Before the Planning Commission of the City of North Plains

In the matter of an application for annexation Polygon Northwest Company, Jackson Farm Land, LLC and McKay Creek Land, LLC, APPLICANTS	))))	**RECOMMENDATION TO CITY COUNCIL** 16-061 East Expansion Area Annexation

Whereas, the Applicant requested approval of annexation of 45.58 acres of land into the City of North Plains; and

Whereas, the area of land proposed for annexation is within the City's Urban Growth Boundary and is identified as the East Urban Growth Expansion Area in the City's Comprehensive Plan; and

Whereas, Oregon State Senate Bill 1573 became effective March 15, 2016, requiring cities to take action on annexation applications meeting certain criteria without requiring a vote of the City electorate, regardless of the City's required annexation procedures; and

Whereas, the Planning Commission conducted a duly noticed public hearing, and reviewed the proposed code changes and staff report at its meeting on May 11, 2016; and

Whereas, the Planning Commission considered the submitted staff report and testimony from the public and reviewed the proposed annexation for compliance with the North Plains Comprehensive Plan, which incorporates the Statewide Planning Goals, the North Plains Zoning and Development Ordinance and Senate Bill 1573 and thereafter closed the hearing and deliberated; and

Whereas, having considered the applications and the evidence in the record, the Planning Commission adopted a motion to recommend approval to the City Council of file 16-061 East Expansion Area Annexation, and instructed staff to prepare findings and conclusions in a written recommendation.

Now therefore, it is hereby recommended by the North Plains Planning Commission:

The Planning Commission recommends approval to the City Council of the proposed annexation, file 16-061 East Expansion Area Annexation, based on the findings and conclusions contained in Exhibit A which the Planning Commission hereby adopts as its findings, and determines to be reasonable.

_____ 6/8/16

Stewart King
Chairperson

Date

East Expansion Area Annexation
File# 16-061
Planning Commission Recommendation to City Council
Exhibit A FINDINGS

General Findings

1. Finding: Applications for annexations require Type IV legislative reviews and decisions. The Planning Commission conducts a public hearing on the matter and forwards a recommendation to the City Council. The City Council is the City's decision making body. The applications are processed concurrently.

2. Finding: The proposed annexation affects certain property. As such, public notice was provided to all property owners within 250 feet of the site consistent with the Zoning and Development Ordinance prior to the first public hearing on the matter before the Planning Commission.

3. Finding: The proposed annexation complies with Section 16.205 of the North Plains Zoning Ordinance, specifically Section 16.205.010- Annexation Criteria, as addressed in the staff report to Planning Commission dated May 4, 2016. The proposed code changes comply with the North Plains Comprehensive Plan and Statewide Planning Goals, as well as Senate Bill 1573.

4. Finding: *Procedures:* In accordance with ZDO Chapter 16.170 Application Review and Procedures, public notice was published in a newspaper of general circulation in the City at least 10 days prior to the Planning Commission hearing. Land Use Action Referrals were mailed to all affected public agencies and public notice was mailed to all property owners within the City of North Plains. On May 11, 2016, the Planning Commission conducted public hearings to discuss and make a recommendation regarding this application.

Specific Findings based on Senate Bill 1573 and the North Plains Municipal Code (NPMC)

(Code text is Bold. All findings are from the Staff Report to Planning Commission, dated 5/4/16)

APPLICABLE REVIEW CRITERIA

Senate Bill 1573
North Plains Municipal Code
- Chapter 15- Comprehensive Plan
- Chapter 16- Zoning and Development Ordinance

Compliance with Senate Bill 1573

Governor Brown signed Senate Bill 1573 into law on March 15, 2016. The law was implemented by emergency and therefore effective immediately. Generally, the law requires Cities to take action on annexation applications meeting certain criteria without requiring a vote of the City electorate,

regardless of the City's required annexation procedures. Senate Bill 1573 therefore supersedes any local jurisdiction requirement for voter-approved annexation. The City Council's decision regarding this annexation application is the final decision of the City of North Plains.

