

NONEXPEDITED ANNEXATION CODE EXCERPTS

MILWAUKIE MUNICIPAL CODE SECTIONS

19.1102.2 Annexation Petition

- C. An annexation petition shall include the completed petition form and thirteen copies of each of the following, except for each drawing submitted there shall be twelve at the original scale and one copy reduced to an eight and one-half inch by eleven-inch paper size.
1. The minimum petition requirements of Metro Code Section 3.09.040;
 2. A narrative that addresses the approval criteria set forth in Subsection 19.1102.3 and Metro Code Subsections 3.09.050(d) and, if applicable, (e);
 3. Vicinity, legal, and other descriptive maps necessary to show compliance with Subsection 19.1102.3 and Metro Code Section 3.09.040. This shall include two county assessor's quarter section maps on which the territory to be annexed has been outlined in red;
 4. Metes and bounds legal description for the area to be annexed, including road right-of-way where appropriate. Lot and block legal description may be used if the territory includes only platted area and does not include any street right-of-ways.
 5. Census forms or demographic information about the area to be annexed.

19.1102.3 Annexation Approval Criteria. The city council shall approve or deny an annexation proposal based on findings and conclusions addressing the following criteria.

- A. The subject site must be located within the city urban growth boundary;
- B. The subject site must be contiguous to the existing city limits;
- C. The requirements of the 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).
- F. The proposal must comply with the criteria of Section 19.902 for Zoning Map Amendments and Comprehensive Plan Map Amendments, if applicable.

19.902.4 Comprehensive Plan Map Amendments

Changes to the maps of the Milwaukie Comprehensive Plan shall be called Comprehensive Plan map amendments.

B. Approval Criteria

Changes to the maps of the Milwaukie Comprehensive Plan shall be evaluated against the approval criteria in Subsection 19.902.3.B. A quasi-judicial map amendment shall be approved if these criteria are met. A legislative map amendment may be approved if these criteria are met.

19.902.3 Comprehensive Plan Text Amendments

B. Approval Criteria

Changes to the Milwaukie Comprehensive Plan may be approved if the following criteria are met:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.
2. The proposed amendment is in the public interest with regard to neighborhood or community conditions.
3. The public need is best satisfied by this particular proposed amendment.

4. The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.
5. The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

19.902.6 Zoning Map Amendments

B. Approval Criteria

Changes to the Zoning Map shall be evaluated against the following approval criteria. A quasi-judicial map amendment shall be approved if the following criteria are met. A legislative map amendment may be approved if the following criteria are met:

1. The proposed amendment is compatible with the surrounding area based on the following factors:
 - a. Site location and character of the area.
 - b. Predominant land use pattern and density of the area.
 - c. Expected changes in the development pattern for the area.
2. The need is demonstrated for uses allowed by the proposed amendment.
3. The availability is shown of suitable alternative areas with the same or similar zoning designation.
4. The subject property and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the use(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for the proposed amendment.
5. The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact study may be required subject to the provisions of Chapter 19.700.
6. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, including the Land Use Map.
7. The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.
8. The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

MILWAUKIE COMPREHENSIVE PLAN

CHAPTER 6: CITY GROWTH AND GOVERNMENTAL RELATIONSHIPS CITY GROWTH ELEMENT

Goal Statement:

To identify the City's future planning and service area, establish the respective responsibilities for reviewing and coordinating land use regulations and actions within the area, and determine the most cost-effective means to provide the full range of urban services within the area.

Objective #1—Unified System of Governance

To encourage and participate in efforts to define a unified system of governance for the northwest urban area of Clackamas County.

Policies

1. The focus of the City's service provision contracts and intergovernmental agreements will be movement toward a unified system of government. A unified system of government is one in which a single entity provides most urban services.
2. The City will participate with the County in preparing a Public Facilities Plan for the provision of services in the northwest urban area.
3. A unified system of governance does not preclude provision of certain services by regional special districts. The City will actively participate in the regionalization of a service when, at a minimum:
 - Direct representation is maintained
 - Service can be delivered more effectively and efficiently in terms of cost, technology, and financing
 - Community identity is improved or maintained
 - Accountability to the community is safeguarded

Objective #2—Urban Services Area

To establish an area within which the City will participate in planning, coordinating, and providing services.

