

ORDINANCE NO. 2044

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ANNEXING TRACTS OF LAND IDENTIFIED AS 5807 AND 5816 SE FIRWOOD STREET INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACTS FROM THE TERRITORY OF CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS. (FILE #A-12-01).**

**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 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 19.1104.1.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 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 The tracts of land annexed by this ordinance and described in Section 2 are hereby withdrawn from Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District No. 5 for Street Lights.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 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. The tract of land described as 5807 SE Firwood Street is hereby assigned a Municipal Code zoning designation of Residential zone R-7, and the tract of land described as 5816 SE Firwood Street is hereby assigned 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 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 2/21/12, and moved to second reading by 5-0 vote of the City Council.

Read the second time and adopted by the City Council on 2/21/12

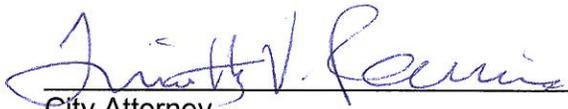
Signed by the Mayor on 2/21/12.

  
\_\_\_\_\_  
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

  
\_\_\_\_\_  
Pat DuVal, City Recorder

  
\_\_\_\_\_  
City Attorney

Document1 (Last revised 09/18/07)

## Exhibit A

### FINDINGS IN SUPPORT OF APPROVAL

Based on the expedited annexation staff report for 5807 & 5816 SE Firwood Street (the "Annexation Properties"), the Milwaukie City Council finds:

1. The Annexation Properties consist of two tax lot comprising 0.34 acres (Tax Map 1S 2E 30AD -Lot 05400 and 1S 2E 30DA Lot 03200). The tax lots are contiguous to the existing city limits on Firwood Street and adjacent properties to the east that are within the City of Milwaukie. The Annexation Properties is also within the City's urban growth management area (UGMA).  
  
The Annexation Properties is developed with a single-family dwelling unit. The surrounding area consists primarily of single-family dwellings.
2. The property owners seek annexation to the City to access City services, namely sewer service. The Annexation Properties were allowed to make an emergency connection to the City's sewer system. Since City policy does not allow extraterritorial connections to City services, the property owners submitted an annexation application and Consent to Annex form prior to making the sewer connection, which obligated them to complete the annexation process.
3. The annexation petition was initiated by Consent of All Owners of Land on January 4, 2012. 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 Section 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 Section 19.1104.
6. The expedited annexation process provides for automatic application of City land use and zoning designations to the Annexation Property based on its existing land use designation in the County, which is Residential R7 for 5807 SE Firwood Street and Residential R10 for 5816 SE Firwood Street. Pursuant to MMC Table 19.1104.1.E, the automatic City Comprehensive Plan land use designations for the Annexation Properties are Low Density Residential, and the automatic zoning designations are Residential Zone R-7 for 5807 SE Firwood Street and Residential zone R-10 for 5816 SE Firwood Street.
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);

- (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 recently completed construction of 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 will require public street improvements along the frontage of the Annexation Properties 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 Property.*

*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 line in Firwood Street.

Water: The Annexation Properties are currently served by CRW through a CRW water line in Stanley 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 site. 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 transfers operational responsibility to the City for the street lights and street light payments in the NESE area, though the properties themselves remain in the District until they annex to the City. The Annexation Properties should be withdrawn from the District upon annexation, as the City provides street lighting for properties within the city as part of its package of city services.

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 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, etc.

ATTACHMENT 1 – EXHIBIT B-1

Annexation to the City Of Milwaukie  
LEGAL DESCRIPTION

Milwaukie Annexation File No. A-12-01

Property Address: 5816 SE Firwood Street, Milwaukie, OR 97222

Tax Lot Description: 1S2E30DA 03200

Legal Description: The West one half of Lot 3, Block 3, HOLLYWOOD PARK, in the County of Clackamas and State of Oregon.

Property Address: 5807 SE Firwood Street, Milwaukie, OR 97222

Tax Lot Description: 1S2E30AD 05400

Legal Description: The West one-half of Lot 14, all Lot 15, and the East one-half of Lot 16, Block 2, HOLLYWOOD PARK, in the County of Clackamas and State of Oregon.

