



Department of Planning and Building Services

380 A Avenue

Post Office Box 369

Lake Oswego, OR 97034

503-635-0270

www.ci.oswego.or.us

ANNEXATION

WHY WOULD A PROPERTY OWNER ANNEX TO THE CITY?

Annexation is the means by which property owners in unincorporated areas can join the City of Lake Oswego, receive City services and vote in City elections. Usually, access to one or more major urban services is the reason residents and property owners outside the City consider annexation. These services include sanitary and storm sewers, City water, improved road maintenance, and greater police protection.

PRE-APPLICATION CONFERENCE NOT REQUIRED

A Pre-Application (Pre-App) Conference is not required for annexation applications; however, applicants are strongly encouraged to consult with staff on the availability of public services to the site prior to filing an application. In some cases, certain public services may not be readily available to the site.

APPLICATION PROCEDURE

The applicant files a complete application with the Department of Planning and Building Services using the attached Annexation Application form. The applicant also provides information and materials specified in the attached "Submittal Requirements" section of this handout. Within 45 days of receiving your application, staff will review it to determine whether all the required information has been included. If the application is "incomplete," a letter will be sent to the applicant indicating what additional information is necessary. When the application is deemed "complete," a determination will be made as to whether a public hearing is needed or if the expedited process can be used. The City Council considers annexation applications quarterly in January, April, July and October. **The applicant needs to file an application a minimum of 90 days before the annexation hearing date.**

Public Hearing Process: A notice of Public Hearing is mailed to surrounding property owners at least 20 days prior to the hearing date.

Staff will prepare a report on the annexation application that will be presented to the City Council at the public hearing. The staff report will be available 15 days prior to the hearing date. Two weeks before the hearing, staff will post a public notice sign at the location of the proposed annexation.

Expedited Process: A notice is sent to necessary parties (applicant, property owner, other jurisdictions and neighborhood association) at least 20 days prior to the meeting date. A public hearing will not be held.

Staff will prepare a report on the annexation application that will be provided to the City Council for consideration of the annexation. The staff report will be available 7 days prior to the meeting date.

WHO MAKES THE DECISION

The City Council will make a decision on the annexation application on the date it is scheduled to be considered. The application will be evaluated on the basis of the information provided, the criteria listed in the pertinent sections of the City's Comprehensive Plan, Community Development Code and other applicable codes, and inspection of the property. For applications using the public hearing process, appeals of the Council's decision can be made to the Land Use Board of Appeals (LUBA).

EFFECTIVE DATES

Following the filing of the annexation with the Secretary of State, the effective date of the annexation shall be upon the **later of either** (see note below):

- a. The 30th day following the date of adoption of the ordinance, or
- b. The date of filing of the annexation records with the Secretary of State.

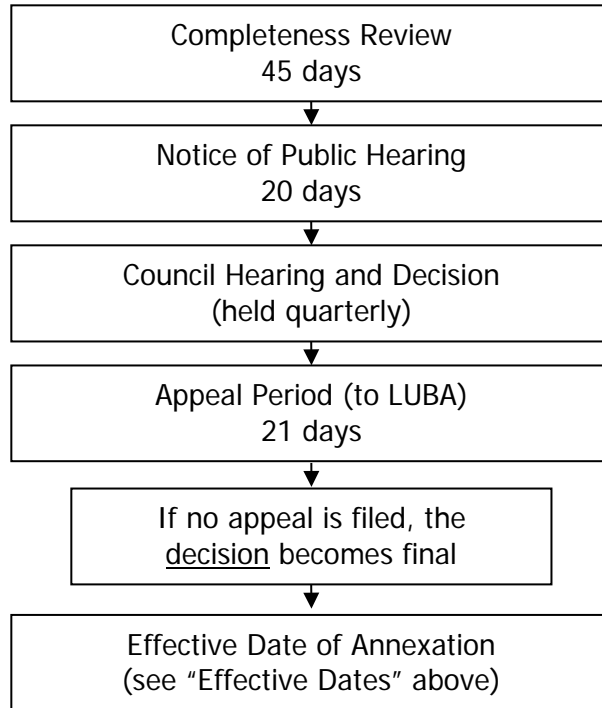
Note: Pursuant to ORS 222.040(2), if the effective date of the annexation as established above is a date that is within 90 days of a biennial primary or general election or after the deadline for filing notice of election before any other election held by any city, district or other municipal corporation 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.

