



TO: Kent Studebaker, Mayor
Members of the City Council
Tom Coffee, City Manager

FROM: Paul Espe, Associate Planner

SUBJECT: Ordinance 2607, 13150 Riverside Drive (AN 12-0014)

DATE: June 26, 2013

ACTION

Adopt Ordinance 2607 (Exhibit E-1), annexing properties located at 13150 Riverside Drive and the public railroad right-of-way.

INTRODUCTION/BACKGROUND

The proposed annexation is owner-initiated and will result in the addition of 1.0 acres of residential land and 1.42 acres of public railroad right-of-way to the City. 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 Exhibit A-1.

Owner/Applicant: John A. King C/O David A. King Living Trust (former property owner); Alan and Charlene Green, (current property owners). Tri-Met holds title to the railroad right-of-way on behalf of a consortium of governments including the City of Lake Oswego, Portland, Clackamas County, Multnomah County, Tri Met, Metro and the Oregon Department of Transportation. This right-of-way was purchased in 1988 for future transit service.

Location/Size: The subject parcel (Tax Lot 3000, Tax Map 21E02BA) is 1 acre (43,560 square feet) in size. It is located on the east side of Riverside Drive, (commonly known as Highway 43). The address is 13150 Riverside Drive. The railroad right-of-way (Tax Lot 4000, Tax Map 21E02BA) is 1.42 acres in size. It is located east of Tax Lot 3000 and extends in a north and southerly direction as depicted on Attachment A.

Existing Land Use: Tax Lot 3000 is occupied by a single-family dwelling and has direct access to Riverside Drive. Tax Lot 4000 is occupied by a railway line.

Neighborhood: The properties are located within the Birdshill County Planning Organization (CPO).



Purpose of Annexation: The previous property owner submitted an Irrevocable Petition to Annex and was allowed to connect to sewer. The application for annexation was filed as a condition of the Irrevocable Petition to Annex.

DISCUSSION

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

Development Potential: Based on the R-10 zoning standards, the location of the house and the presence of steep slopes, one additional lot could be developed.

Sensitive Lands: There are three natural resources on the subject properties (Tax Lot 3000, and 4000). A tree grove is located on Tax Lot 3000 and a perennial stream with an associated wetland, and an intermittent stream, are located on Tax Lot 4000. As a part of a recent land use review initiated to designate these RP and RC resources, the resources were ranked with the standard Wildlife Habitat Assessment form to determine the Habitat Assessment Score (HAS). The tree grove (site 3729) received a HAS of 37, the perennial stream and associated wetland (W-5002) received a HAS of 56, and the intermittent stream (W-5004) received a HAS of 37. All three natural resources are therefore considered significant under LOC 50.07.004.8.a.v and 50.07.004.8.a.vi.

Chapter 50.05.025 addresses the application of zoning and resource overlays upon annexation and allows the discovery of new resources. During their meeting on April 2, 2013 the City Council directed staff to suspend all resource designation for annexing properties pending revisions to the sensitive lands program. Based on this direction, RP and RC overlays are not proposed as a part of this annexation.

Applicability of Lake Oswego Development Standards (LODS) 3 and 4: Under the “Transition Rule” in Ordinance No. 2148, the City’s prior stream and wetland protection standards (LODS 3 and 4) continue to apply to streams and wetlands that have not been evaluated for RP District designation. There is some evidence that a wetland exists on Tax Lot 4000 and therefore LODS 4 will apply to this property.

Sewer and Water Service: Sanitary sewer service is available from a City of Portland fifteen-inch sewer line (the Willamette Interceptor), in Fielding Road. Properties within Lake Oswego may connect to Portland’s sewer under the provisions of an intergovernmental agreement. Water service is available from a twelve-inch City water main in Riverside Drive (Highway 43).

Service Districts: Upon annexation, the parcels will, by operation of ORS 222.520, be withdrawn from the Dunthorpe Riverdale Fire District Lake, and the Clackamas County Enhanced Sheriff’s Patrol District.

