

ORDINANCE NO. 442

AN ORDINANCE ANNEXING A CERTAIN TRACT OF LAND INTO THE CITY LIMITS OF NORTH PLAINS AND DECLARING AN EMERGENCY

WHEREAS, the City received a complete petition from the property owners of a certain tract of land, described in Exhibit "A" attached to this Ordinance, requesting that the property be annexed into the City Limits of North Plains; and

WHEREAS, the petition represented 100 percent of the property owners of, and not less than 50 percent of the electors residing in, the territory requesting to be annexed into the City of North Plains, as required by ORS 222.125; and

WHEREAS, the tract of land lies within the City's Urban Growth Boundary and Washington County Rural Fire Protection District No. 2; and

WHEREAS, the tract of land can be served by City services; and

WHEREAS, the Planning Commission conducted a public hearing, and reviewed the proposed annexation and staff report at its meeting on May 11, 2016 and forwarded a recommendation to the City Council; and

WHEREAS, the City Council conducted a duly noticed public hearing, and reviewed the proposed annexation, Planning Commission recommendation and staff report at its meetings on November 7, 2016 and December 19, 2016; and

WHEREAS, Section 4 of the North Plains Charter requires that, for all annexations except those required by state law, all annexations be submitted to the City's electorate for approval; and

WHEREAS, the passage of Senate Bill 1573 in March of 2016 requires cities to take action on annexation applications without requiring a vote, superseding the City's own requirement that annexations be submitted to the City's electorate for approval; and

WHEREAS, the City Council disagrees with and opposes the Oregon State Legislature's efforts to limit local authority to determine the best method for processing annexations of territory; and

WHEREAS, the legality of Senate Bill 1573 is currently being challenged by several Oregon municipalities and the League of Oregon Cities; and

WHEREAS, until such time as it is legally invalidated, the Council recognizes that Senate Bill 1573 applies to all municipal annexations, including this proposed annexation before the Council for consideration; and

WHEREAS, having considered the application, the evidence in the record and the applicable criteria in light of Senate Bill 1573, the City of North Plains City Council approved File No. 16-060 (North Annexation) and adopted Ordinance No. 438 on January 23, 2017; and

WHEREAS, subsequent to the adoption of Ordinance No. 438, a scrivener's error was discovered in which text from another ordinance was inadvertently included in the ordinance; and

WHEREAS, sequential page number labels are missing from Exhibit "B" of Ordinance No. 438; and

WHEREAS, for clarity the Council finds it necessary to correct the scrivener's error in Ordinance No. 438, and insert the missing text into Exhibit "B" of that ordinance, to avoid any confusion; and

WHEREAS, the City of North Plains City Council finds that the errors are administrative in nature and can be corrected by adoption of this ordinance;

NOW, THEREFORE, THE CITY OF NORTH PLAINS ORDAINS AS FOLLOWS:

Section 1. The tract of land annexed by Ordinance No. 438, described in Exhibit "A", remains annexed to the City of North Plains, Oregon.

Section 2. The City Council continues to support the property's future annexation into any special districts necessary for the provision of urban services to the property.

Section 3. The Staff Report dated October 28, 2016, including its incorporated findings in support of this annexation, as well as the Supplemental Staff Report and Findings dated December 12, 2016, are hereby adopted. To the extent that the findings of those two documents conflict, the findings of the December 12, 2016 Staff Report shall control. The annexation is effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

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Section 4. An emergency being declared, this ordinance shall be effective immediately upon its adoption by the City Council.

INTRODUCED AND ADOPTED this 20th day of March, 2017.

CITY OF NORTH PLAINS, OREGON

By: _____
Teri Lenahan, Mayor

ATTEST:

By: _____
Lori Lesmeister, City Recorder