

ORDINANCE NO. 2665

AN ORDINANCE ANNEXING TO THE CITY OF LAKE OSWEGO ONE PARCEL CONSISTING OF 0.42 ACRES AND THE PUBLIC RIGHT OF WAY AT 13885 STAMPHER ROAD; DECLARING CITY OF LAKE OSWEGO ZONING PURSUANT TO LOC 50.01.004.5(a-c); AND REMOVING THE TERRITORY FROM CERTAIN DISTRICTS (AN 15-0002).

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 100 percent of the owners of land and not less than 50 percent of the electors residing in the territory; and,

WHEREAS, the part of the territory that lies within the Dunthorpe-Riverdale Fire District will, by operation of ORS 222.520, be withdrawn from that district immediately upon approval of the annexation; and,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that lies within the Clackamas County Enhanced Sheriff's Patrol District will, by operation of ORS 222.520, be withdrawn from the district upon approval of the annexation; and,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 the Urbanization Chapter of the City of Lake Oswego's acknowledged Comprehensive Plan (Statewide Planning Goal 14), 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:

The Southwesterly 115.00 feet of the following described real property as determined by a line drawn parallel with the Southwesterly line of the said following described real property:

A parcel of land lying in the Socrates H. Tryon Donation Land Claim and being a portion of that certain tract of land conveyed in deed to J.T. Stampher located in Section 2, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon, as recorded in Volume 169, Page 505, Clackamas County Deed Records, said parcel being described as follows:

Beginning at the southwest corner of that certain tract of land conveyed to J.T. Stampher as recorded in said Volume 169, Page 505;

thence North 45° 13' 30" East, 712.63 feet to an iron pipe set in the southerly right-of-way of the Beaverton and Willsburg Railroad (now Union Pacific) as same as recorded in Volume 102, Page 577, Clackamas County Deed Records and the True Point of Beginning;

thence Southerly and Westerly along the Westerly and Northerly boundary line of the right-of-way now known as Stampher Road described in the declaration of easement executed by Louise S. Champion on the 11th day of February, 1955 and recorded in the deed records of Clackamas County, Oregon on the 14th day of February, 1955 in Book 491, Page 668 to the point of intersection of said boundary line with the southerly boundary of the right-of-way of said Beaverton and Willsburg Railroad;

thence Northeasterly along the boundary line of said railroad right-of-way to the True Point of Beginning.

TOGETHER with an approximate 118 foot length of the above mentioned Stampher Road (30 feet wide), beginning at the south end at the current corporate limits of the City of Lake Oswego, said limits running along the easterly projection of the south line of the above described property, and cutoff on the north by the easterly projection of the north line of the above described property.

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
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 on the effective date of annexation of the subject property, 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 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 the 21st day of April, 2015.

AYES: Mayor Studebaker, Buck, Gudman, Bowerman, O'Neill, Gustafson, Manz

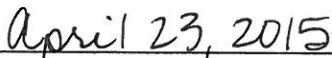
NOES: None

ABSTAIN: None

EXCUSED: None



Kent Studebaker, Mayor



Dated:

ATTEST:

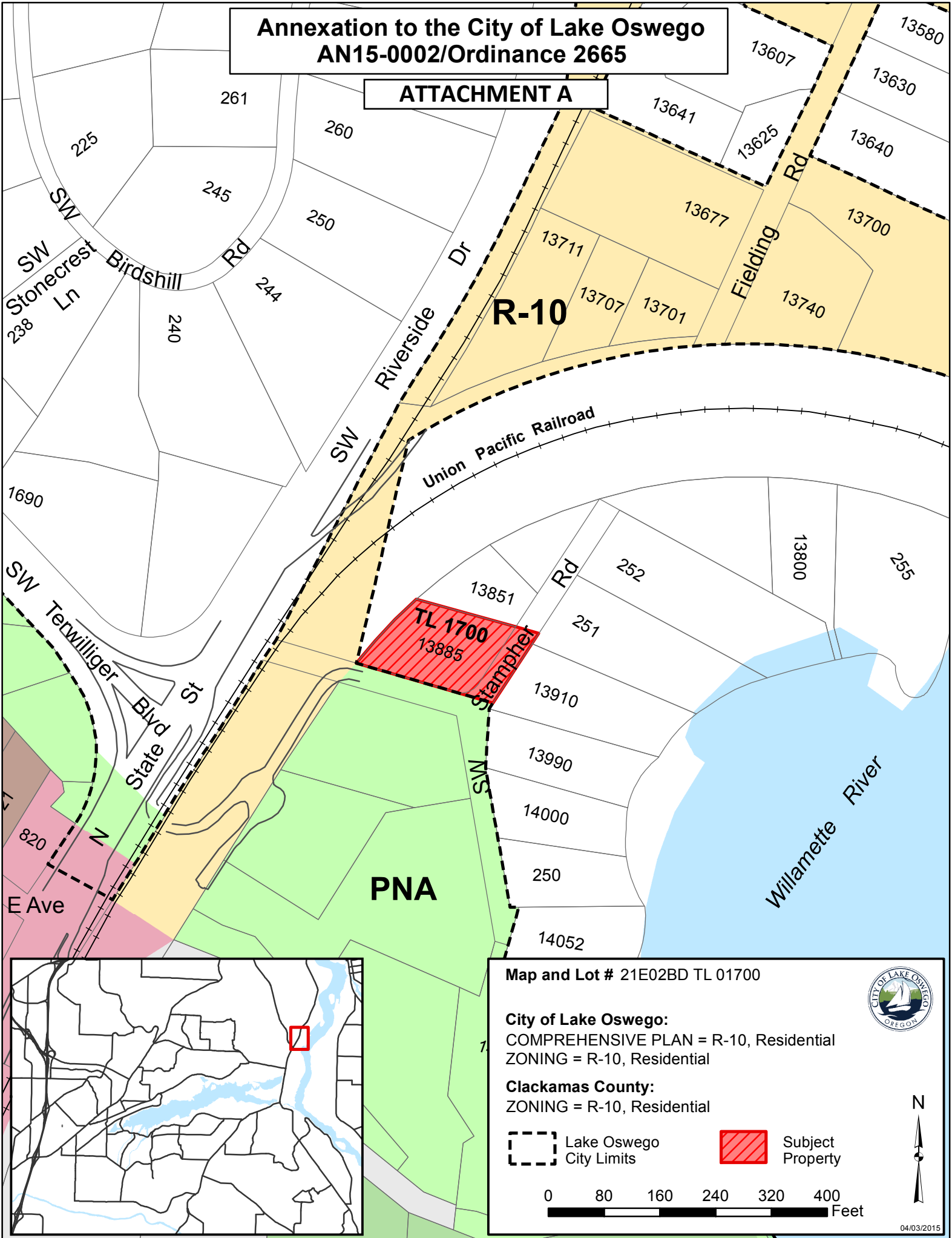
Anne-Marie Simpson
Anne-Marie Simpson, City Recorder

