



TO: Kent Studebaker, Mayor
Members of the City Council

FROM: Paul Espe, Associate Planner

SUBJECT: Ordinance 2749 – Annexing Property at 6040 Lakeview Blvd.
(Tax Lot 1300, Tax Map 21E18CB); AN 17-0006

DATE: June 14, 2017

Date of Meeting: July 5, 2017

ACTION

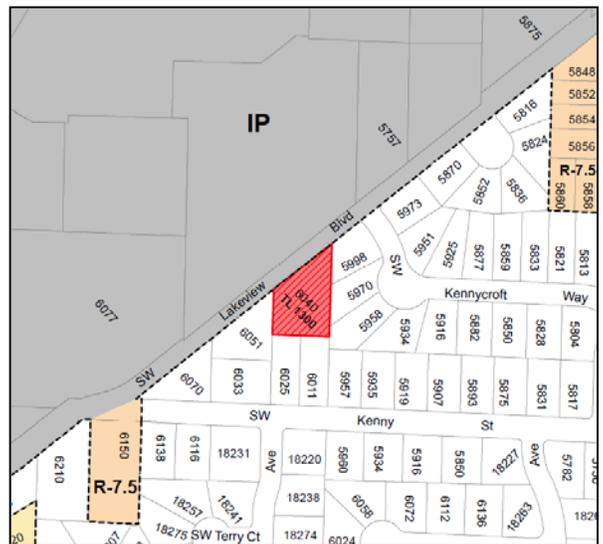
Enact Ordinance 2749 (Exhibit A-1), annexing Tax Lot 1300 (Tax Map 21E18CB) at 6040 Lakeview Blvd.

SUGGESTED MOTION

Move to enact Ordinance 2749.

INTRODUCTION/BACKGROUND

The proposed annexation is owner-initiated and will result in the addition of approximately 0.48 acres of residential land to the City. This annexation is being processed under an expedited review provided under Metro Code 3.09.045. This Council report describes the reasons for the annexation and provides basic background information. The criteria for approving annexations and the findings in support of this annexation are included in Attachment B of Exhibit A-1.



Owner/Applicant:

Location/Size: The subject property consists of 0.48 acres (20,923 square feet) and is located on the south side of Lakeview Blvd.

Existing Land Use: Tax Lot 1300 is occupied by a single-family dwelling which takes direct access to Lakeview Blvd.

Neighborhood: The property is located within the Rosewood Neighborhood.

Purpose of Annexation: The property owner initiated the annexation to connect to City sewer service and divide the property.

DISCUSSION

Plan and Zone Designation: The subject property is currently under Clackamas County’s jurisdiction and zoned Low Density Residential R-10. It is designated R-7.5, Low Density Residential on the City of Lake Oswego Comprehensive Plan Map and will be zoned R-7.5 upon annexation.

Development Potential: This is a 0.48 acre parcel occupied by a single family dwelling. The applicant intends to submit a two lot minor partition of this property if the annexation is approved.

Sensitive Lands: There are no Sensitive Lands designated on the property.

Sewer and Water Service: Sanitary sewer service is available from a City of Lake Oswego eight-inch collection line in Lakeview Blvd. The existing septic tank on the property will need to be decommissioned per DEQ standards.

Water is available from a Rivergrove Water District line in Lakeview Blvd. The closest fire hydrant is located approximately 100 feet northeast of the site at the intersection of Kennycroft Way and Lakeview Blvd.

Surface Water Management: Currently, the territory is under the jurisdiction of the Surface Water Management Agency of Clackamas County (SWMACC). Upon annexation, the territory will be withdrawn from SWMACC and will be subject to the City's storm water management regulations. Any new development will be subject to these provisions, which ensure that new development does not have an adverse effect on adjoining properties and does not overburden the City stormwater system.

Service Districts: Upon annexation, the property will, by operation of ORS 222.520, be withdrawn from the Lake Grove Fire District #57, the Clackamas County Enhanced Sheriff's Patrol District and the Surface Water Management Agency of Clackamas County (SWMAC), but will remain in the Rivergrove Water District and the Lake Grove Park District.

