

ORDINANCE NO. 1082-A

INTRODUCED BY: ALL COMMISSIONERS

ANNEXING CERTAIN AQUATIC AREAS CONTIGUOUS TO THE NORTH CITY LIMITS
INTO THE CITY OF WARRENTON

WHEREAS, this annexation was initiated by the Warrenton City Commission pursuant to ORS 222.111(2) by vote taken on July 12, 2005, and because the area to be annexed is an aquatic area with no electors residing within it, the Commission chose not to submit the annexation to the electors for a vote; and

WHEREAS, because there is conflicting evidence as to the exact location of the existing city limits, with historical information indicating that the city limits were intended to extend to, and may actually at this time exist at, the navigation channel of the Columbia River and the existing City of Warrenton zoning map appearing to place the city limits at the pierhead line south of the navigation channel, the City has therefor initiated this annexation to quiet the question of the location of the city limits by annexing to the northern edge of the navigation channel to match the city limits of the City of Astoria; and

WHEREAS, in order to avoid any jurisdictional gaps, the legal description for the area to be annexed extends southward to the mean high water line, thereby including a significant portion of aquatic area that is already within the city limits; and

WHEREAS, H.B. 220 was adopted by the Oregon legislative assembly in 1899 to incorporate the City of Warrenton and to describe its boundaries, and states that the city limits extend "to the ship channel of the Columbia River; thence northerly along ship channel to a point north twenty-two degrees and thirty minutes east of the place of beginning;" and

WHEREAS, this annexation will therefore restore the northern boundary of the City to the approximate place that it existed when the City was incorporated; and

WHEREAS, there is a rational basis for extending the Warrenton city limits out to the outer edge of the navigational channel, because the City's shorelands cannot be effectively utilized for water-dependent or water-related uses without having direct access to the adjacent aquatic areas out to the Columbia River navigation channel; and

WHEREAS, pursuant to ORS 222.120, the City Commission caused notice of the August 9, 2005, hearing to be published in the Daily Astorian, a newspaper of general circulation in the City of Warrenton on Friday July 22, 2005, and Friday, July 29, 2005, and also caused notice to be posted in four public places, at the Warrenton Community Library, Warrenton Post Office, the Warrenton Main Street Market, and the Hammond Post Office; and

WHEREAS, in its July 12, 2005, vote to initiate the annexation process, the City Commission followed the guidance provided in Table 4.1.2 and Section 4.1.6.D.1 of the Warrenton Development Code (WDC) and required only a hearing before the City Commission prior to approval of the annexation; and

WHEREAS, in order to provide additional public notice beyond the newspaper notice and posting notice required for annexations under ORS 222.120, the City Commission elected to apply certain additional Type III notice and hearing procedures found in WDC Section 4.1.5 to the annexation decision, except for procedures related to the number of hearings and the body before which the initial hearing is held, which is governed by the more specific provisions of Table 4.1.2 and Section 4.1.6.D.1 of the WDC; and

WHEREAS, notice was mailed to the Department of State Lands, Clatsop County and the City of Astoria on July 20, 2005, and notice was mailed to all other property owners within 200 feet of the enlarged annexation area described in the legal notice (which includes areas already within the city limits) on August 2, 2005; and

WHEREAS, the City has no intergovernmental agreements with other governmental entities that would require notice of this proposed annexation; however, the City Commission deemed it appropriate to provide notice to both Clatsop County and the City of Astoria by mail on July 20, 2005; and

WHEREAS, the City held a public hearing on August 9, 2005, regarding the proposed annexation, received testimony at that hearing, and held the record open for an additional 14 days until 5:00 p.m. on August 23, 2005, for submittal of additional testimony and no additional testimony was received; and

WHEREAS, there are no neighborhood or community organizations recognized by the City Commission whose boundaries include the property proposed for development; and

WHEREAS, the annexation does not affect a manufactured home or mobile home park; and

WHEREAS, the Urban Growth Boundary Area Joint Management Agreement (the "Agreement") between the City of Warrenton and Clatsop County does not apply to this annexation because the Agreement governs only the area between the City's corporate limits and the City's Urban Growth Boundary "as referenced and mapped in the City Comprehensive Plan" and the City's corporate limits and Urban Growth Boundary as shown in Warrenton's Comprehensive Plan are coterminous in the relevant aquatic areas; and

WHEREAS, the City of Warrenton is annexing the property pursuant to criteria in its acknowledged comprehensive plan and is leaving in place the acknowledged plan and zoning designations of the annexed property in Clatsop County's acknowledged comprehensive plan, the annexation is consistent with the statewide planning goals approved under Chapters 195, 196, and 197 of Oregon Revised Statutes; and

WHEREAS, the City of Warrenton Comprehensive Plan has been acknowledged pursuant to ORS 197.251 and the comprehensive plan and any implementing ordinances control the annexation, the annexation is therefore in compliance with the statewide planning goals so long as it is consistent with the requirements of the comprehensive plan and any implementing ordinances; and

WHEREAS, the annexation involves exclusively aquatic areas lying between the existing Warrenton city limits and the northerly boundary of the Columbia River navigation channel, an area where public facilities and services are not provided, the annexation will have no discernable impact on the provision of public facilities and services in the City of Warrenton; and

WHEREAS, future planning for aquatic areas adjacent to the City of Warrenton requires an accurate understanding of the areas to be served by resolving any doubt as to the location of the City limits within the Columbia River Estuary, the annexation will facilitate the City's ability to correctly plan and zone within aquatic areas.