The flow chart shown below identifies the typical review process for annexation applications; however, special circumstances may increase certain processing times.

CITY POLICY DISCOURAGING DESTRUCTION OF NATURAL RESOURCES PRIOR TO ANNEXATION

Resolution 19-59 states that no application for annexation to the City shall be processed for a property if the natural resources on the property have been damaged or destroyed prior to annexation. A copy of Resolution 19-59 is available on the city's website. A handout that addresses the city's policies discouraging destruction of natural resources and significant trees prior to annexation is included in this packet. It is strongly advised that you speak with planning staff prior to taking any actions that may affect trees, streams, wetlands, or other natural resources on an unincorporated property.

ANNEXATION REVIEW PROCESS (with Public Hearing)



SUBMITTAL REQUIREMENTS

A complete application is required before the City can proceed with technical analysis and make an informed decision on an annexation application. Following is a list of materials that are required for annexation applications. Staff will not process the application until all the items on the list have been submitted. Consult with the Department of Planning and Building Services if you have a question. All application materials become public information.

GENERAL

- Completed Annexation Application form signed by the property owner(s).
- Annexation petition form with either:
 - a) Signatures of all property owners¹ of the land to be annexed and at least 50% of the registered voters residing on the property or properties to be annexed; **or**,
 - b) Signatures of more than half of the owners (see footnote 1, below) of land in the territory to be annexed who also own more than half of the land in the territory **AND** represent more than half of the assessed value of all property in the territory [ORS 222.170].
- Legal description and map of the parcel(s) or territory to be annexed, which shall be attached to the Annexation Petition. The legal description shall be a metes and bounds description, or if the areas is platted, a lot, block and subdivision description. The map (or maps) shall be a County Assessor's quarter-section map that clearly illustrates the area to be annexed and includes any unincorporated street rights-of-way abutting the parcel(s) proposed for annexation. Clearly highlight the parcel(s) and unincorporated streets proposed for annexation in red pen or pencil. If necessary, Planning staff can assist you in obtaining copies of the correct County Assessor's maps.
- Title report for the property and rights-of-way to be annexed to determine whether any easements or rights-of-way exist.
- Annexation Fee. See attached Annexation Fee handout to determine applicable fee.

Attachments:

Application for Annexation
Petition Form for Annexation
Confidential Census Form
Annexation Fees
Natural Resource Policy Prior to Annexation

¹ To give consent for a particular piece of property, persons who legally own an interest in the property or who are purchasers of property on a contract sale that is recorded with the county must sign the petition. Generally, this means that both husband and wife should sign. In the case of a corporation or business, the person who is authorized to sign legal documents for the firm may sign the petition. In the case of a trust, the documentation showing who may make decisions for the trust is required. If there is multiple ownership in a parcel, each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's area [ORS 222.120(7)].



TO: Planning Staff

FROM: Paul Espe, Associate Planner
Planning and Building Services Department

SUBJECT: Annexation Schedule

DATE: December 21, 2021

This is the updated annexation schedule through January 3, 2023. This is a quarterly schedule designed so that annexations may be grouped into these four City Council meeting dates. The City Council meets on the first and third Tuesdays of every month. This schedule allows approximately 90 days for completeness review, noticing and report preparation for the Council meeting.

