



CITY OF PHILOMATH

980 Applegate Street
PO Box 400
Philomath, OR 97370
541-929-6148
541-929-3044 FAX
www.ci.philomath.or.us

Mission: To promote ethical and responsive municipal government which provides its citizenry with high quality municipal services in an efficient and cost effective manner.

PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS

980 Applegate Street

April 1, 2019
6:00 p.m.

MEETING AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
3.1 Minutes of March 18, 2019
- 4. OLD BUSINESS**
4.1 Annexation Criteria
- 5. ADJOURNMENT**

NEXT MEETING:
April 15, 2019
6:00 p.m.

**PHILOMATH PLANNING COMMISSION
MINUTES**

March 18, 2019

1. **CALL TO ORDER:** Chair Stein called the meeting to order at 6:00 pm

2. **ROLL CALL:**

Present: Commissioners Garry Conner, Lori Gibbs, Steve Boggs, Jeannine Gay, Peggy Yoder, and Chair David Stein.

Staff: Chris Workman, City Manager; Amy Cook, Deputy City Attorney; Patrick Depa, Planner; and Ashley Howell, Building Permit Clerk.

3. **APPROVAL OF MINUTES:**

3.1 March 4, 2019, Minutes –

3.1.1 Correction- Commissioner Conner requested to replace the word, “meeting” with “public comment section” of the meeting.

MOTION: Chair Stein moved, Commissioner Boggs second, the March 4, 2019, minutes be approved as amended. Motion APPROVED 6-0. (Yes: Conner, Gibbs, Boggs, Gay, Yoder, Stein; No: None.)

3.2 February 19, 2019, Minutes Clarification – Chair Stein

3.2.1 Chair Stein stated a clarification to the February 19, 2019 minutes, page 7, line 2. He explained that he would like developers to provide all funds for all necessary studies the city needs, not just traffic. He listed examples such as water, environment, etc. There was further clarification of Commissioner Conner’s comment on page 7, line 5, objective criteria pertaining to the level of service.

4. **OLD BUSINESS**

4.1 Annexation Criteria – Chair Stein stated that he was sent annexation criteria from Mayor Niemann for Ashland, Hood River and Eugene. All commissioners were given copies of annexation criteria from each city.

The committee reviewed annexation criteria prepared by City Attorney Amy Cook. There was discussion regarding language proposed by Chair Stein as to the placement, within annexation criteria, of his suggested criteria of developers paying for analysis studies that are approved by the city. Ms. Cook noted that after the committee develops annexation criteria language, then a review will be held as to which section(s) the new criteria will be added.

Commissioner Conner spoke to Section II on page 2. He asked for clarification regarding the line, “capacity will be conclusive as to that agency.” Ms. Cook clarified that this criterion applies to entities such as the School District, Library and other outside services that are not part of the city. She clarified that during the annexation process the agency decides their capacity and that no response from the agency means they do not have an issue. She explained that each agency has a certain period of time to respond and if they do not respond, then it will be deemed that such

agency does not have a capacity issue. She explained further that if an agency responds that they do in fact have an issue, then such issue will need to be dealt with between agency and developer. Mr. Workman explained that currently, when an annexation application is received and deemed complete it is sent out to agencies such as the Fire and School Districts, Benton County, Public Works, etc. Comments made by these agencies will then be listed in the staff report. He explained that this criterion allows for a timeline for the process.

Commissioner Conner asked for clarification on Section III, "applicant may contract with the agency," and what "contract" means in terms of this statement. Ms. Cook explained that it would be an agreement between the applicant and agency as to how they would meet capacity, if that was an issue. Commissioner Gay asked why the application would have to go under contract to achieve capacity. There was discussion about the language of this criteria. Chair Stein suggested that the word, "agreement," or something similar may be more appropriate than the word, "contract." Ms. Cook explained section one, two and three. She stated that she can change the language to, "agreement," or whatever the committee approves of.

