

Chapter 18.93: ANNEXATIONS AND BOUNDARY CHANGES

18.93.010 Title

The ordinance codified in this chapter shall be known as the "Annexation and Boundary Change Ordinance" and may be so cited and pled and shall be cited in this chapter as "this chapter."

18.93.020 Purpose

- A. The purpose and general intent of the ordinance codified in this chapter is to delineate the appropriate procedures to be followed to annex territory to the City and to undertake other boundary changes.
- B. The City recognizes that annexations are major land use actions affecting all aspects of City government, and that other boundary changes and extensions of services must also be regulated.
- C. With respect to annexations, the procedures and standards established in this chapter are required for review of proposed annexations in order to:
 - 1. Encourage development of properties already within the City limits before conversion of urbanizable areas;
 - 2. Attempt to not create islands of unincorporated territory within the corporate limits of the City;
 - 3. Provide adequate public information and sufficient time for public review before an annexation election;
 - 4. Maximize citizen involvement in the annexation review process;
 - 5. Establish a system for measuring the physical, environmental, fiscal and related social effects of proposed annexations; and,
 - 6. Ensure adequate time for staff review.
- D. With respect to boundary changes or extensions of services other than annexations, the purpose and general intent of this chapter is to provide a method by which such changes or extensions may be reviewed in a rational way and in accordance with applicable Comprehensive Plans.
- E. The regulations and requirements of ORS 222 are concurrent obligations for annexation and are not affected by the provisions of this chapter.

18.93.030 Procedures for major boundary changes and for minor boundary change other than annexations.

- A. With respect to major boundary changes and for minor boundary changes other than for annexations, the procedures that shall be followed shall be those provided by the laws of the state of Oregon.
- B. Withdrawal from a district.
 - 1. The City Council may provide for the withdrawal of territory from a district described in ORS 222.111, when land is annexed into the City.
 - 2. Any such withdrawal shall be specifically set forth in the final order of the City Council approving the annexation.

18.93.040 Annexation Application

- A. Annexations of territory shall be accomplished by any method allowable under ORS Chapter 222, as now enacted or hereafter amended, or by any other method allowable under Oregon law.
- B. Applications shall be submitted on forms provided by the City, and shall be processed under a Type IV land use procedure.
- C. The City Council shall establish the filing fee for such applications by resolution.
- D. Pre-application conference: Prior to submitting an annexation application, the applicant shall confer in the Director in the manner described in 16.06.040.
- E. Neighborhood Contact.
 - 1. Prior to filing an annexation application, the applicant is encouraged to meet with the City-recognized neighborhood association or associations within which the property proposed to be annexed is located.
 - 2. If the Director deems that more than one such association is affected, the applicant is encouraged to meet with each such association, as identified by the Director.
 - 3. Unwillingness or unreasonable unavailability of a neighborhood association to meet shall not be deemed a negative factor in the evaluation of the annexation application.

F. Signatures on Consent Form and Application.

1. The applicant shall sign the consent form and the application for annexation or boundary change.
2. If the applicant is not the owner of the property proposed for annexation or boundary change, the owner shall sign the consent form and application in writing before the Director may accept the same for review.

G. Zone Change.

1. Applications for annexations of territory shall be accompanied by an application for a zone change in order to apply a City zoning designation to the territory to be annexed.
2. Such application for a zone change shall be processed with the application for annexation by consolidated application.

H. Contents of Application.

1. An applicant seeking to change a boundary or annex land to the City shall file with the Director the appropriate application form.
2. The application shall include the following:
 - a. The statutory authority under which the application filed;
 - b. Written consent form to the annexation signed by the requisite number of affected property owners, electors or both, provided by ORS 222, if applicable;
 - c. A legal description of the territory to be annexed, meeting the relevant requirements of ORS Chapter 308. Descriptions by reference to tax lot numbers are not permitted.
 - 1) If such a description is not submitted, a boundary survey may be required.
 - 2) A lot and block description may be substituted for the metes and bounds description if the area is platted.
 - 3) If the legal description contains any deed or book and page references, legible copies of these shall be submitted with the legal description;

- d. Names and addresses.
 - 1) A list of all property owners and their addresses within the affected territory;
 - 2) A list of property owners and their addresses within three hundred (500) feet of the subject property and if applicable, those property owners whose property will be left as an un-annexed "island" by the annexation proposal;
 - 3) A list of all electors and their addresses within the affected territory;
 - 4) A list of all persons entitled to notice of the application;
 - 5) The names and addresses specified in this subsection shall also be provided on five (5) sets of self-adhesive mailing labels acceptable to the Director;
- e. Two (2) full quarter-section county tax assessor's maps, with the subject property(ies) outlined.
- f. Five (5) copies of a site plan, drawn to scale (not greater than one (1) inch = fifty (50) feet), indicating:
 - 1) The location of existing structures (if any);
 - 2) The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed;
 - 3) The location and direction of all water features on and abutting the subject property;
 - 4) Approximate location of areas subject to inundation, storm water overflow or standing water;
 - 5) Base flood data showing elevations of all property subject to inundation in the event of one hundred (100) year flood shall be shown;
 - 6) Natural features, such as rock outcroppings, marshes or wetlands, wooded areas, slide areas, slopes exceeding forty-five (45) degrees and significant areas of vegetation,
 - 7) General land use plan indicating the types and intensities of the proposed, or potential development;
 - a. If applicable, an elector/majority worksheet, certification of ownership and voters.

