

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
OCTOBER 5, 2010**

CALL TO ORDER

Mayor Ferguson called the 2087th meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers.

Present: Mayor Jeremy Ferguson, Council President Greg Chaimov, and Councilors Deborah Barnes, Joe Loomis, and Susan Stone

Staff present: City Manager Pro Tem Pat DuVal, City Attorney Tim Ramis, Senior Planner Susan Shanks, Resource and Economic Development Coordinator Alex Campbell, Community Development/Public Works Director Kenny Asher, and Human Resources Director Cynthia Trosino

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. Walk to School 2010 Proclamation

Mayor Ferguson read a proclamation naming October 6, 2010 as *International Walk to School Day* in the City of Milwaukie. He announced a number of related community events.

CONSENT AGENDA

It was moved by Councilor Chaimov and seconded by Councilor Stone to approve the consent agenda consisting of:

A. City Council minutes of the June 1, 2010 work session;

Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting "aye." [5:0]

AUDIENCE PARTICIPATION

Ed Zumwalt, Milwaukie. Mr. Zumwalt discussed material he had emailed the City Council regarding transportation and light rail. The material indicated that TriMet knew from October 2008 that it would not get 60% funding for light rail. People went to countless meetings along the alignment, but TriMet was not being completely truthful. He did not think the Milwaukie City Council should take kindly to being told by TriMet officials that this was a little hiccup. It was disrespectful. In the early 1930's the Oregon Department of Transportation (ODOT) built McLoughlin Boulevard and separated people from the River and then built Hwy 224 directing them to the Clackamas Town Center. Now the City was being gutted again. The people wanted their \$5 million back. Money should be going to our schools not this boondoggle.

Jeff Klein, Nick Harris, Ed Zumwalt, Dave Aschenbrenner, and Beth Kelland addressed the City Council as neighborhood leaders. As a group, they wanted to know what could be done to help the City Council make better decisions and make sure the

neighborhood voices were heard while portraying a positive view. City Council was invited to attend monthly Neighborhood District Association (NDA) leadership meetings beginning October 27 to constructively talk and exchange ideas. Further, the leadership requested regular meetings during City Council work sessions once a month. The leadership encouraged Mr. Monahan and Council candidates to attend as well.

Mayor Ferguson said he planned to attend the leadership meeting and hoped other Councilors and candidates would participate. He was interested in the notion of a monthly joint work session to have an open discussion.

Mr. Klein added the leadership was committed to working with, not against, each other to come to a better understanding of processes to help make Milwaukie a better place to live.

Councilor Loomis appreciated the invitation and supported the idea

Councilor Barnes appreciated the amount of power in the neighborhoods exemplified by consensus on the Harmony Road project.

Councilor Stone suggested revisiting the half-hour open work session as had been done in the past.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

A. NE Sewer Project: Assisted Annexation Batch #1 – File A-10-02

Ms. Shanks provided the staff report in which the City Council was requested to adopt an ordinance annexing tracts of land into the City limits. She provided the history of the vision of the NE Sewer Extension Project. The initial batch annexation consisted of 32 properties seeking assisted annexation, and all met the requirements. Most of the properties were zoned residential R-10 and R-7, and 2 of them zoned commercial. Most of the property owners were seeking annexation to take advantage of the sewer connection. Notices were sent to all interested persons and necessary parties, and no necessary parties filed any objections. Annexation of these properties to the City would withdraw them from the Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District No. 5 for Street Lights. One property would be withdrawn from Clackamas River Water. She discussed future batch annexations which would include the Wichita Center for Family and Community.

Jim Covell, annexation area resident. Although he lived in that area, he was not seeking annexation with this batch. He asked for clarification of the financing package which he had reviewed online. He understood some the federal money was apportioned in some way to help people with their payments to the City for assessments. He further understood the deadline for the expedited process was 2012 and asked if the federal subsidy money would still be available to those applying for annexation after that deadline.

Mr. Campbell responded the subsidy was still available but was reduced over time with a residual amount into perpetuity. He would speak with Mr. Covell and others in more detail to explain the program and answer questions.

It was moved by Councilor Barnes and seconded by Councilor Loomis to approve the first and second readings by title only and adoption of the ordinance annexing multiple tracts of land into the city limits. Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting 'aye.' [5:0]

Mr. Ramis read the ordinance 2 times by title only.

Ms. DuVal polled the Council: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting 'aye.' [5:0]

ORDINANCE NO. 2019:

AN ORDINANCE OF THE CITY OF MILWAUKIE ANNEXING MULTIPLE TRACTS OF LAND INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THEM FROM SEVERAL SERVICE DISTRICTS AS DESCRIBED BELOW.

B. Approval of Contract for Survey and Flow Data Collection on Kellogg Creek and Kellogg Lake – Resolution

Mr. Campbell provided the staff report in which the City Council was requested to authorize a contract for survey and flow data collection on Kellogg Creek and Kellogg Lake. This would continue work on the Kellogg Creek and Mt. Scott watershed restoration project. He provided a status update on the project which was funded largely to date by the American Rivers/NOAA grant approved by City Council in January. The Army Corps of Engineers has restarted its project feasibility work, and data from that entity should be available in several weeks. He noted stakeholder meetings would be scheduled beginning in January. The lakebed would be surveyed to help determine sediment accumulation, spring flows, and spring locations which was valuable information in the final design. Staff sought proposals from 6 firms who did this kind of work, and 2 proposals were submitted. Brown and Caldwell was selected based on its proposed approach, bid price, and overall experience.

Councilor Stone understood the Corps had already started a study on this project, and she asked what those results were.

Mr. Campbell replied all the phases of that study had not been completed because of funding issues in 2006. One thing largely completed was a fish benefits study. There had been a national decision to de-fund the habitat restoration projects that were still in the feasibility phase and not ready for construction. There was now a willingness to pick up some of these stranded projects and get those through the pipeline. It was learned, for example, that the existing fish ladder was a temporal barrier to fish passage but very poor through much of the year, and the box culvert was a key barrier to salmon restoration in this larger watershed. Part of the habitat benefit would be removal of the culvert and reducing the water temperature and improving water quality. The major question of the need to replace the bridge in a feasible, cost effective way had not been answered but would be.

It was moved by Councilor Chaimov and seconded by Councilor Stone to adopt the resolution approving the award of contract for a bathymetric survey and flow data collection of Kellogg Lake and Creek. Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting 'aye.' [5:0]

RESOLUTION NO. 79-2010:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE AWARD OF CONTRACT FOR A BATHYMETRIC SURVEY AND FLOW DATA COLLECTION OF KELLOGG LAKE AND CREEK

C. City Manager Contract

Mayor Ferguson provided information on the proposed contract and recessed the meeting to give City Council time to review the document.

Councilor Barnes asked for clarification of Section 13 since it seemed vague. She did not want to have to ask Mr. Monahan to take vacation.

Mayor Ferguson talked with Mr. Monahan that the City Council would look at the tasks that needed to be done and prepare some kind of documentation to track his time.

Councilor Barnes was glad that Section 12 had a date for the review process.

It was moved by Mayor Ferguson and seconded by Councilor Stone to approve the contract. Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting 'aye.' [5:0]

Mayor Ferguson thanked Ms. Trosino for her work in this process and Ms. DuVal for her work on behalf of the City.

D. Council Reports

Councilor Barnes requested a full accounting of the expenses related to the non-renewal of Mr. Swanson's contract.

The Mayor and Councilors reviewed the participation in various City events and announced upcoming events.

ADJOURNMENT

It was moved by and seconded by to adjourn the meeting. Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting "aye." [5:0]

Mayor Ferguson adjourned the regular session at 8:10 p.m.

Respectfully submitted,



Pat DuVal, Recorder

REGULAR SESSION

AGENDA

MILWAUKIE CITY COUNCIL OCTOBER 5, 2010

MILWAUKIE CITY HALL

10722 SE Main Street

2087th MEETING

REGULAR SESSION – 7:00 p.m.

1. **CALL TO ORDER**
Pledge of Allegiance
2. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS** 1
2
 - A. **Walk to School 2010 -- Proclamation**
3. **CONSENT AGENDA** *(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)* 3
 - A. **City Council Minutes of June 1, 2010 Work Session** 4
4. **AUDIENCE PARTICIPATION** *(The Presiding Officer will call for statements from citizens regarding issues relating to the City. Pursuant to Section 2.04.140, Milwaukie Municipal Code, only issues that are "not on the agenda" may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and return it to the City Recorder. Pursuant to Section 2.04.360, Milwaukie Municipal Code, "all remarks shall be directed to the whole Council, and the Presiding Officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous." The Presiding Officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.)*
5. **PUBLIC HEARING** *(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*
 - A. **None scheduled**
6. **OTHER BUSINESS** *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)* 7

- A. **NE Sewer Project: Assisted Annexation Batch #1 – File A-10-02 – Ordinance** 8
Staff: Susan Shanks, Senior Planner
- B. **Approval of Contract for Survey and Flow Data Collection on Kellogg Creek and Kellogg Lake – Resolution** 49
Staff: Alex Campbell, Resource and Economic Development Coordinator
- C. **Council Reports**

7. INFORMATION

8. ADJOURNMENT

Public Information

- Executive Session: The Milwaukie City Council may meet in executive pursuant to ORS 192.660(2).
- All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- The City of Milwaukie is committed to providing equal access to information and public meetings per the Americans with Disabilities (ADA). If you need special accommodations, please call 503.786.7502 or email ocr@ci.milwaukie.or.us at least 48 hours prior to the meeting.
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

2.

PROCLAMATIONS,
COMMENDATIONS,
SPECIAL REPORTS,
AND AWARDS



International Walk to School Day Proclamation

Whereas, hundreds of children could be saved each year if communities take steps to make pedestrian safety a priority.

Whereas, a lack of physical activity plays a leading role in rising rates of obesity, diabetes and other health problems among children and being able to walk or bicycle to school offers an opportunity to build activity into daily routine.

Whereas, driving students to school by private vehicle contributes to traffic congestion and air pollution.

Whereas, an important role for parents and caregivers is to teach children about pedestrian safety and become aware of the difficulties and dangers that children face on their trip to school each day and the health and environmental risks related to physical inactivity and air pollution.

Whereas, community leaders and parents can determine the "walkability" of their community by using a walkability checklist.

Whereas, community members and leaders should make a plan to make immediate changes to enable children to safely walk and bicycle in our communities and develop a list of suggestions for improvements that can be done over time.

Whereas, children, parents and community leaders around the world are joining together to walk to school and evaluate walking and bicycling conditions in their communities.

Now Therefore, Be It Resolved that I, Mayor Jeremy Ferguson proclaim October 6, 2010, "International Walk to School Day" in Milwaukie and encourage everyone to consider the safety and health of children today and everyday.

Jeremy Ferguson, Mayor

ATTEST:

Pat DuVal, City Recorder

3.

CONSENT AGENDA

MINUTES**MILWAUKIE CITY COUNCIL WORK SESSION
JUNE 1, 2010**

Mayor Ferguson called the work session to order at p.m. in the City Hall Conference Room.

Council Present: Mayor Jeremy Ferguson, Council President Greg Chaimov, and Councilors Deborah Barnes and Susan Stone

Excused: Councilor Joe Loomis

Staff Present: City Manager Pro Tem Pat DuVal, Community Services Resource and Economic Development Specialist Alex Campbell

Media: Clackamas Review

Strategic Investment Zone Update

Mr. Campbell introduced Renate Mangelberg from Clackamas County and explained that she had been leading a process reaching out to all cities in Clackamas County in looking at the creation of a Strategic Investment Zone that provided tax incentives for large scale investments. Mr. Campbell wanted to make sure Council was comfortable with the direction they were headed, and wanted to know if there were any additional requirements they would request of business that might qualify for program that have not been included in the draft agreement. He also wanted to know Council's preference for how the proceeds from program might be distributed. The program offered tax abatements on the value of investments above 100 million. 25% of the value could be distributed at the choosing of the zone sponsors. He explained there was an error in the staff report agreement that stated we would have to encompass a larger number of districts to set the allocation. The statute excludes educational taxing district and concurrence was that the City and County would be enough to set the allocation. He added the State would contribute 50% of additional income tax revenue directly attributable to the project to that program fund.

Ms. Mangelberg said the County went through a yearlong process called the Economic Landscape Study to determine core strengths, legacy industries and what industry would be strongest in job creation and wages and through a financial analysis using consultant team they came up with a list of 8. Advanced technology, hi-tech, advanced manufacturing metals and machinery, professional business services, wholesale trade and wood products. Primarily it was manufacturing and hi-tech types of business that would draw the large investments. This tool would be a powerful incentive and would put Clackamas County on the map. Gresham is the only city in Oregon that has the program. They would use the tool in marketing efforts and target key industries, and when the economy turned around and the timing was right they would do some active recruitment.

Councilor Chaimov asked what they recommend for the City and why?

Mr. Campbell replied the out of the two approaches the pro rata distribution had a political benefit. The second approach, a more flexible route would present additional flexibility as far as expenditure of funds. One item he didn't address was we might want to consider encouraging the County to use a system that didn't use the pro rata share in the event there was a significant investment just outside City boundaries. The draft IGA had two different structures that were of the more flexible variety. First, left the decision in the hands of the governing body where the investment was located in either the City or County. The other suggested a structure with representatives from each taxing jurisdiction. He clarified that an IGA at this time would set an overall framework for how they would want to set up the program, but the Statute requires a specific agreement be signed specific to an investment.

Councilor Chaimov preferred the flexible idea to form the committee to allocate as did Mayor Ferguson.

Councilor Stone asked what would benefit Milwaukie the most, joining with the County or creating our own program?

Mr. Campbell replied he didn't see a real advantage to establishing our own zone. Relying on the strategic investment program was more of a customized agreement per investment and allowed for customization. The benefits of an established zone was that it was more marketable to businesses because of the certainty.