Transportation: Lakeview Blvd is a two-lane uncurbed collector street and is currently under the jurisdiction of the City of Lake Oswego. There are no existing sidewalks located along Lakeview Boulevard or within the immediate vicinity of the site. Tri Met Line 36, which runs along Jean Road and connects to the Tualatin Transit Center, provides the closest bus service to the subject property.

ALTERNATIVES & FISCAL IMPACT

The draft findings provided in Attachment B of Exhibit A-1 conclude that the proposed annexation complies with all applicable State statutes and Metro code requirements. This annexation is for one parcel of approximately 0.48 acres. The estimated assessed value of the residential property is \$211,381. The estimated tax revenue after the parcel is annexed is \$547.00.

RECOMMENDATION

Staff recommends approval of AN 17-0006.

EXHIBITS

A-1 Ordinance 2749

Attachment A: Map

Attachment B: Criteria Findings Conclusion and Effective Date

AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO ONE PARCEL CONSISTING OF 0.48 ACRES AT 6040 LAKEVIEW BLVD; DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LOC 50.01.004.5(a-c); AND REMOVING THE TERRITORY FROM CERTAIN DISTRICTS (AN 17-0006).

WHEREAS, annexation to the City of Lake Oswego of the territory shown in the map in Attachment "A" and described below, would constitute a contiguous boundary change under ORS 222.111, initiated by petition from the property owners as outlined in ORS 222.111(2); and,

WHEREAS, the City has received consent for the proposed annexation from all of the property owners and not less than 50 percent of the electors residing in the territory as outlined in ORS 222.125.

WHEREAS, the part of the territory that lies within the Lake Grove Fire District #57 will, by operation of ORS 222.520, be withdrawn from that district immediately upon approval of the annexation; and,

WHEREAS, the part of the territory that lies within the Clackamas County Enhanced Sheriff's Patrol District will, by operation of ORS 222.520, be withdrawn from the district upon approval of the annexation; and,

WHEREAS, the part of the territory that lies within the Surface Water Management Agency of Clackamas County will by operation of ORS 222.250 be withdrawn from that agency immediately upon approval of the annexation; and,

WHEREAS, LOC 50.01.004.5 specifies that, where the Comprehensive Plan Map requires a specific Zoning Map designation to be placed on the territory annexed to the City, such a zoning designation shall automatically be imposed on the territory as of the effective date of the annexation; and,

WHEREAS, this annexation is consistent with the Urbanization Chapter of the City of Lake Oswego's acknowledged Comprehensive Plan, Oregon Revised Statutes 222.111(2) and 222.125 for boundary changes, and Metro Code Sections 3.09.040(a)(1-4) and 3.09.045.

Now, therefore, the City of Lake Oswego ordains as follows:

Section 1. The real property described as follows is hereby annexed to the City of Lake Oswego:

A tract of land located in the southwest quarter of Section 18, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon; being a portion of Lot 47, Map of Rosewood (Plat No. 102), plat records of Clackamas County, said tract of land more particularly described as follows:

Beginning at an iron pipe at the southeast corner of said Lot 47, which iron pipe is on the northerly right-of-way line of Southwest Kenny Road (County Road No. 2335);

Thence North 88°56' West along said northerly right-of-way line, 131.00 feet to an iron pipe;

Thence leaving said northerly right-of-way line, North, 264.42 feet to an iron pipe on the southeasterly right-of-way line of Southwest Lakeview Boulevard (County Road No. 1126);

Thence North 50°01' East along said southeasterly right-of-way, 170.94 feet to an iron pipe at the most northerly corner of said Lot 47;

Thence leaving said southeasterly right-of-way, South along the east line of said Lot 47, 376.70 feet to the point of beginning.