- b. Certification of legal description and map, and boundary change data sheet on forms provided by the City.
- c. The current tax assessed value of all property within the affected territory.
- d. A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in the ordinance codified in this chapter, as relevant, including:
 - 1) Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities, and any other urban services including a listing of the present urban services providers in the affected territory;
 - 2) Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
 - 3) Statement of additional facilities, if any, required to meet the increased demand, any proposed phasing of such facilities in accordance with projected demand and a list of all proposed urban service providers;
 - 4) Statement outlining the method and source of financing required to provide additional facilities, if any;
 - 5) Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;
 - 6) Statement of potential physical, aesthetic, and related social effects of the proposed, or potential development on the community as a whole and on the small sub community or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;
 - 7) Statement indicating the type and nature of any Comprehensive Plan text or map amendments, or zoning text or map amendments that may be required to complete the proposed development.
- e. A narrative statement addressing the criteria in Section 16.08.050; and,
- f. Any other information required by state law.

18.93.050 Annexation Criteria

The City Council may approve an application for annexation to the City of Molalla if the following criteria are met:

- A. The territory to be annexed is within the Urban Growth Boundary of the City of Molalla.
- B. The application complies with all requirements of state law.
- C. The territory to be annexed is contiguous to the City or separated from it only by a public right of way or a stream, lake or other body of water.
- D. There exists a need for additional property within the City limits, in light of the current availability of developable land and the rate of development of those lands.
- E. Adequate access exists to the site.
- F. Adequate public facilities and services will be available to serve the territory, and they can be made available in an orderly and economical fashion.
- G. The annexation will not result in significant adverse impacts on specially designated open spaces, or designated scenic, historic or natural resource areas;
- H. The size of the territory to be annexed is of adequate dimension so as to maximize the utility of the land resource and to enable the logical and efficient extension of services to that territory.
- I. The application satisfies any applicable goals and policies of the City's Comprehensive Plan.

18.93.060 Annexation procedures

- A. Following submission of an annexation proposal or initiation, the application shall be processed pursuant to a Type IV procedure. The Director shall set a date for hearing with the Planning Commission.
- B. The Planning Commission shall hear testimony and shall recommend approval or denial of the proposed annexation and submit such recommendation to the City Council within ten (10) business days.
 - 1. The Planning Commission's decision shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's Comprehensive Plan.

2. For all annexations the decision shall state how the proposal will:
 - a. Conform to the City's Comprehensive Plan;
 - b. Affect the community's air resources;
 - c. Promote an orderly, timely and economical transition of rural and agricultural lands into urbanized lands;
 - d. Relate to areas with natural hazards;
 - e. Affect the fish and wildlife in the proposed annexation;
 - f. Utilize energy resources and conserve energy use;
 - g. Protect open spaces and scenic views and areas;
 - h. Provide for transportation needs in a safe, orderly and economic manner;
 - i. Provide for an adequate, orderly and efficient arrangement of public services;
 - j. Provide for the recreation needs of the citizens;
 - k. Affect identified historical sites and structures and provide for the preservation of such sites and structures;
 - l. Improve and enhance the economy of the City;
 - m. Not have any adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation; and,
 - n. Provide quality, safe housing through a variety of housing types and price ranges.
- C. The City shall set a date for a public hearing with the City Council upon receipt of the Planning Commission's recommendation.
 1. Notice shall be pursuant to the proposed method of annexation.
 2. After considering all testimony the City Council shall sustain or reverse the Planning Commission's recommendation.
 3. The City Council shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's Comprehensive Plan.

4. The decision shall state how the proposed annexation will address the criteria stated in 16.08.050 (B) (2).

18.93.070 Annexation by Election

- A. The City Council, upon approval of the annexation application, has the authority to submit, except when not required under ORS. 222.850 to 222.915, the proposal for annexation to the registered voters of the City.
- B. If City Council submits the annexation proposal to the votes, the election shall comply with ORS 222.
- C. Signs posted.
 1. When an annexation proposal is set for an election the applicant shall cause the property under consideration for annexation to be posted with a minimum of one sign not less than six (6) square feet in size.
 2. The Department of Public Works shall supply the appropriate sign upon payment of the required fee by the applicant.
 3. The sign shall be removed by the application within ten (10) days following the election.

18.93.080 Effective Date of Annexation

- A. Upon approval of the annexation, the City Council shall set the final boundaries of the territory to be annexed by ordinance. The Director shall then provide notice of the annexation approval to all persons and entities entitled to such notice pursuant to ORS 222.
- B. The annexation shall be complete from the date of filing with the Secretary of State as provided in ORS 222.150, 222.160, 222.170, 111.900, and 16.08.080 (B).
- C. Thereafter, the annexed territory shall be and remain part of the City.
- D. The date of such filing shall be the effective date of annexation, provided such filing is not made later that ninety (90) days prior to any general or primary election; otherwise, the effective date of such annexation shall be the day after the primary or general election next following the date of filing.
- E. The City Council shall establish the zoning district upon annexation of the property to the City in accordance with the Comprehensive Plan.

18.93.090 Withdrawals of Territory

The City Council may, on its own motion, order the withdrawal of territory from the City as provided in ORS Chapter 222, as now enacted or hereafter amended, or by any other method allowable under Oregon law.