SECTION 2. (1) This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.

Finding: The City's laws require voter approval of annexation requests. Provided this application meets Senate Bill 1573's requirements, those requirements do not apply to this application.

(2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:

(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;

Finding: The territory proposed for annexation is within the City's acknowledged UGB. The City of North Plains is not within Metro's jurisdiction.

(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city.

Finding: The territory proposed to be annexed is subject to the City's acknowledged Comprehensive Plan. The comprehensive plan designation for the property is Neighborhood Community (NC), and master planning has been conducted for the territory, as identified within the comprehensive plan.

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and

Finding: The territory proposed to be annexed is contiguous to the City limits.

(d) The proposal conforms to all other requirements of the city's ordinances.

Finding: As demonstrated below, this application complies with other applicable requirements of the City ordinances.

(3) The territory to be annexed under this section includes any additional territory described in ORS 222.111 (1) that must be annexed in order to locate infrastructure and right of way access for services necessary for development of the territory described in subsection (2) of this section at a density equal to the average residential density within the annexing city.

Finding: No additional territory is required to be annexed as density requirements can be met in the UGB expansion area.

(4) When the legislative body of the city determines that the criteria described in subsection (2) of this section apply to territory proposed for annexation, the legislative body may declare that the territory described in subsections (2) and (3) of this section is annexed to the city by an ordinance that contains a description of the territory annexed.

Finding: As identified above, the criteria described in subsection (2) of this section have been met and, therefore, the city may adopt an ordinance to annex the territory without a vote of the electorate.

Compliance with Applicable Sections of City of North Plains Municipal Code

Chapter 15- Comprehensive Plan

Chapter 16- Zoning and Development Ordinance

NORTH PLAINS COMPREHENSIVE PLAN- APPLICABLE CRITERIA

Chapter 15.02 COMPREHENSIVE PLAN ELEMENTS

Finding: Sections 15.02.010 through 15.02.154 relate directly to Statewide Planning Goals 1 through 14. Statewide Planning Goals 15-19 are not applicable in North Plains. The following analysis of the statewide planning goals, therefore, addresses Sections 15.02.010 through 15.02.154 of the Comprehensive Plan. Sections 15.02.020 and 15.02.142 are addressed separately as they specifically address the expansion of the City limits.

Statewide Planning Goals:

Goal 1 – Citizen Involvement

Finding: Upon receipt of a complete application from the applicant the City prepared and published a public notice announcing public hearings to be held before the Planning Commission and the City Council concerning the request. The Planning Commission hearing is scheduled for 7:00 PM on Wednesday, May 11, 2016 at the Senior Center in North Plains. The City Council hearing will be scheduled in June. Notice was provided to a local newspaper and will be published twice prior to the public hearings. Notice was also sent to individual property owners within 250 feet of the subject area. It is the provision of public notices and public hearings that give the opportunity for citizens to submit comment, testimony, ask questions, receive answers or challenge the proposed request. After a decision is rendered a twenty-one (21) day appeal period follows, which allows the opportunity to request a review of the decision at the Land Use Board of Appeals.

Staff finds that the City has provided citizens the opportunity to be involved in the review of this request and the planning process.

Staff finds the goal has is met.

Goal 2 – Land Use Planning

Finding: The subject properties are located within the Urban Growth Boundary (UGB). The North Plains UGB is an area acknowledged by the State of Oregon and Washington County for future or existing urban uses and growth.

The City of North Plains has an established procedure identified in Section 16.170, which addresses the application, review, notice, decision and appeal procedures for land use planning. The applicant has submitted using application forms provided by the City the required information to review the proposal. The applicant has addressed the appropriate approval criteria as identified in the City Comprehensive Plan and Zoning and Development Ordinance requesting approval of an annexation. The City application procedure provides a planning process for review of a request, which must comply with approval criteria.

Staff finds the goal is met.

Goal 3 – Agricultural Land

Finding: The subject area is currently zoned County Future Development, FD-10, a Washington County Urban zoning designation. No agricultural land outside of the UGB is affected by this proposal.