Councilor Stone wondering about community service fee how can that get spread around if the investment outside of the City boundaries. How does it benefit us.

Mr. Campbell said the pro rata would not directly affect us, but it would affect some overlapping districts such as the fire department, but it would not directly benefit us. That was one of the thoughts about the proposal and that is why Mr. Asher suggested that there should be language looking for potential for representation of nearby incorporated cities to determine impacts.

Councilor Stone said the fire district had concerns and asked what their overall sense of the idea was with this zone.

Mr. Campbell said a letter was sent early last week that tried to answer their concerns and they had not yet gotten a response from the letter.

Councilor Barnes said she knew the County wanted to make a decision quickly, but she was concerned about proceeding before hearing back from the fire department to make sure their concerns were addressed.

Councilor Chaimov preferred the flexible idea to form the committee to allocate as did Mayor Ferguson.

Councilor Stone saw this as problematic in the City having a business that could make a huge capital outlay. Did not see how it would not benefit the City and had concerns about the Fire District.

Councilor Barnes asked if they had talked to companies on International Way and if they would be interested.

Mr. Campbell replied they had not talked to them, but he would reach out to them this week. He was confident that Precision Cast Parts could take advantage of the program and thought they would think it was a good idea.

Councilor Barnes asked him to reach out and get some feedback.

Mayor Ferguson announced the City Council would meet in executive session pursuant to ORS 192.660(2)(d) labor negotiation consultations and ORS 192.660(2)(h) consultation with legal counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.

Mayor Ferguson adjourned the work session at 5:50 p.m.

Pat DuVal, City Recorder

6.
OTHER BUSINESS



To: Mayor and City Council

Through: Pat DuVal, Interim City Manager
Kenneth Asher, Community Development and Public Works Director
Katie Mangle, Planning Director

From: Susan P. Shanks, Senior Planner

Subject: Expedited Annexations in Northeast Sewer Extension Project Area
(Annexation Assistance Program Batch #1)

Date: September 28, 2010 for October 5, 2010 meeting

Action Requested

Approve application A-10-02, an expedited annexation petition, and adopt the attached ordinance and associated findings in support of approval (Attachment 1). Approval of this application would result in the following actions:

- Annexation of 32 properties (“Annexation Properties”) into the City of Milwaukie through the City’s Annexation Assistance Program. (See Attachments 2 and 3.)
- Application of City land use and zoning designations to the Annexation Properties.
- Amendments to the City’s Land Use Map and Zoning Map to reflect the City’s new boundary and land use and zoning designations.
- Withdrawal of all Annexation Properties from the following urban service providers and districts:
 - Clackamas County Service District for Enhanced Law Enforcement
 - Clackamas County Service District No. 5 for Street Lights
- Withdrawal of one Annexation Property from the following urban service provider and district:
 - Clackamas River Water

History of Prior Actions and Discussions

May 2010: Council approved a two-year Annexation Assistance Program for properties that meet certain eligibility requirements (Resolution 38-2010).

January 2010: Council annexed the rights-of-way in the Northeast Sewer Extension (NESE) Project Area making all properties in this area contiguous to the City limits and eligible for annexation (Ordinance 2010).

September 2009: Council initiated annexation of the rights-of-way in the NESE Project Area by resolution (Resolution No. 58-2009).

August 2009: Staff briefed Council on the status of the NESE Project and the need to annex the rights-of-way in this area.

July 1990: Clackamas County Order No 90-726 established an Urban Growth Management Agreement (UGMA) in which the City and County agreed to coordinate the future delivery of services to the unincorporated areas of North Clackamas County. With respect to Dual Interest Area “A”, the agreement states: *“The City shall assume a lead role in providing urbanizing services.”*

Background

Annexation Assistance Program

Council approved a 2 ½-year Annexation Assistance Program in May 2010. The purpose of this program is to: (1) encourage property owners to connect to sewer in the NESE Project Area by making the annexation process as easy and affordable as possible, and (2) enable the City to process multiple annexations at one time making efficient use of staff resources and reducing the City’s overall costs per annexation.

The City advertised the program at two NESE Project open houses in May 2010, through a postcard mailing in July 2010, and on the City’s website. Property owners were given until August 6, 2010 to participate in the first batch of assisted annexations, which was intentionally timed so that the annexation process would be done around the same time that the new sewer system was ready for use in the fall of 2010. Thirty-two properties submitted applications by this deadline.¹

In order to be eligible for annexation assistance, property owners were required to meet the following three eligibility criteria:

- Maintain the same or City-equivalent zoning designation upon annexation.
- Operate a conforming use on the property upon annexation.

¹ As of the writing of this report, three more applications have already been submitted for inclusion in the second batch of assisted annexations.

- Meet the expedited petition requirements for annexation initiation, which requires consent from all property owners and at least one half of all registered voters residing at the property.

Proposal

Thirty-two properties, composed of thirty-four tax lots, propose to annex to the City through the City’s Annexation Assistance Program. Table 1 below summarizes the Annexation Properties’ current zoning designations in the County and the City-equivalent land use and zoning designations that would automatically be applied to the Annexation Properties upon annexation.

Table 1: City-Equivalent Zoning and Land Use Designations

Tax Map ID	Address	County Zoning	City-Equivalent	
			Zoning	Land Use
1. 1S2E30AA06702	5770 SE Westfork St	R7	R-7	Low Density
2. 1S2E30AC00300	5722 SE Johnson Ck Blvd	I3	M	Industrial
3. 1S2E30AC00400	9301 SE Stanley Ave	I3	M	Industrial
4. 1S2E30AD03500	6002 SE Morris St	R7	R-7	Low Density
5. 1S2E30AD05500	5911 SE Firwood St	R7	R-7	Low Density
6. 1S2E30AD06900	6028 SE Johnson Ck Blvd	R7	R-7	Low Density
7. 1S2E30AD07200	9315 SE Wichita Ave	R7	R-7	Low Density
8. 1S2E30DA01800	6073 SE Hazel Pl	R10	R-10	Low Density
9. 1S2E30DA02201	6020 SE Cedar St	R10	R-10	Low Density
10. 1S2E30DA03100	5820 SE Firwood St	R10	R-10	Low Density
11. 1S2E30DA05300	5910 SE Hazel Pl	R10	R-10	Low Density
12. 1S2E30DA09000 & 8900	5970 SE Maple St	R10	R-10	Low Density
13. 1S2E30DA09900	6010 SE Hazel Pl	R10	R-10	Low Density
14. 1S2E30DA10100	5954 SE Hazel Pl	R10	R-10	Low Density
15. 1S2E30DA11100	9929 SE Wichita Ave	R10	R-10	Low Density
16. 1S2E30DA11400	9941 SE Wichita Ave	R10	R-10	Low Density
17. 1S2E30DA11600	9862 SE Wichita Ave	R10	R-10	Low Density
18. 1S2E30DA12100	9724 SE Wichita Ave	R10	R-10	Low Density
19. 1S2E30DD02000	10124 SE Wichita Ave	R10	R-10	Low Density
20. 1S2E30DD02600	10030 SE Wichita Ave	R10	R-10	Low Density
21. 1S2E30DD02700	10020 SE Wichita Ave	R10	R-10	Low Density
22. 1S2E30DD03600	10111 SE Wichita Ave	R10	R-10	Low Density
23. 1S2E30DD04100	9912 SE Hollywood Ave	R10	R-10	Low Density
24. 1S2E30DD05000	5907 SE Hector Street	R10	R-10	Low Density
25. 1S2E30DD05100	5905 SE Hector Street	R10	R-10	Low Density
26. 1S2E30DD05201	5901 SE Hector St	R10	R-10	Low Density
27. 1S2E30DD05500	10114 SE Stanley Ave	R10	R-10	Low Density
28. 1S2E30DD06400 & 6500	10118 SE Stanley Ave	R10	R-10	Low Density
29. 1S2E30DD07000	10122 SE Stanley Ave	R10	R-10	Low Density

30. 1S2E30DD07700	10125 SE Hollywood Ave	R10	R-10	Low Density
31. 1S2E30DD08700	10120 SE Hollywood Ave	R10	R-10	Low Density
32. 1S2E30DD08800	10122 SE Hollywood Ave	R10	R-10	Low Density

Site and Vicinity

The Annexation Properties are contiguous to the existing city limits through either their adjacency to private property within the city limits or City of Milwaukie right-of-way. The Annexation Properties are also within the City’s urban growth management area (UGMA).

The Annexation Properties are located throughout the NESE Project Area. This area is primarily developed with single-family residential uses with some commercial and industrial uses around the area’s perimeter, particularly along King Rd and Johnson Creek Blvd.

Annexation Petition

All property owners and a majority of the electors residing at the Annexation Properties have signed an annexation petition. As a result, the petition is initiated by the “Consent of All Owners of Land” method and meets the requirements for initiation set forth in Oregon Revised Statutes (ORS) Section 222.125, Metro Code Section 3.09.040, and MMC Subsection 19.1502.2.A.1. Compliance with these requirements is detailed in Attachment 1 Exhibit A.

The petition is being processed as an expedited annexation at the request of the Annexation Properties’ owners. Under the expedited process, a City land use and zoning designation is automatically applied to the Annexation Properties upon annexation.²

Pursuant to City, Metro, and State regulations on expedited annexations, all necessary parties, interested persons, and residents and property owners within 400 feet of the Annexation Properties were notified of these proceedings. A public hearing is not required for an expedited annexation; however, Council must adopt an ordinance to implement the annexation.

Annexation is a multi-step process. It requires approval by City Council, processing by Metro, and then filing by the Secretary of State. Annexations become effective the date they are filed by the Secretary of State, which occurs approximately four to eight weeks after City Council approval.

² Per Milwaukie Municipal Code Table 19.1504.1.E Zoning and Land Use Designations for Boundary Changes, the City automatically assigns a City land use and zoning designation based on a property’s existing zoning designation in the County.

Expedited Annexation Approval Criteria

Expedited annexations must meet the approval criteria of Milwaukie Municipal Code Section 19.1502.3. Compliance with the following criteria is detailed in Attachment 1 Exhibit A.

- A. The subject site must be located within the City’s urban growth management area (UGMA);
- B. The subject site must be contiguous to the existing city limits;
- C. The requirements of Oregon Revised Statutes for initiation of the annexation process must be met;
- D. The proposal must be consistent with Milwaukie Comprehensive Plan Policies;
- E. The proposal must comply with the criteria of Metro code Sections 3.09.050 (d) and, if applicable, (e).

Expedited annexations must also meet the following provisions of Metro Code Section 3.09.045. Compliance with these criteria is detailed in Attachment 1 Exhibit A.

- (1) Find that the change is consistent with expressly applicable provisions in:
 - (A) Any applicable urban service agreement adopted pursuant to ORS 195.205;
 - (B) Any applicable annexation plan adopted pursuant to ORS 195.205;
 - (C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;
 - (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;
 - (E) Any applicable comprehensive plan.
- (2) Consider whether the boundary change would:
 - (A) Promote the timely, orderly and economic provision of public facilities and services;
 - (B) Affect the quality and quantity of urban services; and
 - (C) Eliminate or avoid unnecessary duplication of facilities and services.

Utilities, Service Providers, and Service Districts

The City is authorized by ORS Section 222.120 (5) to withdraw the Annexation Properties from non-City service providers and districts upon annexation of the property to the City. This allows for a more unified and efficient delivery of urban services to

newly annexed properties and is in keeping with the City's Comprehensive Plan policies relating to annexation.

Wastewater: The Annexation Properties are within the City's sewer service area pursuant to the 1990 City-County Urban Growth Management Agreement and will be served by the City's new sewer system once it is completed later this year.

Water: All but one of the Annexation Properties is currently served by Clackamas River Water (CRW). Pursuant to the City's IGA with CRW, only the property not directly served by CRW, namely 9301 SE Stanley Ave / 5700 SE Johnson Creek Blvd (Tax Map ID 1S2E30AC00400), should be withdrawn from this district at this time. The City has an 8-inch water main in Stanley Ave that can adequately serve this property. All other Annexation Properties are to remain in the CRW district boundary and will continue to be served by CRW until such time as the City's IGA with CRW is amended or renegotiated.

Storm: The Annexation Properties are not connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs. Most of the streets in this area are also not connected to a public storm water system. Staff recently learned that NESE Project funds have been approved for design and construction of storm water swales at key locations in this area. Pending infiltration testing and discussions with abutting property owners, storm water swales may be installed as part of the NESE Project in the fall of 2010.

Fire: The Annexation Properties are currently served by Clackamas County Fire District No. 1 and will continue to be served by this fire district upon annexation since the entire City and surrounding area is within this district.

Police: The Annexation Properties are currently served by the Clackamas County Sheriff's Department and are within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The City has its own police department, and this department can adequately serve the Annexation Properties. In order to avoid duplication of services, the properties should be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation.

Street Lights: The Annexation Properties are currently within Clackamas County Service District No. 5 for Street Lights (the "District").³ The City recently took jurisdiction of the

³ Not all streets in this area have street lights and only those properties on streets with lights are billed by the County for this service. 18 of the 32 Annexation Properties are currently billed by the District for street lighting.

streets in the NESE Project Area but not the lights since none of the properties were in the city at this time. This, however, is expected to change as this and other annexations occur in this area. In anticipation of these changes, City and District staff are working on an IGA that would: (1) transfer the street lights in this area to the City, and (2) transfer the street light payments that will continue to be collected in this area by the District to the City.

It has been the City's practice to remove properties from the District upon annexation, as the City provides street lighting for properties within the city as part of its package of city services. Staff believes that it is timely and appropriate to remove the Annexation Properties from the District at this time. Even though the street lights in this area are currently operated by the District, the District supports the City's removal of the Annexation Properties from the District with the understanding that a future IGA will resolve the transference of the street lights and payments in this area to the City.

