

**COUNCIL ORDINANCE No. 2181**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 12E30AD 05900 AND LOCATED AT 6007 SE FIRWOOD ST INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2019-004).**

**WHEREAS**, the territory proposed for annexation is contiguous to the City's boundary and is within the City's urban growth management area (UGMA); and

**WHEREAS**, the requirements of the Oregon Revised Statutes (ORS) for initiation of the annexation were met by providing written consent from a majority of electors and all owners of land within the territory proposed for annexation; and

**WHEREAS**, the territory proposed for annexation lies within the territory of the 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 (MMC) 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 attached as Exhibit A are hereby adopted.

Section 2. The tract of land described and depicted in Exhibit B is hereby annexed to the City of Milwaukie.

Section 3. The tract of land annexed by this ordinance and described in Section 2 is hereby withdrawn from the Clackamas County Service District for Enhanced Law Enforcement.

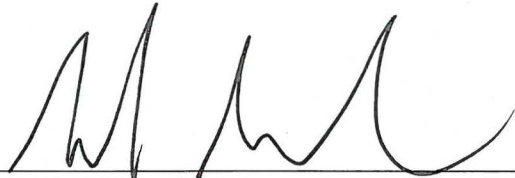
Section 4. The tract of land annexed by this ordinance and described in Section 2 is hereby assigned a comprehensive plan land use designation of low density residential (LD) and a municipal code zoning designation of residential R-7.

Section 5. The City shall immediately file a copy of this ordinance with Metro and other agencies required by Metro Code 3.09.030, ORS 222.005, and ORS 222.177. The annexation and withdrawal 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 10/1/19 and moved to second reading by 5:0 vote of the City Council.

Read the second time and adopted by the City Council on 10/1/19.

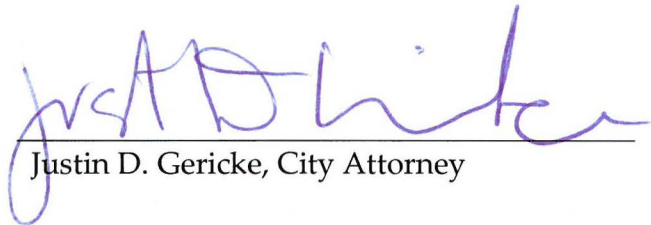
Signed by the Mayor on 10/1/19.



Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Scott S. Stauffer, City Recorder  
\_\_\_\_\_  
Justin D. Gericke, City Attorney

**EXHIBIT A**  
**Recommended Findings in Support of Approval**  
**File #A-2019-004, Firwood Street Annexation**

Based on the expedited annexation staff report for 6007 SE Firwood St, the "Annexation Property," the Milwaukie City Council finds:

1. The Annexation Property consists of one legal lot of record comprising a total of .23 acres (Tax lot 12E30AD05900). The Annexation Property is contiguous to the existing city limits via the adjacent public right-of-way in SE Firwood Street to the south. The Annexation Property is within the regional urban growth boundary and within the city's urban growth management area (UGMA).

The Annexation Property is developed with a single-family detached dwelling unit. The surrounding area consists primarily of single-family dwellings with a church directly adjacent to the east of the site on SE Firwood Street.

2. The property owner seeks annexation to the city to access city sewer services.
3. The annexation petition was initiated by consent of all Owners of land on July 31, 2019 with an application for annexation submitted to the city on the same day (July 31, 2019) and September 2019 (by the new owners). It meets the requirements for initiation set forth in Oregon Revised Statute (ORS) 222.125, Metro Code 3.09.040, and Milwaukie Municipal Code (MMC) 19.1102.2.A.1.
4. The annexation petition was processed and public notice was provided in accordance with ORS 222.125, Metro Code 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 Comprehensive Plan land use and zoning designations to the Annexation Property based on its existing Comprehensive Plan land use and zoning designations in Clackamas County, which are Low Density Residential and Residential R-7, respectively. Pursuant to MMC Table 19.1004.1.E, the automatic city Comprehensive Plan land use and zoning designations for the Annexation Property are Low Density Residential and Residential Zone R-7, 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 (UGMA);  
*The Annexation Property is within the city's UGMA.*
  - b. The subject site must be contiguous to the existing city limits;

*The Annexation Property is contiguous to the existing city limits via the adjacent public right-of-way in Firwood St.*

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

*The property owner at the time of submittal, Todd Bodenheimer, consented to the annexation by signing the petition. He represented fifty percent of the registered voters for the Annexation Property. After the initial submittal, the property was sold to new owners. Those new owners also consented to the annexation by signing the petition.*

*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 annexation 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 Firwood St. As proposed, the annexation is consistent with Milwaukie Comprehensive Plan policies.*

- e. The proposal must comply with the criteria of Metro Code 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. 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 completed construction of a public sewer system in this area. The proposed annexation is in keeping 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 the 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 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: Access is provided to the site via Firwood St, a local street. The city may require public street improvements along the Annexation Property's frontage when new development occurs.*

*Water: Clackamas River Water (CRW) is the identified water service provider in this plan. However, 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's water service master plan for all of the territory within its UGMA addresses the need to prepare for future demand and coordinate service provisions changes with CRW.*

- (5) Any applicable comprehensive plan.

*The proposed annexation is consistent with the Milwaukie Comprehensive Plan, as noted in Finding 7.d. 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 already annexed and taken jurisdiction of the Firwood St right-of-way adjacent to the 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.*

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

*The Annexation Property consists of one tax lot. The site is 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 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 will be served by the city's 6-in sewer line accessible in Firwood St.*

Water: *The Annexation Property is currently served by Clackamas River Water (CRW).*

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 Property 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 the department can adequately serve the site. In order to avoid duplication of services, the site will be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation to the city.*

Street Lights: *The Annexation Property is not within a special service district for street lights (the "District"). The city has operational responsibility for the street lights and street light payments.*

Other Services: *Planning, Building, Engineering, Code Enforcement, and other municipal services are available through the city and 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.*

1 2 E 30AD  
 S.E. 1/4 N.E. 1/4 SEC. 30 T. 1S. R. 2E. W.M.  
 CLACKAMAS COUNTY

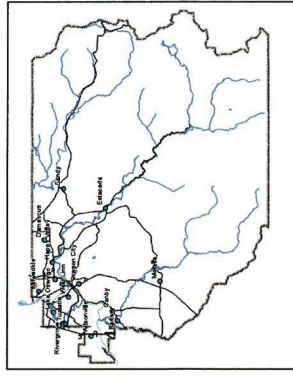
D. L. C.  
 HECTOR CAMPBELL NO. 41

1" = 100'

Cancelled Taxlots

- 201
- 300
- 400
- 500
- 600
- 700
- 800
- 900
- 1000
- 1100
- 1200
- 1300
- 1400
- 1500
- 1600
- 1700
- 1800
- 1900
- 2000
- 2100
- 2200
- 2300
- 2400
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- 2900
- 3000
- 3100
- 3200
- 3300
- 3400
- 3500
- 3600
- 3700
- 3800
- 3900
- 4000

- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centreline
- 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

12/27/2018

1 2 E 30AD