ALTERNATIVES & FISCAL IMPACT

The draft findings provided in 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 1.0 acres and the railroad right-of-way of 1.42 acres. The estimated assessed value of the parcel (Tax Lot 3000) is \$398,349.

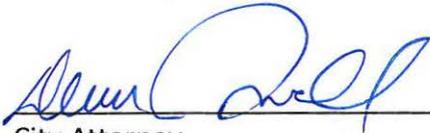
RECOMMENDATION

Staff recommends approval of AN 12-0014.

EXHIBITS

- A. Findings and Conclusion
A-1: Criteria, Findings, Conclusion, and Effective Date
- B. Minutes [No current exhibits]
- C. Staff Report [No current exhibits]
- D. Graphic Exhibits [No current exhibits]
- E. Written Materials
E-1: Ordinance 2607 and Map
- F. Letters [No current exhibits]

Reviewed by:



City Attorney



Tom Coffee, City Manager

Exhibit A-1

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.
 - 3. ORS 222.170 - Annexation by consent of more than half of the owners of land in the territory to be annexed, who also own more than half of the land in the territory.

- B. Metro Code
 - 1. 3.09.040(a)(1-4) Minimum Requirements for Petitions.
 - 2. 3.09.050 Uniform Hearing Requirements for Final Decisions Subsections (b)(1-3) and (d).

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 previous property owner submitted an Irrevocable Petition to Annex (on file), to be allowed to connect to sewer. The proposed annexation complies with the 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. Tri Met has withdrawn their opposition to the annexation. By submitting the Irrevocable Petition, the property owners of tax lot 3000 have given consent to the annexation application. There are no registered voters on the properties. One hundred percent of the property owners have consented to this annexation. The proposed annexation complies with the statute.

3. ORS 222.170 - Annexation by consent of more than half of the owners of land in the territory to be annexed, who also own more than half of the land in the territory.

ORS 222.170 states that an election need not be held on the question of annexation within the area proposed to be annexed if not less than 50 percent of the owners of land residing on the property consent in writing to the annexation. These owners must also own more than half of the land in the territory to be annexed. Tri Met holds title to the railroad right-of-way on behalf of a consortium of governments including the City of Lake Oswego, Portland, Clackamas County, Multnomah County, Tri Met, Metro and the Oregon Department of Transportation. The railroad right-of-way is publically

owned and is not considered when determining the number of owners, the area of land, or assessed valuation required to grant consent to the annexation unless the owner of such property files a statement consenting to or opposing annexation. Tri Met has withdrawn their opposition to the annexation. By submitting the Irrevocable Petition to Annex, the property owners of tax lot 4000 have consented to the annexation. The proposed annexation complies with the statute.

B. Metro Code

1. 3.09.040 - Minimum Requirements for Petitions.

- (a) **A petition for a boundary change shall be deemed complete if it includes the following information:**
- 1) The jurisdiction of the approving 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 consented to this annexation.

A map and legal description have been included in the application materials and are on file. The property owners have consented to this annexation. The proposed annexation complies with the code requirements.

2. 3.09.050 Uniform Hearing and Decision Requirements for Final Decisions Other Than Expedited Decisions.

- (b) **Not later than 15 days prior to the date set for a boundary change decision, the approving entity shall make available to the public a report that addresses the criteria in subsection (d) below, that includes at a minimum, the following:**
- (1) **The extent to which urban services presently are available to serve the affected territory including any extra-territorial extensions of service.**

The properties are located within the Urban Growth Boundary and the City's Urban Services Boundary. Metro Code section 3.09.020 defines urban services as including sanitary sewer, water, fire protection, parks, open space, recreation, streets, roads and mass transit.

Sanitary Sewer: Sanitary sewer service is available from a City of Portland fifteen-inch sewer line (the Willamette Interceptor), in Fielding Road. Properties within Lake Oswego may connect to Portland's sewer under the provisions of an intergovernmental agreement.