Staff finds this goal is met.

Goal 4 – Forest Land

Staff finds the goal is not applicable.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces.

Finding: The City of North Plains has provisions within its Comprehensive Plan and Zoning Code to protect natural resource, scenic, historical and open spaces areas, as adopted. Once annexed, the subject area is to be zoned as Neighborhood Community (NC). As such, the subject area will be subject to the City of North Plains Development Standards, which addresses Goal 5. Prior to approval of any development on the site, the applicant will be required to obtain a Clean Water Services service provider letter describing any development and/or protection requirements related to any identified resources.

Goal 6 – Air, Water and Land Resources Quality

Finding: The urbanization of the subject properties into the City boundary may result in development and create conditions for greater impacts to air, water and land due to more intense urban uses that are permitted with the City. The City provides and complies with regional, state and federal programs for monitoring and protection of air, water and land resources. City services for transportation systems, water delivery, storm water and sanitary sewer are available and all have the capacity to accept build out of these parcels to the anticipated neighborhood community standards.

Staff finds the goal is met.

Goal 7 – Areas Subject to Natural Disasters and Hazards

Finding: Development shall only be possible through the City's implementation of its Development & Zoning Code. The City identifies areas of natural disasters and hazards (i.e. 100 year Floodplain). Floodplain elevations are determined and addressed through the approved land use process. No risk of landslide or other unforeseen geological hazards have been identified within the territory proposed for annexation. The City, Regional and State requirements are in place or have been adopted by the City to protect against natural disasters or hazards.

Staff finds the goal is met.

Goal 8– Recreation

Finding: The Parks Board is in the process of updating the Parks Master Plan. The Comprehensive Plan identifies approximately 11 acres of "municipal park" within this annexation area. The conceptual development plan included with this proposal identifies this required recreational area. This will be further reviewed and required at time of development review.

Staff finds the goal is met.

Goal 9– Economic Development

Finding: The area proposed for annexation was brought into the Urban Growth Boundary (UGB) for primarily residential development. However, the comprehensive plan designation of the annexation area is Neighborhood Community (NC), which includes some neighborhood-oriented retail commercial development, enhancing the economic development opportunities of the City of North Plains. Though not related to the proposed annexation, the City is undergoing an economic opportunities analysis which may inform the type and amount of retail commercial development in the annexation area.

Staff finds the goal is met.

Goal 10 – Housing

Finding: North Plains currently has limited room for residential growth especially vacant buildable land for residential development. The annexed area would create a significant opportunity to provide single-family and multi-family residences, per the approved master plan. The annexation of this site would increase the City's ability to provide a variety of housing types, thus enhancing the City's compliance with Goal 10.

Staff finds the goal is met.

Goal 12 – Transportation

Finding: The City of North Plains has an acknowledged TSP which includes future development in the proposed annexation area. Further analysis of the site with regards to Goal 12 will be required at time

of zoning map amendment.

Staff finds the goal is met.

Goal 13 – Energy Conservation

Finding: The proposed annexation of the subject properties into the City has the potential for more intensive use of the land area. Any development or re-development that occurs on the subject properties shall comply with the requirements found in the City Zoning and Development Ordinance and the Structural Specialty Code for energy efficiency. Any new buildings shall be in compliance with the Building Code and will result in improved energy efficiency and conservation.

Staff finds the goal is met.

Goal 14 – Urbanization

Finding: Goal 14 states that urbanization shall be based on the orderly and efficient transition from rural to urban land use. The City has an Urban Planning Area Agreement with the County, which recognizes this area. These parcels are adjacent to the current city limits and subject to an approved master plan for the area which is incorporated into the Comprehensive Plan. City services are available for the efficient extension and use of public facilities and services, which maximizes the efficiency of land use on the fringe of an urban area.

Finding: Staff finds the goal is met.

Goal 15 – Willamette River Greenway

Finding: Staff finds the goal is not applicable.