APPROVED AS TO FORM:

David Powell
David Powell, City Attorney

**Annexation to the City of Lake Oswego
AN15-0002/Ordinance 2665**



ATTACHMENT A



Map and Lot # 21E02BD TL 01700

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

Clackamas County:
ZONING = R-10, Residential

 Lake Oswego City Limits  Subject Property

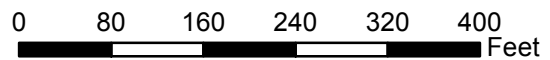


Exhibit A-1

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).

- C. Comprehensive Plan
 - 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.

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, and the registered voter living on the subject property, have signed the annexation application. One hundred percent of the property owners and electors have consented to this annexation.

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. The property owners have consented to the annexation on the annexation petition (on file). 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 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 signed the application and petition. A map and legal description have been included in the application materials and are on file. The applicant owns the private property to be annexed and has consented to the annexation on the annexation petition. The proposed annexation complies with the Metro 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 property is 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.

Water: The property is served by the City of Lake Oswego. Water is available from an existing two-inch water line located in the street along the site frontage. Circa 1925, a two - inch water line connecting Fielding Road properties to an existing water main in Highway 43 was constructed by the Oswego Light and Power Company. Afterward, Stampher Road was constructed and, presumably the 2-inch water line that exists today was also constructed.

This water line is now under the jurisdiction of the City of Lake Oswego, however the water line is not able to supply additional uses without adversely affecting to existing customers on Stampher Road. The system could be improved by boring under the railroad right-of-way to loop a system from Fielding Road through Stampher Road back up to Highway 43.

Fire Hydrants: There are no hydrants on Stampher Road. Adequate hydrant flows are typically supplied by 8 inch water mains. The replacement or upgrading of this water line is not in the City Facilities Plan. The nearest fire hydrants to this property are located on average 300 to 750 feet away (across Tryon Creek to the South across the railroad right of way to the north, along Highway 43. The area currently does not meet the current city minimum for water flow for fire suppression of 1500 gallons per minute and 20 pounds per square inch residual pressure for a hydrant within 250 feet.

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. This property and other unincorporated properties in this area connect to this line as retail Portland sewer customers until future circumstances and other policy changes occur (e.g. future annexation of more properties to Lake Oswego, extension of Portland's Urban Service Boundary to include the subject property or a new wholesale agreement is adopted between the City of Portland, Lake Oswego and Clackamas County).

The proposed sewer connection would need to be reviewed and approved by the City of Portland and Bureau of Environmental Services (BES). Fees for this review and connection include a sewer tap permit, line charge and SDC. The maintenance jurisdiction of Stampher Road has been transferred from the County to the City. Therefore, separate permits will need to be obtained from the City of Lake Oswego for private plumbing and work in the public right-of way.

Surface Water Management: Surface water appears to flow overland to the river with the assistance of a few private drainage systems. Upon annexation, any new development will be subject to the City's on-site surface water management provisions. New development will be required to capture stormwater consistent with code requirements in order to minimize direct overland runoff into streets, drainage systems, and/or adjoining property. Stormwater runoff from roofs and other impervious surfaces will need to be diverted into swales, terraces and/or water percolation devices on the lots when possible. With these types of on-site improvements, the annexation will not overburden the City stormwater system.

