

New CMC annexation Chapter

Chapter 16. Annexation

16.10.010 Purpose

This chapter implements state and local laws, including ORS Chapter 222 and Metro Code Chapter 3.09, regarding the annexation of property into the City of Cornelius. It is intended to facilitate efficient urban and economic development opportunities by transferring jurisdiction over property within the Metro urban growth boundary from Washington County to the City of Cornelius. It also implements city-specific policies regarding annexation.

16.10.020 Annexation Proposal

- (1) *Only owners of real property in the territory to be annexed, or the Cornelius City Council, may initiate an annexation. A property owner must file an application with the city to initiate an annexation and pay the associated fee. State law refers to the application as a “petition” for annexation. The city council may initiate an annexation by simply approving a motion during a public meeting.*
- (2) *If the city agrees to provide utility services (e.g. water or sewer service) to a property outside the city limits, the property owner must annex into the city. If, at the time the city agrees to provide utility services, the property is not contiguous to the city, then the property owner must enter into an annexation contract with the city in accordance with ORS 222.115.*
- (3) *Where the city currently provides water or sewer service to a property outside the city limits, shall not object to or oppose annexation into the city.*

16.10.030 Petition

- (1) *Prior to filing a petition for annexation, a property owner must schedule and attend a preapplication conference with the city. At that time, the city will review the annexation process with the property owner and identify the applicable requirements, including applicable forms and fees. The city manager may waive this requirement on a case-by-case basis. Annexations that the city council may initiate are exempt from the preapplication conference requirement.*
- (2) *Except as state law may otherwise permit, petitions for annexation must relate to territory located within the Metro urban growth boundary.*
- (3) *A petition must be filed on a form provided by the city, be accompanied by the applicable fee, and include the following:*
 - (a) *The information required by Metro Code 3.09.040;*
 - (b) *A narrative addressing the approval criteria of this chapter, the criteria in Metro Code 3.09.045(D), and if applicable, 3.09.045(E);*
 - (c) *A copy of an assessor’s map clearly showing the territory proposed for annexation and the existing boundary of the city near the territory;*

- (d) *A legal description of the territory, which must be in the form of a metes and bounds description unless the territory was the product of a subdivision or partition, in which case it may be described by lot and block;*
- (e) *The existing county zoning for the territory, and the proposed city zoning for the territory; and*
- (f) *A determination of whether the territory proposed for annexation qualifies as a “minor boundary change” pursuant to Metro Code Chapter 3.09.*

16.10.040 *Approval Criteria*

The city may approve a petition for annexation if it finds the petition satisfies the following criteria:

- (1) *The territory proposed for annexation is partially located within the Metro urban growth boundary;*
- (2) *The territory is contiguous to the existing boundary of the City of Cornelius;*
- (3) *The proposed annexation complies with applicable provisions of ORS Chapter 222;*
- (4) *The proposed annexation is consistent with applicable provisions of the city’s comprehensive plan;*
- (5) *The proposed annexation complies with Metro Code 3.09.045(D) and, if applicable, (E);*
- (6) *The proposed zoning for the territory is consistent with the city’s comprehensive plan, and other Metro or state requirements that may affect the zoning for the territory; and*
- (7) *Approving the proposed annexation is in the city’s best interest.*

16.10.050 *Administration and Approval Process*

- (1) *Upon receipt of a petition, the director will review the petition for completeness in a manner consistent with CMC 18.10.050, and subsequently allow the petitioner the opportunity to supplement the petition with any missing or requested information.*
- (2) *The city director will review whether the territory proposed for annexation qualifies as a “minor boundary change” pursuant to Metro Code Chapter 3.09.*
 - (a) *If the petition qualifies as a “minor boundary change,” the city may review and approve the petition in accordance with Metro Code 3.09.045 and, may adopt the annexation by Resolution. Section 3.09.045 of the Metro Code allows the city to expedite review of minor boundary changes and does not require the city to hold a public hearing, unless a party entitled to notice requests one.*
 - (b) *If the petition does not qualify as a “minor boundary change,” the city will process the petition in accordance with CMC 18.10.070(C) and Metro Code 3.09.050.*

(3) *Notwithstanding any language to the contrary in this code, an annexation petition is not a “permit” as that term is defined in ORS 227.160. Therefore, annexations are not subject to the 120-day processing deadline established in ORS 227.178.*

16.10.060 Fees

A fee shall be charged for all review and approval procedures, land use permits and administrative actions governed by Title 16 of the code. Fees shall be set by resolution adopted by the City Council.

(1) Fee Schedule Update. The City Council shall update the fee schedule from time to time.

(2) Incorporation by Reference. The fee schedule most recently adopted by the City Council is incorporated by reference in this title.

(3) Fees Due and Payable. Fees are due and payable at the time an application is submitted. The requirement to pay a fee is jurisdictional, and the city will not process an application without payment of the associated fee. If an applicant pays a fee after submitting an application, the date they pay the fee will be considered the date they submitted the application.

Amendment to Chapter 2.40

Amend CMC 2.40.020(D) as follows:

(D) The public body shall make and reduce to writing specific findings of fact regarding ***the applicable approval criteria following matters:***

~~(1) Whether the requested special benefit, if allowed, is in conformance with the comprehensive plan or development of the city and other applicable ordinances and code provisions.~~

~~(2) Whether there is a public need for the requested special benefit, and, if so, will the need be best served by the proposed special benefit involving the land use of the subject property as compared with other available property presently allowing such land usage.~~

~~(3) Whether conditions have changed in the immediate area of the subject property proposed for the special benefit or there was a mistake in the original comprehensive plan of development.~~