Excepting therefrom the following described portion thereof:

Beginning at an iron pipe on the northerly right-of-way line of said Southwest Kenny Road, which iron pipe is at the southeast corner of said Lot 47;

Thence North along the east line of said Lot 47, 160.78 feet;

Thence leaving said east line North 88°56' West, parallel with the northerly right-of-way of said Southwest Kenny Road, 131.00 feet;

Thence South, parallel with said east line of Lot 47, 160.78 feet to an iron pipe on the northerly right-of-way line of Southwest Kenny Road;

Thence South 88°56' East, along said northerly right-of-way line of Kenny Road, 131.00 feet to the point of beginning.

The annexed territory is depicted on Attachment A.

Section 2. The annexed area lies within the following districts and shall be retained within these districts upon the effective date of annexation:

Lake Grove Park District

Section 3. The annexed area lies within the following districts and shall be withdrawn from these districts upon the effective date of annexation:

Lake Grove Fire District #57

Clackamas County Enhanced Sheriff's Patrol District

Surface Water Management Agency of Clackamas County

Section 4. In accordance with LOC 50.01.004.5, the City zoning designation of R-7.5 shall be applied to the subject property on the effective date of annexation.

Section 5. The City Council hereby adopts the findings of fact and conclusions set forth in Attachment B in support of this annexation ordinance.

Section 6. Effective Dates:

a. Effective Date of Decision to Annex. Pursuant to Metro Code 3.09.050(f), the effective date of this annexation decision shall be immediately upon adoption, unless a governmental entity that qualifies as a “necessary party” under Metro Code 3.09.020(j) has contested this annexation, in which event this annexation decision shall be effective on the 10th day following the mailing of this ordinance by the City Recorder to Metro and to all necessary parties who appeared in this proceeding.

b. Effective Date of Annexation Ordinance. Pursuant to Lake Oswego City Charter, Section 34, this ordinance shall be effective on the 30th day after its enactment.

c. Effective Date of Annexation. Following the filing of the annexation records with the Secretary of State as required by ORS 222.177, this annexation shall be effective upon the later of either:

1. the 30th day following the date of adoption of this ordinance; or
2. the date of filing of the annexation records with the Secretary of State.

Provided, however, that pursuant to ORS 222.040(2), if the effective date of the annexation as established above is a date that is within 90 days of a biennial primary or general election or after the deadline for filing notice of election before any other election held by any city, district or other municipal corporation involved in the area to be annexed, then the effective date of the annexation shall be delayed until, and the annexation shall become effective on, the day after the election.

Section 7. Mailing Copies of this Ordinance; Metro Notice

Within 30 days following the date of adoption:

a. The City Recorder shall mail a copy of this ordinance to all persons and governmental entities that appeared at the public hearing and requested a copy of the ordinance following adoption.

b. The City Recorder shall mail a copy of this ordinance together with the applicable mapping and notice fee charged by Metro pursuant to Metro Code 3.09.110, to the Metro Data Resource Center, 600 NE Grand Ave., Portland, OR 97232.

Read by title only and enacted at the regular meeting of the City Council of the City of Lake Oswego held on _____ day of _____, 2017.

AYES:

NOES:

ABSTAIN:

EXCUSED:

Kent Studebaker, Mayor

Dated

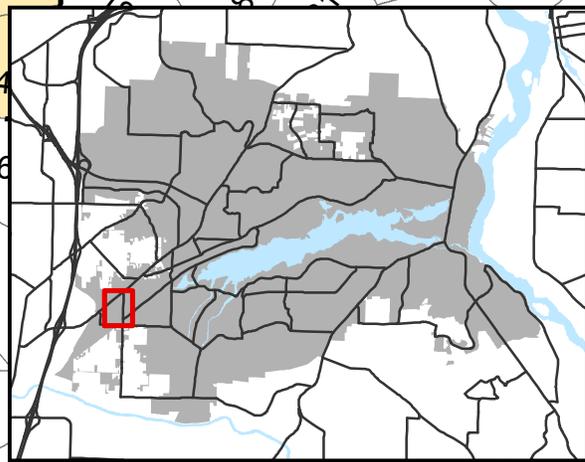
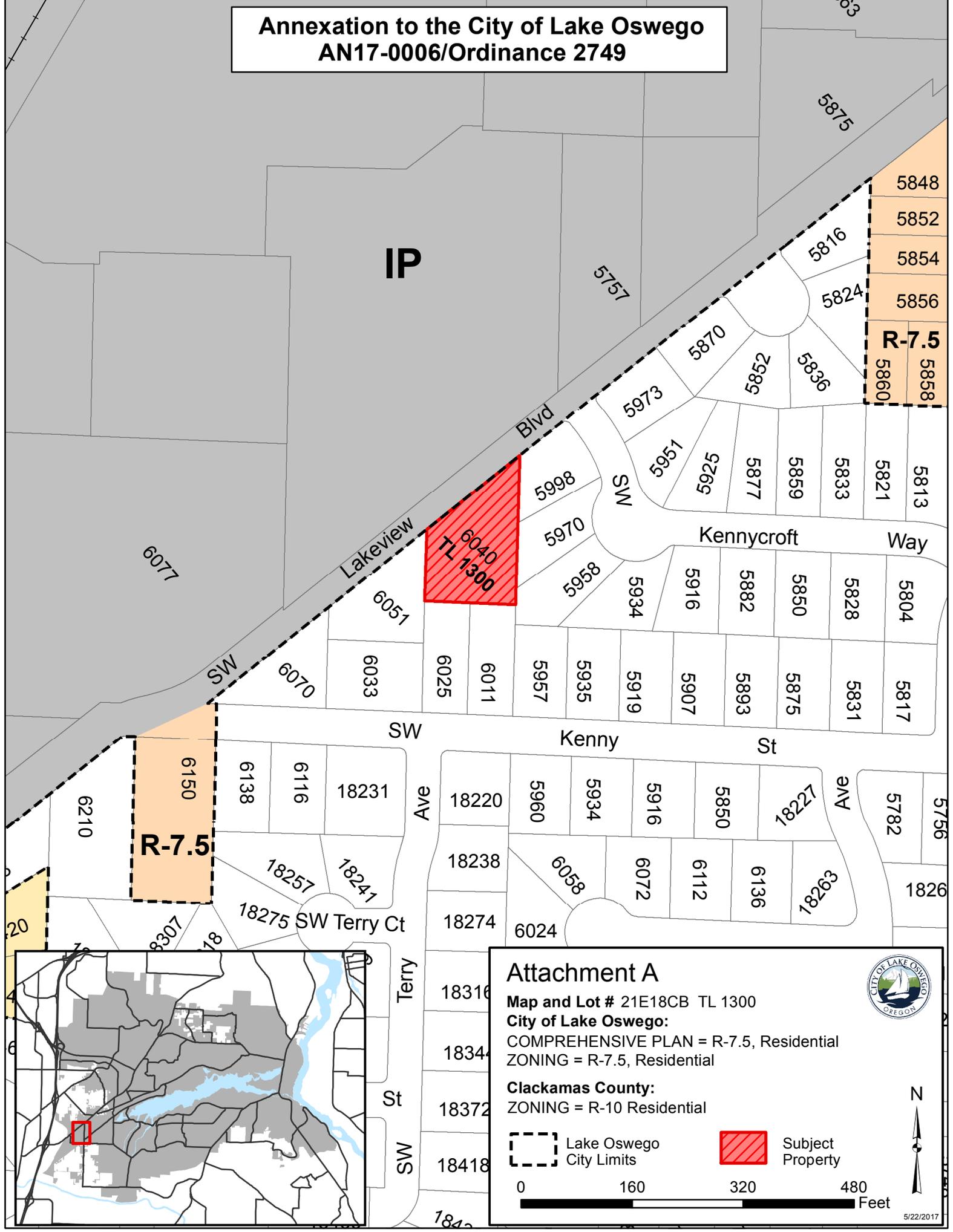
ATTEST:

Anne-Marie Simpson, City Recorder

APPROVED AS TO FORM:

David Powell, City Attorney

**Annexation to the City of Lake Oswego
AN17-0006/Ordinance 2749**



Attachment A

Map and Lot # 21E18CB TL 1300

City of Lake Oswego:
COMPREHENSIVE PLAN = R-7.5, Residential
ZONING = R-7.5, Residential

Clackamas County:
ZONING = R-10 Residential

 Lake Oswego City Limits

 Subject Property

0 160 320 480 Feet


 N

5/22/2017



ATTACHMENT B

Criteria, Findings, Conclusion, and Effective Date

APPLICABLE CRITERIA:

- A. Oregon Revised Statutes (ORS), Boundary Changes; Mergers and Consolidations.
 - 1. ORS 222.111(2) - Annexation of Contiguous Territory, Authority and Procedure for Annexation, Generally.
 - 2. ORS 222.125 - Annexation by consent of all owners of land and the majority of electors.

- B. Metro Code.
 - 1. 3.09.040(a)(1-4) Minimum Requirements for Petitions.
 - 2. 3.09.045 (A-E) Expedited Decisions.

- C. Comprehensive Plan - Urbanization Chapter
 - 1. Policy A-3: "The Urban Services Boundary (as depicted on the Comprehensive Plan Map) is the area within which the City shall be the eventual provider of the full range of urban services."
 - 2. Policy C-3: "Ensure that annexation of new territory or expansion of Lake Oswego's Urban Services Boundary does not detract from the City's ability to provide services to existing City Residents."
 - 3. Policy C-4: "Prior to the annexation of non-island properties, ensure urban services are available and adequate to serve the property or will be made available in a timely manner by the City or a developer commensurate with the scale of the proposed development."

FINDINGS:

- A. **Oregon Revised Statutes (ORS), Boundary Changes; Mergers and Consolidations.**
 - 1. **ORS 222.111(2) Annexation of Contiguous Territory, Authority and Procedure for Annexation, Generally.**

ORS 222.111(2) provides that a proposal for annexation of territory to a City may be initiated by the legislative body of the City, on its own motion, or by a petition to the legislative body of the City by owners of real property in the territory to be annexed. The sole owner of the property has petitioned the City for this annexation. The proposed annexation complies with this statute.

- 2. **ORS 222.125 - Annexation by consent of all owners of land and the majority of electors.**

ORS 222.125 states that an election need not be held on the question of annexation within the area proposed to be annexed if all of the owners of land in the territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation. The property owner who is also an elector has consented to the annexation. The property is vacant and there are no registered voters residing on the property. The proposed annexation complies with this statute.

B. Metro Code

1. 3.09.040 - Minimum Requirements for Petitions.

(A) A petition for a boundary change must contain the following information:

- 1) The jurisdiction of the reviewing entity to act on the petition;**
- 2) A map and a legal description of the affected territory in the form prescribed by the reviewing entity;**
- 3) For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk; and,**
- 4) For boundary changes under ORS 198.855 (3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.**

The above information was submitted as required by Metro Code. The property owner has signed the application and petition. A map and legal description in the form required by the City have been included in the application materials and are on file. The sole owner has consented to the annexation on the annexation petition, meeting the consent requirements of ORS 222.125. The annexation petition complies with the Metro code requirements.

2. 3.09.045 – Expedited Decisions

- A. The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.**
- B. The expedited process must provide for a minimum of 20 days’ notice prior to the date set for decision to all necessary parties and other persons entitled to notice by the laws of the city or Metro. The notice shall state that the petition is subject to the expedited process unless a necessary party gives written notice of its objection to the boundary change.**
- C. At least seven days prior to the date of decision the city or Metro shall make available to the public a report that includes the following information:**
 - 1. The extent to which urban services are available to serve the affected territory, including any extra- territorial extensions of service;**
 - 2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and**
 - 3. The proposed effective date of the boundary change.**

Metro Code 3.09.045 A states that an expedited review of an annexation, where no public hearing is required, can be considered by a governing body within the area proposed to be annexed if one hundred percent of the property owners and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation. The property owner, who is also an elector, has signed the annexation application.