Commissioner Yoder asked for clarification regarding the criteria addressing the benefits of an annexation to the city. She asked who determines such benefit and how. Ms. Cook clarified that the Planning Commission would determine if the annexation was in fact beneficial, and if not, then the applicant could then enter into an annexation agreement specifying what they would need to do in order to meet that criteria.

Commissioner Conner asked about the scenario in which the City of Philomath could encounter legal issues if the city denies an annexation application due to it not being beneficial to the city. Ms. Cook explained that it would depend on the circumstance, but that Planning Commission would need to list their reason for denial, objectively. Mr. Workman spoke to clear and objective standards, and that this criterion opens the door for conditions of approval. He explained that all other criteria are ensuring that annexation is not going to harm the city. However, this criterion allows the applicant to explain how such annexation is going to benefit the city. He explained that Planning Commission will need to develop objective criteria to deny or approve an application on these grounds. He explained that this criterion will also be beneficial to the public ensuring that an annexation is not going to inhibit the city in any way.

Commissioner Yoder asked for clarification of the term, "run with the land." Ms. Cook explained that if a property that was previously annexed in to the city was and then sold, the annexation agreement is applicable to the buyer and stays with the property.

There was discussion around what happens when developers do not meet their annexation agreement criteria, but have already been granted annexation. Mr. Workman gave hypothetical scenarios explaining how each scenario would be handled by the city.

Commissioner Conner asked for clarification as to the one-acre minimum environmental study when a property is changing from industrial to residential. Ms. Cook explained that this was due to Commissioner Sullivan's suggested minimum.

She further explained that this criterion is a draft and that the minimum can be changed or removed. Mr. Workman explained that perhaps part of the concern was the cost that is being put on the developer. Commissioner Conner stated that he believes there should not be a minimum, due to the severity of the issues and given the cost of a single family lot compared to a phase one environmental study. Mr. Workman added discussion addressing the Commission as to what level would it want such a study done, at the annexation stage or at the development stage. Commissioner Conner stated that he would like the decision to be made at the time of annexation, rather than any later in the process.

There was discussion regarding the 20-year time period that precludes annexed property from applying for a zone change within 20 years of annexation approval. Mr. Workman gave the example of rodeo grounds being recently annexed in to the city as residential, but it is now used as a public park. He explained that after it was annexed in to the city it was then donated to the city. He further explained that if this 20-year time period was implemented, it could not be rezoned as public, even though the use had changed. He explained that if this time period was imposed then the Commission would be tying the hands of future Commissioners. He explained that each annexation goes through a public hearing allowing public comment. Commissioner Conner stated that he believes 20 years is too long, but that he would also be fine with no time length. Mr. Workman gave an example of a developer that may annex a property as low-density residential, but then once annexation is granted, requested a change to high-density residential for financial gain. He further explained that he would be hesitant to implement criteria that tied the hands of future Commissions and Councils. Commissioner Gibbs added that she would also like to remove the time limit. The committee agreed to remove the time limit.

Commissioner Yoder asked for clarification of line item stating, “the city is under no obligation to condemn, exercise eminent domain, or extend services to an annexed property.” Mr. Workman explained that if a property is within city limits that there is a right to city services. He explained further that the city does not have to provide the means to the annexed property to connect with city services, but annexed properties do have the right to access them. He discussed that having such language allows the city to be clear with the applicant as to accessibility and utilization of city services.

Chair Stein adjourned the meeting until 7:05 pm for a short break.

Chair Stein called the meeting back to order at 7:05 pm.

5. PUBLIC HEARING

5.1 Sapp Type III Class C Variance PC19-01 – Chair Stein opened the public hearing and introduced the applicant as Kathleen Sapp.

5.1.1 Staff Report -- City Planner, Patrick Depa read the Staff Report. He explained that with a Class C Variance there are six items of criteria in which the application must meet all six criteria. He explained that based on the Class C Variance criteria, the application did not satisfy all criteria. He stated that his recommendation is to deny the application’s request. However, if the Planning Commission disagrees with his findings, they can choose to approve the variance but would then have to establish approval criteria for

the application. He further explained that the code already allows for a four (4) foot fence and although corner lots do in fact face more noise disruption and head lights from traffic, those complaints may not be sufficient for approval.