Other Services: Planning, Building, Engineering, Code Enforcement, and other municipal services are available through the City and will be available to serve these properties upon annexation. The Annexation Properties will continue to receive services and remain within the boundaries of certain regional and county service providers, such as Tri-Met, North Clackamas School District, Vector Control District, etc.

Concurrence

Community Development, Engineering, and Planning have been working closely with Clackamas River Water and Clackamas County Service District No. 5 for Street Lights throughout this annexation process. Both of these service providers concur with the withdrawals being proposed as part of these annexation proceedings.

The Engineering and Operations Directors agree with the approach currently under discussion with Clackamas County Service District No. 5 for Street Lights regarding the transference of the street lights in this area to the City.

Community Development, Community Services, Engineering, and Planning have been working together on the NESE Project for over a year. Annexation of properties in this area is a desired and expected outcome of this sewer project.

All City departments, necessary parties, interested persons, and residents and property owners within 400 feet of the site were notified of these annexation proceedings as required by City, Metro, and State regulations. The City did not receive any objection to the proposed annexation by any necessary party.

Fiscal Impact

The Annexation Properties will generate approximately \$18,084 in property taxes for general purposes annually. Within the general fund for fiscal year 2011, the estimated

general fund costs allocable to these properties that may be recoverable from property taxes is estimated at \$16,643. This represents a net contribution to the general fund of approximately \$1,440.⁴

Since the Annexation Properties are within an Urban Renewal district, their property tax contribution will remain at the above amount until they are removed from the district. As a result, the City will realize a decreasing relative contribution to the general fund through fiscal year 2014, when property tax revenue will approximate allocable net costs. Beginning in fiscal year 2015, and until the property is released from the urban renewal district, property taxes received from these properties are anticipated to be less than the allocable net costs to provide general fund services.

The Annexation Properties will also generate storm water and wastewater utility revenue. The estimated costs to provide these utility services will be offset by the revenue generated from the annexed properties.

The Annexation Properties will also generate approximately \$3,900 annually in state gas tax revenue (as a result of the additional population) and \$1,286 annually in street maintenance revenue, both of which are dedicated to street-related costs incurred by the City. Staff is in the process of creating a maintenance plan for the streets in this area. As such, it is not yet known whether the revenue generated by the Annexation Properties will meet the costs of maintaining the streets in this area.⁵

Work Load Impacts

Workload impacts will be minimal and will likely include, but are not limited to, the following: utility billing, provision of general governmental services, and the setting up and maintenance of property records.

Alternatives

The application is subject to Milwaukie Comprehensive Plan Chapter 6 City Growth and Governmental Relationships, Oregon Revised Statutes Chapter 222 City Boundary Changes, Metro Code Chapter 3.09 Local Government Boundary Changes, and MMC Chapter 19.1500 Boundary Changes.

The City Council has two decision-making options:

1. Approve the application and adopt the ordinance and findings in support of approval.

⁴ The impact of state shared revenues, e.g., liquor and cigarette taxes, franchise revenue, and other non-property tax revenue, is reflected in the general fund analysis.

⁵ Almost all of the streets in this area were recently overlaid as part of the NESE Project. The cost for these recent street improvements will be born by these and future Annexation Properties when they pay their proportionate share of the project costs upon connection to the new sewer system.

2. Deny the application and adopt findings in support of denial.

Attachments

1. Annexation Ordinance
 - Exhibit A. Findings in Support of Approval
 - Exhibit B. Legal Description and Tax Maps
2. Annexation Site Map
3. Annexation Property List

ATTACHMENT 1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MILWAUKIE ANNEXING MULTIPLE TRACTS OF LAND INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THEM FROM SEVERAL SERVICE DISTRICTS AS DESCRIBED BELOW.

(FILE #A-10-01).

WITHDRAWAL OF THE FOLLOWING TRACT OF LAND IDENTIFIED BELOW BY TAX MAP I.D. NUMBER AND STREET ADDRESS FROM THE TERRITORY OF CLACKAMAS RIVER WATER, CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT, AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS:

1. 1S2E30AC00400 9301 SE STANLEY AVE / 5700 SE JOHNSON CK BLVD

WITHDRAWAL OF THE FOLLOWING TRACTS OF LAND IDENTIFIED BELOW BY TAX MAP I.D. NUMBER AND STREET ADDRESS FROM THE TERRITORY OF CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS:

1. 1S2E30AA06702 5770 SE WESTFORK ST
2. 1S2E30AC00300 5722 SE JOHNSON CK BLVD
3. 1S2E30AD03500 6002 SE MORRIS ST
4. 1S2E30AD05500 5911 SE FIRWOOD ST
5. 1S2E30AD06900 6028 SE JOHNSON CK BLVD
6. 1S2E30AD07200 9315 SE WICHITA AVE
7. 1S2E30DA01800 6073 SE HAZEL PL
8. 1S2E30DA02201 6020 SE CEDAR ST
9. 1S2E30DA03100 5820 SE FIRWOOD ST
10. 1S2E30DA05300 5910 SE HAZEL PL
11. 1S2E30DA09000 & 8900 5970 SE MAPLE ST
12. 1S2E30DA09900 6010 SE HAZEL PL
13. 1S2E30DA10100 5954 SE HAZEL PL
14. 1S2E30DA11100 9929 SE WICHITA AVE
15. 1S2E30DA11400 9941 SE WICHITA AVE
16. 1S2E30DA11600 9862 SE WICHITA AVE
17. 1S2E30DA12100 9724 SE WICHITA AVE
18. 1S2E30DD02000 10124 SE WICHITA AVE
19. 1S2E30DD02600 10030 SE WICHITA AVE
20. 1S2E30DD02700 10020 SE WICHITA AVE
21. 1S2E30DD03600 10111 SE WICHITA AVE
22. 1S2E30DD04100 9912 SE HOLLYWOOD AVE
23. 1S2E30DD05000 5907 SE HECTOR STREET
24. 1S2E30DD05100 5905 SE HECTOR STREET
25. 1S2E30DD05201 5901 SE HECTOR ST
26. 1S2E30DD05500 10114 SE STANLEY AVE
27. 1S2E30DD06400 & 6500 10118 SE STANLEY AVE

28. 1S2E30DD07000	10122 SE STANLEY AVE
29. 1S2E30DD07700	10125 SE HOLLYWOOD AVE
30. 1S2E30DD08700	10120 SE HOLLYWOOD AVE
31. 1S2E30DD08800	10122 SE HOLLYWOOD AVE

WHEREAS, the territory proposed for annexation is contiguous to the City's boundary and is within the City's urban growth management area; and

WHEREAS, the requirements of the Oregon Revised Statutes for initiation of the annexation were met by providing written consent from a majority of electors and all owners of land in the territory proposed for annexation; and

WHEREAS, the territory proposed for annexation lies within the territory of Clackamas River Water, Clackamas County Service District No. 5 for Street Lights, and Clackamas County Service District for Enhanced Law Enforcement; and

WHEREAS, the annexation and withdrawals are not contested by any necessary party; and

WHEREAS, the annexation was processed through the City's Annexation Assistance Program established by Resolution 38-2010 ; and

WHEREAS, the annexation will promote the timely, orderly, and economic provision of public facilities and services; and

WHEREAS, Table 19.1504.1.E of the Milwaukie Municipal Code provides for the automatic application of City zoning and Comprehensive Plan land use designations; and

WHEREAS, the City conducted a public meeting and mailed notice of the public meeting as required by law; and

WHEREAS, the City prepared and made available an annexation report that addressed all applicable criteria, and, upon consideration of such report, the City Council favors annexation of the tracts of land and withdrawal from all applicable service districts based on findings and conclusions attached hereto as Exhibit A;

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. The Findings in Support of Approval and attached as Exhibit A are hereby adopted.

Section 2. The tracts of land described and depicted in Exhibit B are hereby annexed to the City of Milwaukie.

Section 3. The tracts of land annexed by this ordinance and described in Section 2 are hereby withdrawn from Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District No. 5 for Street Lights.

Section 4. The tract of land annexed by this ordinance and identified on the Tax Map as 1S2E30AC00400 and 9301 SE STANLEY AVE / 5700 SE JOHNSON CREEK BLVD is hereby withdrawn from Clackamas River Water.

Section 5. The tracts of land annexed by this ordinance and described in Section 2 are hereby assigned the following Municipal Code zoning and Comprehensive Plan land use designations.

Tax Map ID	Street Address	Zoning	Land Use
1S2E30AA06702	5770 SE Westfork St	R-7	Low Density
1S2E30AC00300	5722 SE Johnson Ck Blvd	M	Industrial
1S2E30AC00400	9301 SE Stanley Ave	M	Industrial
1S2E30AD03500	6002 SE Morris St	R-7	Low Density
1S2E30AD05500	5911 SE Firwood St	R-7	Low Density
1S2E30AD06900	6028 SE Johnson Ck Blvd	R-7	Low Density
1S2E30AD07200	9315 SE Wichita Ave	R-7	Low Density
1S2E30DA01800	6073 SE Hazel Pl	R-10	Low Density
1S2E30DA02201	6020 SE Cedar St	R-10	Low Density
1S2E30DA03100	5820 SE Firwood St	R-10	Low Density
1S2E30DA05300	5910 SE Hazel Pl	R-10	Low Density
1S2E30DA09000 & 8900	5970 SE Maple St	R-10	Low Density
1S2E30DA09900	6010 SE Hazel Pl	R-10	Low Density
1S2E30DA10100	5954 SE Hazel Pl	R-10	Low Density
1S2E30DA11100	9929 SE Wichita Ave	R-10	Low Density
1S2E30DA11400	9941 SE Wichita Ave	R-10	Low Density
1S2E30DA11600	9862 SE Wichita Ave	R-10	Low Density
1S2E30DA12100	9724 SE Wichita Ave	R-10	Low Density
1S2E30DD02000	10124 SE Wichita Ave	R-10	Low Density
1S2E30DD02600	10030 SE Wichita Ave	R-10	Low Density
1S2E30DD02700	10020 SE Wichita Ave	R-10	Low Density
1S2E30DD03600	10111 SE Wichita Ave	R-10	Low Density
1S2E30DD04100	9912 SE Hollywood Ave	R-10	Low Density
1S2E30DD05000	5907 SE Hector Street	R-10	Low Density
1S2E30DD05100	5905 SE Hector Street	R-10	Low Density
1S2E30DD05201	5901 SE Hector St	R-10	Low Density
1S2E30DD05500	10114 SE Stanley Ave	R-10	Low Density
1S2E30DD06400 & 6500	10118 SE Stanley Ave	R-10	Low Density
1S2E30DD07000	10122 SE Stanley Ave	R-10	Low Density
1S2E30DD07700	10125 SE Hollywood Ave	R-10	Low Density
1S2E30DD08700	10120 SE Hollywood Ave	R-10	Low Density
1S2E30DD08800	10122 SE Hollywood Ave	R-10	Low Density

Section 6. The City shall immediately file a copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.030 and ORS 222.005 and

222.177. The annexation and withdrawals shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.¹

Read the first time on _____, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney

¹ Pursuant to ORS Section 222.465, the effective date of the withdrawal of 9301 SE STANLEY AVE / 5700 SE JOHNSON CREEK BLVD (Tax Map ID 1S2E30AC00400) from Clackamas River Water shall be July 1, 2011 since this ordinance was enacted after March 31, 2010.

ATTACHMENT 1

Exhibit A

FINDINGS IN SUPPORT OF APPROVAL

Expedited Annexations in NE Sewer Extension Project Area
(Annexation Assistance Program Batch #1)
File# A-10-02

Based on the expedited annexation staff report for Annexation Assistance Program Batch #1, the Milwaukie City Council finds:

1. The Annexation Properties consist of 32 properties composed of 34 tax lots for a total area of 14.17 acres. They are identified below by tax map ID number and street address.

Tax Map ID	Street Address
1S2E30AA06702	5770 SE Westfork St
1S2E30AC00300	5722 SE Johnson Ck Blvd
1S2E30AC00400	9301 SE Stanley Ave
1S2E30AD03500	6002 SE Morris St
1S2E30AD05500	5911 SE Firwood St
1S2E30AD06900	6028 SE Johnson Ck Blvd
1S2E30AD07200	9315 SE Wichita Ave
1S2E30DA01800	6073 SE Hazel Pl
1S2E30DA02201	6020 SE Cedar St
1S2E30DA03100	5820 SE Firwood St
1S2E30DA05300	5910 SE Hazel Pl
1S2E30DA09000 & 8900	5970 SE Maple St
1S2E30DA09900	6010 SE Hazel Pl
1S2E30DA10100	5954 SE Hazel Pl
1S2E30DA11100	9929 SE Wichita Ave
1S2E30DA11400	9941 SE Wichita Ave
1S2E30DA11600	9862 SE Wichita Ave
1S2E30DA12100	9724 SE Wichita Ave
1S2E30DD02000	10124 SE Wichita Ave
1S2E30DD02600	10030 SE Wichita Ave
1S2E30DD02700	10020 SE Wichita Ave
1S2E30DD03600	10111 SE Wichita Ave
1S2E30DD04100	9912 SE Hollywood Ave
1S2E30DD05000	5907 SE Hector Street
1S2E30DD05100	5905 SE Hector Street
1S2E30DD05201	5901 SE Hector St
1S2E30DD05500	10114 SE Stanley Ave
1S2E30DD06400 & 6500	10118 SE Stanley Ave
1S2E30DD07000	10122 SE Stanley Ave
1S2E30DD07700	10125 SE Hollywood Ave
1S2E30DD08700	10120 SE Hollywood Ave
1S2E30DD08800	10122 SE Hollywood Ave

2. The Annexation Properties are contiguous to the existing city limits through either their adjacency to private property within the city limits or recently annexed public right-of-way. They are within the City’s Urban Growth Management Area (UGMA) and are located throughout the NE Sewer Extension (NESE) Project Area. The NESE Project Area is primarily developed with single-family residential uses with some commercial and industrial uses around the area’s perimeter, particularly along King Rd and Johnson Creek Blvd.
3. The Annexation Properties seek annexation to the City to access City services, namely sewer service.
4. The annexation petition was initiated by Consent of All Owners of Land between May 22, 2010 and August 18, 2010. It meets the requirements for initiation set forth in ORS 222.125, Metro Code Section 3.09.040, and Milwaukie Municipal Code (MMC) Subsection 19.1502.2.A.1.
5. The annexation petition was processed and public notice was provided in accordance with ORS Section 222.125, Metro Code Section 3.09.045, and MMC Section 19.1504.
6. The annexation petition is being processed as an expedited annexation at the request of the Annexation Properties’ owners. It meets the expedited annexation procedural requirements set forth in MMC Section 19.1504.
7. The expedited annexation process provides for automatic application of City land use and zoning designations to the Annexation Properties based on their existing zoning designations in the County pursuant to MMC Table 19.1504.1.E. Table 1 below summarizes the Annexation Properties’ automatic land use and zoning designations upon annexation.