Metro Code 3.09.045 B requires a minimum of 20 days’ notice to all necessary parties prior to the decision date unless a shorter time is agreed upon. The County, Metro and local service districts are necessary parties under the Metro Code 3.09.020 J and has been notified.

Metro Code 3.09.045 C requires that the report discussing availability of urban services, withdrawal of the affected territory and the proposed effective date of the boundary change be made available at least seven days prior to the date of decision. The annexation report has been prepared and made available within seven days of the public hearing.

The proposed annexation complies with this ordinance.

D. To approve a boundary change through the 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

The City has entered into - ORS 195.065 agreements with: 1) Lake Oswego School District; and, 2) Lake Grove Fire District. The intergovernmental agreement with the Rivergrove Water District is not discussed in this section because it was entered into before the adoption of ORS 195.065, and consequently does not include all of the provisions necessary to be considered an “urban service agreement” under that statute.

Lake Oswego School District: The City and the Lake Oswego School District entered into an ORS 195.065 urban service agreement for park services in July, 2003. The School District operates the Lake Grove Swim Park located at 3800 Lakeview Boulevard. The agreement states that the annexation of property by the City within the Lake Grove Park District (which funds the swim park) shall not cause the withdrawal of the property from the district.

Lake Grove Fire District #57: The City and District entered into an ORS 195.065 urban service agreement for fire protection in July, 2003. The agreement states that upon annexation of property within the district by the City, the annexed property shall be withdrawn from the District and the City shall provide fire protection services.

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

There are no applicable annexation plans adopted pursuant to ORS 195.205 relating to the affected territory.

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

There are no ORS 195.020(2) cooperative agreements (which relate to special districts) between the city and a necessary party.

d. Any applicable public facility plan adopted pursuant to a state wide planning goal on public facilities and services

Sanitary sewer service is available from a City of Lake Oswego eight-inch collection line located in Lakeview Blvd. The City Wastewater Master Plan shows a future public collection line extending along Lakeview Blvd. This property will be allowed to connect to the existing public main located in Lakeview Blvd.

e. Any applicable comprehensive plan policies

Comprehensive Plan Map: The subject property is currently designated R-10, Low Density Residential on Clackamas County's Comprehensive Plan and Zoning Maps. This property is designated as Low Density Residential R-7.5 on the City's Comprehensive Plan Map. Upon annexation, a City zoning designation of R-7.5 will be applied to this parcel.

The City and County have coordinated their comprehensive plans within the Dual Interest Area outlined in the City/County Urban Growth Management Agreement (dated February 4, 1992 and updated November 18, 1997), hence the City/County designations have been determined to be compatible. Therefore, this annexation is compatible with the City's Comprehensive Plan Map.

Comprehensive Plan Policies: The Lake Oswego Comprehensive Plan contains the following relevant language in the Urbanization chapter, Policy A-3: "The Urban Services Boundary (as depicted on the Comprehensive Plan Map) is the area within which the City shall be the eventual provider of the full range of urban services." The proposed annexation and the withdrawal of the property from the identified districts are consistent with this policy.

Policy C-3 states: "Ensure that annexation of new territory or expansion of Lake Oswego's Urban Services Boundary does not detract from the City's ability to provide services to existing City residents."

The approval of this annexation will result in the addition of 0.48 acres to be served by the City. As stated in Section 2(b)(1), the addition of this territory will not detract from the City's ability to provide police and fire protection to existing City Residents. Annexation of this property will not affect the City's ability to provide parks and recreation services. Public facilities, such as sewer and water are also found to be adequate to serve this site.

Comprehensive Plan Policy C-4 states: "Prior to the annexation of non-island properties, ensure urban services are available and adequate to serve the property or will be made available in a timely manner by the City or a developer commensurate with the scale of the proposed development."

