OREGON CITY COMPREHENSIVE PLAN

This territory is designated by the Oregon City acknowledged Comprehensive Plan as LR – Low Density Residential. Portions of the City's Comprehensive Plan have some applicability and these are covered here.

Section 2 of the Oregon City Comprehensive Plan is entitled *Land Use*. Several Goals and Policies in this section are pertinent to proposed annexations.

The *Public Facilities* Section of the Comprehensive Plan contains the following pertinent Goals and Policies.

Goal 11.1: Provision of Public Facilities

Serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.

Policies

Policy 11.1.1 Ensure adequate public funding for the following urban facilities and services, if feasible:

- *a. Streets and other roads and paths*
- *b. Wastewater collection*
- *c. Storm water management services*
- *d. Police protection*
- *e. Fire protection*
- *f. Parks and recreation*
- *g. Water distribution*
- *h. Planning, zoning and subdivision regulation*

Streets and other roads and paths

Pease Road is city-owned and maintained. There are currently no plans to alter or improve the roads abutting the property. The policies that govern city streets and roads are the adopted 2014 Transportation System Plan and Municipal Code Chapter 12.04 - Streets, Sidewalks and Public Places. The City charges a pavement maintenance utility fee (PMUF) for upkeep of road surfaces which will be applied to the property upon annexation.

Wastewater collection

Upon annexation, this one home will start paying the current stormwater utility fee. Therefore, no additional public funds will need to be spent.

Police and Fire Protection
This annexation will immediately add one home to the city's police and fire protection coverage and withdraw the property from Clackamas County Sheriff's Enhanced Law Enforcement District. The Oregon City Police Department indicated the address is serviced by Clackamas County Sheriff's Office. Currently any calls to Clackamas County 9-1-1 (CCOM) are dispatched to a Clackamas County Sheriff's Deputy. However, if it is a priority call and Oregon City officers are available they would respond as they would be able to arrive much quicker than a Clackamas County Sheriff's Deputy. Once annexed, the property will be serviced by Oregon City Police Department (OCPD). OCPD has not indicted any conflicts with this annexation.

The property is already within the Clackamas Fire District #1 and will remain in CFD#1 upon annexation.

Water
The property is currently within the Clackamas River Water District (CRW) and this annexation will not affect that service.

Policy 11.1.1 defines what is encompassed within the term "urban facilities and services" as it pertains to annexation. The City's plan is more inclusive in its definition of what services are considered an "urban service" than is the Metro Code. The City's Plan adds fire protection and planning, zoning and subdivision regulation to the list of urban services that are to be considered by the Metro Code. The adequacy of these facilities and services to serve the subject property, containing a single home, is discussed in greater detail below. The Metro Code also includes mass transit in addition to streets and roads.

Policy 11.1.3 Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land use planning goals and regulations. Facilities that serve the general public will be centrally located and accessible, preferably by multiple modes of transportation.

Policy 11.1.4 Support development on underdeveloped or vacant buildable land within the City where urban facilities and services are available or can be provided and where land use compatibility can be found relative to the environment, zoning, and comprehensive plan goals.

Policy 11.1.5 Design the extension or improvement of any major urban facility and service to an area to complement other urban facilities and services at uniform levels.

Policies 11.1.3 and 11.1.4 encourage development on sites within the City where urban facilities and services are either already available or can be provided. This policy implies that lands that cannot be provided urban services should not be annexed. The City has capacity to provide urban services to this existing home.

Policy 11.1.5 requires that the installation of a major urban facility or service should be coordinated with the provision of other urban facilities or services. No major urban facility or service is required here; rather, it requires normal extension of sanitary sewer from the existing sewer main abutting the site in Pease Road.

The owner has not proposed to further divide the existing parcel at this time, and neither is re-zoning the property proposed at this time as explained elsewhere in this report.

Read together, these policies suggest that when annexing lands, the City should consider whether a full range of urban facilities or services are available or can be made available to serve the territory to be annexed. Oregon City has implemented these policies with its Code provisions on processing annexations, which requires the City to consider adequacy of access and adequacy and availability of public facilities and services. Overall, it appears that the city can provide urban service capacity to this one home.