Water: Water service is available from a twelve-inch water line in Riverside Drive (Highway 43). There are no fire hydrants in the vicinity of this property.

Fire: The properties are currently served by the Dunthorpe-Riverdale Fire District #60.

Upon annexation, it will be withdrawn from the fire district and served by the City of Lake Oswego Fire Department. The nearest fire station to serve the properties is the Main Station (300 B Ave), which can respond within the eight-minute minimum response time stated in the Comprehensive Plan.

Surface Water Management: The properties are not a part of any surface water management district. All surface runoff created from the impervious surfaces shall be managed on-site. After annexation, on-site surface water management will fall under various provisions of the Lake Oswego Code. Any future development shall maximize the amount of storm water runoff which is percolated into the soil and to minimize direct overland runoff into streets, drainage systems, and/or adjoining property. Storm water runoff from roofs and other impervious surfaces should be diverted into swales, terraces and/or water percolation devices on the lots when possible. Storm water management will be required for the impervious surfaces from the roof areas and driveways.

Police: The properties are currently served by the Clackamas County Sheriff's Department. Upon annexation, the properties will be withdrawn from the Clackamas County Enhanced Sheriff's Patrol District and will be served by the City of Lake Oswego. The police department has reviewed the proposal and indicated that they would not have any concerns serving these properties upon annexation.

Parks: The City has 537 acres of park and open space lands, or 14.6 acres per 1,000 population. The nearest park to these properties is Tryon Cove Park, approximately 2,500 feet (one half mile) to the south. The nearest improved City parks are Foothills Park and Roehr Park, approximately 1 and 1.5 miles from the properties, respectively. The City's park system is able to absorb any additional population that may be annexed into the City with this annexation application.

Transportation - Streets and Mass Transit: Tax lot 3000 takes access from Riverside Drive, a Major Arterial under the jurisdiction of the Oregon Department of Transportation. Fielding Road is under the jurisdiction of Clackamas County. Fielding Road is a local, dead end street. It is approximately 18 feet wide in a 30-foot wide right-of-way. The City of Lake Oswego has jurisdiction of Fielding Road between the railroad right-of-way and Briarwood Road. The railroad right-of-way is under the jurisdiction of Lake Oswego, Portland, Clackamas County, Multnomah County, Tri Met, Metro and the Oregon Department of Transportation. This right-of-way was purchased by these agencies in 1988 for a future transit service.

Sidewalks: There are no sidewalks in the immediate vicinity of Riverside Drive, however there is a shared asphalt shoulder pathway adjacent to the travel along the site frontage. The Public Facilities Plan identifies the need for a sidewalk (P-11) on the east side from Tryon Creek to Briarwood Road approximately 800 feet south of the subject property.

The nearest mass transit service is Tri-Met bus line 35, (The Macadam / Greely Line) operates between Oregon City and Portland via highway 43 (or Riverside Drive).

(2) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties.

The City has entered into four ORS 195.065 agreements with: 1) Clackamas County (for roadways); 2) Lake Oswego School District; 3) Lake Grove Fire District; and, 4) the Southwood Park Water District. None of these agreements apply to this annexation application.

(3) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;

Consistency of the proposed boundary change with comprehensive plan policies is discussed in section (d)(3), below.

The City's Public Facilities Plan does not identify any sanitary service, water, or storm water projects in this area that would affect the subject property.

There are no regional framework plans or regional urban growth goals or objectives that are directly applicable to this annexation.

Compliance with urban planning agreements and other agreements with necessary parties is discussed in section (d)(2), below.

(4) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party.

ORS 222.520 authorizes the City to withdraw the properties from the Dunthorpe Riverdale Fire District, and the Clackamas County Enhanced Sheriff's Patrol District. Upon approval of the annexation, the ordinance will withdraw the properties from these service districts.

(5) The proposed effective date of the decision.

The proposed effective date of the decision is outlined in the final section of this report.

(c) An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

(1) Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065.

ORS 195.065 agreements are discussed above under Metro Code Section 3.09.050(b)(2).

