



CITY OF MILWAUKIE

"Dogwood City of the West"

Ordinance No. 2096

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E31AA01300 AND LOCATED AT 6169 SE MONROE STREET, AS WELL AS THE ADJACENT PUBLIC RIGHT-OF-WAY ON MONROE STREET, INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE. (FILE #A-2015-001)

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 tract 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 tract of land and adjacent public right-of-way described and depicted in Exhibit B are hereby annexed to the City of Milwaukie.

Section 3. The tract of land and adjacent public right-of-way annexed by this ordinance and described in Section 2 are hereby withdrawn from Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District No. 5 for Street Lights.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 described in Section 2 is hereby assigned a Comprehensive Plan land use designation of Low Density Residential and a Municipal Code zoning designation of Residential zone R-10. The public right-of-way annexed by this ordinance and described in Section 2 is hereby assigned a Comprehensive Plan land use designation of Low Density Residential, with a Municipal Code zoning designation of Residential zone R-10 on the northern half of the length of the right-of-way and Residential zone R-7 on the southern half of the length of the right-of-way.

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 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 4/21/15, and moved to second reading by 5:0 vote of the City Council.

Read the second time and adopted by the City Council on 4/21/15

Signed by the Mayor on 4/21/15



Wilda Parks, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC



Pat DuVal, City Recorder



City Attorney

Exhibit A

FINDINGS IN SUPPORT OF APPROVAL

Based on the expedited annexation staff report for 6169 SE Monroe Street (the "Annexation Property") and adjacent public right-of-way on Monroe Street, the Milwaukie City Council finds:

1. The Annexation Property consists of one tax lot comprising 0.19 acres (Tax Map 1S2E31AA, Tax Lot 01300). In addition, the larger "Annexation Area" includes the entire width of the public right-of-way (ROW) on Monroe Street, from the current City boundary at the western edge of 6063 SE Monroe Street (two properties to the west of the Annexation Property) through the intersection with Linwood Ave. The Annexation Area is contiguous to the existing City limits via the properties along the southern border of Monroe Street. The Annexation Area is within the regional urban growth boundary and also within the City's urban growth management area (UGMA).

The Annexation Property is developed with a single-family dwelling unit. 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 8, 2015, with an application for annexation submitted to the City on the same day (January 8, 2015). 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 Area based on its existing land use designation in the County. For the Annexation Property, the existing County land use designation is Low Density Residential and the existing County zoning is Residential R10. For the ROW, the existing County land use designation is Low Density Residential and the existing zoning is split, with the County's Residential R10 zoning on the northern half of the ROW and the City's Residential Zone R-7 on the southern half.

Pursuant to MMC Table 19.1104.1.E, the automatic City Comprehensive Plan land use and zoning designations for the Annexation Property are Low Density Residential and Residential Zone R-10, respectively. The automatic City Comprehensive Plan land use designation for the ROW is Low Density

Residential; the automatic City zoning designations for the ROW are Residential Zone R-10 on the northern half and Residential Zone R-7 on the southern half.

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 Area is within the City's UGMA.
 - B. The subject site must be contiguous to the existing city limits;
The Annexation Area is contiguous to the existing city limits along the southern boundary of the Monroe Street ROW.
 - C. The requirements of Oregon Revised Statutes for initiation of the annexation process must be met;
Thea Tilford, owner of the Annexation Property, consented to the annexation by signing the petition. On behalf of the City, the Planning Director initiated the annexation of the ROW to be annexed. There is one registered voter residing at the Annexation Property, and that voted signed the petition. In general, ROW is not associated with any registered voters. 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 in the Annexation Area.
 - 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 Property in Monroe Street. 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 are no applicable urban service agreements adopted pursuant to ORS 195 in the area of the proposed annexation. However, 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. Pursuant to this agreement, the City has maintained a public sewer system in this area for several decades (since at least 1975). 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 new 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 maintains a public sewer system that can adequately serve the Annexation Property.