Commissioner Yoder asked for clarification of line item A: encouraging the uses of extra wide sidewalks. Mr. Depa explained that a sidewalk may seem more crowded due to the height. He added that it also creates blind spots for the public and perhaps emergency services.

Presentation of Applicant

Kathleen Sapp, Philomath, Oregon -- Ms. Sapp explained that in her experience living in her home that there are a lot of people walking by her house that can see into her home. She also stated that lights from traffic shine in to her home. She explained that she would just like more privacy and safety for her family.

James Lamb, Philomath, Oregon – Mr. Lamb stated that on the main street side of the property, the intent was not to build right up to the sidewalk line but give a buffer for increased space. He explained that with the slope, or change in elevation on the property, that a four (4) foot fence does not necessarily stop or block anything. He explained that with the 45 degree angles on the property, transitioning from main street to 21st street, he believes that there would be enough space for sightline and does not believe there would be any interference in regard to vision.

Commissioner Yoder asked for clarification in regard to fence placement. She clarified with Mr. Lamb that the fence would not be placed right next to the sidewalk but have some space and seem less crowded. Mr. Lamb confirmed that he could set the fence back somewhat allowing for more space.

Chair Stein addressed the applicant and stated that she bought the house knowing that the house was on the highway. Ms. Sapp agreed, but explained that she was hoping to install a higher fence and was not aware that she would have to apply for a variance to do so.

Mr. Depa explained that since 21st Street is the applicant's established front yard, they could build a six (6) foot fence up to Main St., although that may not satisfy their desire for more privacy and shield from traffic lights coming from Main Street.

Commissioner Gibbs asked the applicant if Mr. Depa's suggestion would be helpful. Ms. Sapp explained that it would be helpful but she was hoping to block sight into her living room from pedestrians on Main Street.

Commissioner Boggs read the variance criteria confirming that fences may not exceed a height of four (4) feet. There was discussion around suggestions of planting shrubbery to allow for more privacy.

Chair Stein asked if there were any other questions, proponents, opponents or neutral parties; there were none.

Ms. Sapp chose to waive her seven-day appeal period.

The Public Hearing on Sapp Type III Class C Variance PC19-01 was closed at 7:29pm.

5.2 PC19-01 Discussion & Decision

Commissioner Boggs explained that there was a significant amount of time put in to creating the fence criteria and he cannot go back and vote against such criteria. He recommended to deny the application.

Commissioner Yoder explained that although she feels that on a personal level she understands the motivation behind the application, she cannot find any support in criteria to approve such application.

MOTION: Commissioner Boggs moved, Commissioner Yoder second, to deny the variance finding that none of the approval criteria has been met.

APPROVED: 5-0 (Yes: Conner, Gibbs, Boggs, Yoder, Stein. Abstaining: Gay)

This is the final decision of the Planning Commission.

Chair Stein announced that there will be another meeting to discuss annexation criteria on April 1, 2019. The meeting will be a work session at 6:00 pm. Mr. Workman explained that the meeting scheduled on April 15, 2019 at 6:00 pm, there will not be a quorum discussion, but a time to hear form and speak with the public.

6. **ADJOURNMENT:**

There being no further business, Chair Stein adjourned the meeting at 7:44 p.m.

SIGNED:

ATTEST:

David Stein, Chair

Ashley Howell, Clerk

PROPOSED CHANGES TO THE ANNEXATION CHAPTER

Chapter 18.135 ANNEXATION

Sections:

- 18.135.010 Purpose.
- 18.135.020 Legislative amendments.
- 18.135.030 Annexations.
- 18.135.040 Record of amendments.
- 18.135.050 Transportation planning rule compliance.

18.135.010 Purpose.

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this title and the land use district map. These will be referred to as “map and text amendments.” Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law. [Ord. 720 § 7[4.7.1], 2003.]

18.135.020 Legislative amendments.

Legislative amendments are policy decisions made by city council. They are reviewed using the Type IV procedure in PMC 18.105.060. [Ord. 720 § 7[4.7.2], 2003.]

