



CITY OF MILWAUKIE

"Dogwood City of the West"

Ordinance No. 2085

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ANNEXING TRACTS OF LAND IDENTIFIED AS TAX LOTS 1S2E30DB00700 AND 1S2E30DB01000 AND LOCATED AT 5704 SE FLORA DR AND 5703-5705 SE FLORA DR INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACT FROM THE TERRITORY OF CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS. (FILE #A-14-03).

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 all owners of land in the territory proposed for annexation; and

WHEREAS, the requirements of the Oregon Revised Statutes for initiation of the annexation are further satisfied in that written consent from a majority of electors is not required given that there are no electors residing on the property; and

WHEREAS, the territory proposed for annexation lies within the territory of 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 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 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 is 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 The tracts of land annexed by this ordinance and described in Section 2 are hereby withdrawn from Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District No. 5 for Street Lights.

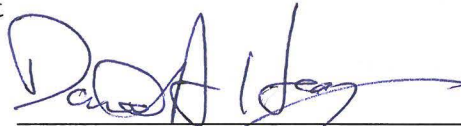
Section 4. The tracts of land annexed by this ordinance and described in Section 2 are hereby assigned a Comprehensive Plan land use designation of Low Density Residential and a Municipal Code zoning designation of Residential zone R-10.

Section 5. 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 annexations and withdrawals shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

Read the first time on ^{10/7/14}~~10/7~~, and moved to second reading by 4:0 vote of the City Council.

Read the second time and adopted by the City Council on 10/7/14

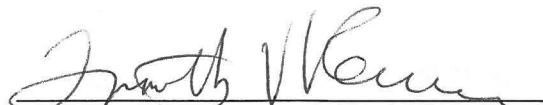
Signed by the ~~Mayor~~ on 10/7/14
Council President


~~Jeremy Ferguson, Mayor~~
David A. Hedges, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC


Pat DuVal, City Recorder


City Attorney

FINDINGS IN SUPPORT OF APPROVAL

Based on the expedited annexation staff report for 5704 SE Flora Dr and 5703-5705 SE Flora Dr (the "Annexation Properties"), the Milwaukie City Council finds:

1. The Annexation Properties consists of two tax lots comprising 0.63 acres (Tax Map 1S2E30DB, Tax Lots 00700 and 01000). The sites are contiguous to the existing city limits via 56th Ave along its western border, properties to the north and south, and Stanley Ave along its eastern border. The Annexation Properties are within the regional urban growth boundary and also within the City's urban growth management area (UGMA).

The property at 5704 SE Flora Dr is developed with a single-family dwelling. The property at 5703-5705 SE Flora Dr is developed with two single-family dwellings. The surrounding area consists of single-family dwellings.
2. The property owner seeks annexation to the City to access City services, namely sewer service.
3. The annexation petition was initiated by Consent of All Owners of Land on January 1 and August 18, 2014, with an application for annexation submitted to the City on August 18, 2014. It meets the requirements for initiation set forth in ORS 222.125, Metro Code Section 3.09.040, and Milwaukie Municipal Code (MMC) Subsection 19.1102.2.A.1.
4. 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 19.1104.
5. The annexation petition is being processed as an expedited annexation at the request of the property owner. It meets the expedited annexation procedural requirements set forth in MMC 19.1104.
6. The expedited annexation process provides for automatic application of City land use and zoning designations to the Annexation Properties based on their existing land use designation in the County, which is Residential R10. Pursuant to MMC Table 19.1104.1.E, the automatic City Comprehensive Plan land use and zoning designations for the Annexation Properties are Low Density Residential and Residential zone R-10, respectively.
7. The applicable City approval criteria for expedited annexations are contained in MMC 19.1102.3. 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 all of its property lines.

- C. The requirements of Oregon Revised Statutes for initiation of the annexation process must be met;

Boise Street Properties LLC, owner of the Annexation Properties, consented to the annexation by signing the petition. There are no registered voters residing at the Annexation Properties. As submitted, the annexation petition meets the Oregon Revised Statutes requirements for initiation pursuant to the "Consent of All Owners of Land" initiation method, which requires consent by all property owners and a majority of the electors, if any, residing at the Annexation Property.

- 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. City sewer service is available to the Annexation Properties in 56th Ave. As proposed, the annexation is consistent with Milwaukie Comprehensive Plan policies.

- E. The proposal must comply with the criteria of Metro code Sections 3.09.045(d) and, if applicable, (e).

The annexation proposal is consistent with applicable Metro Code sections for expedited annexations as detailed in Finding 8.