Storm: The Annexation Property is 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 Property's frontage when new development occurs.

Water: The City's UGMA agreement with the County identifies the City as the lead urban service provider in the area of the proposed annexation. The City maintains a public water system that can adequately serve the Annexation Property.

- (5) Any applicable comprehensive plan.

The proposed annexation is consistent with the Milwaukie Comprehensive Plan, which is more fully described on the previous pages. 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. With the proposed annexation, the City will annex and then take jurisdiction of the Monroe Street right-of-way adjacent to the proposed Annexation Property.

- 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 Property.

The City has public sewer and water service in this area via Monroe Street.

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

The Annexation Property is a tax lot developed with a single-family residence. Annexation of the site 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 Property 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.

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 Property is within the City's sewer service area and is served by the City's 8-inch sewer line accessible in Monroe Street.

Water: The Annexation Property is currently served by the City through a City water line in Monroe Street (4- and 10-inch water lines are available).

Storm: The Annexation Property is 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 Property is currently served by Clackamas 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 Area is currently served by the Clackamas County Sheriff's Department and is 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 site. In order to avoid duplication of services, the area should be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation to the City.

Street Lights: The Annexation Area is currently within Clackamas County Service District No. 5 for Street Lights (the "District"). The City assumes operational responsibility for street lights and street light payments for properties within the City limits. The Annexation Property 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 site upon annexation. The Annexation Property 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.

EXHIBIT B

ANNEXATION TO CITY OF MILWAUKIE

LEGAL DESCRIPTION

1-2E-31AA-01300 plus Monroe St Right-of-Way

A parcel of land in the Daniel Hathaway Donation Land Claim No. 40 in Section 31, Township 1 South, Range 2 East of the Willamette Meridian in Clackamas County, Oregon, more particularly described as follows:

BEGINNING at the intersection of the Northerly right-of-way line of SE Monroe Street with the Westerly right-of-way line of SE Linwood Avenue;

1. Thence Westerly along the Northerly right-of-way line of said SE Monroe Street, 88.0 feet to the Southeast corner of that tract of land conveyed to Richard Tilford and Thea Tilford in Instrument No. 90-01885, Clackamas County Deed Records;
2. Thence Northerly parallel with the Westerly right-of-way line of said SE Linwood Avenue, 126.77 feet, more or less, to the Northeast corner of said Tilford tract and a point on a line marked with 3/4 inch iron pipes in the Westerly right-of-way line of said SE Linwood Avenue and North 89° 59' West, 270 feet therefrom set by R.S. Milln in 1956 as PS 1837, Clackamas County Records of Survey;
3. Thence North 89° 59' West along said line marked by Milln, 67.0 feet to the Northwest corner of said Tilford tract;
4. Thence Southerly parallel with the Westerly right-of-way line of said SE Linwood Avenue, 126.77 feet, more or less, to the Southwest corner of said Tilford tract and a point on the Northerly right-of-way line of said SE Monroe Street;
5. Thence Westerly along the Northerly right-of-way line of said SE Monroe Street, 134.0 feet, more or less, to the Southwest corner of that tract of land conveyed to Thomas L. Runft and Laura J. Runft in Instrument No. 79-51302, Clackamas County Deed Records;
6. Thence Southerly parallel with the Westerly right-of-way line of said SE Linwood Avenue, 40.0 feet, more or less, to the Southerly right-of-way line of said SE Monroe Street;
7. Thence Easterly along the Southerly right-of-way line of said SE Monroe Street and the Easterly extension thereof, 349.0 feet, more or less, to the Easterly right-of-way line of said SE Linwood Avenue;
8. Thence Northerly along the Easterly right-of-way line of said SE Linwood Avenue, 40.0 feet, more or less, to a point on the Easterly extension of the Northerly right-of-way line of said SE Monroe Street;
9. Thence Westerly along said Easterly extension of the Northerly right-of-way line SE Monroe Street, 60.0 feet, more or less, to the Point of Beginning.