18.135.030 Annexations.

A. Process. The process of annexation of land to the city allows for orderly expansion of the city and for the adequate provision of public facilities and services. The City Charter requires that annexation, and/or extension of city services beyond city boundaries may only be approved by a majority vote of the electorate.

B. Annexation Filing Deadlines.

1. Unless mandated by state law, all annexation requests approved by the city council shall be referred to the voters in accordance with the requirements of this title and ORS Division 222.
2. Annexation elections are scheduled for May and November. Applications for annexation shall be filed with the planning department before 5:00 p.m. on the second Thursday of November for a ballot election in May and before 5:00 p.m. on the second Thursday of May for a ballot election in November.

C. Requirements for Applications. Applications to the city for initiation of annexation proceedings made by individuals shall be on forms provided by the planning official and shall include the following material:

1. Written consent to the annexation signed by the requisite number of affected property owners, electors, or both, to dispense with an election within the territory to be annexed, as provided by state law.
2. A legal description of the property to be annexed.
3. A map of the area to be annexed, including adjacent city territory.
4. Sufficient information for city staff to allow for the completion of an impact analysis on city services including: existing water supply and facilities; ~~and~~ existing sewer; drainage; transportation and transit; park ~~and school~~ facilities; and city staffing, including but not limited to police, public works, and city administration.
5. Sufficient information for city staff to allow for the completion of an impact analysis on community partner services including: school facilities; library services; fire services; and emergency medical services.
 - i. If the applicant asks for agency comment before the hearing and no comments are received, capacity will be presumed to exist for that agency.

ii. If the applicant asks for comment before the hearing and the agency comments that there are no capacity concerns, capacity will be conclusive as to that agency.

iii. If the applicant asks for comment before the hearing and the agency comments that capacity does not exist but can exist, the applicant may enter into an agreement with that agency to achieve capacity.

6. In addition, city staff shall project what additional facilities will be required to serve the development described in the conceptual plan and, if necessary, how such facilities will need to be phased in over time. The application shall provide evidence of the need of the proposal by citing data and statistics that support the annexation.

~~7.5.~~ A statement outlining the method and source of financing required to provide additional facilities.

~~8.6.~~ A conceptual development plan shall be provided by the applicant and shall include the following:

i. A scale drawing of the site showing: the types and intensities of proposed development; existing streets that will be used for access and those streets that may need to be developed for access; the location of watercourses and other significant natural features; location of existing and necessary extension of public water, sanitary sewer, and storm drain facilities; and, existing uses and zoning on adjacent properties.

ii. The conceptual development plan shall contain sufficient detail on the actual or proposed site uses to allow city staff the opportunity to analyze the development's demand for new public infrastructure systems, as well as assess the impact on existing systems. Staff may develop hypothetical site design scenarios or model development at densities other than those proposed by the applicant to assess impact on public infrastructure.

~~9.7.~~ A statement indicating the type and nature of any comprehensive plan text or map amendments or zoning ordinance or zoning map amendments that may be required to complete the planned development.

~~10.8.~~ The application fee established by the city. In addition to the application fee, the planning official shall require a deposit that is adequate to cover any and all election costs.

D. Review of Application. City staff shall review the application and it shall be deemed complete if it contains the material required under this section.

E. Staff Evaluation. City Staff shall prepare a report that considers information submitted by the applicant as well as other sources of relevant information including but not limited to master utility plans, regional and local transportation system plans, and population studies. The report shall include an updated land use inventory with the development status of all other similarly zoned properties. From this information, a finding shall be made that the city has the capacity to provide required utility services in light of commitments already made to other approved developments. The staff evaluation of the application will endeavor to present a report for the public and review bodies that factually evaluate the proposal and may or may not agree with response information provided by the applicant. An annexation request including a future residential development shall be evaluated by city staff at its maximum possible density.

