



AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING TRACTS OF LAND IDENTIFIED AS TAX MAP 1S2E31D, LOTS 02100, 02200, AND 02290 AND LOCATED AT 5989 SE HARMONY ROAD AND 6115 SE HARMONY ROAD INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE. (FILE #A-2017-001)

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 The tracts of land annexed by this ordinance and described in Section 2 are hereby withdrawn from the Clackamas County Service District for Enhanced Law Enforcement.

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 Medium Density Residential and a Municipal Code zoning designation of Residential zone R-2.

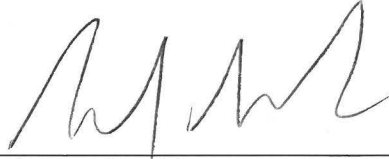
Section 5. The City shall immediately file a copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.030 and ORS 222.005 and

222.177. The annexation and 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 5/16/17, and moved to second reading by 5:0 vote of the City Council.

Read the second time and adopted by the City Council on 5/16/17.

Signed by the Mayor on 5/16/17.



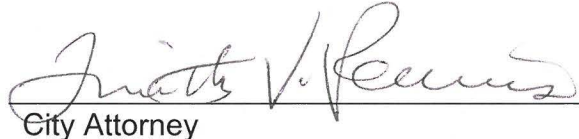
Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC



Scott S. Stauffer, City Recorder



City Attorney

EXHIBIT A

FINDINGS IN SUPPORT OF APPROVAL

Based on the expedited annexation staff report for 5989 SE Harmony Road and 6115 SE Harmony Road., the "Annexation Property," the Milwaukie City Council finds:

1. The Annexation Property consists of three tax lots comprising a total of 2.14 acres (Tax Map 1S2E31D, Lots 2100, 2200 and 2290). The Annexation Property is contiguous to the existing City limits via the adjacent property to the west (5979 SE Harmony Road) and the public right-of-way to the north (railroad tracks and SE Railroad Ave). The Annexation Property is within the regional urban growth boundary and is also within the City's urban growth management area (UGMA).

The western portion of the Annexation Property (Lot 2100) is developed with an existing apartment building, and the eastern portion (Lots 2200 and 2290) are undeveloped. The surrounding area is a mix of residential, commercial, and industrial uses.
2. The property owner seeks annexation to the City to access City services for future development.
3. The annexation was initiated by the property owners with an application for annexation submitted to the City on February 21, 2017, and revised on March 20, 2017. 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 Comprehensive Plan land use and zoning designations to the Annexation Property based on its existing Comprehensive Plan land use and zoning designations in the County. The existing County Comprehensive Plan land use designation for the Annexation Property is Medium Density Residential (MDR), which corresponds to the City's Medium Density Residential Comprehensive Plan designation upon annexation. The current County zoning designation for the Annexation Property is Medium Density Residential (MR-1), which corresponds to a City's R-2 zoning designation upon annexation.
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 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 property to the west (5979 SE Harmony Road).

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

James and Annemie Williams, the two members for Harmony Park Apartments LLC and HPA 2 LLC, the owners of the Annexation Property, consented to the annexation by signing the petition. There is a total of eleven registered voters for the Annexation Property, and six of them signed 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 annexing areas where the City has adequate services and (2) requiring annexation in order to receive a City service. Future development of 6115 SE Harmony Road will require the provision of city services. 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 7.

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.

- (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. Harmony Road is a county road and the City is not annexing the portions of Harmony Road adjacent to the Annexation Property as part of this application. Clackamas County will be involved in the discussion of site access when the property develops.

Water: The City is the identified water service provider in the area of the proposed annexation and 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 in Finding 6.

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.

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 water service in this area via SE Harmony Road and public sewer service via a line along the northern portion of the Annexation Property, south of the railroad tracks.

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

The Annexation Property consists of three tax lots under the same ownership (the two LLC's have the same members). The western portion of the site is developed with an existing apartment building, and the eastern portion will be developed with an apartment building, which is a permitted use. 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 City 8-in sewer lines that connect to a 15" main that runs along the northern portion of the property.

Water: The Annexation Property is currently served by the City through a 12-in City water line in SE Harmony Road adjacent to the Annexation Property. The

new apartment building at 6115 SE Harmony Road will be required to pay a SDC to connect to the water system.

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 this 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 currently within Clackamas County Service District No. 5 for Street Lights. The Annexation Property will 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 the City of Milwaukie
LEGAL DESCRIPTION

Milwaukie Annexation File No. A-2017-001

Property Address: 5989 SE Harmony Road, Milwaukie OR 97222

Tax Lot Description: Tax Map 1S2E31D, Lot 02100

Legal Description: A tract of land situated in the northeast $\frac{1}{4}$ of Section 6, Township 2 South, Range 2 East of the Willamette Meridian, in Clackamas County, Oregon, being more particularly described as follows:

Commencing at the northeast corner of the John D. Garrett DLC. No. 61; thence S 27°27'25" W, 107.25 feet to the south right of way line of the Southern Pacific Railroad; thence along said south right of way line, N 62°32'35" W, 387.60 feet; thence leaving said south right of way line, S 06°52'00" E, 75.42 feet to the Point of Beginning of the tract herein described; thence S 06°52'00" E, 345.14 feet to the north right of way line of S.E. Harmony Road (Milwaukie-Foster Rd); thence along said north right of way line, S 66°27'55" W, 106.01 feet; thence leaving said north right of way line, N 06°53'37" W, 345.19 feet; thence N 66°30'52" E, 106.15 feet to the point of beginning.