(2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party.

The Metro Code defines necessary party as "a county, city or district whose jurisdictional boundary or adopted urban service area includes any part of the affected property, or who provides any urban service to any portion of the affected." The list of necessary parties for the proposed annexation includes:

- Clackamas County
- Clackamas County Enhanced Sheriff's Patrol District
- Dunthorpe-Riverdale Fire District
- Tri-County Metropolitan Transportation District

The only agreement with directly applicable provisions is the City's Urban Growth Management Agreement with Clackamas County:

Clackamas County Urban Growth Management Agreement/City of Lake Oswego: The City currently has an urban planning agreement with Clackamas County. 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 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 3.09.030, 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 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. The City and County entered into an Urban Growth Management Agreement in 1997 which stipulates a mutual interest in coordinated land use planning, compatible comprehensive plans and provision of urban services and facilities. This annexation will be consistent with the City and County comprehensive plans which will be coordinated in the Dual Interest Area within the regional Urban Growth Boundary (UGB).

The separate road agreement referenced in 7(B) is now expired. Tax Lot 3000 takes direct access from Riverside Drive, which is under the jurisdiction of the Oregon Department of Transportation (ODOT).

(3) Consistency with specific directly applicable standards or criteria for boundary changes contained in the comprehensive land use plans and public facility plans.

Comprehensive Plan Map: The subject properties are currently designated Low Density Residential on Clackamas County’s Comprehensive Plan and Zoning Maps, with a zone of R-10. The properties are designated as Low Density Residential R-10 on the City’s

Comprehensive Plan Map. Upon annexation, a City zoning designation of R-10 will be applied to the properties.

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 relevant Comprehensive Plan policies are addressed below:

Goal 14, Urbanization - Policy 10: The Urban Services Boundary is Lake Oswego's ultimate growth area within which the City shall be the eventual provider of the full range of urban services.

The properties to be annexed is within the City's Urban Services Boundary as outlined in the Comprehensive Plan. City services are available or can be made available to the property. The annexation of these properties are consistent with this policy.

Goal 14, Urbanization - Policy 13: Ensure that annexation of new territory or expansion of Lake Oswego's Urban Service Boundary does not:

- a) Detract from the City's ability to provide services to existing City residents;*
- b) Result in property owners paying for urban services which do not benefit their property:*

The approval of this annexation will result in the addition of 2.42 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 these properties 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.

In regard to subsection b) of Policy 13, the policy ensures that existing City property owners do not subsidize newly annexed areas in the provision of urban services. The City has established systems development charges, and imposes rates that result in payment by users for different City services such as sewer, water, surface water, parks and recreation, and transportation systems. Therefore, existing City property owners will not pay for urban services that do not benefit their property.

Goal 14, Urbanization - Policy 14: Prior to the annexation of non-island property, the City shall ensure urban services are available and adequate to serve the subject property or will be made available in a timely manner by the City or a developer commensurate with the scale of the proposed development. Urban services consist of water, sanitary sewer, surface water management, police and fire protection, parks, and transportation including: streets, transit, pedestrian and bicycle facilities.

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 these properties.

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 properties proposed to be annexed are not isolated from other areas of the City.

(4) Consistency with specific standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan.

There are no Regional Framework Plan or Functional Plan criteria or standards applicable to this annexation.

(5) Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services.

Due to the proximity of the properties to existing City services, this annexation will promote the timely, orderly and economical extension of public facilities and services. If and when additional development occurs in the area, provision of public facilities and services will occur.

CONCLUSION:

Based on the criteria and findings set forth above, the City Council concludes that AN 12-0014 complies with all applicable criteria and should be annexed to the City.

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.

AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO ONE PARCEL CONSISTING OF APPROXIMATELY 1.0 ACRES (LOCATED AT 13150 RIVERSIDE DRIVE) AND A 1.4 ACRE PORTION OF THE PUBLIC RAILROAD RIGHT-OF-WAY (TAX LOT 4000) DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LOC 50.01.004.5; AND REMOVING THE TERRITORY FROM CERTAIN DISTRICTS (AN 12-0014).