F. Review Criteria. Annexations shall be reviewed by city staff to assure consistency with the purposes of this chapter, policies of the comprehensive plan, all requirements of all city ordinances, and other applicable policies and standards adopted by the city council and state of Oregon. In addition, a finding shall be made that the city is capable of providing services to the subject property(ies) commensurate with the needs of existing approved and proposed developments. Specifically, all applications for annexation must satisfy the following criteria:

1. Property to be annexed must be located entirely within the Urban Growth Boundary (UBG) of the City.

2. Property to be annexed is, or upon annexation will be, subject to the City's comprehensive plan.

3. At least one lot or parcel of the property to be annexed must be contiguous to the city limits or separated from the city limits only by a public right of way or a body of water.
4. Annexation of the property must be of benefit to the City and community of Philomath.
5. If the property to be annexed is or has been zoned or used for industrial or agricultural purposes, an inventory of known contaminants and how they will be abated by the applicant must be provided with the application for annexation at the time the application is filed.
6. If the property to be annexed is or has been zoned or used for industrial or agricultural purposes, a Phase I Environmental Assessment by a certified company shall be performed prior to annexation. The company selected by the applicant to perform this study must be approved by the city.
7. When property to be annexed exceeds 30 acres of developable land, development of the land must occur in phases, as specified in an annexation agreement between the applicant and the City.
8. Properties that include existing development must have a safe pedestrian route to school within 18 months of annexation.

Any review criteria that cannot be satisfied at the time the application is filed with the City may be satisfied through an annexation agreement between the applicant and the City. Annexation agreements shall be filed with the Benton County Recorder and shall run with the land.

G. If any studies are required at the time an annexation application is filed, the City shall contract for the study and the cost of the study shall be added to the application fee paid by the applicant at the time of submittal.

H.G. Concurrent Application for comprehensive plan map or zoning map amendments. Application(s) for comprehensive plan map and/or zoning map amendments may be made concurrent with an application for annexation of territory. City approval of map amendments may be made contingent upon approval of the annexation.

H.H. Annexation by Consent of All Owners of Land. When all the owners of land in the territory to be annexed consent in writing to the annexation of their land in the territory and file a statement of their consent with the city, the following procedures shall apply:

1. The planning commission shall hold at least one public hearing on the annexation request.
2. Application for said annexation must be filed, with payment of the appropriate fee, not less than 30 days prior to the date of the public hearing.
3. Notice of the public hearing shall be published in a newspaper of general circulation in the city not less than five days or more than 15 days prior to the date of the public hearing. Notice shall also be posted at six public places within the city not less than five days or more than 15 days prior to the date of the public hearing.
4. Written notice of a requested annexation shall be mailed to all owners of the property not less than 20 days prior to the date of the hearing. If the property to be annexed is less than five acres, notice shall be mailed to all owners within 200 feet of the exterior boundary of the subject property. If the property to be annexed is greater than five acres, notice shall be mailed to all owners within 400 feet of the exterior boundary of the subject property. In those instances where an approved annexation would create an island of unincorporated property, those affected property owners shall be notified of this potential.
5. The public hearing shall be conducted according to the requirements established for Type IV applications.
6. Should the public hearing be continued to a specific date by oral pronouncement prior to the closing of such hearing, and such pronouncement shall serve as sufficient notice of such continuance to all applicants, adverse parties, and interested persons.
7. Within 45 days following the public hearing, unless a continuance is announced, the commission shall make specific findings of fact. Based on the findings, the commission shall render a decision which shall recommend either that the application be approved and submitted to the voters at the next available election according to the requirements above, or be denied.

a. If the commission recommends that the application be granted and set for the election, the commission shall transmit to the council a copy of the application, a scale drawing of the site, the minutes of the public hearing, a tape recording of the meeting, the decision and findings of the commission, and any other materials deemed necessary for a decision by the council.

b. If the commission recommends that the application be denied, no further proceedings shall be held by either the commission or council, unless an appeal of the commission's decision is filed by the applicant or by an interested party within 15 calendar days of the commission's decision.

8. Upon receipt of the commission's recommendation of approval, the council shall call for a public hearing on the proposed subject to the notice requirements for a Type IV application.

9. In the event of an appeal of a planning commission decision, the council shall hold a public hearing following the procedures in a Type IV application.