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

- A. Find that the change is consistent with expressly applicable provisions in:

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

There is one applicable urban service agreement adopted pursuant to ORS 195 in the area of the proposed annexation (see Finding #9, Street lights). The City 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. The proposed annexation is in keeping with the City's policy of requiring properties to annex to the City in order to connect to City services such as the existing sewer line.

- (2) 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.

- (3) 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.

- (4) 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 the existing sewer system can adequately serve the Annexation Properties.*

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.*

Transportation: *The City may require public street improvements along the Annexation Properties' frontage when new development occurs.*

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.*

- (5) 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. The comprehensive plans, 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 jurisdiction of the 56th Ave right-of-way adjacent to the proposed Annexation Properties.

B. Consider whether the boundary change would:

- (1) 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.

City sewer service is available in 56th Ave. The area is currently served by CRW, and the City does not propose to duplicate CRW's water system to serve the Annexation Properties.

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

The Annexation Properties are tax lots developed with single-family residences. Annexation of the sites 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.

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

The Annexation Properties will be served by the Milwaukie Police Department upon annexation. In order to avoid duplication of law enforcement services, the sites 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 being served by CRW from the CRW district. CRW will continue to be the water service provider in this area.

9. 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 and are served by the City's 8-inch sewer lines accessible in 56th Ave.

Water: The Annexation Properties are currently served by CRW through a CRW water line in 56th Ave. Pursuant to the City's IGA with CRW, the sites should not be withdrawn from this district at this time.

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.

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 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 sites. In order to avoid duplication of services, the sites should be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation to the City.

Street Lights: The Annexation Properties are currently within Clackamas County Service District No. 5 for Street Lights (the "District"). As of July 1, 2011, an intergovernmental agreement between the City and the District transferred operational responsibility to the City for the street lights and street light payments in the NESE area. Although the City now provides the services through the IGA, many of the properties will remain in the District until they are annexed to the City. The Annexation Properties should be withdrawn from the District upon annexation.

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

Annexation to the City Of Milwaukie
LEGAL DESCRIPTION

Milwaukie Annexation File No. A-14-03

Property Address: 5704 SE Flora St, Milwaukie OR 97222

Tax Lot Description: 1S2E30DB01000

Legal Description: Part of the Hector Campbell D.L.C. in Section 30, in Township 1 South, Range 2 East of the Willamette Meridian in the County of Clackamas and State of Oregon described as:

Beginning at a point in the West line of said Campbell Claim 171.25 feet North of the Southeast corner of the George Wills D.L.C.; running thence North along the West line of said Campbell Claim, said West line being the East line of the Wills Claim, 60 feet; thence East 168 feet; thence South 60 feet; thence West 168 feet to the point of beginning.

NOTE: This legal description was created prior to January 1, 2008.

Property Address: 5703-5705 SE Flora St, Milwaukie OR 97222

Tax Lot Description: 1S2E30DB00700

Legal Description: The following described property situated in the County of Clackamas and State of Oregon:

Being a part of the Hector Campbell D.L.C. in Section 30, T.1.S., R.2.E., of the W.M., beginning at a point in the West Line of said Campbell Claim 171.25 feet North of the southeast corner of the George Wills D.L.C.; running thence North along the West line of said Campbell Claim, said West line being the East line of said Wills Claim, 60 feet to the true point of beginning; thence North 91.25 feet; thence East 168 feet; thence South 71.25 feet; thence East 120 feet to the center of Stanley Avenue; thence South along the center line of said Stanley Avenue, 20 feet, thence West 288 feet to the true point of beginning; subject to the rights of the public in Stanley Avenue.

[Note: the street address of this property is 5703-5705 S.E.
Flora Drive, Milwaukie, OR.; See prior Warranty Deed, dated
June 1, 1954, recorded in Book 482, Page 475.]

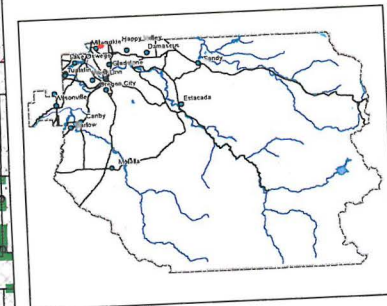
N.W.1/4 S.E.1/4 SEC.30 T.1S. R.2E. W.M.
CLACKAMAS COUNTY
1" = 100'

D. L. C.
HECTOR CAMPBELL NO. 41
GEORGE WILLS NO. 42

Cancelled Taxlots

1200
1900
2500
2501
2700
2700
3100
3101
3300
3900
4801
6301

- Parcel Boundary
- - - Private Road ROW
- - - Historical Boundary
- + + + Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

1 2 E 30DB
MILWAUKIE