Table 1: Automatic Zoning and Land Use Designations

Tax Map ID	Address	County Zoning	City	
			Zoning	Land Use
1. 1S2E30AA06702	5770 SE Westfork St	R7	R-7	Low Density
2. 1S2E30AC00300	5722 SE Johnson Ck Blvd	I3	M	Industrial
3. 1S2E30AC00400	9301 SE Stanley Ave	I3	M	Industrial
4. 1S2E30AD03500	6002 SE Morris St	R7	R-7	Low Density
5. 1S2E30AD05500	5911 SE Firwood St	R7	R-7	Low Density
6. 1S2E30AD06900	6028 SE Johnson Ck Blvd	R7	R-7	Low Density
7. 1S2E30AD07200	9315 SE Wichita Ave	R7	R-7	Low Density
8. 1S2E30DA01800	6073 SE Hazel Pl	R10	R-10	Low Density
9. 1S2E30DA02201	6020 SE Cedar St	R10	R-10	Low Density
10. 1S2E30DA03100	5820 SE Firwood St	R10	R-10	Low Density
11. 1S2E30DA05300	5910 SE Hazel Pl	R10	R-10	Low Density
12. 1S2E30DA09000 & 8900	5970 SE Maple St	R10	R-10	Low Density

13. 1S2E30DA09900	6010 SE Hazel PI	R10	R-10	Low Density
14. 1S2E30DA10100	5954 SE Hazel PI	R10	R-10	Low Density
15. 1S2E30DA11100	9929 SE Wichita Ave	R10	R-10	Low Density
16. 1S2E30DA11400	9941 SE Wichita Ave	R10	R-10	Low Density
17. 1S2E30DA11600	9862 SE Wichita Ave	R10	R-10	Low Density
18. 1S2E30DA12100	9724 SE Wichita Ave	R10	R-10	Low Density
19. 1S2E30DD02000	10124 SE Wichita Ave	R10	R-10	Low Density
20. 1S2E30DD02600	10030 SE Wichita Ave	R10	R-10	Low Density
21. 1S2E30DD02700	10020 SE Wichita Ave	R10	R-10	Low Density
22. 1S2E30DD03600	10111 SE Wichita Ave	R10	R-10	Low Density
23. 1S2E30DD04100	9912 SE Hollywood Ave	R10	R-10	Low Density
24. 1S2E30DD05000	5907 SE Hector Street	R10	R-10	Low Density
25. 1S2E30DD05100	5905 SE Hector Street	R10	R-10	Low Density
26. 1S2E30DD05201	5901 SE Hector St	R10	R-10	Low Density
27. 1S2E30DD05500	10114 SE Stanley Ave	R10	R-10	Low Density
28. 1S2E30DD06400 & 6500	10118 SE Stanley Ave	R10	R-10	Low Density
29. 1S2E30DD07000	10122 SE Stanley Ave	R10	R-10	Low Density
30. 1S2E30DD07700	10125 SE Hollywood Ave	R10	R-10	Low Density
31. 1S2E30DD08700	10120 SE Hollywood Ave	R10	R-10	Low Density
32. 1S2E30DD08800	10122 SE Hollywood Ave	R10	R-10	Low Density

8. The applicable City approval criteria for expedited annexations are contained in MMC 19.1502.3. They are listed below with findings in italics.
- A. The subject site must be located within the City’s urban growth management area (UGMA);
The Annexation Properties are within the City’s UGMA.
 - B. The subject site must be contiguous to the existing city limits;
The Annexation Properties are contiguous to the existing city limits along their frontages.
 - C. The requirements of Oregon Revised Statutes for initiation of the annexation process must be met;
All property owners and at least one half of all registered voters residing at the Annexation Properties consented to the annexation by signing the annexation petition. Staff confirmed property ownership through Clackamas County Assessment and Taxation and voter registration through Clackamas County Elections Division. As submitted, the annexation petition meets the Oregon Revised Statutes requirements for initiation pursuant to the “Consent of All Owners of Land” initiation method.

- D. The proposal must be consistent with Milwaukie Comprehensive Plan Policies;

Chapter 6 of the Comprehensive Plan contains the City's annexation policies. Applicable annexation policies include: (1) delivery of City services to annexing areas where the City has adequate services, and (2) requiring annexation in order to receive a City service. The proposed annexation is in anticipation of the completion of the City's NE Sewer Extension Project and the requirement for properties to annex to the City in order to connect to the City's new sewer line. As proposed, the annexation is consistent with Milwaukie Comprehensive Plan policies.

- E. The proposal must comply with the criteria of Metro code Sections 3.09.050 (d) and, if applicable, (e).

The annexation proposal is consistent with applicable Metro Code sections for expedited annexations as described below.

9. Prior to approving an expedited annexation, the City must apply the provisions contained in Section 3.09.045 of the Metro Code. They are listed below with findings in italics.

- (1) Find that the change is consistent with expressly applicable provisions in:

- (A) Any applicable urban service agreement adopted pursuant to ORS 195.205;

There are no applicable urban service agreements adopted pursuant to ORS 195 in the area of the proposed annexation. The City, however, has an UGMA agreement with Clackamas County that states that the City will take the lead in providing urban services in the area of the proposed annexation. Pursuant to this agreement, the City is in the process of extending City sewer service to this area. The proposed annexation is in anticipation of the completion of this sewer project and the requirement for properties to annex to the City in order to connect to the City's new sewer line.

- (B) Any applicable annexation plan adopted pursuant to ORS 195.205;

There are no applicable annexation plans adopted pursuant to ORS 195 in the area of the proposed annexation.

- (C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;

There are no applicable cooperative planning agreements adopted pursuant to ORS 195 in the area of the proposed annexation.

- (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

Clackamas County completed a North Clackamas Urban Area Public Facilities Plan in 1989 in compliance with Goal 11 of the Land Conservation and Development Commission for coordination of adequate public facilities and services. The City subsequently adopted this plan as an ancillary Comprehensive Plan document. The plan contains four elements:

- *Sanitary Sewerage Services*
- *Storm Drainage*
- *Transportation Element*
- *Water Systems*

The proposed annexation is consistent with the four elements of this plan as follows:

Sewer: The City is the identified sewer service provider in the area of the proposed annexation and is in the process of constructing a public sewer system that can adequately serve the Annexation Properties.

Storm Drainage: The City will require on-site management of storm water runoff at the time of development and will regulate direct storm water discharge to Johnson Creek.

Transportation: The City will require public street improvements along the Annexation Properties' frontages at the time of development.

Water: Clackamas River Water (CRW) is the identified water service provider in this plan. However, the City's more recent UGMA agreement with the County identifies the City as the lead urban service provider in the area of the proposed annexation. The City is in the process of developing a water service master plan for all of the territory within its UGMA and discussing possible service provision changes with CRW. In the meantime, CRW will continue to provide water service to the Annexation Properties, with one exception. See Finding 10 for more detail on the one Annexation Property not currently served by CRW and the City's proposal to withdraw this property from the CRW district.

- (E) Any applicable comprehensive plan.

The proposed annexation is consistent with the Milwaukie Comprehensive Plan, which is more fully described on the previous page. The Clackamas County Comprehensive Plan contains no specific language regarding City annexations. It does, however, contain the City-County UGMA agreement, which identifies the area of the proposed annexation as being within the City's UGMA. The UGMA agreement requires that the City notify the County of proposed annexations, which the City has done. The agreement also calls for City assumption of jurisdiction of local streets that are adjacent to newly annexed areas. The City has already annexed and taken jurisdiction of the streets in the NESE Project Area.

- (2) Consider whether the boundary change would:

- (A) Promote the timely, orderly and economic provision of public facilities and services;

The City is the identified urban service provider in the area of the proposed annexation, and the proposed annexation will facilitate the timely, orderly, and economic provision of urban services to the Annexation Properties.

The area does not currently contain a public sewer system; however, the City is in the process of extending City sewer service into this area. The proposed annexation is in anticipation of the completion of this sewer project and the requirement for properties to annex to the City in order to connect to the City's new sewer system.

The area is currently served by CRW and will continue to be served by CRW until such time as the IGA between the City and CRW is amended or renegotiated.

- (B) Affect the quality and quantity of urban services; and

Annexation of the Annexation Properties is not expected to affect the quality or quantity of urban services in this area given the surrounding level of urban development and the existing level of urban service provision in this area.

- (C) Eliminate or avoid unnecessary duplication of facilities and services.

The site will be served by the Milwaukie Police Department upon annexation. In order to avoid duplication of law enforcement

services, the site will be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement.

CRW is the current water service provider in the area of the proposed annexation. Until such time as the existing IGA between the City and CRW is renegotiated, the City does not intend to duplicate CRW's existing water supply system or withdraw private properties currently being served by CRW from the CRW district. See Finding 10 for more detail on the one Annexation Property not currently served by CRW and the City's proposal to withdraw this property from the CRW district.

10. The City is authorized by ORS Section 222.120 (5) to withdraw annexed territory from non-City service providers and districts upon annexation of the territory to the City. This allows for more unified and efficient delivery of urban services to newly annexed properties and is in keeping with the City's Comprehensive Plan policies relating to annexation.

Wastewater: The Annexation Properties are within the City's sewer service area pursuant to the 1990 City-County Urban Growth Management Agreement and will be served by the City's new sewer system once it is completed later this year.

Water: All but one of the Annexation Properties is currently served by Clackamas River Water (CRW). Pursuant to the City's IGA with CRW, only the property not directly served by CRW, namely 9301 SE Stanley Ave / 5700 SE Johnson Creek Blvd (Tax Map ID 1S2E30AC00400), should be withdrawn from this district at this time. The City has an 8-inch water main in Stanley Ave that can adequately serve this property. All other Annexation Properties are to remain in the CRW district boundary and will continue to be served by CRW until such time as the City's IGA with CRW is amended or renegotiated.

Storm: The Annexation Properties are not connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs. Most of the streets in this area are also not connected to a public storm water system. Staff recently learned that NESE Project funds have been approved for design and construction of storm water swales at key locations in this area. Pending infiltration testing and discussions with abutting property owners, storm water swales may be installed as part of the NESE Project in the fall of 2010.

Fire: The Annexation Properties are currently served by Clackamas County Fire District No. 1 and will continue to be served by this fire district upon annexation since the entire City and surrounding area is within this district.

Police: The Annexation Properties are currently served by the Clackamas County

Sheriff's Department and are within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The City has its own police department, and this department can adequately serve the Annexation Properties. In order to avoid duplication of services, the properties should be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation.

Street Lights: The Annexation Properties are currently within Clackamas County Service District No. 5 for Street Lights (the "District").¹ The City recently took jurisdiction of the streets in the NESE Project Area but not the lights since none of the properties were in the city at this time. This, however, is expected to change as this and other annexations occur in this area. In anticipation of these changes, City and District staff are working on an IGA that would: (1) transfer the street lights in this area to the City, and (2) transfer the street light payments that will continue to be collected in this area by the District to the City.

It has been the City's practice to remove properties from the District upon annexation, as the City provides street lighting for properties within the city as part of its package of city services. Staff believes that it is timely and appropriate to remove the Annexation Properties from the District at this time. Even though the street lights in this area are currently operated by the District, the District supports the City's removal of the Annexation Properties from the District with the understanding that a future IGA will resolve the transference of the street lights and payments in this area to the City.

Other Services: Planning, Building, Engineering, Code Enforcement, and other municipal services are available through the City and will be available to serve these properties upon annexation. The Annexation Properties will continue to receive services and remain within the boundaries of certain regional and county service providers, such as Tri-Met, North Clackamas School District, Vector Control District, etc.

¹ Not all streets in this area have street lights and only those properties on streets with lights are billed by the County for this service. 18 of the 32 Annexation Properties are currently billed by the District for street lighting.

ATTACHMENT 1
Exhibit B.1

LEGAL DESCRIPTIONS

Expedited Annexations in NE Sewer Extension Project Area
(Annexation Assistance Program Batch #1)
File# A-10-02

PARCEL 1 (1-2E-30AA-6702)

A parcel of land in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, being part of Lot 17 and 18, Block 28, DARLINGTON PLAT 4, a duly recorded subdivision in Clackamas County, Oregon, and more particularly described as follows:

BEGINNING at a point on the North line of said Lot 17 located North 89° 59' West, 24.6 feet from the northeast corner thereof, said point also being the northeast corner of a tract of land described in a Statutory Warranty Deed recorded August 21, 2007 as Instrument No. 2007-072535, Clackamas County Deed Records;

Thence South 0° 01' West along the east line of said tract, 113.79 feet, more or less, to the southeast corner thereof;

Thence South 84° 50' 14" East, 72.84 feet, more or less, to the westerly line of a tract of land conveyed to Johnie E. Underwood, et ux, by Warranty Deed recorded May 22, 1958 in Book 540, page 306, Clackamas County Deed Records;

Thence North 0° 01' East along the westerly line of said Underwood Tract, 120.31 feet, more or less, to the northwest corner thereof;

Thence North 89° 59' West along the northerly lines of said Lots 17 and 18, 72.55 feet to the place of beginning.