Goal 16 – Estuarine Resources

Finding: Staff finds the goal is not applicable.

Goal 17 – Coastal Shorelands

Finding: Staff finds the goal is not applicable.

Goal 18 – Beaches and Dunes

Finding: Staff finds the goal is not applicable.

Goal 19 – Ocean Resources

Finding: Staff finds the goal is not applicable.

15.02.020 LAND USE PLANNING

Neighborhood Community: This comprehensive plan designation is designed for the non-exception expansion areas brought in to the City's UGB in 2003. This designation recognizes the

master planning effort that was conducted as a part of the Periodic Review process and the unique mix of residential and non-residential land uses, varying densities, and open space.

The Neighborhood Community designation should be applied to the north and east non-exception expansion areas as shown on the Density/Land Use Plans in Section 120 Urbanization in the Comprehensive Plan. Development applications within these areas shall provide for a minimum density of 8.4 residential units per net acre in a density distribution of 40% low density, 40% medium density, and 20% high density as prescribed in Section 120 Urbanization.

Master planning of the non-exception expansion areas is essential prior to development of any portions of those areas. The master planning process should recognize the land needs identified during the Periodic Review process and their accommodation in the non- exception expansion areas. To encourage maximization of land efficiency, master plans may identify multiple use areas or co-location of land uses. Examples include the co- location of a school site and athletic fields providing both school land and park land or multiple use areas that include residential uses associated with commercial or institutional uses either vertically or horizontally. Master plans shall identify those specific areas within the plan where multiple use or co-location should occur.

The master planning process encourages innovative and imaginative site planning, consistent with Section 15.01.050 The Vision, in order to develop a sense of place where amenities, facilities, features and overall urban design could not be achieved through application of individual or combinations of zones.

Corresponds to Neighborhood Community (NC) on the zoning map.

Finding: The Comprehensive Plan identifies the annexation area as Neighborhood Community (NC). Once the annexation is complete, the applicant will apply for a zoning map amendment to change the zone on the property from the current FD-10 to NC, as indicated in this section. The NC zone requires master planning consistent with this section of the Comprehensive Plan. This standard is met.

15.02.142 DIRECTION OF GROWTH

1. OBJECTIVES: To meet the City's livability objectives, the City's direction of growth should be to the north and east of the existing City.

A. POLICY:

(1) Expansion to the east includes the Jackson - Union property (69.87 acres). This property is closest to the City's eastern industrial lands edge and is the beginning for integration of the City's industrial lands,. The east also includes certain exception lands located south of West Union Road (2.60 acres*) are also included. The combined acreage of these parcels is 72.47 acres. This property includes no flood plains or known development constraints that would limit its develop ability in a manner that is inconsistent with the City's livability objectives.

(2) Expansion to the north includes the Cropp - Lauman property (74.13 acres) and the exception lands located east and west of Glencoe Road (2.39 acres). The combined acreage of these

parcels is 76.52 acres. This property includes no flood plains or known development constraints that would limit its developability in a manner that is inconsistent with the City's livability objectives.

*** The 2.60 acres represents only that portion of this exception areas located above the 100-year flood plain elevation.**

Finding: This annexation represents the identified area for annexation to the east, compliant with this section. This standard is met.

Chapter 15.04 COMPREHENSIVE PLAN IMPLEMENTATION

15.04.030 ANNEXATION

Areas can be annexed to the City upon request, consistent with the Plan policies. Additionally, annexations must also comply with statewide goals. Again, the burden of proof is on the proponents of the annexation, and the City must base its decision on finds of fact.

Finding: This annexation is being requested by the owners of the territory proposed for annexation. Compliance with the statewide goals is addressed previously in this report. This standard is met.

Chapter 16.170 APPLICATION REQUIREMENTS AND REVIEW PROCEDURES

16.170.000 GENERAL PROVISIONS

D. Type IV Legislative & Other Decisions made by both the Planning Commission and City Council

1. **Appeal from Planning Commission**
2. **Annexation**
3. **Comprehensive Plan Map or Text Amendment**
4. **Zoning Code Map or Text Amendment**

Finding: As this proposal is for an annexation, a Type IV review procedure is required.