City Annexation Schedule

Submit Date	CC Meeting Date
January 3, 2022	April 5, 2022
April 4, 2022	July 5, 2022
July 5, 2022	October 4, 2022
October 3, 2022	January 3, 2023

In most cases, invitations will be sent to surrounding properties. Typically, responses will not be received and a completed application will not be submitted in time to be included with the subject annexation. Those applicants joining an annexation as a result of an invite will get bumped to the next scheduled quarterly annexation Council meeting date. The applicant initiating the annexation will move forward as scheduled unless they are rescheduled with the other applicants.



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ANNEXATION FEES

Effective Date: January 1, 2022

City Fee:

The annexation fee categories adopted by the City Council as a part of Resolution 21-26 are as follows:

Parcel less than 3 times minimum lot area for the zone designation that will apply upon annexation..... \$0 + Applicable Metro Fee

Parcel 3 times or greater than the minimum lot area for the zone designation that will apply upon annexation.....\$920 x per number of lots into which the parcel could be divided under the zone designation that will apply upon annexation + Metro fee

Parcel for which there is no minimum lot area for the zone designation that will apply upon annexation.....\$1,841 + Applicable Metro Fee

Expenses related to additional noticing caused by.....\$266 delays brought on by the applicant(s).

- **Lots that do not have Resource Protection (RP) or Resource Conservation (RC) overlays:** For lots that do not have designated resources, the fees are calculated based on the gross number of lots that can be divided under the zone designation that will apply upon annexation + the Metro fee.

Potential Lots = Gross area of Lot / Minimum lot size of the zone.

* Potential lots are those lots that are divided into the gross area of the parcel (without subtracting Right-Of-Way or accounting for lot shape).

- **Lots with a designated RP or RC resource:** For lots with an RP or RC resource designation –

Potential Lots = gross area of lot – [100% RP + 50% RC, if applicable] / minimum lot size of the zone.

- **Lots that have responded to a mailed annexation invitation:** Applicable Metro fees are charged but no annexation fees are charged for these annexation applications.

Refunds:

When an applicant decides to withdraw an application, **prior** to the first public hearing notice being published, a partial refund will be made based on staff time and expenses spent on processing the application. Once the public hearing notice has been published, no refunds will be made on the **City fee**. The complete Metro fee will be reimbursed.

Metro Fee:

Applicants will also need to pay the applicable Metro filing fee:

Size of Area to be Annexed	Additional Filing Fee
Single tax lot less than 1 acre	\$150
1-5 acres	\$250
5.1-40 acres	\$300
Greater than 40 acres	\$400

Payment of Fees:

Applicants need to submit one check payable to the City of Lake Oswego, which includes both the City fee and Metro fee.



ANNEXATION APPLICATION

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ANNEXATION FILE NUMBER:		HEARING DATE:	
PROPERTY ADDRESS:			
DATE SUBMITTED:		DATE REVIEWED:	
DATE RESUBMITTED:		DATE REVIEWED:	
CITY FEE RECEIVED:		METRO FEE RECEIVED:	
CHECK NO.		RECEIPT NO.	
NEIGHBORHOOD ASSOCIATION:			
COMPLETENESS DATE:			
CHECKLIST: <input type="checkbox"/> Legal Description <input type="checkbox"/> Title Report <input type="checkbox"/> Assessor's Map <input type="checkbox"/> Petition			
<input type="checkbox"/> Fees (City and Metro)		<input type="checkbox"/> Delineation of Natural Resources (if required)	
<input type="checkbox"/> Resolution 04-38 given to Applicant on _____ (date)			

PRINT OR TYPE ALL INFORMATION BELOW

APPLICANT		<input type="checkbox"/> USE MAILING ADDRESS FOR HEARING NOTIFICATION
NAME:		PHONE:
BUSINESS NAME:		
ADDRESS:		
CITY, STATE, ZIP:		
EMAIL ADDRESS:		
SIGNATURE (Original Required): _____		
Note: I consent to an on-site inspection by an employee(s) of the City of Lake Oswego		

