



**TO:** Kent Studebaker, Mayor  
Members of the City Council

**FROM:** Paul Espe, Associate Planner

**SUBJECT:** Ordinance 2770 - Annexing Property at 17924 Pilkington Road  
(AN 17-0010)

**DATE:** December 13, 2017

**Date of Meeting:** January 2, 2018

**ACTION**

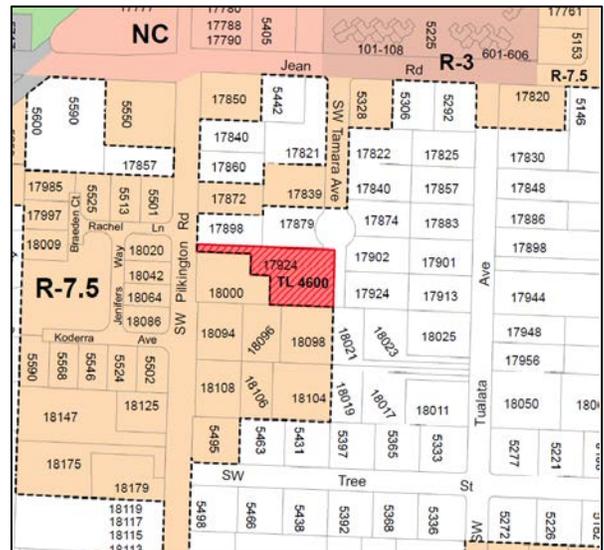
Annexation of 17924 Pilkington Road (21E18DB04600).

**SUGGESTED MOTION**

Move to adopt findings and enact Ordinance 2770.

**INTRODUCTION/BACKGROUND**

The proposed annexation is owner-initiated and will result in the addition of approximately 0.52 acres of residential land to the City. This annexation is being processed as an expedited annexation under Metro Code 3.09.045. This Council report describes the reasons for the annexation and provides basic background information. The criteria for approving this annexation and findings in support of approval are included in Attachment B of Exhibit A-1.



**Owner/Applicant:** Richard and Christine Bianchina / Brent Bianchina

**Location/Size:** The subject property consists of 0.52 acres (22,651 square feet) and is located on the east side of Pilkington Road.

**Existing Land Use:** Tax Lot 4600 is occupied by a single family dwelling and could access either Pilkington Rd or Tamara Ave.

**Neighborhood:** The property is located within the Rosewood Neighborhood.

**Purpose of Annexation:** The property owners initiated the annexation to connect to City sewer service and to redevelop 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 0.52 acre vacant parcel. Based on the size and shape of the parcel, the lot could possibly be divided into two lots.

**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 Pilkington Road. Future development of any lot that accesses Tamara Avenue will be required to construct an eight-inch public sewer along Tamara Avenue. Upon connection to the City collection line, 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 Pilkington Road. The closest fire hydrant is located approximately at the intersection of Pilkington Road and Rachel Lane across the street from the site.

**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:** Pilkington Road is a two-lane uncurbed major collector street and is currently under the jurisdiction of the City of Lake Oswego. A paved pathway that extends from Jean to McEwan Road is located on the West Side of Pilkington Road. This pathway was funded through a grant from the "Safe Routes to School" program and was completed in 2012. 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 0.52 acres. The estimated assessed value of the residential property is \$358,059. The estimated tax revenue after the parcel is annexed is \$926.

## **RECOMMENDATION**

Staff recommends approval of AN 17-0010.