Goal 11.2: Wastewater
Seek the most efficient and economic means available for constructing, operating, and maintaining the City's wastewater collection system while protecting the environment and meeting state and federal standards for sanitary sewer systems.

Policies
Policy 11.2.2 Plan, operate and maintain the wastewater collection system for all current and anticipated city residents within the existing urban growth boundary. Strategically plan for future expansion areas.

Since all new development on annexed land is required to connect to the sanitary sewer system, this policy suggests that a measure of the adequacy of the sanitary system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The city's sanitary sewer is available to this property.

Policy 11.2.3 Work with Tri-City Service District to provide enough capacity in its collection system to meet standards established by the Oregon Department of Environmental Quality (DEQ) to avoid discharging inadequately treated sewage to surface waters.

The Tri-City Service District was provided notice of this annexation. The District responded that it has adequate capacity to serve the annexation. The District provides sewer collection to the Cities of West Linn, Oregon City and Gladstone. The property owner must initiate the Tri-City Service District annexation after annexation to the City. The City Commission should concur with Tri-City Service District's annexation of the subject property in the ordinance annexing the property.

Goal 11.3: Water Distribution

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's water distribution system while protecting the environment and meeting state and federal standards for potable water systems.

Policies

Policy 11.3.1 Plan, operate and maintain the water distribution system for all current and anticipated city residents within its existing urban growth boundary and strategically plan for future expansion areas.

Since new development on annexed lands may connect to the city water distribution system, this policy suggests that a measure of the adequacy of the water distribution system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The subject property is zoned FU-10, imposing a 10-acre minimum lot size, which will serve to preclude any further land divisions until the land is rezoned to a City zoning designation.

Goal 11.4: Stormwater Management

Seek the most efficient and economical means available for constructing, operating, and maintaining the City's stormwater management system while protecting the environment and meeting regional, state, and federal standards for protection and restoration of water resources and fish and wildlife habitat.

Policies

Policy 11.4.1 Plan, operate, and maintain the stormwater management system for all current and anticipated city residents within Oregon City's existing urban growth boundary and strategically plan for future expansion areas.

Policy 11.4.4 Maintain existing drainageways in a natural state for maximum water quality, water resource preservation, and aesthetic benefits.

Since new development on annexed lands may connect to the city stormwater management system, this policy suggests that a measure of the adequacy of the stormwater management system should be whether the city (or the county stormwater management system in the event that drainage goes to the county) could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. New development may also have opportunities to provide further protection to preserve water quality. This annexation will not result in any changes to the stormwater drainage. No future development would be allowed under the existing FU-10 zoning designation. Improvement of the existing stormwater connections leading to the site would be in conformance with the City's stormwater design standards.

Goal 11.9: Fire Protection

Maintain a high level of fire suppression and emergency medical services capacity.

Policies

Policy 11.9.1 Ensure that all areas, including newly annexed areas, receive fire protection and emergency medical services.

The property is already within Clackamas County Fire District #1. Fire protection and emergency services will be unaffected by this proposal. The annexation was transmitted to Clackamas County Sheriff's Department and Oregon City Police Department for comment. OCPD already responds to priority County emergency calls for the unincorporated area in this location. Clackamas County Sheriff's Department was contacted and had no conflicts with the annexation. Upon annexation the area would be removed from the Clackamas County Sheriff's Enhanced Law Enforcement District. OCPD does not anticipate any police service problems due to the annexation of this one home.

The final section of this staff report addresses each urban service to determine whether the services are currently available or can be made available at an adequate level to serve the potential development of the property under the current planning designation and zoning that implements it.

Section 14 of the Plan is entitled *Urbanization*. Several policies in this section are pertinent to proposed annexations. The following excerpts expand on the City's annexation philosophy and requirements.

The City is required to refer all proposed annexations to the voters. Rather than having voter approval of individual property owners' requests to annex, the City should prepare and implement an annexation plan and program. The City could then annex large blocks of properties (with voter approval) at one time, rather than in a piecemeal fashion. Annexation would be tied more directly to the City's ability to provide services efficiently, maintain regular city boundaries, and help the city meet Metro targets for housing and employment. The zoning of the property should be decided at the time the Planning Commission and City Commission review and approve the annexation request.

