

Appendix D: Group D Text Amendments.

Summary

- D 1. Update Section 9.8 Growth Management of Turner Comprehensive Plan by deleting the requirement that all annexations require a vote of the people.
- D 2. An update to Section 2.800 Annexations to comply with ORS 222.111 to 222.180.
- D 3. Update Section 1.170 Administration to reflect changes in Section 2.800 Annexations by deleting the reference to annexation elections.

Proposed Text Amendments:

D1

Turner Comprehensive Plan Section 9.8 *Growth Management, Policies and Recommendations: Annexations* delete “(5) All Turner annexations require a vote of the people in accordance with the City Charter.”

D2

Section 1.170(4) *Administration*, delete “Approved Annexation will then be referred to voters in accordance with the City Charter”

D3

Section 2.800 *Annexations*, update with the following language (new text highlighted, deleted text strikethrough)

SECTION 2.800 ANNEXATIONS

The annexation of land to the City of Turner shall promote orderly growth of the City and the efficient provision of public facilities and services. The Turner Urban Growth Boundary Agreement with Marion County specifies that annexations and urban services shall only occur within the Turner Urban Growth Boundary (UGB). **Annexations will comply with the Urban Growth Boundary Agreement with Marion County.** Procedures and standards for annexations are specified in ORS 222.111 to 222.180. ~~A change in the UGB requires an Amendment to the Turner Comprehensive Plan in conformance with Statewide Planning Goal 14 and an Amendment to the Urban Growth Boundary and Policy Agreement between the City of Turner and Marion County.~~

~~All proposed annexation of land to the Turner City Limits require an affirmative vote of electorate to become effective.~~

A proposal for annexation may be initiated by the City Council on its own motion or by a petition to the City Council by owners of real property located in the territory to be annexed.

- ~~(1) **Annexation by City Council Initiation.** The City Council may determine the procedures for City initiated annexations within the limits defined by ORS 222.111 to 222.180. These procedures~~

may include, but are not limited to, an election within the territory to be annexed, consent of the requisite number property owners and electors or a public hearing on the annexation. Proposed annexations shall include the following information:

- ~~{A} — A legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor.~~
- ~~{B} — A map of the area to be annexed including adjacent City territory.~~
- ~~{C} — The proposed land use zoning district(s).~~
- ~~{D} — The availability of public facilities and services for the proposed annexation.~~

~~{2} — **Annexation by Application.** A request by a property owner for an annexation shall be accomplished by filing an application with the City using forms prescribed in Section 2.130. Each application for annexation shall include the following material:~~

- ~~{A} — Written consent to the annexation signed by the requisite number of affected property owners, electors, or both as provided by state law.~~
- ~~{B} — A legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor.~~
- ~~{C} — A map of the area to be annexed including adjacent City territory.~~
- ~~{D} — A statement of the expected demand on public facilities and the availability of public facilities and services to serve the proposed annexation.~~
- ~~{E} — A statement of the overall development intent and a conceptual land use plan indicating the types and intensities of proposed development, transportation corridors, watercourses, significant natural features, and adjoining development.~~

(1) Initiation Procedures. An annexation proposal may be initiated in compliance with one of the following procedures:

- (A) All of the owners of land in the contiguous territory proposed to be annexed and not less than 50 percent of the electors, if any, residing 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) A majority of the electors registered in the contiguous territory proposed to be annexed consent in writing to the annexation and the owners of more than half of the**

land in that territory consent in writing to the annexation of their land and those owners and electors file a statement of their consent with the City; or

- (C) More than half the owners of land in the contiguous territory proposed to be annexed, who also own more than half the land in the contiguous territory and of real property therein representing more than half the assessed value of all real property in the contiguous territory, consent in writing to the annexation of their land in the territory and file a statement of their consent with the City.
- (D) An annexation proposal may be initiated by City Council resolution. The Council may terminate proceedings under this section at any time.
- (E) An annexation proposal may be initiated pursuant to the State law health hazard abatement annexation process as provided in ORS 222.

Statements of consent to annexation which are filed within any one-year period are effective and are deemed to be submitted with the petition required in subsection (1)(A), (1)(B), or (1)(C) of this Section, unless a separate written agreement waiving the one-year period or prescribing some other period of time has been entered into between an owner of land or an elector and the City.

(2) **Submittal Requirements.** The application must include:

- (A) A completed and signed annexation application packet on forms provided by the City.
- (B) Written consent to the annexation signed by the requisite number of affected property owners, electors, or both as provided by state law.
- (C) A legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor.
- (D) A map of the area to be annexed including abutting right-of-way to be annexed and properties within 300 feet of the territory. The map shall show a scale and a north arrow.
- (E) A statement of the availability, capacity and status of existing, water sewer, drainage, and transportation facilities.
- (F) A statement of the increased demand for such facilities to be generated by any proposed development within the annexation area; and
- (G) A Financial Impact Statement that includes as a minimum; estimated costs for infrastructure investments necessary to serve the proposed annexation, identifies the

source of funds for all such investment, and evaluates operating costs against estimated revenue for each infrastructure system impacted.