Policies

1. In 1988 and by agreement with Gladstone and Happy Valley, the City established its urban service planning area as "All of Clackamas County Rural Fire District No. 1, exclusive of that portion of the district generally lying north of Sunnyside Road and to the east of the easterly boundary of the right-of-way of I-205," as the boundaries of the fire district existed in 1987. Happy Valley has since withdrawn from that agreement, but the City maintains that the urban service boundaries as stated in the agreement remain appropriate for urban service planning. The City's urban service planning area is shown on Exhibit A to the Intergovernmental Cooperative Agreement among Gladstone, Happy Valley, and the City, which is part of this comprehensive plan.
2. The City will plan for the eventual delivery of urban services in the City's urban service planning area. Until annexation, services are to be provided by service districts providing service to the area. Upon annexation, delivery of services will be provided by the City or by service districts.
3. The City will coordinate closely with service districts providing services within the area to ensure continuing delivery of effective and efficient urban services. The City will not seek to extend City services into the urban service planning areas of other cities, except at the invitation and agreement of the other city.

Similarly, no other city is to provide service within the City's urban service planning area, except at the invitation and agreement of the City.

4. The City will support the operation of existing service districts until such time as an area is annexed unless other contractual arrangements are made. Service districts operating within the Milwaukie urban service planning area are:
 - a. Clackamas County Rural Fire District #1
 - b. Clackamas River Water District
 - c. Clackamas County Service District #1
 - d. Clackamas County Urban Renewal District
 - e. Clackamas County Service District for Enhanced Law Enforcement
 - f. Clackamas County Service District No. 5 for Streetlights

The City will oppose any expansions of service districts within the City's urban service planning area which have not been agreed to in advance by the City through a coordinated planning program.

Objective #3—Annexation

To ensure that City annexation policies conform to urban service and growth management policies.

Policies

1. Areas within the City's urban service planning area shall remain unincorporated until annexed to the City. The City shall plan for eventual annexation of all areas within the City's urban service planning area.
2. The City will only support annexation requests from properties within the City's urban service planning area.
3. The City will deliver services in this area when:
 - The City is able to provide an adequate supply of needed services
 - A majority of residents and property owners within an area to be served desire City services
4. The City will require annexation in order to receive or utilize a City service.
5. All areas encircled (islanded) by City Limit lines will be annexed.

Objective #4—Coordinating Land Use and Development

To establish, in conjunction with the County, a method for coordinating land use and development decisions within the unincorporated area adjacent to the City.

Policies

1. The 1990 Urban Growth Management Agreement between the City of Milwaukie and Clackamas County is incorporated in the Milwaukie Comprehensive Plan. The City will continue to work with the County to amend this agreement consistent with the policies in this chapter.
2. The County's Comprehensive Plan will apply to unincorporated areas until annexation or development of intergovernmental agreements giving the City authority for planning. The City will seek agreement for transfer of planning authority, both long-term and current, to the City for areas within the City's urban service planning area.
3. The City will work with Clackamas County and affected special districts to develop mutual agreements to plan and provide for urban services compatible with land uses within the Urban Growth Management Boundary and the City of Milwaukie.

4. The City will work with the County to ensure compatibility in the Urban Growth Management Boundary of both the City and County's Comprehensive Plan land use designations, now and in the future.
5. The process of coordinating land use actions and insuring Plan compatibility between the City and the County for the Urban Growth Management Boundary will be outlined in amendments to the Urban Growth Management Agreement.

Objective #5—Economic Balance in Land Use and Service Demand

To maintain an economically advantageous balance of residential, commercial and industrial land base and land use.