16.170.001 PRE-APPLICATION CONFERENCE

A pre-application conference is required for Type II, III and IV permits. The City Manager may waive this requirement.

The applicant shall file the appropriate application, pay the review fee and meet with the City Planner, other city staff and affected agencies. At the conference the City Planner shall identify the relevant comprehensive plan policies, map designations, zone and development standards and procedural requirements applicable to the application. The planner and affected agencies shall provide technical data and identify opportunities or constraints concerning the application.

Failure of the City to provide any information required by this section does not constitute a waiver of any of the standards, criteria or requirements for the application. Due to possible changes in

federal, state, regional and local law, the applicant is responsible for assuring the application complies with all applicable laws on the day the application is deemed complete.

Finding: The applicant met with the City for the required pre-application meeting prior to the application being deemed complete. This standard is met.

16.170.002 NEIGHBORHOOD MEETING

Applicants or their representatives are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting an application to the City in order to solicit input and exchange information about the proposed development. The applicant for a Type III application is encouraged to hold a neighborhood meeting with a recognized neighborhood or community organization. If no organization exists, then the applicant is encouraged to hold a meeting with adjacent property owners within a radius of 250 feet who will receive public notice.

Finding: Staff is not aware of the applicant or their representatives conducting a neighborhood meeting. As this standard is advisory and not mandatory, it is met.

16.170.003 TRAFFIC IMPACT STUDY

The purpose of this section of the code is to assist in determining which road authorities participate in a land use decision, and to implement Section 660-012-0045 (2) of the State Transportation Planning Rule that requires the City to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. This Chapter establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study.

Finding: The application did not include a traffic study; however, as the annexation alone will not generate additional traffic trips, it is most appropriate to review the traffic impact study at time of zoning map amendment and development review. The section guides when a traffic study is required as part of a development proposal and will be implemented at time of zoning map amendment and development review. This standard is not applicable to an annexation application.

16.170.013 TYPE IV LEGISLATIVE DECISIONS

A. Pre-Application Conference

A pre-application conference is required for all Type IV legislative applications initiated by a party other than the City of North Plains. The City Manager may waive this requirement.

Finding: The applicant met with the City for the required pre-application meeting prior to the application being deemed complete. This standard is met.

G. Approval Process and Authority

1. The Planning Commission shall:

a. After notice and a public hearing, prepare and vote on a recommendation to the City Council whether to approve, approve with modifications, approve with conditions or deny the

proposed change, or adopt an alternative; and

b. Within 14 business days of adopting a recommendation, the presiding officer shall sign the written recommendation and it shall be filed with the City Planner or designee.

c. Any member of the Planning Commission who votes in opposition to the Planning Commission's majority recommendation may file in the City planning file a written statement of opposition prior to the hearing on the proposal before the City Council. City planning staff shall send a copy to each Council member and place a copy in the record;

2. If the Planning Commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal within 60 days of its first public hearing on the proposed change, City staff shall:

a. Report the failure together with the proposed change to the City Council; and

b. Provide notice and put the matter on the City Council's agenda for the City Council to hold a public hearing and make a decision. Thereafter, no further action shall betaken by the Commission.

3. The City Council shall:

a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change. The City Council also may remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application;

b. Consider the recommendation of the Planning Commission; however, the City Council is not bound by the Commission's recommendation; and

4. The City Council shall approve any legislation by ordinance, which shall be signed by the Mayor after adoption.

H. <u>Vote Required for a Legislative Change</u>

1. A vote by a majority of the qualified voting members of the Planning Commission present is required for a recommendation for approval, approval with modifications, and approval with conditions, denial or adoption of an alternative.

2. A vote by a majority of the qualified members of the City Council present is required to decide any motion made on the proposal.