NOW, THEREFORE, the City of Warrenton ordains as follows:

SECTION 1: ANNEXATION AREA - The following described contiguous territory is hereby annexed to the City of Warrenton:

A tract of land in the County of Clatsop, State of Oregon, described as follows:

Beginning at the intersection of the west boundary of the City of Warrenton with the line of mean high water on the left bank of the Columbia River; thence southeasterly along said line of mean high water and the line of mean high water on the left bank of Youngs Bay to the northwesterly right of way boundary of the Oregon Coast Highway, also known as U.S. Highway 101; thence northeasterly along said right of way boundary to the Urban Growth Boundary of the City of Astoria, Oregon; thence northwesterly and northerly along said Urban Growth Boundary to the north boundary of the Columbia River ship channel; thence westerly along the north boundary of said channel to a point that bears northeasterly of, when measured at right angles to said north boundary, the point of beginning; thence southwesterly, at right angles to said north boundary, to the point of beginning.

SECTION 2: ZONE - The existing county zoning on the property being annexed will remain in place and will be applied by the City until the City determines there is a need to amend the planned designation and zoning for the area.

SECTION 3: RECORD - The City Auditor shall submit to the Secretary of the State of Oregon: (1) a copy of this Ordinance, and (2) a copy of DSL's written consent, the land owner of all of the territory annexed. The City Auditor shall also send the above-described meets and bounds legal description of the new boundary of the City of Warrenton to the Clatsop County Planning Department within ten (10) days of the effective date of the annexation.

SECTION 4: PUBLIC SERVICES - The annexation of the above-described aquatic area will not affect any change in the provision of public services to the area being annexed.

SECTION 5: FINDINGS - The City Commission makes the following findings of fact pertinent to the annexation:

- A. The recitals to this ordinance set out above on pages 1 - 3, are hereby incorporated by reference and adopted as findings by the City Commission;
- B. The City of Warrenton has an acknowledged comprehensive plan;
- C. The property is contiguous to the city limits;
- D. The Department of State Lands (DSL) has consented in writing to the annexation, and DSL is the only property owner within the property to be annexed;
- E. The annexation requires no public facilities or services to be provided to the aquatic area being annexed;
- F. The City Commission has considered Section 2.330.1.b of the Warrenton Comprehensive Plan and concludes that the purpose of that section, which is "to insure choices in the real estate market" does not apply to this annexation of aquatic areas in the Columbia River; and
- G. The City Commission has considered Section 2.330.1.c of the Warrenton Comprehensive Plan and concludes that the purpose of that section, which is to encourage new uses within the existing City limits before annexing additional land, does not apply to this annexation of aquatic areas in the Columbia River.


SECTION 6: EFFECTIVE DATE - The effective date of this Ordinance is 30 days after its adoption.

First Reading: August 23, 2005


Second Reading: August 30, 2005

PASSED AND ADOPTED by the City Commission on this 30th day of August, 2005.

APPROVED by the Mayor of the City of Warrenton this 30th day of August, 2005.