## **EXHIBITS**

### **A-1 Ordinance 2770**

Attachment A: Map of Proposed Annexation, 12/13/17

Attachment B: Criteria, Findings, Conclusion and Effective Date, 12/13/17

**AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO ONE PARCEL CONSISTING OF 0.52 ACRES AT 17924 PILKINGTON ROAD; DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LOC 50.01.004.5(a-c); AND REMOVING THE TERRITORY FROM CERTAIN DISTRICTS (AN 17-0010).**

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 southeast quarter of Section 18, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon, being a portion of Lot 17, Block 2, Oswego Acres (Plat No. 503), plat records of Clackamas County, said tract of land more particularly described as follows:

Beginning at the northwest corner of said Lot 17, said point being on the east right of way of Pilkington Road (County Road No. 2334);  
Thence South along said right of way, 16.00 feet;  
Thence leaving said right of way, East, parallel with the northerly line of said Lot 17, 120.00 feet;  
Thence South, parallel with the easterly line of said Lot 17, 47.68 feet;  
Thence East, parallel with the southerly line of said Lot 17, 44.00 feet;  
Thence South, parallel with the easterly line of said Lot 17, 63.67 feet to the south line of said Lot 17;  
Thence East along said south line, 141.75 feet to the southeast corner of said Lot 17;  
Thence leaving said south line, North along the east line of said Lot 17, 127.35 feet to the northeast corner of said Lot 17;  
Thence leaving said east line, West along the north line of said Lot 17, 305.75 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  
Rivergrove Water 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 10<sup>th</sup> 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 35.C, this ordinance shall be effective on the 30<sup>th</sup> 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 30<sup>th</sup> 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 \_\_\_\_\_, 2018.

AYES:

NOES:

ABSTAIN:

EXCUSED:

\_\_\_\_\_  
Kent Studebaker, Mayor

\_\_\_\_\_  
Dated

ATTEST:

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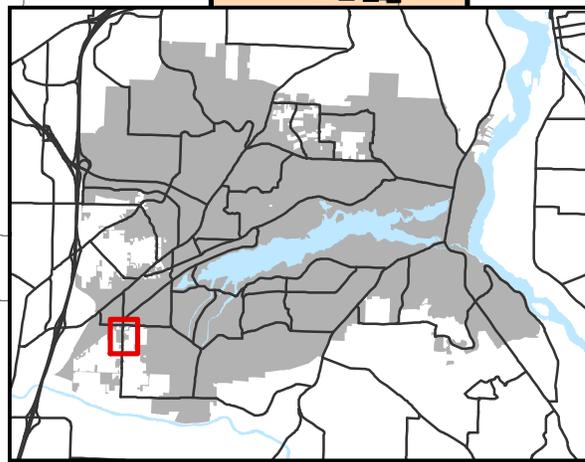
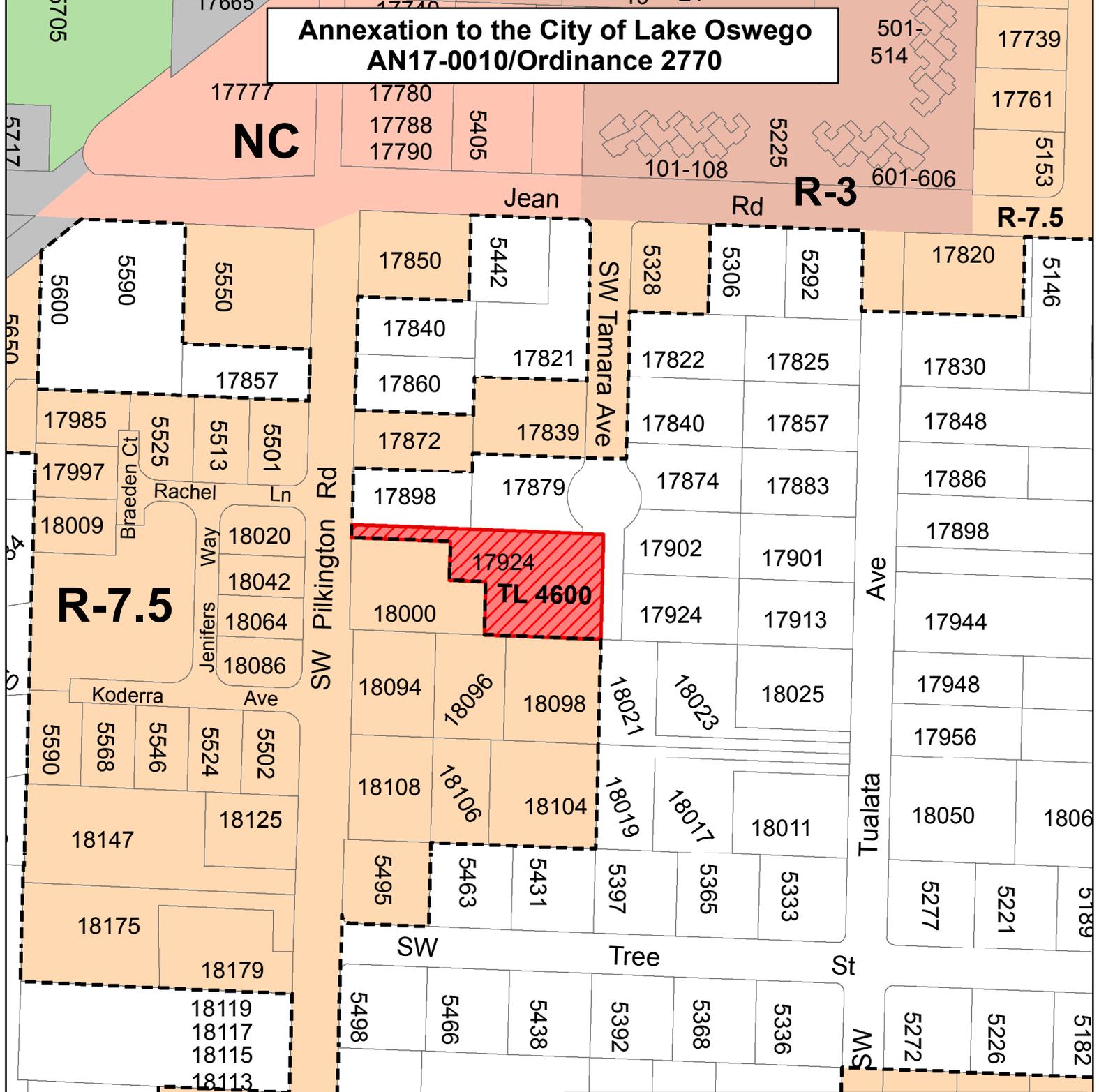
Anne-Marie Simpson, City Recorder