<u>Finding:</u> The Planning Commission will conduct a public hearing on May 11, 2016 to forward a recommendation to the City Council. The City Council will then conduct a public hearing to make a final decision on the application. All requirements of this Section will be followed throughout the public

hearing proceedings.

Chapter 16.205 ANNEXATIONS

16.205.005 CONDITIONS FOR ANNEXATION

The following conditions must be met prior to or concurrent with City processing of any annexation request:

A. The subject site must be located within the North Plains Urban Growth Boundary.

B. The subject site must be contiguous to the existing City limits.

Finding: The subject site is located within the North Plains Urban Growth Boundary and is contiguous to the existing City limits. This standard is met.

16.205.010 CRITERIA

The following criteria shall apply to all annexation requests:

A. The proposed use for the site complies with the North Plains Comprehensive Plan and with the designation(s) thereon. If a re-designation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Comprehensive Plan.

Finding: The annexation request does not include a re-designation of the plan map. The existing zoning on the property is FD-10, a Washington County holding zone for future urban development (once annexed into the City). The territory is identified on the Comprehensive Plan Map as Neighborhood Community (NC). Annexation of this area will not alter the NC designation from the Comprehensive Plan. A future zoning map amendment is required to apply City zoning. This standard is met.

B. An adequate level of urban services and infrastructure must be available or made available in a specified time period determined by Council. An adequate level of urban services is defined as:

1. Municipal sanitary sewer, storm drainage and water service meeting the requirements enumerated in the Comprehensive Plan for provision of those services.

Finding: Staff has not received comments from Clean Water services regarding the sanitary sewer and storm drainage; however, CWS did attend the pre-application meeting and no major issues were identified.

The City of North Plains oversees its own water system which is supplied via an agreement with the Joint Water Commission (JWC). One of the requirements of the agreement with the JWC is that North Plains maintains a 3-day supply of water. In order to maintain this level of supply for the current city and expansion areas, an additional storage reservoir is needed. The City is in the process of identifying a site for this facility and future development of both expansion areas will include fair-share contributions to the construction enhancement of the City's water system by way of on-site construction and System Development Charges (SDCs). This standard is met.

2. Rights of way with adequate design capacity for the proposed use and projected future uses.

Finding: The design capacity of the adjacent rights-of-way were contemplated when the expansion areas were brought into the Urban Growth Boundary and master planned within the Comprehensive Plan. Additional right-of-way design and capacity will be reviewed as part of the future zoning map amendment and development review applications. This standard is met.

3. Where construction of improvements necessary for delivery of the urban services identified in subsection (1) above or the rights-of-way identified in subsection (2) above are not thought to be immediately necessary, the applicant shall note the methods that are proposed to be used for providing and/or financing those services/improvements including (but not limited to) dedication of right-of-way, granting waiver(s) of remonstrance against possible future local improvement districts created or other approaches/devices to pay for improvement costs.

Finding: The applicant's narrative identifies the East Area Master Plan option B, dated 01/28/2008 as containing details regarding the provision of services for the entire east expansion area, including those areas which have already developed according to the plan. In addition to the adopted Master Plan, methods for provision of services include construction of on-site facilities, system development charges (SDCs) and an increased tax base resulting from the construction of new homes. This standard is met.

C. Findings documenting the availability of police, fire, parks, school facilities and all related services shall be made allowing for conclusive findings either for or against the proposed annexation. The adequacy of each of these services shall be considered in relation to each annexation proposal.

Finding: The applicant's narrative addresses the availability of police, fire, parks, school facilities and related services needed to serve the annexation area. The City and the applicant solicited comments from these service providers. The Hillsboro School District owns approximately 11 acres of land in this annexation area identified to be developed as an elementary school. A bond is proposed for funding a new elementary school sometime in 2017 or 2018 that would then serve the full build-out of the annexation area. No service deficiencies have been identified by police or fire. The Comprehensive Plan identifies "municipal park" area within the annexation area that will be required as part of a submitted master plan application. This standard is met.