Applications for annexation, whether initiated by the City or by individuals, are based on specific criteria contained in the City's municipal code. Metro and state regulations promote the timely and orderly provision of urban services, with which inappropriate annexations can conflict. Therefore, an annexation plan that identifies where and when areas might be considered for annexation can control the expansion of the city limits and services to help avoid those conflicts and provide predictability for residents and developers. Other considerations are consistency with the provisions of this comprehensive plan and the City's public facility plans, with any plans and agreements of urban service providers, and with regional annexation criteria.

The City has not completed an annexation plan and program for this area. The requirement to refer this annexation to the voters has been superseded by the passage of Senate Bill 1573 as explained earlier in this report. This annexation is still sufficiently tied directly to the City's ability to provide services efficiently with the logical extension of physical utility lines as it is adjacent to two city subdivisions that have utilities and street improvements.

The proposal does not include a zone change and as such, conditions will be placed on the annexation limiting development until a zone change to a City designation occurs.

The following Plan annexation policies are approval criteria for annexations under Criteria 3 of the Metro Code.

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.

The city annexation process is set out in Chapter 14 of the Municipal Code. By requiring compliance with that code, the Metro code, and the statewide planning rules, the city is identifying the potential effects that build-out of the annexed property will have on public services and any benefits to the city as a whole.

Policy 14.4.1 In order to promote compact urban form to support efficient delivery of public services, lands to be annexed must be within the City's Urban Growth Boundary, and must be contiguous to the existing City limits. Long linear extensions, such as cherry stems and flag lots, shall not be considered contiguous to City limits.

The proposed property is contiguous to the city limits along the side and side property line. No long linear extensions are proposed. The annexation would not create any islands.

Policy 14.4.2 Concept Plans and Sub-area Master Plans for unincorporated areas within the Urban Growth Boundary shall include an assessment of the fiscal impacts of providing public services to the area upon annexation, including the costs and benefits to the city as a whole.

This property is part of the 1979 Urban Growth Boundary and was previously part of the city's existing Comprehensive Plan with a Low Density Residential land use designation. The property was part of the study area boundary for the 2013 South End Concept Plan, which when adopted did not change the existing Low Density Comprehensive Plan designation of the property.

The property has been included in all of the City's adopted public facilities master plans for sewer, water, stormwater and transportation. No zone change is proposed at this time.

Policy 14.4.3 When an annexation is requested, the Commission may require that parcels adjacent to the proposed annexation be included to:
a) avoid creating unincorporated islands within the city;
b) enable public services to be efficiently and cost-effectively extended to the entire area; or
c) implement a Concept Plan or Sub-area Master Plan that has been approved by the Commission.

This proposed annexation does not create an unincorporated island within the city. There is no development proposed at this time, and future development is limited as the property has proposed to retain the exiting Clackamas County zoning designation. No additional parcels are anticipated to be annexed to enable more efficient public services at this time.

Policy 14.4.4 The City may, as provided by state law, provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system; the Commission may expedite the annexation of the subject property into the city, subject to any voter approvals of annexations.

A public health hazard existed by nature of the failing septic system. The property owner has already connected the property to the City sewer system and obtained the proper city and county permits to complete the extension of the sewer line to the property.

LAND USE

Section 2, of the City's Comprehensive Plan identifies land use types. This application has one residential land use type:

1. *Low Density Residential [LR]: Areas in the LR category are primarily for single-family detached homes.*

The City/County urban growth management agreement specifies that the County's acknowledged Comprehensive Plan and implementing regulations shall apply until annexation and the City adopts subsequent plan amendments. The Oregon City Code requires the City Planning Department to review the final zoning designation within sixty days of annexation, utilizing the chart below and some guidelines laid out in Section 17.06.030.

CITY LAND USE CLASSIFICATION

Residential Type	City Zone
Low-density residential	R-10, R-8, R-6
Medium-density residential	R-3.5, R-5
High-density residential	R-2

That section goes on to say:

"In cases where only a single city zoning designation corresponds to the comprehensive plan designation . . . Section 17.68.025 shall control."