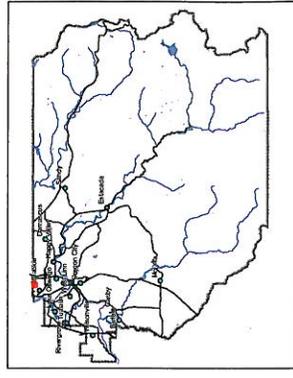
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Clackamas County  
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D. L. C.  
HECTOR CAMPBELL NO. 41

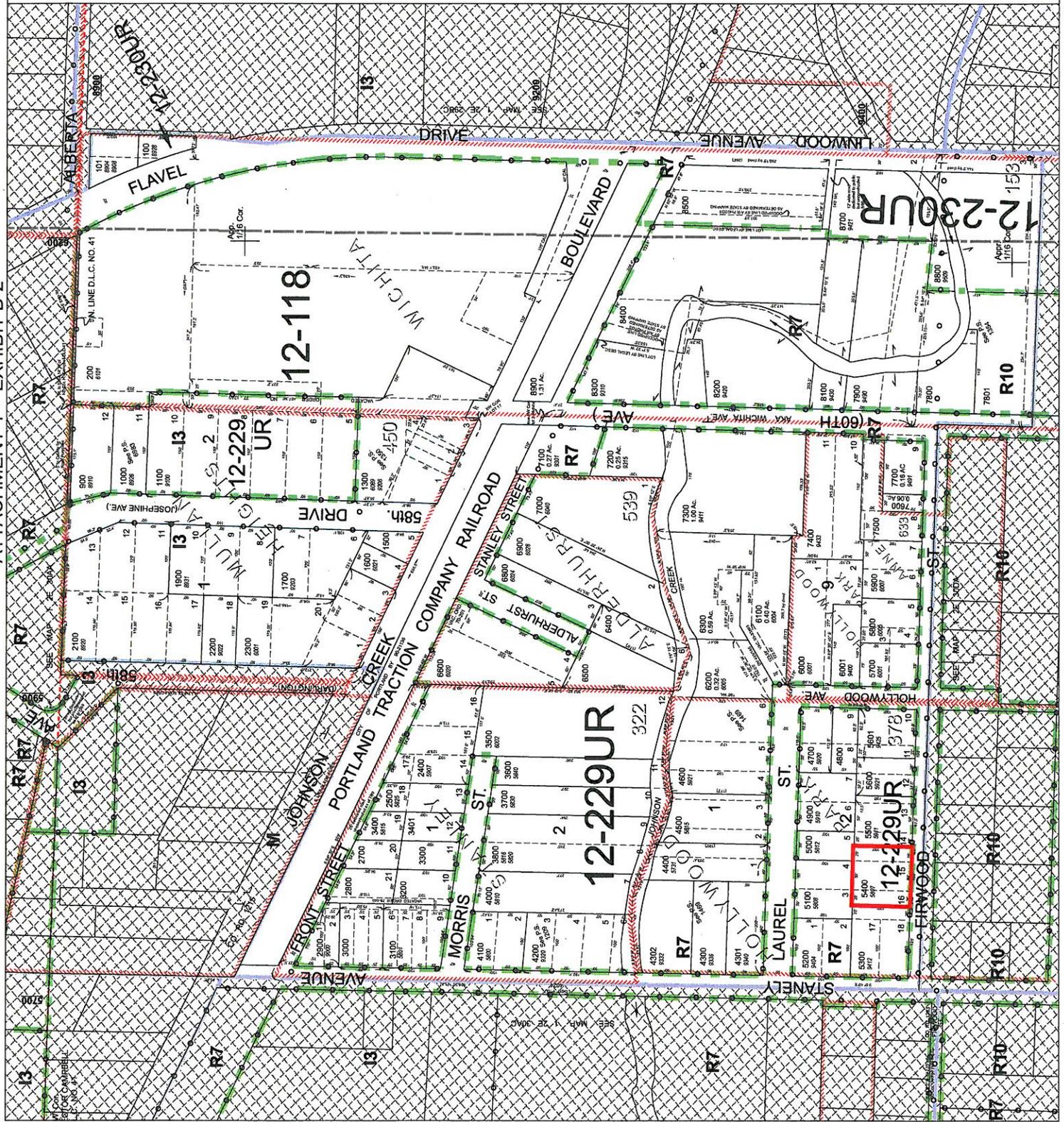
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- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- Tax Code Lines
- Map Index
- Water Lines
- Land Use Zoning
- Pits
- Water
- Corner
- Section Corner
- 1/16th Line
- Court Lot Line
- DLC Line
- Meander Line
- PLS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY



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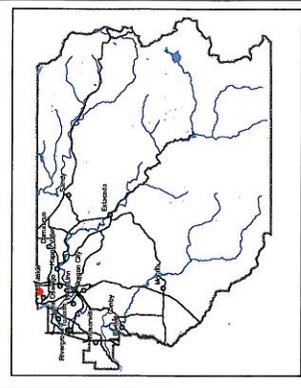
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 HECTOR CAMPBELL NO. 41

*Cancelled Texts*

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- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centreline
- Tax Code Lines
- Water Lines
- Land Use Zoning
- Plats
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- 1/16th Line
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ATTACHMENT 1 - EXHIBIT B-3