Availability of urban services serving this property is discussed below:

Water: Water is available from a Rivergrove Water District main in Lakeview Blvd. The closest fire hydrant is located approximately 100 feet northeast of the site at the intersection of Kennycroft Way and Lakeview Blvd. The Rivergrove Water District will continue to provide water service to this property after annexation.

The City of Lake Oswego entered into an agreement with the Rivergrove Water District on February 8, 1984 for water services. The agreement stipulates that the District will continue to serve parcels upon annexation if it is capable of delivering a minimum flow of 1500 gallons per minute with a 20 psi residual pressure during periods of peak domestic demand. The District is currently able to meet these demands. If upon development or partitioning, this level of service is not provided, then City water may need to be provided.

Sewer: Sanitary sewer service is available from a City of Lake Oswego eight-inch collection line located in Lakeview Blvd. The subject property will need to connect to City sewer and the existing septic tank will need to be decommissioned per DEQ standards upon annexation.

Surface Water Management: Upon annexation, the territory will be withdrawn from Surface Water Management Agency of Clackamas County (SWMACC) and will be subject to the City's storm water management regulations. Any new development will be subject to these

provisions, which ensure that new development does not have an adverse effect on adjoining properties and does not overburden the City stormwater system.

Fire Protection: Lake Grove Fire District #57 provides fire protection services to the subject property by agreement with the City of Lake Oswego. Upon annexation, the property will be withdrawn from this fire district and served directly by the City. The Jean Road Fire Station, located northeast of the site, would be able to respond to emergencies under the eight minute goal established in the Comprehensive Plan.

Police: Upon annexation, the subject property will be withdrawn from the Clackamas County Enhanced Sheriff's Patrol District and served by the City of Lake Oswego. The Lake Oswego Police Department reviewed the proposal and indicated that it does not have any concerns with serving this property upon annexation.

Parks and Open Space: The City has 537 acres of park and open space lands, or 14.6 acres per 1,000 population. The parks nearest to this property are Canal Acres/Bryant Woods Natural Park and Pilkington Park. Canal Acres park is 31 acres and located on the north and south sides of Childs Road. Because this is a natural park, there are no amenities for organized recreation activities. Pilkington Park is located south of the site. It is a 3.7 acre neighborhood park and provides drop-in play fields, a walking path and a picnic table. The City's park system will not be overburdened by any additional population annexed to the City with this application.

Lake Grove Park District: The Lake Grove Swim Park, managed by the Lake Oswego School District, and funded by the Lake Grove Park District, is located at 3800 Lakeview Boulevard. The swim park is approximately 1.3 acres in size with restroom, play and swim facilities. This property will remain within the Lake Grove Park District following annexation.

Transportation - Streets and Mass Transit: Lakeview Blvd is a two-lane uncurbed collector street and is currently under the jurisdiction of the City of Lake Oswego. There are no existing sidewalks located along Lakeview Boulevard or within the immediate vicinity of the site. Tri Met Line 36, which runs along Jean Road and connects to the Tualatin Transit Center, provides the closest bus service to the subject property.

Community Development Code Section 50.06.008.3 requires that all development be provided with the following utility services: sanitary sewer, water, sidewalks, pedestrian and bicycle paths, traffic control signs and devices, street lights, streets, and TV cable. These utilities are now in place or can be put in place to serve this property.

In the event that future development occurs, an applicant for development is obligated to construct all necessary public facilities to serve their development.

As noted above, police and fire services are available upon annexation. The amount of protection provided will be similar to protection provided to other City residents because the property proposed to be annexed is not isolated from other areas of the City.

Urban Growth Management Agreement: General Urbanization Policy 4.A.4 of the Clackamas County Comprehensive Plan calls for the establishment of Urban Growth Management Areas and Urban Growth Management Agreements to clarify planning responsibilities between the County and cities for areas of mutual interest. Policy 4.A.5 directs the County to establish agreements with cities and service districts to clarify service and infrastructure responsibilities for areas of mutual interest. Similarly, the Lake Oswego Comprehensive Plan, Urbanization Chapter, Policy D-3, calls for entering into and maintaining an Urban Growth

Management Agreement (UGMA) with Clackamas County for lands within the Urban Services Boundary. In furtherance of these policies, the City and County have entered into an Urban Growth Management Agreement that stipulates a mutual interest in coordinated land use planning, compatible comprehensive plans and provision of urban services and facilities. This agreement ensures coordination and consistency between the City and County comprehensive plans and outlines responsibilities in providing services and managing growth within the Dual Interest Area. Subsections 6 and 7, provided below, are applicable to annexations.