Section 17.68.025, Zoning changes for land annexed into the city, says:

"Notwithstanding any other section of this chapter, when property is annexed into the city from the city/county dual interest area with any of the following comprehensive plan designations, the property shall be zoned upon annexation to the corresponding city zoning designations as follows:"

Plan Designation	Zone
Low-density residential	R-10
Medium-density residential	R-3.5
High-density residential	R-2

Although the subject property is designated Low-density residential on the City's Comprehensive Plan, this proposal does not include a request to rezone the land to R-10. As noted above, no further development or land division may occur until the land is rezoned to a City zoning designation.

The City's Code contains provisions on annexation processing. Section 6 of Chapter 14 requires the City Commission "to consider the following factors, as relevant":

1. *Adequacy of access to the site;*

Finding: The site access is discussed below in the Facilities and Services section. The site has direct access onto S. Parrish Road and the existing access is adequate.

2. *Conformity of the proposal with the City's Comprehensive Plan;*

Finding: As demonstrated in this section of the staff report, the City's Comprehensive Plan is satisfied.

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

Finding: The Facilities and Services discussion of this report demonstrates that public facilities and services are available and are adequate to serve any potential development that could occur under the existing low density plan designation, though none is proposed.

4. *Compliance with applicable sections of Oregon Revised Statutes Chapter 222, and Metro Code 3.09;*

Finding: The only applicable criterion in ORS 222 is that annexed lands be contiguous to the City. The site is contiguous at its border with city property for about 340 feet along the property boundary. The Metro Code criteria are set out on page 2 of this report. This report considers each factor and the Conclusions and Reasons in the Findings and Reasons demonstrate that these criteria are satisfied.

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

Finding: No natural hazards are identified on the property.

6. *Any significant adverse effects on specially designated open space, scenic historic or natural resource areas by urbanization of the subject property at the time of annexation;*

Finding: No adverse effects on the identified resources are apparent. There are no overlay districts which affect the property. The property is in the South End drainage basin according to the Drainage Master Plan.

7. *Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of annexation."*

Finding: No significant adverse effects have been identified by any necessary party.

The Commission interprets the "community" as including the City of Oregon City and the lands within its urban service area. The City will obtain a small increase in property tax revenues from adding additional assessed value to its tax roll as a result of annexing the territory. The City will also obtain land use jurisdiction over the territory. Finally it will have service responsibilities including fire, police, and general administration. The City already occasionally delivers police service to the unincorporated area in the course of patrolling to deliver service to the incorporated area. The increases in service responsibilities to the area that result from the annexation are insignificant.

If annexed, the property owner could apply to the City for land use permits, including a zone change. Any impacts on the community that result from approval of development permits are a direct consequence of the future permit approval, not of the annexation. Before any urban development can occur, the territory must also be annexed to the Tri-City Service District. The City Commission must concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.

Section 8 of the Ordinance states that:

"The City Commission shall only set for an election annexations consistent with a positive balance of the factors set forth in Section 6 of this ordinance. The City Commission shall make findings in support of its decision to schedule an annexation for an election."

As analyzed earlier in this report, the requirement to refer this annexation to the voters has been superseded by the passage of Senate Bill 1573, which exempts certain annexations from a voter approval requirement provided specific criteria have been met.

FACILITIES AND SERVICES

ORS 195 Agreements. ORS 195 requires agreements among providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit.

Sanitary Sewers.

The Tri-City Service District provides sewage transmission and treatment services to the cities of Oregon City, West Linn and Gladstone. Each city owns and maintains its own local sewage collection system. The District owns and maintains the sewage treatment plant and interceptor system. The three cities are in the District and as provided in the intergovernmental agreement between the District and the City, the District does not serve territories outside Oregon City, with one exception.

Before January 1, 1999, state statute (ORS 199) provided that when territory was annexed to a city that was wholly within a district, the territory was automatically annexed to the district as well. That statute no longer applies in this area. Therefore, each annexation to Oregon City needs to be followed by a separate annexation of the territory to the Tri-City Service District. The City Commission must concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.

The Tri-City Service Water Pollution Control Plant is along Interstate 205 in Oregon City just east of the junction of the Willamette and the Clackamas Rivers. The plant had an average flow capacity of 4.4 million gallons per day (MGD) and a design peak flow capacity of 50.0 MGD and served a population of 66,500 in the year 2001. However, the facility was expanded in 2012 to increase the available average dry weather capacity to 11.9 MGD and a peak flow of 68.7 MGD. The plant is currently serving a population of 98,000 residents and set have expanded solids handling capacity by 2020.
Due to the public health concern caused by a failed septic system, the City has approved access to the City sewer system and the site has been connected. The city issued permits for the connection in May, 2017.