D. The burden of providing evidence supporting the findings for Section 16.205.070 A-C is upon the applicant.

Improvements for needed infrastructure may be secured by a funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of North Plains generally.

Finding: The applicant has provided adequate evidence supporting the findings for Section 16.205.070.A-C. The improvements for needed infrastructure will be provided with development and will place the primary economic burden on the territory proposed for annexation and not on the City of

North Plains generally. This standard is met.

16.205.015 APPLICATION FILING, PUBLICATION AND POSTING DEADLINES

Annexation elections can be scheduled on any election date set by law. An application deadline is established to permit public hearings by both the Planning Commission and City Council so as to allow for meeting the election date. Application, publication, and posting deadlines for annexations are as follows:

A. Applications for annexation shall be filed with the City before the close of business on the 145th day prior to the date on which the election is scheduled.

Finding: The signature by the Governor of Senate Bill 1573 removed the ability of the City to require a vote of the electorate to approve an annexation. Therefore, the timing requirement of this standard is not applicable.

B. Notice of public hearing shall be published once each week for two successive weeks prior to the day of hearing before the legislative body, in a newspaper of general circulation in the city, and shall be posted in three public places in the city for a like period.

Finding: Notice of the May 11, 2016 public hearing was published in the newspaper on April 27, 2016 and May 4, 2016. This standard is met.

C. Notice of Measure Election shall be published in a newspaper of general circulation as required by State Law. In addition, a map depicting the property proposed to be annexed shall be published in the County Voters' Pamphlet along with an unbiased Explanatory Statement.

Finding: The passage of Senate Bill 1573 supersedes the City's requirement of an election. As no election will be held, notice of the election is not required and this standard is not applicable.

D. The City shall cause the property proposed to be annexed to be posted with a minimum of one sign not greater than six square feet in size. The sign shall provide notice of the annexation election, a map of the subject property and other relevant information regarding the proposed annexation.

Finding: The City posted a sign on the site in preparation of the May 11, 2016 Planning Commission hearing.

E. The decision to set the annexation for an election shall be at the discretion of the City Council and shall be approved by resolution. All costs associated with placing the matter on the ballot shall be paid by the applicant or owner of the property proposed to be annexed.

Finding: The passage of Senate Bill 1573 supersedes the City's requirement of an election. As no election will be held, this standard is not applicable.

16.205.030 REVIEW CRITERIA

Annexation shall be reviewed to assure consistency with the purposes of this Chapter, the

Comprehensive Plan and other applicable policies and standards adopted by either the City and the State. 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 property(ies) and any proposed increases.

Finding: As this staff report demonstrates, the annexation is consistent with the purposes of the Annexation Chapter, the Comprehensive Plan and all other applicable policies and standards. As addressed above, the City is capable of providing services to the subject properties commensurate with the needs of existing properties as well as the proposed increases. This standard is met.

16.205.045 HEALTH HAZARD ANNEXATION

The City Council 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 is not subject to voter approval.

Finding: The City Council has not identified this area as a health hazard. This standard is not applicable.

16.205.050 ISLAND ANNEXATION

The City shall not allow islands or enclaves of unincorporated territory surrounded by or within the city limits.

Finding: The area proposed for annexation does not constitute an island annexation as it is contiguous to the existing City limits and will not leave any remainder islands or enclaves of unincorporated territory. This standard is met.

16.205.055 COORDINATION

All annexation requests shall be coordinated with affected public and private agencies, including, but not limited to Washington County, Portland General Electric, Northwest Natural Gas, Hillsboro School District, Washington County Fire District No. 2 and, where appropriate, state agencies. Coordination shall be made by referral of annexation request to all appropriate entities sufficiently in advance of proposed final City action to allow for review by those entities and incorporation of their recommendation(s) into the City's records.

Finding: All affected public and private agencies were provided notice of the proposed annexation and requested to provide comments. The City has not received comments from these agencies as of the date of this staff report. This standard is met.

CONCLUSION

Based on the analysis provided above, the Planning Commission recommends approval of the annexation application to the City Council.