*“6. City and County Notice and Coordination:
The City shall provide notification to the County, and an opportunity to participate, review and comment, at least 35 days prior to the first public hearing on all proposed public facilities plans, legislative changes to the City Comprehensive Plan, or quasi-judicial land use actions adjacent to, or in close proximity to unincorporated areas. The City shall provide notice to the County of private or City initiated annexation requests within five days of the filing of an application...”*

The Urban Growth Management Agreement specifies that the City notify the County of an annexation request within five days of when it is submitted to the Boundary Commission. There is no longer a Boundary Commission for the Portland Metropolitan area.

Staff relies on the notice requirements of Metro Code 3.09.045b, which requires notice 20 days prior to the scheduled hearing for an annexation for all necessary parties (other governmental entities), unless a shorter time is agreed upon. The notice shall state that the petition is subject to the expedited process unless a necessary party gives written notice of its objection to the boundary change. The County is a necessary party under the Metro Code definition and has been notified.

*“7. City Annexations
A. The City may undertake annexations in the manner provided for by law within the Dual Interest Area. The City annexation proposals shall include adjacent road right-of-way to property proposed for annexation. The County shall not oppose such annexations.
B. Upon annexation, the City shall assume jurisdiction of the County roads and local access roads pursuant to a separate road transfer agreement between the City and county.”*

The City is undertaking this annexation in the manner provided for in the applicable ORS and Metro Code for the territories that lie within the Dual Interest Area. This annexation is consistent with the City and County comprehensive plans which have been coordinated in the Dual Interest Area within the regional Urban Growth Boundary (UGB).

f. Any applicable concept plan

Consistency of the proposed boundary change with urban planning agreements is mentioned under D(1)(c)above.

2. Consider whether the boundary change would

- a. Promote the timely orderly and economic provision of public facilities and services**
- b. Affect the quality and quantity of urban services**
- c. Eliminate or avoid unnecessary duplication of facilities or services**

Due to the proximity of the property to existing City services, this annexation will promote the timely, orderly and economical extension of public facilities and services. The subject property can readily be served with urban services and facilities. If and when additional development occurs in the area, provision of public facilities and services will occur consistent with the City's adopted public facility master plans, ensuring that it does not adversely affect the quality or quantity of urban services and avoiding unnecessary duplication of facilities or services. Therefore, this boundary change will be consistent with criteria 2.a through 2.c.

(E) A city may not annex territory that lies outside the UGB except it may annex a lot or parcel that lies partially within and partially outside the UGB.

The property to be annexed is located entirely within the City's Urban Growth Boundary (UGB).

CONCLUSION:

Based on the criteria and findings set forth above, the City Council concludes that AN 17-0006 complies with all applicable criteria and the annexation should be approved.

EFFECTIVE DATE:

A. Effective Date of Annexation Ordinance. Pursuant to Lake Oswego City Charter, Section 34, the ordinance shall be effective on the 30th day after its enactment.

B. Effective Date of Annexation. Following the filing of the annexation records with the Secretary of State as required by ORS 222.177, this annexation shall be effective upon the later of:

1. the 30th day following the date of adoption of this ordinance; or
2. the date of filing of the annexation records with the Secretary of State;

provided however that pursuant to ORS 222.040(2), if the effective date of the annexation as established above is a date that is within 90 days of a biennial primary or general election or after the deadline for filing notice of election before any other election held by any City, district or other municipal corporation involved in the area to be annexed, then the effective date of the annexation shall be delayed until, and the annexation shall become effective on, the day after the election.