J. Annexation by Non-Unanimous Triple Majority Consent Petition. When more than half, but not all, of the owners of land in the territory to be annexed who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory, the following procedures shall apply:

1. The planning commission shall hold at least one public hearing on the annexation request.

2. Application for the annexation must be filed, with payment of the appropriate fee, not less than 30 days prior to the date of the public hearing.

3. Notice of the public hearing shall be published in a newspaper of general circulation in the city not less than five days or more than 15 days prior to the date of the public hearing. Notice shall also be posted at six public places within the city not less than five days or more than 15 days prior to the date of the public hearing.

4. Written notice of a requested change shall be mailed to all owners of the property not less than 20 days prior to the date of the hearing. If the property to be annexed is less than five acres, notice shall be mailed to all owners within 200 feet of the exterior boundary of the subject property. If the property to be annexed is greater than five acres, notice shall be mailed to all owners within 400 feet of the exterior boundary of the subject property. In those instances where an approved annexation would create an island of unincorporated property, those affected property owners shall be notified of this potential.

5. The public hearing shall be conducted according to the requirements established for a Type IV application.

6. Should the public hearing be continued to a specific date by oral pronouncement prior to the close of such hearing, and such pronouncement shall serve as sufficient notice of such continuance to all applicants, adverse parties, and interested persons.

7. Within 45 days following the public hearing, unless a continuance is announced, the commission

shall make specific findings of fact. Based on the findings, the commission shall render a decision that shall recommend either that the application be approved and submitted to the voters at the next available election according to the requirements of subsection (H)(7)(b) of this section, or denied.

8. If the commission recommends that the application be granted and set for the election, the commission shall transmit to the council a copy of the application, a scale drawing of the site, the minutes of the public hearing, a tape recording of the meeting, the decision and findings of the commission, and any other materials deemed necessary for a decision by the council.

9. If the commission recommends that the application be denied, no further proceedings shall be held by either the commission or council, unless an appeal of the commission's decision is filed by the applicant or by an interested party within 15 calendar days of the commission's decision.

10. Upon receipt of the commission's recommendation of approval, the council shall call for a public hearing on the proposed subject to the notice requirements stated for a Type IV application.

11. In the event of an appeal of a planning commission decision, the council shall hold a public hearing following the procedures for a Type IV application.

KJ. Findings and Decision. In the event the city council holds a public hearing on an annexation request, the city council may adopt the planning commission findings for approval or denial of the annexation, supplement the record as appropriate in the circumstances, or reject the findings of the planning commission and adopt new findings.

LK. Health Hazard Annexation. The city shall annex those areas constituting a health hazard in accordance with Oregon Revised Statutes, taking into consideration the ability of the city to provide necessary services. Annexation of areas constituting a health hazard are not subject to voter approval.

ME. Island Annexation. The following policies are adopted for island annexations:

1. The city shall attempt not to create islands of unincorporated territory within the corporate limits of the city. If such an island is created, the city council may set a time for a public hearing for the purpose of determining if the annexation should be submitted to the voters.

2. Written notice to property owners by first class mail will be made prior to annexation to allow for property owner responses. Failure to receive notice shall not in any way invalidate the annexation procedure that may be subsequently undertaken by the city.

3. Annexation of an island shall be by ordinance, subject to approval by the voting majority of the electorate.

NM. Comprehensive Plan and Zoning Designations.

1. The comprehensive plan map designation of the property at the time of annexation shall be used as a criterion to determine whether or not the proposed request complies with the Philomath comprehensive plan. A redesignation of the comprehensive plan map may be requested concurrent with annexation. The proposed redesignation shall then be used to determine compliance with the Philomath comprehensive plan.

2. Simultaneous application for annexation and a zone change is allowed; provided, that the zone change ordinance does not take effect until and unless the property is properly annexed to the city and incorporated within the city limits.