Policies

1. The City will create an overall growth strategy that targets areas, predicts service demand, indicates budget needs, and projects revenues to ensure that high service demand areas are offset by high revenue producing areas.
2. The City will accept annexations that result in efficient extension of City services, promote a logical city boundary, diminish any service subsidies to unincorporated areas, and promote the City's fiscal health.

Objective #6—Cost of Services

To ensure that the cost of urban services provision is paid equitably by all who receive them.

Policies

1. The City will examine service contracts and mutual aid agreements to ensure that the City and its taxpayers do not subsidize services provided to areas outside the City.
2. The cost of providing services will be borne by those who require and use them.
3. City services will be extended when the City is assured of recapturing its service investments.

Objective #7—Extension of Services

To enable the City to maintain and extend adequate service levels as city growth occurs.

Policies

1. The City will participate and cooperate with the County and affected service districts in planning for and providing the delivery of the full range of urban services:
 - Water
 - Development
 - Fire protection
 - Senior service
 - Sanitary sewer
 - Transportation
 - Park and recreation
 - Planning
 - Storm drainage
 - Police protection
 - Library

2. The City will examine and adjust its financial plans and programs to minimize any initial financial burden resulting from the expansion or delivery of services into growth areas.
3. The City will accept a subsidy to growth areas in the short term if there is a long term gain to the City.
4. Service extensions will be made only where the City can provide the service without diminishing its ability to serve existing City residents and businesses.

METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN (Functional Plan)

Title 1—Requirements for Housing and Employment Accommodation

Title 1 calls for the efficient use of land within the Metro Urban Growth Boundary (UGB). Title 1 directs each city and county in the region to consider actions to increase its housing and employment capacity and to take action if necessary to accommodate its share of regional growth as specified in this title.

Title 2—Regional Parking Policy

Title 2 seeks to preserve the quality of life of the region through compact development and efficient use of land, reduction of vehicle trips per capita and related parking spaces, and protection of air quality through the promotion of non-auto trips.

Title 3—Water Quality and Flood Management

Title 3 calls for the protection of beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding.

Title 4—Industrial and Other Employment Zones

Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas, Industrial, and Employment Areas.

Title 5—Neighbor Cities and Rural Reserves

The City of Milwaukie is within the Metro UGB boundary. If the property to be annexed is also within the Metro UGB boundary, Title 5 is not applicable.

Title 6—Central City, Regional Centers, Town Centers, and Station Communities

Title 6 seeks to enhance the Central City, Regional Centers, Town Centers, and Station Communities by encouraging development that will improve the critical roles they play in the region and by discouraging development outside these Centers that will detract from those roles. Downtown Milwaukie is a designated Town Center

Title 7—Affordable Housing

Title 7 calls for the voluntary adoption of affordable housing production goals and affordable housing tools and strategies by local jurisdictions.

Title 8—Compliance Procedures

The City of Milwaukie's land use regulations and Comprehensive Plan are in compliance with the Functional Plan. All proposed amendments, including boundary changes, shall be deemed to comply with the Functional Plan if no appeal to the Land Use Board of Appeals is made within the 21-day period set forth in ORS 197.830(9).

Title 9—Performance Measures

Title 9 calls for the monitoring of the implementation of the Functional Plan over time. Metro is required to measure and report on implementation progress and outcomes.

Title 10—Functional Plan Definitions

Title 10 provides a glossary of Functional Plan terms.

Title 11—Planning for New Urban Areas

Title 11 provides a planning process for areas brought into the Metro UGB. The City has been within the Metro boundary since the inception of the UGB. Title 11 is not applicable if the area to be annexed is also within the UGB.

Title 12—Protection of Residential Neighborhoods

Title 12 seeks to provide adequate levels of public services and to protect the region's existing residential neighborhoods from crime and from air, water, and noise pollution.

Title 13—Nature in Neighborhoods

Title 13 seeks to: (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system—from stream headwaters to their confluence with other streams, rivers, and their floodplains—in a manner that is integrated with upland wildlife habitat and the surrounding urban landscape; and (2) control and prevent water pollution for the protection of the public health and safety and to maintain and improve water quality throughout the region.