PARCEL 2 (1-2E-30AC-300 and 400)

A tract of land located in the southwest one-quarter of the northeast one-quarter of Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with a yellow plastic cap stamped "G. Hendrickson PS No. 689", at the southeast corner of Lot 7, GIBSON'S SUBDIVISION OF LOGUS TRACTS NUMBERED 10, 11, 12, 13 AND THE WEST 480 FEET OF THE LOGUS TRACTS, Plat No. 216, a duly recorded subdivision in Clackamas County, Oregon;

Thence, along the east line of said Plat No. 216 North 00° 45' 30" West, 202.95 feet to the southwesterly boundary of property deeded to the City of Portland in Instrument No. 90-21136, Clackamas County Deed Records (formerly the Portland Traction Company right-of-way and now commonly called the "Springwater Corridor");

Thence South 65° 54' 36" East along the southwest boundary of said City of Portland property, 380.38 feet to the northwest corner of that tract of land described in Instrument No. 72-05276;

Thence South 00° 14' 13" East along the west line of said tract and the west line of a tract of land described in Instrument No 2003-050936, 239.75 feet to the southwest corner of said tract;

Thence South 90° 00' 00" East along the south line of said tract, 100.00 feet to a point on the west right-of-way line of SE Stanley Avenue, 20.00 feet from centerline, said point being South 00° 14' 13" East, 194.00 feet from a ½ inch iron pipe near the northeast corner of that tract of land described in Instrument No. 72-05276;

Thence South 00° 14' 13" East along the west right-of-way line of said SE Stanley Avenue, 179.26 feet to a 1 inch iron pipe at the northeast corner of that tract of land described in Instrument No. 2001-026824, Clackamas County Deed Records;

Thence North 87° 24' 13" West along the north line of said tract, 442.10 feet to the east line of the aforesaid Plat No. 216;

Thence North 00° 45' 30" West along said east line of the aforesaid Plat No. 216, 351.88 feet to the point of beginning.

PARCEL 3 (1-2E-30AD-3500)

A parcel of land in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

Lot 12, Block 2, STANLEY, a duly recorded subdivision in Clackamas County, Oregon.

PARCEL 4 (1-2E-30AD-5500)

A parcel of land in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

Lot 12, excepting therefrom the Easterly 37.5 feet; all of Lot 13; and the easterly one-half of Lot 14, Block 2, HOLLYWOOD PARK a duly recorded subdivision in Clackamas County, Oregon.

PARCEL 5 (1-2E-30AD-6900)

A parcel of land in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

Lot 2, ALDERHURST, a duly recorded subdivision in Clackamas County, Oregon.

PARCEL 6 (1-2E-30AD-7200)

A portion of the Hector Campbell DLC No. 41, being a parcel of land in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

BEGINNING at a point on the southwesterly boundary line of property deeded to the City of Portland in Instrument No. 90-21136, Clackamas County Deed Records (formerly the Portland Traction Company right-of-way and formerly the Oregon Water Power and Railway Co. and currently known as the Springwater Corridor), said point also being the northeast corner of ALDERHURST subdivision, a duly recorded subdivision in Clackamas County, and the initial point of said subdivision;

Thence South along the east line of said ALDERHURST subdivision and the west line of a parcel of property conveyed to James Sr. and Carol Ann Wiley in Instrument No. 91-47625, Deed Records, 126 feet to the southwest corner of said Wiley tract and the TRUE POINT OF BEGINNING, being the northwest corner of that parcel of land conveyed to William H. Schlichter and Sally A. Schlichter in Instrument No. 97-80765, Clackamas County Deed Records;

Thence East along the north line of said Schlichter tract, 85 feet, more or less, to a point on the west right-of-way line of SE Wichita Avenue (AKA 60th Avenue) said point being 15 feet, more or less, from the northeast corner of said Schlichter tract;

Thence South along the west right-of-way line of SE Wichita Avenue, 113 feet, more or less, to the center of Johnson Creek;

Thence westerly, down stream, along the center of Johnson Creek to a point that is 85 feet, more or less, from the west right-of-way line of SE Wichita Avenue and a point on the southerly extension of the east line of said ALDERHURST subdivision;

Thence North parallel with the west right-of-way line of SE Wichita Avenue and along the east line of said ALDERHURST subdivision, 126 feet to the hereinbefore mentioned TRUE POINT OF BEGINNING.

PARCEL 7 (1-2E-30DA-1800)

A parcel of land in the Hector Campbell DLC, in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

BEGINNING at the southeasterly corner of that certain tract of land described in the deed from T.S. Mullen and wife to School District 119, recorded in Book 109, Page 128, Clackamas County Deed Records;

Thence running northerly along the westerly line of SE Wichita Avenue (aka SE 60th Avenue), 2154 feet to the northeast corner of a tract conveyed to Walter Bohlman, et ux, by deed recorded May 7, 1952, in Book 456, Page 377, Clackamas County Deed Records;

Thence westerly following the north line of said Bohlman tract, 180 feet to the northwest corner of said Bohlman tract;

Thence south along the west line of said Bohlman tract and a southerly extension thereof 250 feet to the north line of a tract of land conveyed to Clackamas County by deed recorded October 18, 1952, in Book 461. Page 744, Clackamas County Deed Records, and the TRUE POINT OF BEGINNING;

Thence west along the north line of said Clackamas County tract, 65 feet;

Thence north parallel with the aforementioned southerly extension of the west line of the Bohlman tract 125 feet;

Thence east parallel with the north line of said Clackamas County tract, 65 feet to the intersection with the southerly extension of the west line of said Bohlman tract;

Thence south along said southerly extension of the west line of the Bohlman tract, 125 feet to the hereinbefore mentioned TRUE POINT OF BEGINNING.

PARCEL 8 (1-2E-30DA-2201)

A parcel of land in the Hector Campbell DLC, in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

BEGINNING at a point which is the southeasterly corner of that certain tract of land described in a deed from T.S. Mullen and wife to School District 119, recorded in Book 109, Page 128, Clackamas County Deed Records;

Thence running northerly along the westerly line of SE Wichita Avenue (aka SE 60th Avenue), 2254 feet;

Thence westerly 461.12 feet, more or less, to a point on the easterly line of HOLLYWOOD PARK, a duly recorded subdivision in Clackamas County, Oregon, that is 563 feet southerly from the northeasterly corner of said plat when measured on the easterly line thereof;

Thence southerly following the easterly line of said plat, 100 feet to the southwest corner of the tract of land conveyed to Austin Banks, et ux, by deed recorded December 27, 1945, in book 357, Page 445, Clackamas County Deed Records;

Thence southerly following the easterly line of said plat a distance of 20 feet to the southwest corner of that certain tract conveyed to William Angus Read, Jr, and Doris Marie Read, husband and wife, by deed recorded September 20, 1963, in Book 628, Page 682, Clackamas County Deed Records, and the TRUE POINT OF BEGINNING of the tract to be described;

Thence southerly following the easterly line of said plat, 120 feet to the northwest corner of that certain tract conveyed to Gulde Investment Co., an Oregon Corporation, by deed recorded October 2, 1959, in Book 561, Page 810, Clackamas County Deed Records;

Thence easterly along the north line of said Gulde Investment Co. tract a distance of 55 feet to the southwest corner of that certain tract conveyed to Louis Bafico and Victoria Bafico, husband and wife, by deed recorded May 25, 1967, in Book 690, Page 781, Clackamas County Deed Records;

Thence North along the west line of said Bafico tract , 10 feet;

Thence East along the north line of said Bafico tract 50 feet , more or less, to the east line of that certain tract conveyed to E.W. Andrews, et ux, by deed recorded February 25, 1952 in Book 453, Page 619, Clackamas County Deed Records;

Thence North parallel with the east line of said HOLLYWOOD PARK, a distance of 110 feet to the southeast corner of said Read tract;

Thence West along the south line of said Read tract, a distance of 105 feet to the hereinbefore mentioned TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying within public roads.

PARCEL 9 (1-2E-30DA-3100)

A parcel of land in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, being the easterly one-half of Lot 3, Block 3, HOLLYWOOD PARK, a duly recorded subdivision in Clackamas County, Oregon.

PARCEL 10 (1-2E-30DA-5300)

A parcel of land in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, being all of Lot 7, Block 5, HOLLYWOOD PARK, a duly recorded subdivision in Clackamas County, Oregon.

PARCEL 11 (1-2E-30DA-8900, 9000, and 11400)

A parcel of land in the Hector Campbell DLC, in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

BEGINNING at a point on the west line of SE Wichita Avenue (aka 60th Avenue), 1139 feet north of the southeast corner of that tract described in a deed from T.S. Mullen and wife to School District No. 119, recorded in Book 109, Page 128, Clackamas County Deed Records;

Thence West, 447.80 feet, more or less, to a point on the east line of HOLLYWOOD PARK, a duly recorded subdivision in Clackamas County, which is 95 feet north of the southeast corner of HOLLYWOOD PARK;

Thence South along the east line of said HOLLYWOOD PARK, 95 feet to the southeast corner thereof;

Thence East 447.80 feet, more or less, to a point on the westerly right-of-way line of SE Wichita Avenue (aka 60th Avenue) which is 95.0 feet southerly from the point of beginning;

Thence North along the westerly right-of-way line of said SE Wichita Avenue, 95.0 feet to the point of beginning.

PARCEL 12 (1-2E-30DA-9900)

A parcel of land in the Hector Campbell DLC No. 41, in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

BEGINNING at the southeast corner of a tract conveyed from T.S. Mullen and wife to School District No. 119 by deed recorded in Book 109, Page 128, Clackamas County Deed Records;

Thence North on the west line of SE Wichita Avenue (aka 60th Avenue), 1774.00 feet;

Thence West 456.00 feet to the east line of HOLLYWOOD PARK, a duly recorded subdivision in Clackamas County, Oregon, at a point South, 1043.00 feet from the northeast corner of said Plat, when measured on the easterly line thereof and the TRUE POINT OF BEGINNING of the tract to be described;

Thence North on the east line of said Plat, 96.00 feet to the south line of that tract of land conveyed to Clackamas County in Book 461, Page 744, Clackamas County Deed Records;

Thence East along the south line of said County tract, 75.00 feet;

Thence South parallel with the easterly line of said HOLLYWOOD PARK, 96.00 feet to the north line of a tract conveyed to John E. Taylor and wife by Mary E. Mullen by deed recorded March 4, 1942 in Book 291, Page 51, Clackamas County Deed Records;

Thence West on the north line of said Taylor tract 75.00 feet to the point of beginning.

PARCEL 13 (1-2E-30DA-10100)

A parcel of land in the Hector Campbell DLC, in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

BEGINNING at a point which is the southeasterly corner of that certain tract of land described in a deed from T.S. Mullen and wife to School District No. 119, recorded in Book 109, Page 128, Clackamas County Deed Records;

Thence northerly along the westerly line of SE Wichita Avenue (aka SE60th Avenue), 1774 feet to a point;

Thence westerly along a line which if extended westerly would intersect the easterly line of HOLLYWOOD PARK, a duly recorded subdivision in Clackamas County, Oregon, at a point which is 1043 feet southerly from the northeasterly corner of said

HOLLYWOOD PARK when measured on the easterly line thereof, a distance of 231 feet and the TRUE POINT OF BEGINNING of the tract herein described;

Thence continuing westerly along said line 100 feet to a point, said point being the southeast corner of a tract described in Instrument No. 99-066660, Clackamas County Deed Records;

Thence North on the east line of said tract, 96 feet to a point on the south line of that tract of land conveyed to Clackamas County in Book 461, Page 744, Clackamas County Deed Records;

Thence East along the south line of said County tract, 100 feet to a point;

Thence Southerly and parallel with the westerly line of SE Wichita Avenue (aka SE 60th Avenue), 96 feet to the point of beginning.

PARCEL 14 (1-2E-30DA-11100)

A parcel of land in the Hector Campbell DLC, in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

BEGINNING at a point on the west line of SE Wichita Avenue (aka SE 60th Avenue), 1139 feet north of the southeast corner of that tract described in a deed from T.S. Mullen and wife to School District No. 119, recorded in Book 109, Page 128, Clackamas County Deed Records;

Thence northerly along said west line of SE Wichita Avenue, 26 feet to the TRUE POINT OF BEGINNING;

Thence continuing northerly along said west line 123.0 feet;

Thence West, 135.0;

Thence South parallel with said line of SE Wichita Avenue 123.0 feet;

Thence East, 135.0 feet to the hereinbefore mentioned TRUE POINT OF BEGINNING.

PARCEL 15 (1-2E-30DA-11600)

A parcel of land in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

The North 70 feet of the South 140 feet of the West one-half of Lot 9, WICHITA, a duly recorded subdivision in Clackamas County, Oregon, EXCEPT the westerly portion of the parcel within SE 60th Avenue (aka Wichita Avenue) right-of-way.

PARCEL 16 (1-2E-30DA-12100)

A parcel of land in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

The North 93 feet of the West one-half of Lot 7, WICHITA, a duly recorded subdivision in Clackamas County, Oregon.

PARCEL 17 (1-2E-30DD-2000)

A parcel of land in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, being part of Lot 15, WICHITA, a duly recorded subdivision in Clackamas County, and being more particularly described as follows:

BEGINNING at the northwest corner of said Lot 15;

Thence South along the west boundary of said Lot 15, 92.8 feet to the north line of a tract of land conveyed to Gordon E. Duval, et ux, by deed recorded November 9, 1972 as Instrument No. 72-34255, Clackamas County Deed Records;

Thence East along the north line of said Duval tract , 167.76 feet to the west line of a tract of land conveyed to Ertus E. Phillips, et ux, recorded February 17, 1947, in Book 385, Page 130, Clackamas County Deed Records;

Thence North along the west line of said Phillips tract, 92.8 feet to the north line of said Lot 15;

Thence West along the north boundary of said Lot 15, 167.76 fee to the place of beginning.