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 owner as outlined in ORS 222.111(2); and,

WHEREAS, the City has received consent for the proposed annexation from 100 percent of the owners of land within the territory. There are no electors residing within the territory; and,

WHEREAS, the part of the territory that lies within the Dunthorpe-Riverdale Fire District #60 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, 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 Goal 14 (Urbanization) of the City of Lake Oswego's acknowledged Comprehensive Plan, Oregon Revised Statutes 222.111(2); 222.125; and 222.170 for boundary changes, and Metro Code Sections 3.09.050(b) and (d).

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 northwest quarter of Section 2, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

Beginning at an iron pipe at the northwest corner of Lot 16, Plat of ARCADIA (Plat #210), plat records of Clackamas County, Oregon;

thence southeasterly in a straight line to a point which is 100.00 feet east of the west line of said Lot 16 and is 28.00 feet south at right angles from the north line of said Lot 16;

thence east on a line which is 28.00 feet south at right angles from the north line of said Lot 16, to an iron pipe set on the east line of said Lot 16;

thence southwesterly along the east line of said Lot 16, 113.40 feet, more or less, to the northeast corner of Lot 15, Plat of ARCADIA;

thence southwesterly along the east line of said Lot 15, 100.00 feet to the southeast corner of said Lot 15;

thence northwesterly along the southwest line of said Lot 15, 233.00 feet to the southwest corner of said Lot 15;

thence northeasterly along the westerly line of said Lots 15 and 16, to the point of beginning.

EXCEPT that part thereof now within the limits of Pacific Highway (Hwy 43).

INCLUDING therewith, a segment of the former Southern Pacific Railroad right of way (width varies), approximately 910 feet in length;

terminated on the south end at the north right of way line of Briarwood Road and terminated on the north end by a line running from the northeast corner of the above described tract, proceeding at right angles to said railroad centerline, and projected to the east line of said railroad right of way.

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

Dunthorpe-Riverdale Fire District #57
Clackamas County Enhanced Sheriff's Patrol District

Section 3. In accordance with LOC 50.01.004.5, the City zoning designation of R-10 shall be applied to the properties as shown on Attachment A.

Section 4. The City Council hereby adopts the findings of facts and conclusions set forth in Exhibit A-1 in support of this annexation ordinance.

Section 5. 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 6. 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 _____, 2013.

AYES:

NOES:

ABSTAIN:

EXCUSED:

Kent Studebaker, Mayor

Dated:

