

ORDINANCE NO. 1932
MILWAUKIE OREGON

AN ORDINANCE OF THE CITY OF MILWAUKIE ANNEXING A CERTAIN TRACT OF LAND INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACT FROM TERRITORY OF CLACKAMAS COUNTY R.F.P.D. # 1, CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT, CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS, AND CLACKAMAS RIVER WATER AND ASSIGNING COMPREHENSIVE PLAN AND ZONING DESIGNATIONS FOR THE ANNEXED PROPERTY.

WHEREAS, the City received written consent from a majority of the electors in the territory proposed to be annexed and all the owners of land in the territory proposed to be annexed, as required by ORS 222.125; and

WHEREAS, the tract of land is contiguous to the City and can be served by city services; and

WHEREAS, the City Council dispenses with submitting the question of the proposed annexation to the electors of the City for their approval or rejection as provided for in ORS 222.125; and

WHEREAS, the City Planning Commission and City Council have held a public hearing in accordance with ORS 222.120, Metro Code 3.09.045 and Milwaukie Municipal Code Sections 1502 & 1011.4; and

WHEREAS, the tract of land lies within the territory of Clackamas R.F.P.D. # 1; and

WHEREAS, the tract of land lies within the territory of Clackamas County Service District for Enhanced Law Enforcement; and

WHEREAS, the tract of land lies within the territory of Clackamas County Service District No. 5 For Street Lights; and

WHEREAS, the tract of land lies within the territory of Clackamas River Water (CRW); and

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

WHEREAS, a report was prepared as required by law, and the City Council having considered the report, does hereby favor the annexation of the subject tract of

land and withdrawal from the districts based on findings and conclusions attached hereto as Exhibit A; and

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

WHEREAS, the City considered a Plan Change from county Light Industrial to city Industrial and a zone change from county I-2 to city Business Industrial as a part of the proceeding as provided for in Milwaukie Municipal Code 19.1502.1; and

WHEREAS, the site contains Metro Functional Plan Title 3 water quality resources requiring protections by designation as a city water quality resource site under Milwaukie Municipal Code 19.322.

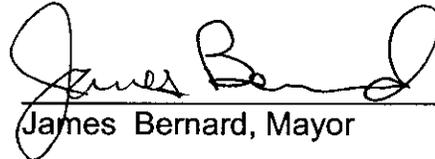
NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

- Section 1: The tract of land, described in Exhibit B and depicted on the Exhibit C Annexation Area Map, is annexed to the City of Milwaukie.
- Section 2: The tract of land annexed by this ordinance and described in Section 1 is withdrawn from Clackamas R.F.P.D. # 1, Clackamas County Enhanced Sheriff's Patrol District, Clackamas County Service District No. 5 For Street Lights, and Clackamas River Water.
- Section 3: Upon annexation the tract of land is hereby assigned a City Comprehensive Plan designation of Industrial and zoning designations of Business Industrial and Water Quality Resource thereby amending the City's Water Quality Resource Map.
- Section 4: The findings and conclusions attached as Exhibit A are adopted. The City shall immediately file a certified copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050 (g) and ORS 222.005. Except as provided in Section 3 above, the annexation 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 July 20, 2004, and moved to second reading by
3 - 0 vote of the City Council.

Read the second time and adopted by the City Council on July 20, 2004.

Signed by the Mayor on July 20, 2004, 2004.


James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Ramis, Crew, Corrigan & Bachrach,
LLP