PARCEL 18 (1-2E-30DD-2600 and 2700)

A parcel of land in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

The west 225 feet of the north one-half of Lot 12, WICHITA, a duly recorded subdivision in Clackamas County, Oregon, along with Parcel 1, PARTITION PLAT NO. 1995-18, Clackamas County, Oregon.

PARCEL 19 (1-2E-30DD-3600)

A parcel of land in the Hector Campbell DLC, in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

BEGINNING at the northeast corner of that certain tract of land conveyed to School District No. 119 by deed Book 180, Page 500, Clackamas County Deed Records, which point is South 0° 58' 30" East, 408.20 feet distant and North 89° 43' East, 446.40 feet distant from the southeast corner of HOLLYWOOD PARK, a duly recorded subdivision in Clackamas County;

Thence South 89° 43' West along the north boundary of said School District tract and the westerly projection thereof, 446.40 feet to a point on the southerly extension of the easterly boundary of said HOLLYWOOD PARK;

Thence North 0° 58' 30" West along said southerly projection of the east boundary of said HOLLYWOOD PARK, 79.5 feet to an iron pipe;

Thence North 89° 43' East, 447.13 feet to a point on the west boundary of SE Wichita Avenue (aka SE 60th Avenue);

Thence South along the west boundary of said SE Wichita Avenue South 0° 27' East, 79.50 feet to the place of beginning,

EXCEPTING THEREFROM the westerly 162.5 feet as conveyed to Thomas K. Doyle and Lorien Sekora by deed recorded October 3, 2008 in Instrument No. 2008-068868, Clackamas County Deed Records .

PARCEL 20 (1-2E-30DD-4100)

A parcel of land in the Hector Campbell DLC, in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

BEGINNING at the northwest corner of that certain tract of land conveyed to George Harvey Maddux and Christine Maddux in deed Book 339, Page 618, Clackamas County Deed Records, which point is also the southeast corner of HOLLYWOOD PARK, a duly recorded subdivision in Clackamas County;

Thence East along the north line of said Maddux tract, 143.5 feet;

Thence South along a line parallel with the southerly extension of the easterly line of said HOLLYWOOD PARK, 76 feet;

Thence West parallel with said northerly line of the Maddux tract, 143.5 feet to a point on the said southerly extension of the easterly line of HOLLYWOOD PARK;

Thence North along said southerly extension of the easterly line of HOLLYWOOD PARK, 76 feet to the point of beginning,
EXCEPT the westerly 12.5 feet conveyed to Clackamas County for road purposes.

PARCEL 21 (1-2E-30DD-5000, 5100, and 5201)

A parcel of land located in the Hector Campbell Donation Land Claim No. 41, Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, and being a part of the parcel described in that certain deed from Gerald S. Calhoun, et ux, to Knut Skagen, et ux, and recorded May 6, 1947, in Book 389, Page 643, Deed Records, Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the southwest corner of Block 8, HOLLYWOOD PARK, a duly recorded subdivision in Clackamas County;

Thence following the east right-of-way line of SE Stanley Avenue (County Road No. 1329) South, 275.00 feet to the northwest corner of said Skagen parcel;

Thence following the north boundary of said Skagen parcel East, 200 feet to the northwest corner of that parcel conveyed to Richard J. Galarneau in Instrument No. 2003-059635 and the TRUE POINT OF BEGINNING;

Thence continuing East along the north boundary of said Skagen parcel, 275.00 feet to the northeast corner of said Skagen parcel and the northeast corner of that parcel of land conveyed to Diane Reid in Instrument No. 2003-122785, Clackamas County Deed Records;

Thence South along the east boundary of said Skagen parcel and the east boundary of said Reid parcel, 117.50 feet to the north boundary of SE Hector Street (County Road No. 2465), as described in that certain conveyance from Knut Skagen, et al, to Clackamas County and recorded December 17, 1946, in Book 382, Page 111, Clackamas County Deed Records;

Thence following the north boundary of said SE Hector Street, West, 275.00 to the southwest corner of said Galarneau parcel;

Thence North, 117.50 feet to the hereinbefore mentioned TRUE POINT OF BEGINNING.

PARCEL 22 (1-2E-30DD-5500)

A parcel of land in the Hector Campbell DLC, in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

BEGINNING at the initial point of HOLLYWOOD PARK, a duly recorded subdivision in Clackamas County, which point is also the southwest corner of Block 8 of said plat;

Thence South along the easterly right-of-way line of SE Stanley Avenue (County Road No. 1229), 432.5 feet to the south right-of-way line of SE Hector Street, a 40 foot dedicated road conveyed to Clackamas County by deed recorded in Book 382, Page 111, Clackamas County Deed Records;

Thence East along the south right-of-way line of said SE Hector Street (County Road No. 2465), 23.0 feet to the northeast corner of that tract of land conveyed by James L. and Linda M. Stiffler to Clackamas County in Instrument No. 95-027244 and the TRUE POINT OF BEGINNING of the parcel herein described;

Thence continuing East along the south right-of-way line of said SE Hector Street, 123.6 feet to the northwest corner of a tract conveyed to Lloyd J. Waymire, et ux, by deed recorded January 27, 1955, in Book 491, Page 163, Clackamas County Deed Records;

Thence South along the west line of said Waymire tract, 117.50 feet to the south line of the Gibson tract described in Book 239, Page 90, Clackamas County Deed Records;

Thence West along the south line of said Gibson tract, 146.6 feet, more or less, to the easterly right-of-way line of said SE Stanley Avenue;

Thence North along the easterly right-of-way line of said SE Stanley Avenue, 94.5 feet to the southwest corner of that tract of land conveyed by James L. and Linda M. Stiffler to Clackamas County in Instrument No. 95-027244;

Thence northeasterly in a straight line, 32.5 feet, more or less, to the hereinbefore mentioned TRUE POINT OF BEGINNING.

PARCEL 23 (1-2E-30DD-6400, 6500, and 7000)

A parcel of land in the Hector Campbell DLC, in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

BEGINNING at a point in the center of SE Stanley Avenue 234 feet North of the North right-of-way line of SE King Road;

Thence East, 305 feet to a point;

Thence North, 177 feet to a point;

Thence West, 305 feet to a point on the centerline of SE Stanley Avenue;

Thence South along the centerline of SE Stanley Avenue, 177 feet to the point of beginning.

EXCEPT rights of the public in and to any portion of the herein described parcel lying within the boundaries of SE Stanley Avenue.

PARCEL 24 (1-2E-30DD-8700 and 8800)

A parcel of land in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

All of Lots 4 and 5 and the southerly 15 feet of Lot 6, Block 12, HOLLYWOOD PARK ANNEX NO. 2, a duly recorded subdivision in Clackamas County, Oregon, EXCEPT the westerly 5 feet of the parcel within SE Hollywood Avenue right-of-way.

PARCEL 25 (1-2E-30DD-7700)

A parcel of land in Section 30, Township 1 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

All of Lot 3, Block 11, HOLLYWOOD PARK ANNEX NO. 2, a duly recorded subdivision in Clackamas County, Oregon, EXCEPT the easterly 5 feet of the parcel within SE Hollywood Avenue right-of-way.

This map was prepared for assessment purpose only.

NE 1/4 NE 1/4 SEC 30 T. 1S. R. 2E. W.M.

CLACKAMAS COUNTY

D. L. C. HECTOR CAMPBELL NO. 41

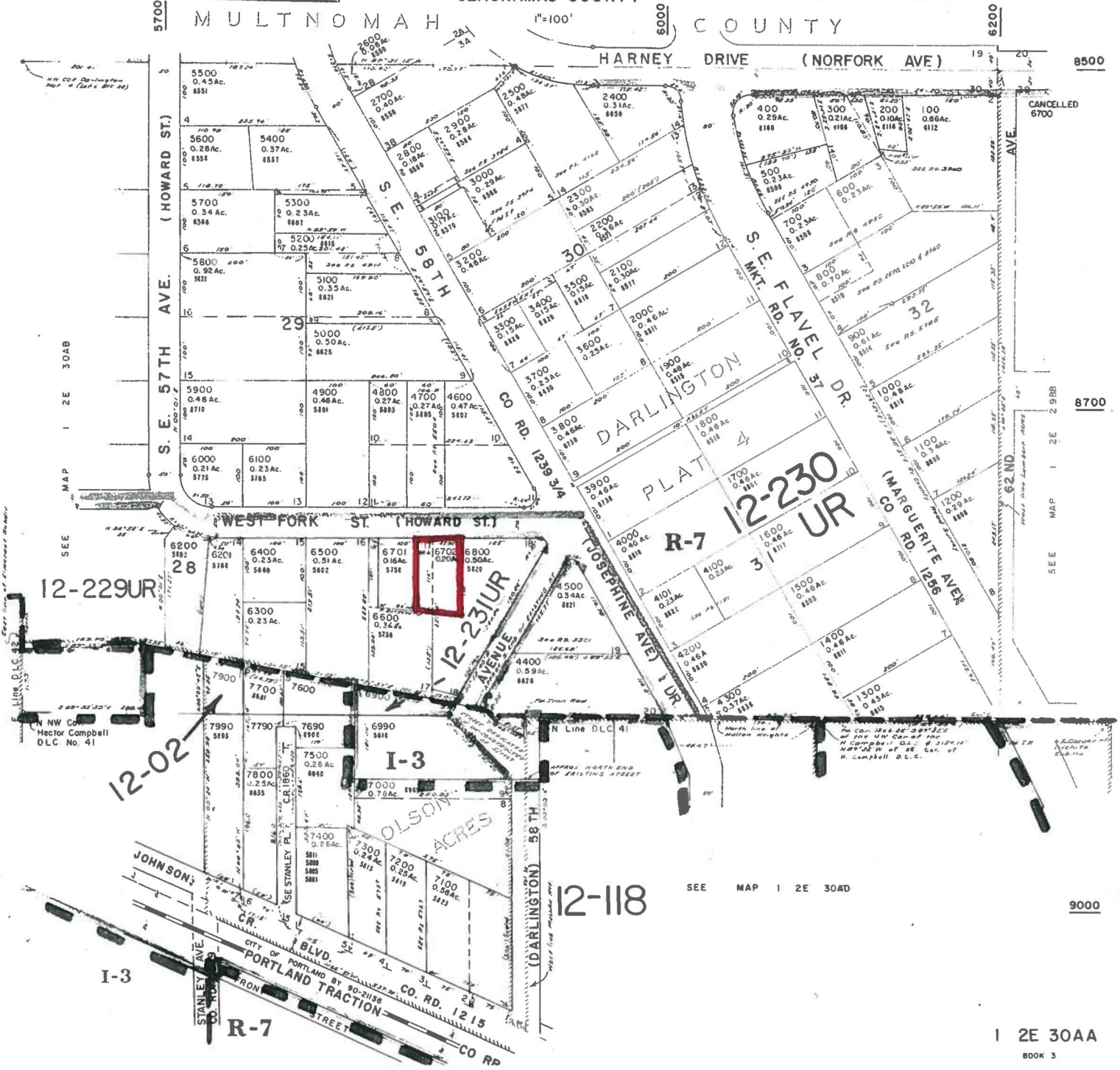
1 2E 30AA

MULTNOMAH COUNTY

1"=100'

HARNEY DRIVE (NORFORK AVE)

RS PAGE 42



ATTACHMENT 1
Exhibit B.2
Annexation Properties Outlined in Red

1 2E 30AA

BOOK 3

SE 1/4 NE 1/4 SEC.30 T.1S. R2E. W.M.
CLACKAMAS COUNTY

D. L. C.
HECTOR CAMPBELL NO. 41

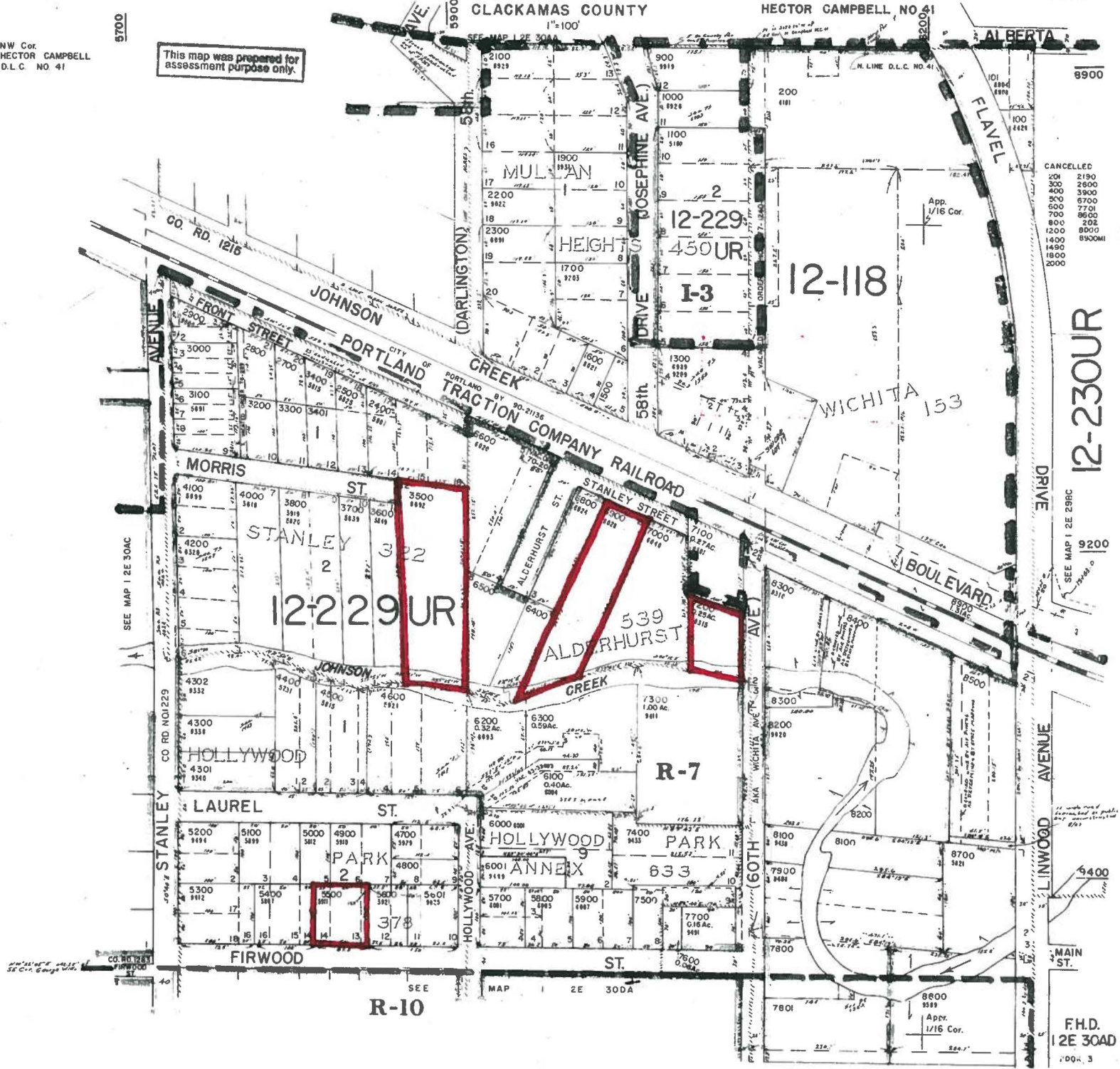
1 2 E 30AD

NW Cor.
HECTOR CAMPBELL
D.L.C. NO. 41

This map was prepared for
assessment purpose only.