Gilbert Gramson, Mayor

ATTEST


Linda Engbretson, City Recorder

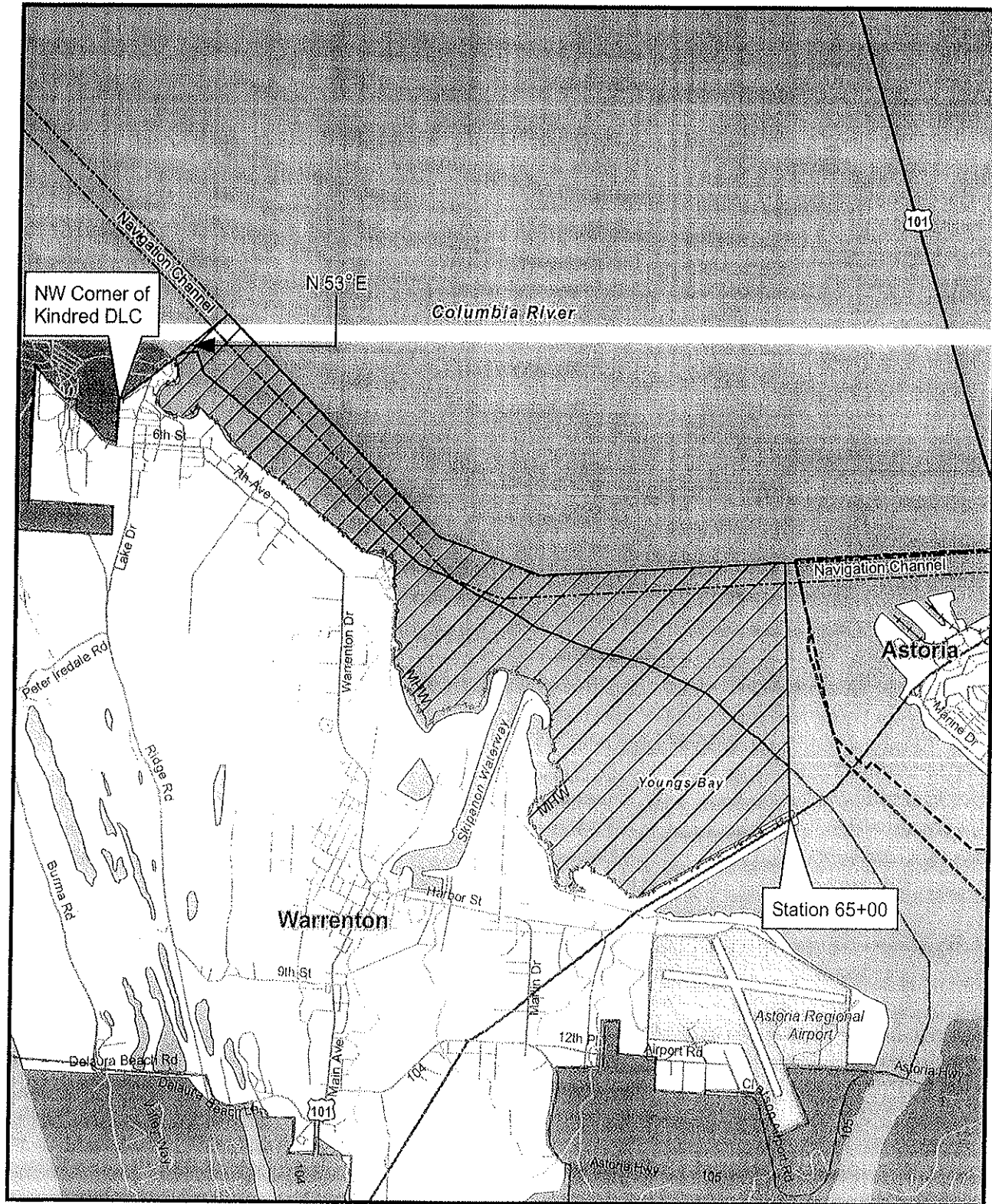
March 22, 2006

**DESCRIPTION OF A TRACT OF LAND
TO BE ANNEXED BY THE CITY OF WARRENTON**

A tract of land in the County of Clatsop, State of Oregon,
described as follows:

Beginning at the intersection of the line of mean high water on the left bank of the Columbia River with a line extending N53°E from the northwest corner of the B.C. Kindred Donation Land Claim No. 46 in Section 5, Township 8 North, Range 10 West, Willamette Meridian; said line being the southeasterly boundary of the former Fort Stevens U.S. Military Reservation; thence southeasterly along said line of mean high water and the line of mean high water on the left bank of Youngs Bay to the northwesterly right of way boundary of the Oregon Coast Highway, also known as U.S. Highway 101; thence northeasterly along said right of way to right of way station 65+00 as recorded on Oregon State Highway Department Drawing 8B-17-4; thence northerly, at right angles to the north boundary of the Columbia River ship channel, to an intersection with said north boundary; thence westerly along the north boundary of said ship channel to an intersection with a line extending N53°E from the northwest corner of the B.C. Kindred Donation Land Claim; thence S53°W along said line and the northeasterly extension of the southeasterly boundary of said Military Reservation to the point of beginning.

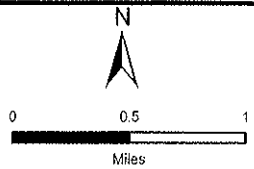
Description by Karl F. Foeste, PLS 849 - Oregon



- Legend**
- Astoria Urban Growth Boundary (UGB)
 - - - Astoria City Limits
 - - - Mean High Water (MHW)
 - ▨ Areas Proposed for Annexation
 - ▤ Navigation Channel
 - ▥ Warrenton City Limits
 - ▧ Water
 - ▩ Clatsop County

Proposed Annexation of Aquatic Area into City of Warrenton

Warrenton , Oregon



Source:
 City of Warrenton, Clatsop County
 City of Astoria, Clatsop County
 ESRI Street Map
 Footnote* portions of proposed
 annexation area are already within
 city limits.