PROPERTY OWNER		<input type="checkbox"/> ADDITIONAL OWNER SEE PAGE 2
NAME:		PHONE:
BUSINESS NAME:		
ADDRESS:		
CITY, STATE, ZIP:		
EMAIL ADDRESS:		
SIGNATURE (Original Required): _____		
Note: I consent to an on-site inspection by an employee(s) of the City of Lake Oswego **Restrain you dog on inspection day**		

ADDITIONAL PROPERTY OWNER

USE MAILING ADDRESS FOR HEARING NOTIFICATION

NAME:

PHONE:

BUSINESS NAME:

ADDRESS:

CITY, STATE, ZIP:

EMAIL ADDRESS:

SIGNATURE (Original Required): _____

Note: I consent to an on-site inspection by an employee(s) of the City of Lake Oswego

PROPERTY AND ZONING DATE

**ADDRESS /
LOCATION
DESCRIPTION:**

MAP & TAX LOT <ul style="list-style-type: none"> List one per line Do not use lot & block Example – 21E06CC02400 	SITE (ACRES)	ZONING/PROPERTY INFORMATION			
		EXISTING COUNTY ZONING DESIGNATION	CITY COMPREHENSIVE PLAN DESIGNATION	CURRENT ASSESSED VALUE	TOTAL EXISTING POPULATION
TOTAL OF PARCEL AREAS:	ACRES	SQ. FT.			

RIGHTS-OF-WAY TO BE INCLUDED:

REASON FOR ANNEXATION:

DESCRIBE NUMBER AND TYPES OF STRUCTURES ON THE PARCEL(S) (USE TAX LOTS AS REFERENCE):	
EXISTING USE OF AREA TO BE ANNEXED:	
PROPOSED USE OF AREA TO BE ANNEXED:	
DESCRIBE SURROUNDING LAND USES (USE TAX LOTS AS REFERENCE)	
NORTH	
SOUTH	
EAST	
WEST	

CITY OF LAKE OSWEGO PETITION FOR ANNEXATION

To the City Council of the City of Lake Oswego:

We, the undersigned owners and/or electors, petition and consent to be annexed to the City of Lake Oswego.

A map is attached, marked Exhibit A, showing the affected territory and its relationship to the present City boundaries.

PETITION SIGNERS						
Signature	Printed Name	I Am A* (check both if applicable)		Owner's /Elector's Mailing Address	Property Description Tax Map/Lot Example – 21E06CC02400	Date**
		PO	RV			

* PO = Property Owner, RV = Registered Voter

**Within 1 year from the date of filing petition with City



City of Lake Oswego

Confidential Census Form

In Cooperation with Portland State University, the City of Lake Oswego would like a count of all persons in each household. This information will be kept confidential with the City Recorder and will be used to update the city's official population estimate. These estimates are used for disbursements of State revenue and program resources.

Address: _____

Housing Type-Circle

- Single Unit Structure YES NO
- Multiple Unit Structure YES NO
- Trailer or Mobile Home YES NO
- Group Quarters Facility YES NO

Tenure

- Owner Occupied YES NO
- Renter Occupied YES NO
- Vacant YES NO
- Seasonal YES NO

Residents

Last Name

First Name

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

- _____
- _____
- _____
- _____
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POLICIES DISCOURAGING DESTRUCTION OF NATURAL RESOURCES AND SIGNIFICANT TREES PRIOR TO ANNEXATION

This handout addresses basic questions about the City of Lake Oswego's policies on altering natural resources and removing trees prior to annexation. These policies were adopted by the City Council in 2004 and were updated in 2019. The full text of the policies is available online at www.lakeoswego.city/planning/annexation-program-application. If you have questions, please contact the Planning and Building Services Department at 503-635-0290.