ON. Information on Proposed Annexation. The city newsletter shall be used to present an applicant's conceptual plan along with a summary of the city staff's analysis of the development's impact on public infrastructure. Other information to be presented shall include a vicinity map, size of the property, its current zoning and zoning upon annexation, a description of any comprehensive plan text or map amendment or zoning ordinance text or map amendment that is required and any other information that may assist in the explanation of the proposal. Annexation information in the city newsletter and on the election ballot shall include the following disclaimer statement:

The conceptual plan associated with this annexation request may change. Any development proposal on this property shall require review and approval by the planning commission at a public hearing. Any future owner of this property who may propose a different development plan must pass through the same plan review process and public hearing. The city is not speaking in favor or against this conceptual plan.

Annexation requests submitted by the city are not required to contain a disclaimer statement.

PE. Election Procedures.

1. Pursuant to ORS 222.130(1), the statement of chief purpose in the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features.

Notwithstanding ORS 250.035, the statement of chief purpose shall not exceed 150 words.

2. Pursuant to ORS 222.130(2), the notice of an annexation election shall be given as provided in ORS 254.095 and 254.205, except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.

3. Pursuant to ORS 222.111(7), two or more proposals for annexation of territory may be voted upon simultaneously; however, each proposal shall be stated separately on the ballot and voted on separately.

QP. Setting of Boundaries and Proclamation of Annexation. If the annexation is approved, the city council, by resolution or ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation (ORS 222.170(3)).

RQ. Submission of Annexation Reports. The city shall report all changes in the boundaries of the city to the county clerk, county assessor, and the state of Oregon as required by Oregon Revised Statutes.

SR. Exceptions. The city council may authorize an exception to any of the requirements of this section. An exception shall require a favorable vote of six or more council members and findings that indicate the basis for the exception. Any exception so approved shall not be in violation of state law or any applicable provisions of the City Charter.

S. Zoning of Annexed Areas. The city council shall designate all areas annexed to the city with a zone or zones. The city council shall provide notice in accordance with a Type IV application and conduct a public hearing prior to designating city zoning for annexed property. Designation of areas annexed by the city shall be subject to one of the following procedures:

1. If the proposed zoning designation corresponds to the comprehensive plan map designation for the property being annexed, the city council shall conduct a public hearing on the proposed zoning designation for the affected property. Notice for the hearing shall be provided for in accordance with a Type IV application, except all published and mailed notice shall be provided 20 days in advance of the hearing. Following the public hearing, the city council shall adopt an ordinance that assigns the zoning designation for the affected property.

2. If the proposed zoning designation does not correspond to the comprehensive plan map designation for the property being annexed, the proposal shall be reviewed by the planning commission as a comprehensive plan map amendment and zoning map designation pursuant to a Type IV application. Following planning commission review, the city council shall conduct a public hearing. Following the hearing, the city shall adopt an ordinance that designates the zoning of the affected properties, adopts approved amendments to the comprehensive plan map, if necessary.

3. The city may approve a comprehensive plan map amendment and/or zone designation for property prior to annexation and may specify that the plan map amendment and zone designation shall not become final unless the property is annexed to the city within a specified time.

T. The City is under no obligation to condemn, exercise eminent domain, or pay for the extension of services to an annexed property. [Ord. 720 § 7[4.7.3], 2003.]

18.135.040 Record of amendments.

The planning official shall maintain a record of amendments to the text of this title and the land use districts map in a format convenient for public use. [Ord. 720 § 7[4.7.4], 2003.]

18.135.050 Transportation planning rule compliance.

A. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-012-0060. Significant means the proposal would:

1. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the comprehensive plan/transportation system plan; or
2. Change the standards implementing a functional classification system; or
3. Allow types or levels of land use that would result in levels of travel or access what are inconsistent with the functional classification of a transportation facility; or

4. Reduce the level of service of the facility below the minimum acceptable level identified in the comprehensive plan/transportation system plan.

B. Amendments to the comprehensive plan and land use standards which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the transportation system plan. This shall be accomplished by one of the following:

1. Limiting allowed land uses to be consistent with the planned function of the transportation facility;
2. Amending the transportation system plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the transportation planning rule; or
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation. [Ord. 720 § 7[4.7.5], 2003.]