RS PAGE 44

TR 11 Sept 67



CANCELLED
201 2190
300 2800
400 3300
500 3900
600 4700
700 5700
800 6900
900 8300
1000 9900
1100 11700
1200 13700
1300 15900
1400 18300
1500 20900
1600 23700
1700 26700
1800 30000
1900 33500

12-230UR

SEE MAP 1 2 E 29BC

12-231UR

12-232UR

12-233UR

12-234UR

F.H.D.
1 2 E 30AD
1 004, 3

NE 1/4 SE 1/4 SEC. 30 T.1S. R.2E. W.M.
CLACKAMAS COUNTY

D.L.C.
HECTOR CAMPBELL NO. 41

I 2E 30DA

This map was prepared for
assessment purpose only.

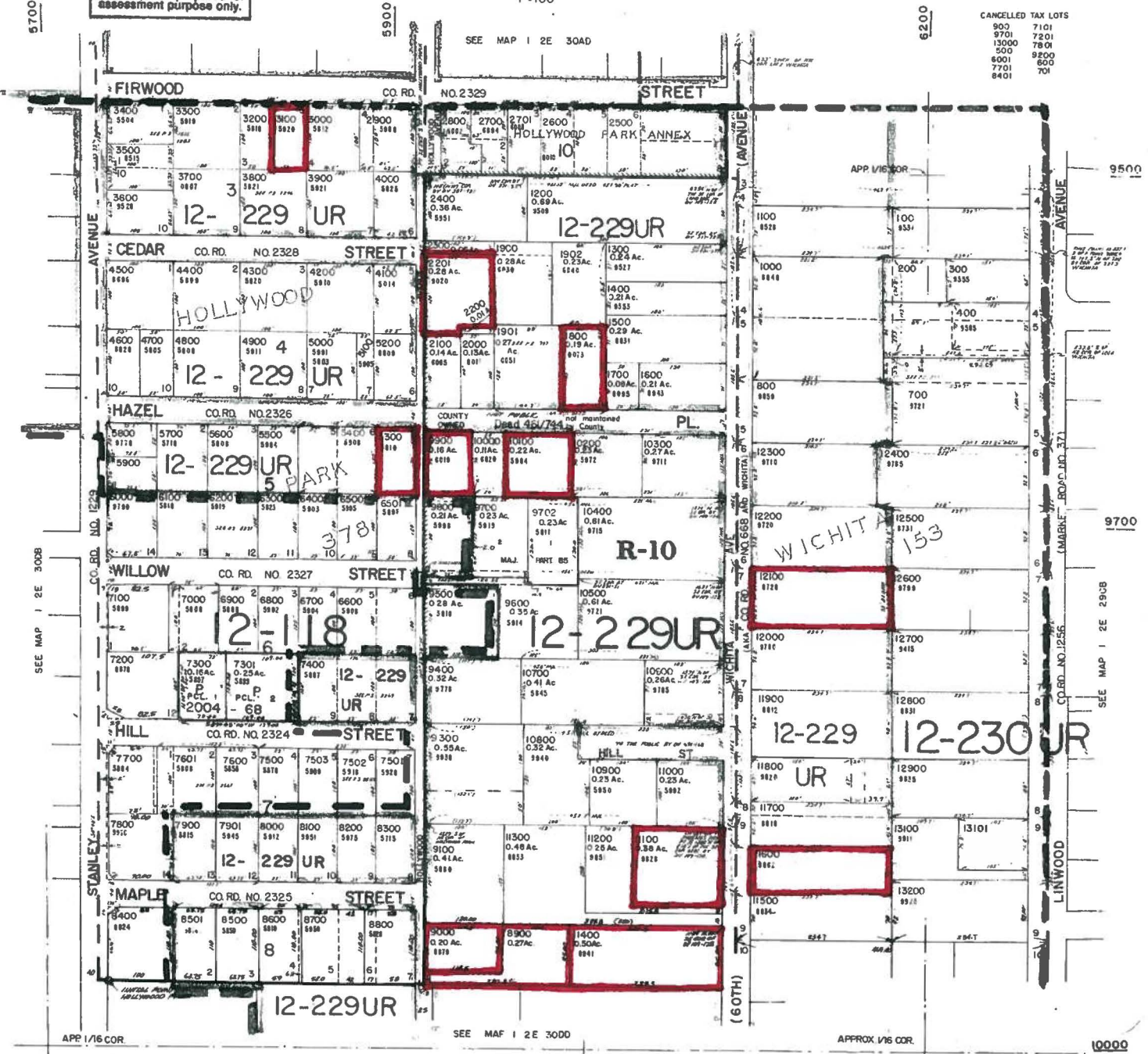
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SEE MAP I 2E 30AD

CANCELLED TAX LOTS	
900	7101
9701	7201
13000	7801
500	8200
6001	800
7701	800
8401	701

Cancelled
TL 600
701

RS PAGE 45



APP 1/16 COR.

SEE MAP I 2E 30DD

APPROX 1/16 COR.

10000

I 2E 30DA
BOOK 3

This map was prepared for assessment purpose only.

1"=100'

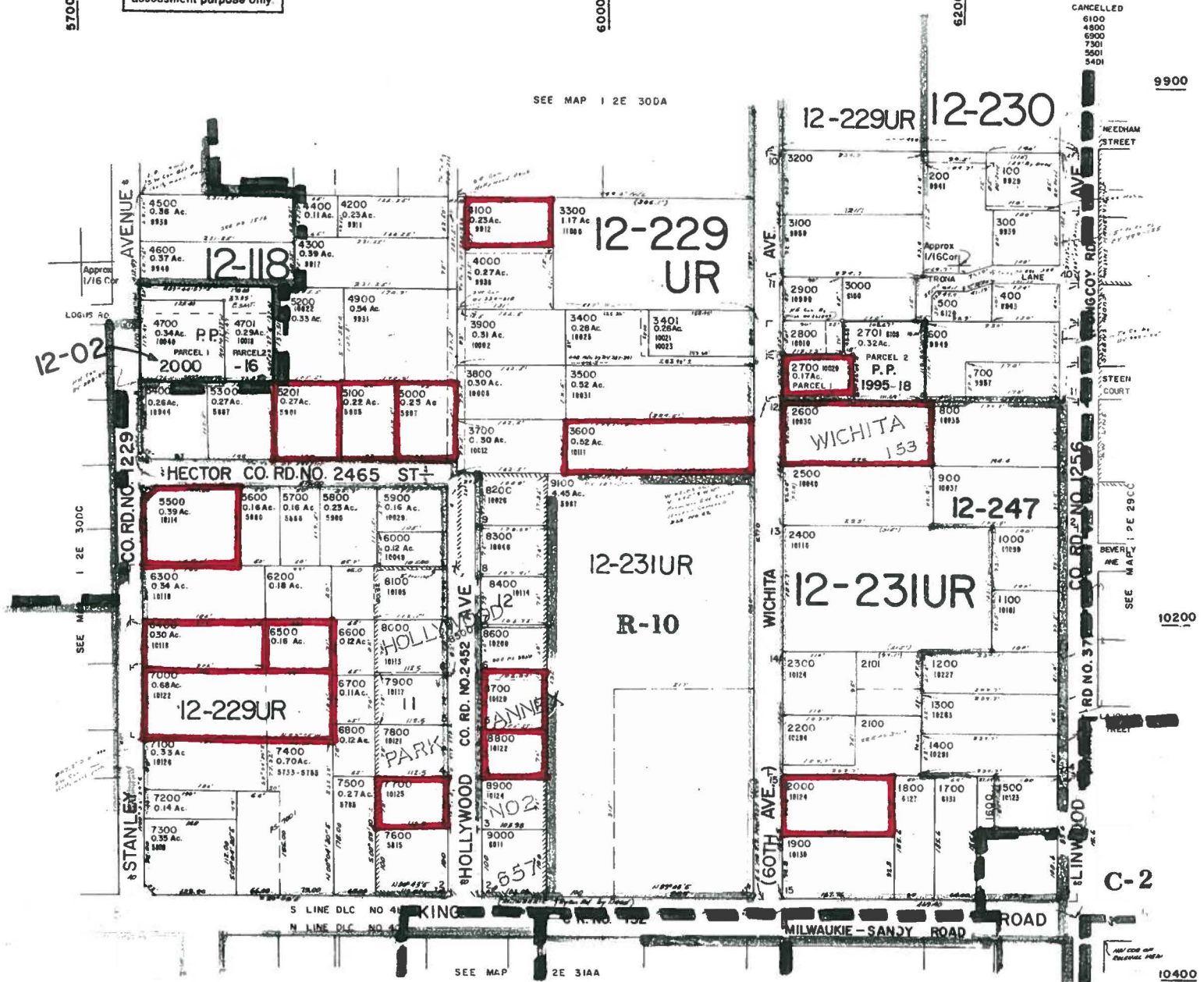
5700

6200

SEE MAP 1 2E 30DA

9900

RS PAGE 46



12-02

12-229UR

12-229UR

12-229UR 12-230

12-231UR R-10

12-231UR

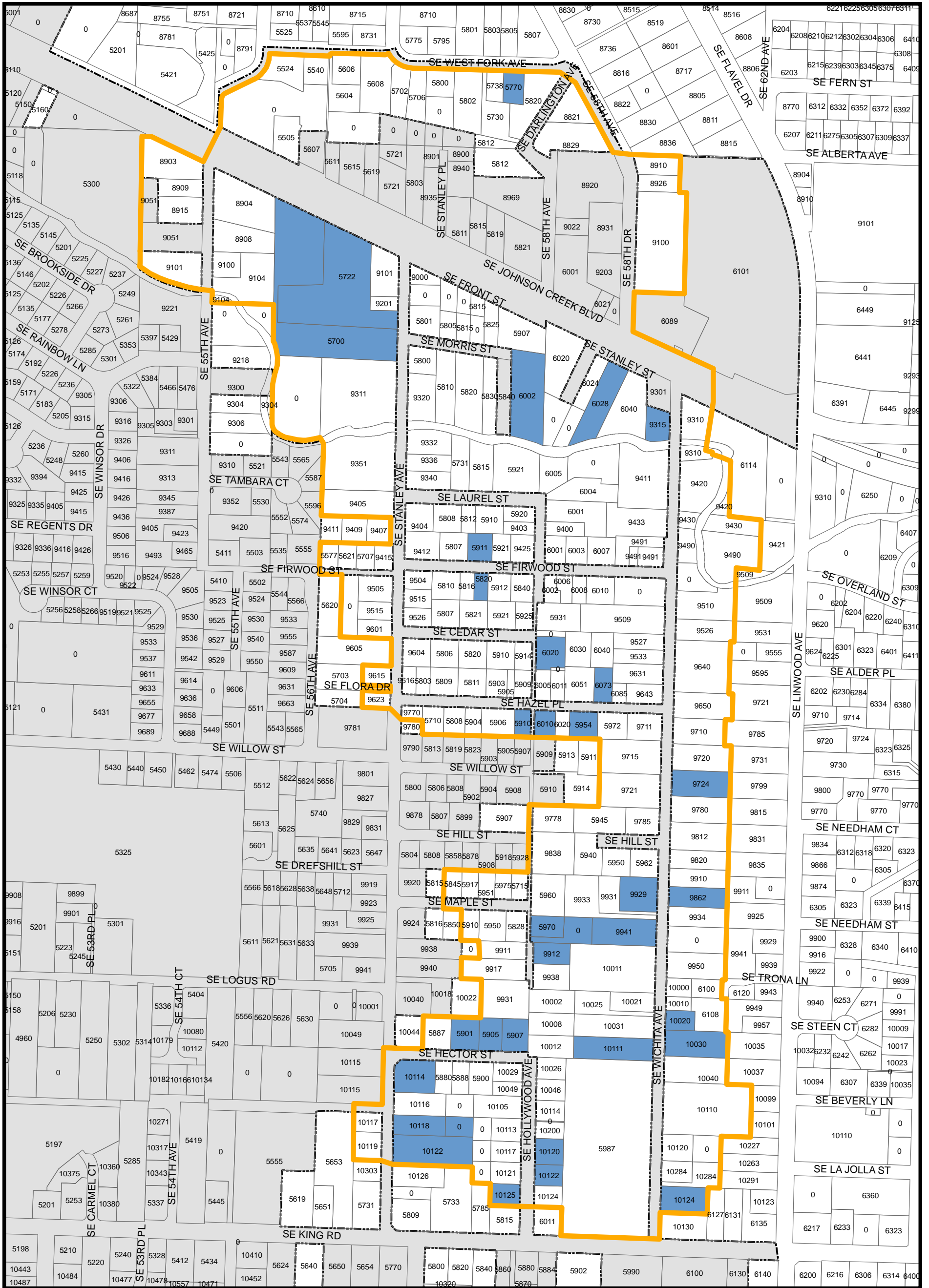
12-247

C-2

SEE MAP 1 2E 31AA

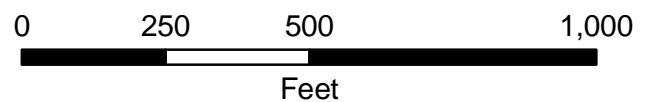
10400

ATTACHMENT 2



Site Map for Annexation File: A-10-02

- Properties Petitioning for Annexation
- NE Sewer Extension Project Boundary
- City of Milwaukie