Fire: The property is served by the Dunthorpe-Riverdale Fire District. This service is provided through an Intergovernmental Agreement with the City. Upon annexation, the property will be withdrawn from this fire district and will be served directly by the City. The extremely tight turn on Stampher Road has been the subject of much discussion for a number of reasons, but most importantly, is that it hampers the prompt delivery of emergency services. The turn is so tight that the response engine from the Main Fire Station can not enter the roadway without stopping to flag traffic on Highway 43. The Council should be aware that the eight minute response time goal cited in the Comprehensive Plan might not be achievable in this case. While the annexation of this one property will not have any effect on response time, staff is concerned that the future annexation of additional territory will compel the City to solve the host of other inadequacies in this area.

Police: The property is currently served by the Clackamas County Sheriff's Department. Upon annexation, it 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 this property upon annexation.

The area currently has two 911 dispatch centers for the area. The 911 calls from properties within the City limits on Stampher Road are connected to the Lake Oswego Communications Center (LOCOM). The 911 calls from unincorporated properties are received at the Clackamas County Communications Center in Oregon City (CCOM). If the call is a fire police or medical emergency, it is transferred to LOCOM for the dispatching of Lake Oswego Public Safety units. After annexation, all 911 calls will be routed through LOCOM.

Parks: The City has 537 acres of park and open space lands, or 14.6 acres per 1,000 population. The park nearest to this property is Tryon Cove Park approximately 500 feet south of the site. The nearest improved City Parks are Foothills Park and Roehr Park approximately ¼ and ½ mile to the south of the property, respectively.

Tryon Cove Park is a natural park and there are no amenities for organized recreation activities. Foothills Park is nine acres along the Willamette River waterfront. It features a covered platform above the river, a timber and stone picnic pavilion with a stone fireplace; pathways, a reflecting pond, and a grass amphitheater. The City's park system will not be overburdened by any additional population annexed to the City with this application.

Transportation: - Streets and Mass Transit: Stampher Road is an uncurbed local dead end street which abuts the south and east sides of the property. It has frontage and takes access from Stampher Road on the east side of the property. The City has maintenance jurisdiction and permitting authority for this segment of roadway and the right-of-way in this location will be annexed. A portion of Stampher Road extends beyond the right-of-way and curves underneath the Railroad Trestle and intersects with Highway 43. Northbound traffic on Highway 43 cannot access the turn onto Stampher Road without backing up their vehicle to negotiate the sharp turn onto Stampher Road.

Bus line 35 provides the nearest transit service. Line 35 travels between the Oregon City Transit Center and downtown Portland via Highway 43, and travels within a quarter mile of most of the properties on Stampher Road.

(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. These agreements specify whether the urban service will be provided in the future by a city, county, district, authority or a combination of one or more cities, counties, districts or authorities. They determine the future service area and functional role of each service provider.

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 the ORS 195.065 agreements are applicable to this proposal.

(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.

The City's Transportation System Plan indicated that project T-1 will occur within the vicinity of the annexation. Project T-1 calls for a northbound left turn lane on state Street at Terwilliger realigning the Terwilliger approach and adding a traffic signal. This project was designed to maintain mobility and improve safety in this location. The left turn lane has been added and the approach has been realigned. The traffic signal has been identified as a future project. Other projects on Highway 43 include the Lake Oswego to Portland Pathway and The Highway 43 Bike Connection.

The consortium of public agencies (The Willamette Shoreline Consortium) that manages the Willamette Shore Trolley Line intend to make improvements to the Willamette Shore Trolley Trail which include the Tryon Creek Bridge Replacement, upgrading three trestles between Lake Oswego and the Sellwood Bridge (including the one located above Stampher Road) and replacing a deteriorating retaining wall on the west side of the trestle on Stampher Road. TriMet, the agency managing the project will have the contractor provide access for residents to Stampher Road throughout the project.

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

Consistency of the proposed boundary change with urban planning agreements are mentioned under (b)(2) above and (c)(2) below.

Properties within Lake Oswego may connect to Portland's sewer under the provisions of an intergovernmental agreement with the City of Portland.

(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 property 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 property 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
- City of Portland
- Tri-County Metropolitan Transportation District

The only non-ORS 196.065 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. 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 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. This annexation will be 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 separate road agreement referenced in 7(B) is now expired. This parcel takes direct access from Stampher Road, which is under the maintenance jurisdiction and permitting authority of the City of Lake Oswego.

(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 property is currently designated R-10, Low Density Residential on Clackamas County's Comprehensive Plan and Zoning Maps, with a zone of R-10. The property is 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 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 updated Comprehensive Plan, was adopted by City Council on March 18, 2014 and became effective April 18, 2014. It 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 property is within the Urban Services Boundary. 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 0.42 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 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 while maintaining current levels of service to existing City residents.

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."*

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.

(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.

The proximity of the property to existing City services will allow this annexation to 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 15-0002 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.