Water. The property is currently within the Clackamas River Water District (CRW) and will remain in the district after the annexation.

Stormwater. No additional development has been proposed. On-site stormwater drainage or discharge to a city or county facility will be required upon future development. Any future development would have to convey site stormwater runoff to the appropriate stormwater system in the area.

Fire Protection. This territory is currently within Clackamas Fire District #1 which serves portions of Clackamas County as well as Oregon City.

Police Protection. The Clackamas County Sheriff's Department currently serves the territory.

The area to be annexed lies within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. Due to the location being surrounded by Oregon City, Oregon City Police Department already occasionally responds to County emergency calls for the unincorporated area. The impact to police services upon annexation will be negligible.

According to ORS 222.120 (5) the City may provide in its approval ordinance for the automatic withdrawal of the territory from the District upon annexation to the City. If the territory were withdrawn from the District, the District's levy would no longer apply to the property.

Upon annexation the Oregon City Police Department will officially serve the property.

Parks, Open Space and Recreation. The nearest developed City park is Filbert Run Park and Wesley Linn Park. Any further homes constructed on the property, following annexed, re-zoning and land division, would contribute the Parks System Development Charge.

Transportation. Access is provided from Pease Road, which are under Oregon City jurisdiction. Though the Oregon City Municipal Code requires application of a City zoning designation upon annexation, a zone change may only be initiated with a zone change application which is accompanied by a required transportation analysis to demonstrate compliance with applicable regulations, such as the Transportation Planning Rule (TPR). As the applicant is required to initiate annexation due to a failed septic system, it is appropriate to retain the existing Clackamas County zoning designation if the development onsite is limited.

Other Services. Planning, building inspection, permits, and other municipal services will be available to the territory from the City upon annexation.

EXHIBIT 1.

Property Address:
19420 S. Pease Road, Oregon City, OR 97045

Legal Description:

A part of the S.S. White D.L.C. in Section 7, Township 3 South, Range 2 East of the Willamette Meridian, in the
County of Clackamas and State of Oregon more particularly described as follows, to-wit:

Beginning at the most Westerly corner of that certain tract conveyed to Francis E. Hollingshead, et ux., by Deed
recorded in Clackamas County Deed Book 600, page 415 and running thence South 47° 30' East tracing the
Southwesterly boundary of said Hollingshead tract, 125 feet to a point; thence North 42° 30' East parallel with the
Southeasterly boundary of said Hollingshead tract 125 feet to a point, said point being the true place of beginning of
the tract to be described herein; thence continuing North 42° 30' East parallel with the Southeasterly line of said
Hollingshead tract 125 feet to a point in the Northeasterly line thereof; thence North 47° 30' West tracing the
Northeasterly line of Hollingshead tract, 125 feet to the most Northerly corner of said Hollingshead tract; thence
Southwesterly tracing the Northwesterly boundary of Hollingshead tract 125 feet to a point; thence Southeasterly 125
feet to the point of beginning.

Water Environment Services
150 Beavercreek #430
Oregon City, OR 97045

WES

RECEIPT

DATE 4/4/19 No. 732946

RECEIVED FROM CHARLES FLAXER $ 375.00

$225 (CLACKAMAS CO.) + $150 (METRO) DOLLARS

○ FOR RENT
○ FOR TCSD ANNEXATION FEES

ACCOUNT	
PAYMENT	
BAL. DUE	

○ CASH
○ CHECK
○ MONEY ORDER
○ CREDIT CARD

FROM _____ TO _____

BY Erik C.

RECEIPT (REC-004135-2019)
FOR CITY OF OREGON CITY

BILLING CONTACT
Charles Flaxel

Reference Number	Fee Name	Transaction Type	Payment Method	Amount Paid
AN-19-00001	Annexation - Application	Fee Payment	Check #548	$4,685.00
	Annexation - Metro Mapping	Fee Payment	Check #548	$150.00
	Mailing Labels	Fee Payment	Check #548	$17.00
			SUB TOTAL	**$4,852.00**

TOTAL **$4,852.00**