ATTACHMENT 3

LIST OF PROPERTIES PETITIONING FOR ANNEXATION

Expedited Annexations in NE Sewer Extension Project Area
(Annexation Assistance Program Batch #1)
File# A-10-02

No.	Tax Lot ID	Address	Applicant
1.	1S2E30AA06702	5770 SE Westfork St	Robert F. Nesbitt
2.	1S2E30AC00300 ¹	5722 SE Johnson Creek Blvd	Springwater Properties LLC
3.	1S2E30AC00400 ²	9301 SE Stanley Ave	David Hannan
4.	1S2E30AD03500	6002 SE Morris St	Michael Starzec
5.	1S2E30AD05500	5911 SE Firwood St	Larry J. Scheel
6.	1S2E30AD06900	6028 SE Johnson Creek Blvd	Christopher Keller
7.	1S2E30AD07200	9315 SE Wichita Ave	William Schlichter
8.	1S2E30DA01800	6073 SE Hazel Pl	Cecilia Purdy
9.	1S2E30DA02201	6020 SE Cedar St	Sally and Dennis Kissell
10.	1S2E30DA03100	5820 SE Firwood St	Heather Thompson and Steven LaFave
11.	1S2E30DA05300	5910 SE Hazel Pl	Joseph Zanotti
12.	1S2E30DA09000 & 8900	5970 SE Maple St	Bonnie Quick
13.	1S2E30DA09900	6010 SE Hazel Pl	John A. Jones
14.	1S2E30DA10100	5954 SE Hazel Pl	Michel Living Trust (Reva Jo Michel Trustee)
15.	1S2E30DA11100	9929 SE Wichita Ave	William Boyer
16.	1S2E30DA11400	9941 SE Wichita Ave	Christopher Jones
17.	1S2E30DA11600	9862 SE Wichita Ave	Wayne Every
18.	1S2E30DA12100	9724 SE Wichita Ave	Cynthia Daniel
19.	1S2E30DD02000	10124 SE Wichita Ave	Raymond Haworth
20.	1S2E30DD02600	10030 SE Wichita Ave	Marc Whitehurst
21.	1S2E30DD02700	10020 SE Wichita Ave	Ron and Helen Kebbe
22.	1S2E30DD03600	10111 SE Wichita Ave	Cameron Boswell
23.	1S2E30DD04100	9912 SE Hollywood Ave	June Smith
24.	1S2E30DD05000	5907 SE Hector Street	Diane Reid
25.	1S2E30DD05100	5905 SE Hector Street	Don Rader
26.	1S2E30DD05201	5901 SE Hector St	Richard Galarneau
27.	1S2E30DD05500	10114 SE Stanley Ave	James Stiffler
28.	1S2E30DD06400 & 6500	10118 SE Stanley Ave	Douglas F. Zier
29.	1S2E30DD07000	10122 SE Stanley Ave	Jerry Wilson
30.	1S2E30DD07700	10125 SE Hollywood Ave	Christy S. Fischer
31.	1S2E30DD08700	10120 SE Hollywood Ave	Shannon Amato
32.	1S2E30DD08800	10122 SE Hollywood Ave	Mike O. Doney Trust (Mike O. Doney Trustee)

¹ Property formerly had street address of 9301 and 9303 SE Stanley Ave.

² Property also has a street address of 5700 SE Johnson Creek Blvd.



To: Mayor and City Council

Through: Pat DuVal, Interim City Manager and
Kenneth Asher, Community Development and Public Works Director

From: Alex Campbell, Resource and Economic Development Specialist

Subject: Approval of Contract for Survey and Flow Data Collection on Kellogg
Creek and Kellogg Lake

Date: September 27 for October 5, 2010 Regular Session

Action Requested

Authorize City Manager to enter into a contract for an amount not-to-exceed \$41,000 with Brown & Caldwell, an environmental engineering firm, to conduct a bathymetric survey of Kellogg Lake and collect flow data up- and down-stream of the lake.

History of Prior Actions and Discussions

July 2010: Staff updated Council on project progress.

January 2010: Council adopts Resolution No. 04-2010 executing a grant agreement with American Rivers to support a planning phase for the Kellogg for Coho Initiative.

April 2009: Council adopts Resolution No. 20-2009 executing a three-party agreement with Metro and the Oregon Department of Transportation to expend local and federal money on a planning phase for the Kellogg-for-Coho Initiative.

February 2009: Staff briefed Council on recent public involvement and project development efforts.

June 2006: Council approved, by Resolution (No. 27-2006), an application for Regional Flexible Funds ("MTIP") to pay for planning and design.

February 2002: Council authorized City Manager to commit to City participation in a U.S. Army Corps of Engineers-led study on dam removal feasibility.

September 2000: Council adopted, by Ordinance, the “Milwaukie Downtown and Riverfront Land Use Framework Plan” as part of the Comprehensive Plan. The restoration of Kellogg Creek is listed as an element of the “Amenities and Open Space Framework” (pp. 20-21).

Background

Current fiscal year work on the initiative will take place on two parallel tracks. First, the US Army Corps of Engineers has re-started a feasibility study for the project, with a completion goal of September 2011. USACE is still developing a full project scope, but began work on the ground in August with a new round of sediment collection for analysis. Key project elements will include environmental review and evaluation of technical feasibility of restoring fish passage without a full bridge replacement.

A second track of work will be directly managed by City staff and largely funded by the American Rivers/NOAA grant Council accepted earlier this year. The grant application was for a design phase project focused on supporting hydrological and hydraulic analysis (“H&H”) and passage design. City staff, in consultation with American Rivers staff and US ACE staff, have been working to identify a discrete piece of work from the emerging USACE work scope to fund with AR/NOAA grant funds. This effort has been somewhat delayed as USACE has not yet produced a full work scope. However, we have a high degree of confidence that the work proposed under the attached proposed contract will not duplicate USACE work and will complement both the current feasibility study and future design work.

The proposed work effort has two primary elements: (1) a thorough bathymetric survey, including capturing the lake bottom and depth of sediment and (2) capture of flow data. The results of this data collection will help ground-truth and calibrate the USACE H&H model, which is a key element of their feasibility study; and provide detailed data on sediment accumulation, spring flows, and spring locations that will be very valuable at final design. The draft scope of work to be incorporated in the contract is provided as Attachment 2.

The bulk of work would take place this fall, with some continuous flow monitoring and/or an additional collection of “low flow” conditions next summer.

Six firms that were known to City and USACE staff to have the expertise and capability to carry out the work were invited to bid on the contract. Two bids were received. The preferred contractor was selected through a scoring system based on their proposed

approach, bid price, and overall experience. Proposals were scored by City staff and American Rivers staff. Brown and Caldwell was selected as the preferred team, based primarily on the approach proposed. All three reviewers ranked them first. They also provided the lower bid.

Concurrence

The work scope developed in consultation with USACE and American Rivers/NOAA and preliminary conversations with contractors expert in this field.

Fiscal Impact

Grant funds and sufficient funds for a small City match is accounted for in the existing budget. A total of \$60,000 is budgeted, anticipating a maximum total expenditure of \$45,000 in grant funds and \$15,000 in local storm water capital improvement funds.

Work Load Impacts

Contract management will be completed within existing CD responsibilities.

Alternatives

City Council could direct a different expenditure of funds. Delay to project schedule would likely require a request for an extension of the grant expenditure deadline.

Attachments

1. Resolution
2. Draft Scope of Work

ATTACHMENT 1

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE AWARD OF CONTRACT FOR A BATHYMETRIC SURVEY AND FLOW DATA COLLECTION OF KELLOGG LAKE AND CREEK.

WHEREAS, the City is working towards the restoration of fish passage and a more natural hydrologic function in the Kellogg/Mt. Scott watershed under the Kellogg-for-Coho Initiative; and

WHEREAS, American Rivers/NOAA has awarded the City \$45,000 in grant funds to support hydrologic and hydraulic analysis in support of designing a fish passage solution; and

WHEREAS, the data collected under this contract will be critical in calibrating the existing hydrological model and provide information that will greatly improve the understanding of the dynamics of the system that will be of great use in design of a restoration project; and

WHEREAS, a informal request for proposal process in accordance with City's Public Contracting Rules was conducted, and

WHEREAS, Brown and Caldwell is deemed most able to provide the survey and flow monitoring services;

NOW, THEREFORE, BE IT RESOLVED that the City of Milwaukie authorizes the City Manager to sign a contract for the Bathymetric Survey and Flow Data Collection Contract, in the not-to-exceed amount of \$41,000.00.

Introduced and adopted by the City Council on October 5, 2010.

This resolution is effective on October 5, 2010.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney

ATTACHMENT 2

Kellogg-for-Coho Initiative **Bathymetric Survey and Flow Data Collection** **Draft Scope of Work**

This data collection phase is part of the City's Kellogg-for Coho Initiative. The larger project includes removal of an existing box culvert/dam and the restoration of approximately 0.75 miles of naturalized stream channel and 14 acres of riparian habitat. The project will greatly improve fish passage for multiple native species and provide cold-water rearing and refuge areas for Coho and Spring Chinook salmon, and potentially spawning habitat as well.

Task 1: Bathymetric survey

Contractor shall survey the existing Kellogg Lake lakebed (approximately 14 acres). Survey shall be conducted in sufficient detail to establish one (1) foot elevation contours of lake bed (top and bottom of sediment). Proposers must provide detail on proposed method. Proposers should be aware that the lake is turbid, with overhanging vegetation on the perimeter and large portions are shallow (less than 5 feet). Survey should include temperature readings in sufficient detail to suggest likely spring locations. Work effort is assumed to include: field and office work necessary to complete the survey; use of local published vertical datum; and field work necessary to establish horizontal and vertical control.

Deliverable: Survey results shall be provided in a map in hard copy and as an electronic survey base map that shall be compatible with AutoCAD 2006 software. Layers shall be helpful in understanding the survey information. Sheets shall be setup to print full size on ANSI D (22"x34") in landscape. Survey maps shall use the English system of measurement.

Task 1B (Optional): Sediment Volume Calculation

A calculation of the total volume of lake bed sediment, based on survey results. Calculation shall be provided in a short (1-2 page) memo, describing estimate, method for calculation, and a general discussion of limitations/level of certainty of estimate.

Task 2: Flow Measurement

Contractor will capture flow data. Flow data will be taken above and below the lake. Flow measurement above the lake shall be taken outside of the hydraulic influence of the lake and below the confluence of Kellogg and Mt. Scott creeks. City shall arrange for contractor access to Creek through public right-of-way or secure private property owner permission of entry.

Flow measurement below the lake will be taken at or within the culvert itself. Contractor will need capability to measure flow over the weir and within the fish ladder itself.

Flow measurement shall be accomplished by measuring velocity, water elevation, and calculating flow rate based on detailed survey of channel at point of measurement. If the proposer wishes to suggest another method, provide justification of superiority in terms

of both accuracy and level of effort. Temperature shall be measured above and below the lake.

Provide bid price per mobilization and assume three mobilizations (this may be differentiated for low flow and rain event measurement). Contract shall include the possibility of 3-5 mobilizations/data collection events, to be coordinated with the City. The City's intent, to the extent practical, is to capture: (1) a representative low-flow condition and (2) two or more rain events, with measurement to be taken within 24 hours of the event. Contractor may propose taking measurement below the lake only for rain events.

Deliverable: Data shall be provided in an electronic and written format. Contractor shall provide both the raw data (i.e., readings and measurements), and an estimate of flow. Method of calculation shall be described in a very short memo. Rainfall data for the period immediately preceding the event shall also be provided. Data shall be provided in MS Excel or other equivalent format acceptable to the City.

Task 2 B (Optional): Continuous Flow Monitoring

City is interested in understanding the range of Kellogg Creek flow conditions. As such, proposers may include a continuous flow monitoring element to their proposal, if they believe it to be a cost-effective method to gain valuable data. Bid price for this work should include set-up cost and a monitoring cost per month. City anticipates that if such an effort is included in the final contract, that such monitoring would be useful beyond the time-scope of the rest of the project, i.e., for a full year or more. Proposers may include a role for City staff to collect data at regular intervals to minimize contractor effort and cost.

Task 3: Results Memo

Contractor shall provide a short memo (5-10 pages) describing general approach and results, in lay terms. Memo shall include estimate of volume of spring infiltration within the lake area, unusual conditions that may have impacted flow estimates, level of flow observed from side channels, and other information deemed relevant in the professional judgment of the contractor.