APPROVED AS TO FORM:

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David Powell, City Attorney

**Annexation to the City of Lake Oswego  
AN17-0010/Ordinance 2770**



**Attachment A**

**Map and Lot # 21E18DB TL 4600**

**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

0 100 200 300 400 Feet

11/27/2017





## **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 property owners have 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 owners, who are also electors, have consented to the annexation. 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 owners have 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 owners have 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 owners have signed the annexation application. There are no electors residing on the property.

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 have 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 the Metro Code.

**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 Pilkington Road. The collection line in Pilkington Road has been constructed in accordance with the City Wastewater Master Plan. This property will be allowed to connect to the existing public main located in Pilkington Road.

**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 consistent 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 0.52 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 line in Pilkington Road. The closest fire hydrant is located approximately at 17839 Tamara Avenue. A fire hydrant is also located at the intersection of Pilkington Road and Rachel Lane across the street from the site. 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 in Pilkington Road. Upon connection to the City collection line, the existing septic tank on the property will need to be decommissioned per DEQ standards. If a future minor partition proposes a parcel that accesses Tamara Avenue then the future development will

be required to construct an 8-inch public sewer along Tamara Avenue.

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: Pilkington Road is a two-lane uncurbed major collector street and is currently under the jurisdiction of the City of Lake Oswego. A paved pathway that extends from Jean to McEwan Road is located on the West Side of Pilkington Road. This pathway was funded through a grant from the Safe Routes to School Program and was completed in 2012. 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.

*“6C. 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 with the Portland Metropolitan Boundary Commission.”*

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 annexation decision for all necessary parties (other governmental entities). 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). The right of way adjacent to this property is within the City Boundary and under the jurisdiction of the City of Lake Oswego.

**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 is 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 17-0010 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 35.C., the ordinance shall be effective on the 30<sup>th</sup> 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 30<sup>th</sup> 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.