(H) A conceptual development plan which includes:

i Comprehensive plan and proposed zoning designations for the properties to be annexed;

ii Conceptual streets and utilities;

iii Significant natural features; and

iv Adjoining land uses.

(I) A narrative which addresses the decision criteria in subsection (3) of this Section.

(Amended by Ord. 02-105 Attachment "A")

(3) **Decision Criteria.** All requests for annexation to the City may be permitted upon authorization by the City Council in accordance with following findings:

~~(A) — The proposed annexation is consistent with the intent of the Comprehensive Plan.~~

~~(B) — The annexation will not adversely impact adjacent areas or the land use plan of the City.~~

~~(C) — The annexation will not have an adverse environmental impact.~~

~~(D) — The annexation will not have an adverse impact on public facilities.~~

~~(E) — The annexation will not have an adverse impact on transportation.~~

~~(F) — The annexation will not have an adverse impact on economy of the area.~~

~~(G) — The annexation is consistent with the intent of Statewide Planning Goals.~~

~~(H) — All annexations of land to the Turner City Limits require an affirmative vote of the majority of City electors to become effective.~~

(A) The land proposed to be annexed is within the City's Urban Growth Boundary and is:

i Contiguous to the city limits; or

ii Separated from the city only by a public right of way or a stream, bay, lake or other body of water.

(B) The proposed annexation is consistent with applicable goals and policies of the Comprehensive Plan.

(C) Adequate public facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area.

(4) Review Procedures.

Upon acceptance of a complete application, the City shall request a Staff Review together with other public or private agencies which may be affected by the proposed annexation. The City shall forward information regarding the request to the County for comments and recommendations. The City shall allow at least twenty days for the County to respond to such applications. The County may request that the City allow additional time to submit comments before the City makes a decision on the annexation proposal.

Upon receipt of the application, plans and accompanying narrative, Staff shall make an evaluation and recommendation. Comments and recommendations shall be available to the public and the Applicant. The Applicant shall be advised of any recommended changes or conditions for approval. The City shall incorporate all Staff comments into a report to the Planning Commission and City Council. The report shall include an analysis of the impacts of the proposed annexation, a review of applicable City and State policies and standards, and a recommendation as to the appropriateness of the proposed development and the annexation itself.

Upon the filing of a complete application for annexation, the City Council shall review the application and refer the request to the Planning Commission to evaluate the proposed annexation and to determine the appropriate zoning district to be applied upon annexation and make a recommendation to the City Council.

(A) The Planning Commission may hold a public hearing in accordance with the provisions of Section 3.510 for the purposes of reviewing the proposed annexation and the proposed land use zoning district(s). Following the close of the public hearing the Commission shall recommend the appropriate zoning district to be applied upon annexation and forward its recommendation to the City Council.

(B) The City Council may hold a public hearing for the purposes of reviewing the proposed annexation and the proposed land use zoning district(s) in accordance with the provisions of Section 3.510, additionally, a notice of the hearing must be published in a newspaper of general circulation in the City once each week for two successive weeks prior to the day of hearing, and notices of the hearing must be posted in four public places in the City for a like period.

The City Council may, by ordinance containing a legal description of the territory to be annexed, declare the territory annexed to the city. ~~upon the condition of an affirmative vote of the City electorate.~~

(C) The City need not hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the City. Upon receiving written consent to annexation by owners and electors under this section, the City Council, or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. ~~The City Council shall refer the proposal for annexation to the City electorate at the next regularly scheduled election.~~

(D) Land annexed to the City shall be automatically rezoned as of the effective date of the annexation. When an annexation of territory to the City becomes final and effective, the property shall be added to the official zoning map, along with the zoning and comprehensive plan designations.

(5) **Effective Date and Notice.** The effective date of an approved annexation shall be set in accordance with state law in ORS 222.180.

(A) A written record of the findings and action of the City shall be maintained in a Record File of the Application as specified in Section 2.150. Notice of Decision shall be given the Applicant and all parties to the proceedings as specified in Section 3.600, Decision.

(B) Approval of the annexation shall require a Notice of Decision be given the proper state and county authorities including the Oregon Secretary of State, ~~the Oregon Department of Revenue, the Oregon U-R Mapping Unit, and the County Clerk and Assessor of Marion County.~~ Notice shall include: ~~a legal description of the annexed property, a map of the proposed property showing the location of the annexed property relative to the Turner City Limits.~~

i A copy of the Ordinance approving the annexation;

ii A legal description and map of the annexed territory;

iii The findings; and

iv Each site address to be annexed as recorded on Marion County assessment and taxation rolls or found in RLID.

(C) The notice to the Secretary of State will also include copies of the petitions signed by electors and/or owners of the affected territory as required in this Section.