Pat Duval, City Recorder


City Attorney

Exhibit A

Findings of Fact and Conclusions in Support of Annexation

1. A petition to annex the site to the City of Milwaukie was submitted by one hundred percent of owners and a majority of registered voters in accordance with Milwaukie Municipal Code 19.1502.2.
2. Through this annexation the City is seeking withdrawing the site from the territory of Clackamas County and the following jurisdictions and service providers:
 - a. Clackamas County Rural Fire Protection District # 1
 - b. Clackamas County Service District for Enhanced Law Enforcement,
 - c. Clackamas County Service District No. 5 for Streetlights
 - d. Clackamas River Water
3. Approval of this annexation and associated Comprehensive Plan and Zoning Map amendments include the Map 7 Land Use designation of "Industrial" and "Business Industrial" and "Water Quality Resource" zoning designations. The existing land use pattern in the area and adjoining city lands support these designations.
4. The applicant is proposing to annex the 6.58-acre site that includes tax lots 12E31D lots 1500 and 1590 located at the northeast corner of Harmony Road and International Way. The territory to be annexed contains one single family dwelling and is valued at \$297,630.
5. The annexation application has been processed and notice provided in accordance with Milwaukie Municipal Code 1500, Metro Code, and the Oregon Revised Statues.
6. The request for Comprehensive Plan and Zoning Map amendments were processed in accordance with Milwaukie Comprehensive Plan Chapter 2 and Municipal Code Title 19.900 and 19.1011.4.
7. The Planning Commission conducted a public hearing on June 9, 2004 and passed a motion recommending the City Council approve the annexation. The City Council held a public hearing on July 20, 2004.
8. Annexations are governed by the Urban Growth Management Boundary Agreement between the City and Clackamas County. It is not in the City's best interest to assume jurisdiction of Harmony Road along the annexation area due to fragmentation of maintenance services and capital project planning.
9. The annexation is in the public interest as follows:
 - a. It is consistent with the city urban service agreement with the County.

- b. It will lead to industrial development consistent with city land use and economic development policies of the Comprehensive Plan.
 - c. It will contribute to the City's tax base and contribute to general fund expenses.
 - d. Fees collected at the time of permitting will contribute to funds that cover the cost of providing street, sewer, and stormwater improvements.
 - e. The annexation facilitates the efficient use of land and utilities by taking advantage of existing investments in street, sewer, and water service.
10. The proposed rezoning will not result in a significant effect on state highway facilities as detailed in the June 9, 2004, letter of Sonya Kazen, ODOT Region 1.
11. The annexation is consistent with the following applicable plan and code provisions:
- a. Metro Code 3.0 Local Government Boundary Changes.
 - b. Milwaukie Comprehensive Plan Chapter 2 Plan Review and Amendment Process.
 - c. Milwaukie Comprehensive Plan Chapter 5 Public Facility Element.
 - d. Milwaukie Municipal Code 19.900 Amendments.
 - e. Milwaukie Municipal Code 19.1500 Boundary Changes.

Exhibit B
Legal Description

A tract of land in the Southeast one quarter of Section 31, Township 1 South, Range 2 East, of the Willamette Meridian, in the John D. Garret DLC #38, Clackamas County, Oregon, bounded as follows:

Beginning at a 1 inch iron pipe which marks the Northeast corner of that property described in Book 252, Page 390 Deed Records; thence along the East line of said property South 0°00'00" West, 742.65 feet to a 5/8 inch iron rod on the North line of Harmony Road as established by the State of Oregon D.O.T; thence along said line on a spiral curve right whose chord bears South 64°50'09" West, 32.92 feet to a 5/8 inch iron rod on the East line of the Hocken property as described in Book 456, Page 621; thence along said East line North 0°00'00" East, 154.57 feet to a 5/8 inch iron rod; thence along the North line of said property South 90°00'00" West, 126.34 feet to a 5/8 inch iron rod; thence along the West line of said property South 00°00'00" West, 212.37 feet to a 5/8 inch iron rod on the North line of said Harmony Road; thence along said North line on a spiral right to a point whose chord bears South 66°14'45" West, 43.87 feet; thence along said North line South 78°20'23" West, 50.37 feet to a iron rod with aluminum cap; thence along said North line North 88°45'05" West, 29.83 feet to a 5/8 inch iron rod with aluminum cap on the Northeasterly line of International Way; thence along said Northeasterly line North 21°24'45" West, 17.23 feet to a 5/8 inch iron rod with aluminum cap; thence along said Northeasterly line 91.62 feet to a 117.00 feet radius curve left whose chord bears North 43°44'53" West, 89.31 feet, to a 5/8 inch iron rod on the West line of the property described in Book 449, Page 37; thence along said West line North 0°00'00" East, 928.66 feet to a 1 inch iron pipe at the Northwest corner of said property and at the Southern right of way line of the Southern Pacific Railroad; thence along said line South 63°59'41" East, 382.18 feet to the point of beginning.

EXHIBIT C

Proposal No. AN-04-02

1S2E31D

Annexation to the City of Milwaukie

Clackamas Co.



R L I S
REGIONAL LAND INFORMATION SYSTEM



600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

METRO

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County lines

City

Annexation boundary

Urban Growth Boundary

Proposal No. AN-04-02
CITY OF MILWAUKIE
Figure 1

Scale: 1" = 500'

0 500 1000