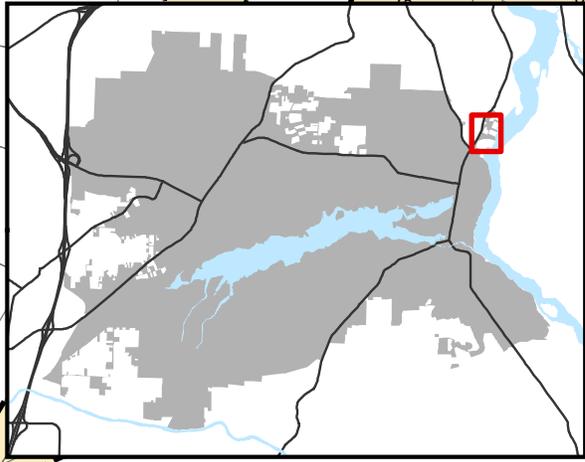
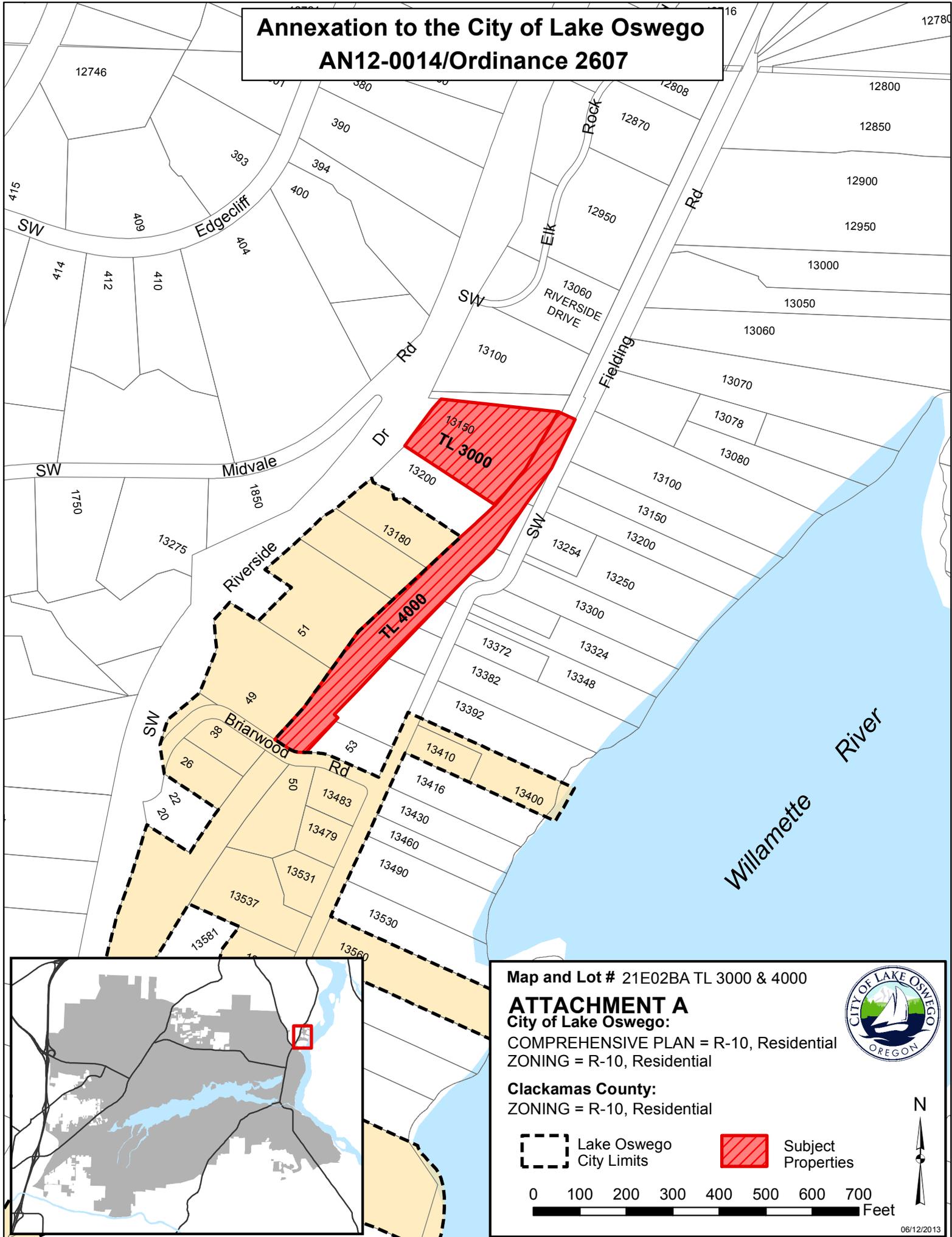
ATTEST:

Cate Schneider, City Recorder

APPROVED AS TO FORM:

David Powell, City Attorney

**Annexation to the City of Lake Oswego
AN12-0014/Ordinance 2607**



Map and Lot # 21E02BA TL 3000 & 4000

ATTACHMENT A
City of Lake Oswego:
 COMPREHENSIVE PLAN = R-10, Residential
 ZONING = R-10, Residential

Clackamas County:
 ZONING = R-10, Residential

 Lake Oswego City Limits
  Subject Properties

0 100 200 300 400 500 600 700 Feet


 N

06/12/2013