WHY DOES THE CITY HAVE THESE POLICIES? The policies are to encourage property owners interested in applying for annexation to the City to preserve and protect natural resources and significant trees on their property. The City has a protection program for hundreds of acres of stream corridors, wetlands and tree groves within the City and its potential annexation area (LOC 50.05.010 and 50.07.004.8). Properties that are not yet annexed to the City are under the jurisdiction of a county (Clackamas, Multnomah, or Washington County). Because the City has a higher level of protection for natural resources and trees than county jurisdictions, it is the community's interest to encourage all property owners within the potential annexation area to protect these resources as if the property was annexed to the City. Alterations to natural resources can contribute to erosion and water quality issues resulting in degradation of wildlife habitat, siltation buildup in waterways, and potential damage to property. When this occurs and properties are annexed, City taxpayers may become obligated to fund programs and projects to repair public infrastructure and restore the natural environment. Removal of significant trees negatively affects the appearance and livability of the community, which can negatively impact property values, as well.

WHO DO THESE POLICIES APPLY TO? They apply to property owners that apply for annexation to Lake Oswego. Thus, any "unincorporated property" within Lake Oswego's potential annexation area could be affected. "Unincorporated properties" are not yet annexed to the City and are under county jurisdiction. Please contact the Planning and Building Services Department for inquiries about a specific property.

Note: the policies apply to annexations that are initiated or requested by the owners of the property to be annexed and that require consent of owners or electors under ORS Chapter 222. It does not apply to annexations by election under ORS Chapters 222 or 195 or to non-consensual "island" annexations.

WHAT HAPPENS IF I ALTER A STREAM OR WETLAND OR REMOVE TREES FROM MY PROPERTY? The City Council may delay annexation of your property for up to three years, require you to pay restoration fees, require you to plant and maintain resource and/or tree mitigation for three years prior to annexation and two years

after annexation, and require posting of a maintenance bond or cash deposit during the two-year period if the City finds that, within 10 years before the date your annexation request was filed, any of the following occurred:

1. A tree from the list below was removed from your property:

<u>Species</u>	<u>Common Name</u>	<u>Size (DBH*)</u>
Quercus garryana	Oregon white oak	08"
Pseudotsuga	Douglas-fir	18"
Thuja plicata	Western red cedar	12"
Pinus Ponderosa	Ponderosa pine	12"
Taxus Brevifolius	Western Yew	06"
Other deciduous trees		20"
Other evergreen trees		18"

*DBH is the diameter of the tree measured at 4.5 feet above the ground level.

2. A natural resource inventoried by the City has been removed or otherwise degraded beyond that which would have been clearly permitted under the City natural resource regulations; or
3. A natural resource not inventoried by the City has otherwise been degraded in violation of any state or federal law or regulation.

ARE THERE EXCEPTIONS? Yes. Removal of trees that are not of a size and species listed above and are not located within an inventoried natural resource are exempt. In addition, tree removal that would have met the City of Lake Oswego’s tree removal permit criteria under the City’s Tree Code (Lake Oswego Code Chapter 55) is exempt. For example, if a tree of a size and species listed above were removed because it was dead or hazardous and the property owner provided sufficient documentation with the annexation petition that the tree would have qualified for a dead or hazardous tree permit, then the policies would not apply.

Any person who owns unincorporated property and who proposes to remove a tree may request certification by City staff that the proposed removal would qualify for a Lake Oswego Tree Removal Permit as if the property were already annexed to the City. This certification would then satisfy the City requirement that a property owner show that the removal would have been permitted under the City’s Tree Code when they apply to annex. The City charges a fee to cover administrative costs for reviewing the certification request.

For information on tree removal permits in the City go to www.lakeoswego.city/trees. To check whether there are any City-inventoried natural resources (Sensitive Lands) on your property go to www.lakeoswego.city/LOMap, click on the “Planning” layer in the legend, and check “Sensitive Lands.” Please note that it is the property owner’s responsibility to comply with any county, state or federal regulations that may apply.

ISN’T THE CITY IMPOSING REGULATIONS ON PROPERTIES THAT ARE NOT UNDER ITS JURISDICTION? No. These are policies that only apply if a property owner files an application to annex their property to the City. A decision to annex a property is at the discretion of the City Council. Until annexed to the City, an unincorporated property is subject to the regulations of the applicable county jurisdiction and any applicable state or federal laws.