

# APPENDIX 1.000 ANNEXATIONS

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## **PURPOSE**

### **A1.001 PURPOSE**

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The purpose of this section is to establish procedures and criteria under the provisions of Metro Code Chapter 3.09 and Oregon Revised Statutes including, but not limited to, ORS Chapter 222. The provisions of this section are adopted to achieve the orderly and efficient annexation of lands to the City that will result in providing a complete range of urban services and consistency with the Community Development Plan.

For the purpose of this section, the term “annexation” means a “boundary change” as used in Metro Code Chapter 3.09. The term includes a “major boundary change”, the formation, merger, consolidation, or dissolution of a city or district; and a “minor boundary change”, the annexation or withdrawal of territory to or from a city or district, or from a city/county to a city.

A petition for any type of boundary change, other than annexation, shall be processed as provided by state law and Metro Code Chapter 3.09.

## PROCEDURES

### A1.002 GENERAL PROCEDURES

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General procedures apply to all annexation proposals except as modified by **Section A1.004** – Expedited Annexation Procedures.

- A.** A pre-application conference pursuant to **Section 11.0700** is required prior to the submittal of an annexation petition. Early neighborhood involvement as provided in **Section 11.0800** is not required. At the pre-application conference, requirements of annexation will be explained and the appropriate forms as specified in **Section A1.005** will be provided.
- B.** Annexation proposals shall be considered by the City Council pursuant to **Section 11.0600**, the Type IV legislative process except there shall be no Planning Commission hearing or recommendation. The Council decision on the proposal shall be considered the “Final Decision” for purposes of compliance with Metro Code Chapter 3.09.
- C.** Notice of the Council hearing to consider the boundary change proposal shall follow the notification procedures as required for a Type IV Vacations and/or Historic Designations, as well as the uniform notice requirements provided in Metro Code Section 3.09.030.
- D.** A staff report shall be issued prior to the hearing pursuant to the requirements of Metro Code 3.09.050(b).
- E.** The Council shall make, by resolution or by ordinance, the final decision after the public hearing. The decision shall be in writing and shall follow the uniform notice requirements of Metro Code Section 3.09.030(e).

### A1.003 INITIATION PROCEDURES

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Initiation Procedures apply to annexation proposals except as modified by **A1.004** – Expedited Annexation Procedures.

- A.** An annexation proposal may be initiated by petition of property owner(s) of the area to be annexed as set forth in this section.
  - 1.** When all owners of land in the territory to be annexed and not less than 50% of the electors, if any, residing 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.
  - 2.** When a majority of the electors registered in the territory proposed to be annexed consent in writing to the annexation and the owners of more than half of the land in the territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the City.
- B.** An annexation proposal may be initiated by Council, on its own motion, as set forth in this section. The Council may terminate proceedings under this section at any time.
- C.** An annexation proposal may be initiated pursuant to the state law Health Hazard Abatement annexation process.

- D. An annexation proposal may be initiated pursuant to the state law Island annexation process.

#### **A1.004 EXPEDITED ANNEXATION PROCEDURES**

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- A. Subject to approval of the Manager a petition for any type of minor boundary change may be processed through an expedited process as provided by Metro Code Chapter 3.09.
- B. An expedited boundary change proposal shall be considered by the City Council without a public hearing and may be placed on the Council consent agenda. The Council decision on the proposal shall be considered the “Final Decision” for purposes of compliance with Metro Code Chapter 3.09.
- C. The petition requirements for expedited applications must be accompanied by the written consent of 100% of the property owners and at least 50% of the electors, if any, within the affected territory pursuant to Metro Code 3.09.045(a).
- D. Notice of petition for an expedited process must be provided a minimum of 20 days prior to the final decision and shall follow the notification procedures as required for Type IV Comprehensive Plan amendments, as well as follow the expedited notice requirements provided in Metro Code Section 3.09.045(b).
- E. A brief report shall be issued at least seven days prior to the decision date pursuant to the requirements of Metro Code 3.09.045(c). The decision record shall demonstrate compliance with the criteria contained in Metro Code 3.09.045(d) and (e).
- F. An expedited process cannot be used if a necessary party gives written notice to contest the decision pursuant to Metro Code 3.09.045(b).

## REQUIREMENTS AND CRITERIA

### A1.005 SUBMITTAL REQUIREMENTS

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An applicant for annexation shall submit the following application materials in the format and quantity required at the time of submittal. The application materials shall include:

- A. A completed and signed annexation application packet of forms provided by the City.
- B. A petition, on City forms, completed by property owners and/or electors residing in the affected territory that meets the minimum petition requirements of Metro Code Section 3.09.040 and **Section A1.003(A)** or **Section A1.004(C)**.
- C. A metes and bounds legal description of the territory to be annexed, meeting the relevant requirements of ORS 308.225. A lot and block description may be substituted if the area is platted. If the legal description contains any deed or book and page references, legible copies of these shall be submitted with the legal description.
- D. A map showing the affected territory, any public streets to be annexed and parcels within 300 feet of the affected territory including any public streets. The affected territory shall be identified on the map. The map shall show scale and a north arrow.
- E. A narrative which addresses the approval criteria set forth in **Section A1.006** and Metro Code Sections 3.09.050(d) and, if applicable, (e).
- F. A request for an expedited procedure if desired by the applicant.
- G. The applicant shall pay the requisite City fee and remittance deposit for the Metro fee. The City shall forward the Metro fee along with the final decision report pursuant to Metro 3.09.030(e).

### A1.006 APPROVAL CRITERIA

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The City Council shall approve or deny an annexation proposal based on findings and conclusions addressing the following criteria:

- A. The affected territory must be located within the City's Urban Services Boundary.
- B. The affected territory must be subject to an adopted plan map or land use designation table in Volume 2 of the Community Development Plan. For annexations that are not within an adopted plan map, the adopted Multnomah County - City of Gresham Land Use Conversion table shall apply.
- C. The affected territory is contiguous to the existing city limits.
- D. The proposal complies with the criteria of Metro Code Sections 3.09.045(d) and (e) and 3.09.050(d) if applicable. For purposes of this section, public facilities and services mean "urban services" as defined by Metro Code 3.09 to include sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. It shall also mean police protection and storm water utility services.

- E. A Covenant of Waiver of Rights and Remedies City form has been executed by all owners of the property to be annexed and all owners of any interest in the property to be annexed regarding waiver of any statutory or constitutional regulatory provisions, including but not limited to, Ballot Measure 37 (effective December 2, 2004) as amended by Ballot Measure 49. This subsection only applies to those property owners who have consented in writing to annexation.
- F. That either that funding mechanisms required to construct transportation, wastewater, water, stormwater and park facilities consistent with their associated adopted master plans and/or Transportation System Plans are in place or; an agreement is executed that funding will be in place prior to or concurrent with a development permit application.
- G. That an agreement is executed to convey to the City any land, within the annexation area designated in the adopted Parks Master Plan, concurrent with a development permit application.
- H. That the public interest would be furthered by the annexation.

### **A1.007 FISCAL IMPACT STATEMENT**

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The City shall prepare a fiscal impact statement, which shall estimate the fiscal impact that the proposed annexation would have on the City's general fund. The fiscal impact information shall be utilized in the determination of whether the public interest would be furthered by the approval of the annexation.

## **APPEALS**

### **A1.008 APPEALS**

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The City Council decision may be appealed according to state law.