Containing 0.81 Acres

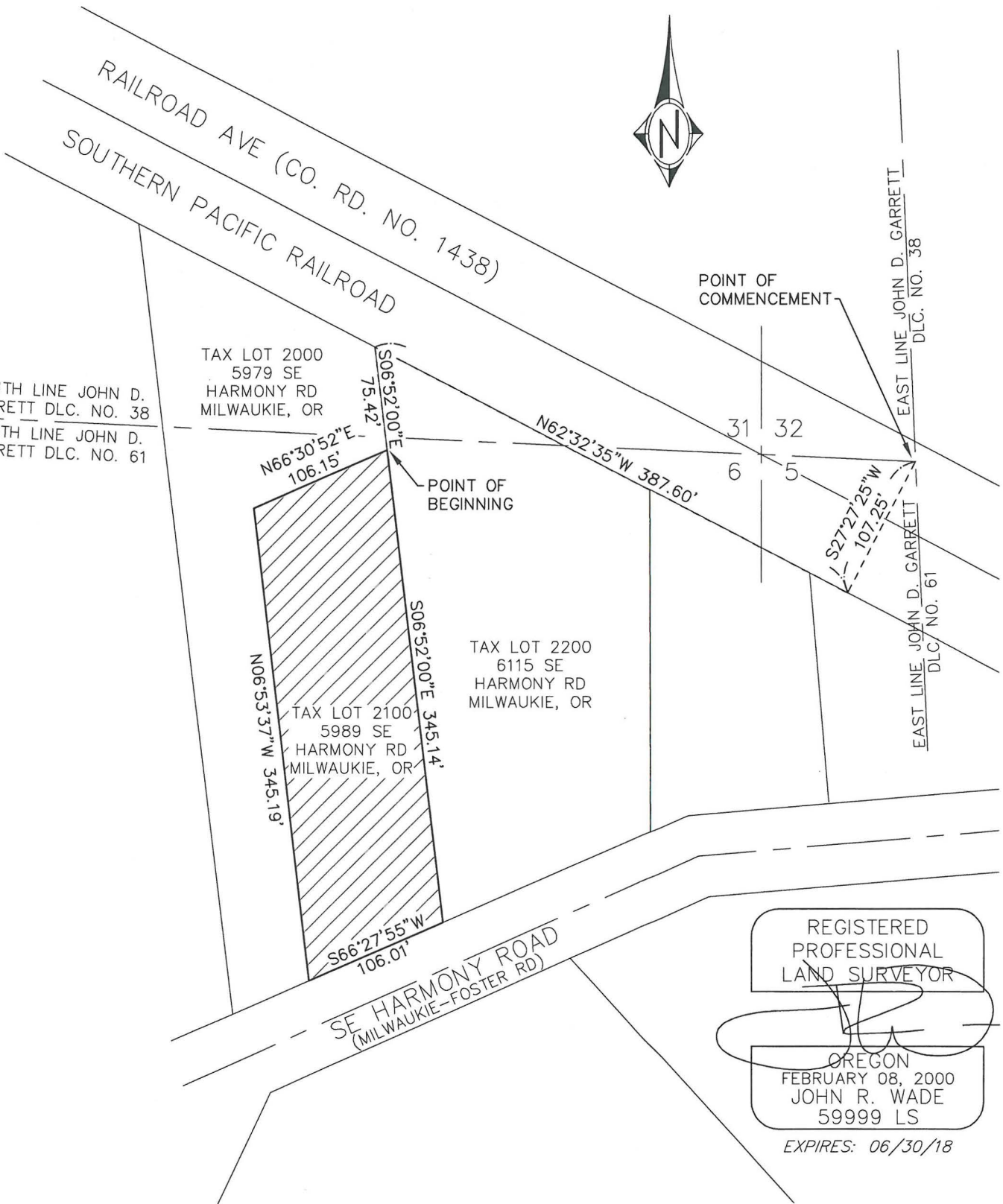
Property Address: 6115 SE Harmony Road, Milwaukie OR 97222

Tax Lot Description: Tax Map 1S2E31D, Lots 02200 and 02290

Legal Description: A tract of land situated in the northeast $\frac{1}{4}$ of Section 6, Township 2 South, Range 2 East of the Willamette Meridian, in Clackamas County, Oregon, being more particularly described as follows:

Commencing at the northeast corner of the John D. Garrett DLC. No. 61; thence S $27^{\circ}27'25''$ W, 107.25 feet to the south right of way line of the Southern Pacific Railroad; thence along said south right of way line, N $62^{\circ}32'35''$ W, 162.60 feet, to the Point of Beginning of the tract herein described; thence S $00^{\circ}13'23''$ E, 248.32 feet to the north right of way line of S.E. Harmony Road (Milwaukie-Foster Rd); thence along said north right of way line, S $66^{\circ}27'55''$ W, 163.98 feet; thence leaving said north right of way line, N $06^{\circ}52'00''$ W, 420.56 feet to a point on the south right of way line of the Southern Pacific Railroad; thence along said south right of way line, S $62^{\circ}32'35''$ E, 225.00 feet to the point of beginning.

Containing 1.33 Acres



REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]

OREGON
FEBRUARY 08, 2000
JOHN R. WADE
59999 LS

EXPIRES: 06/30/18

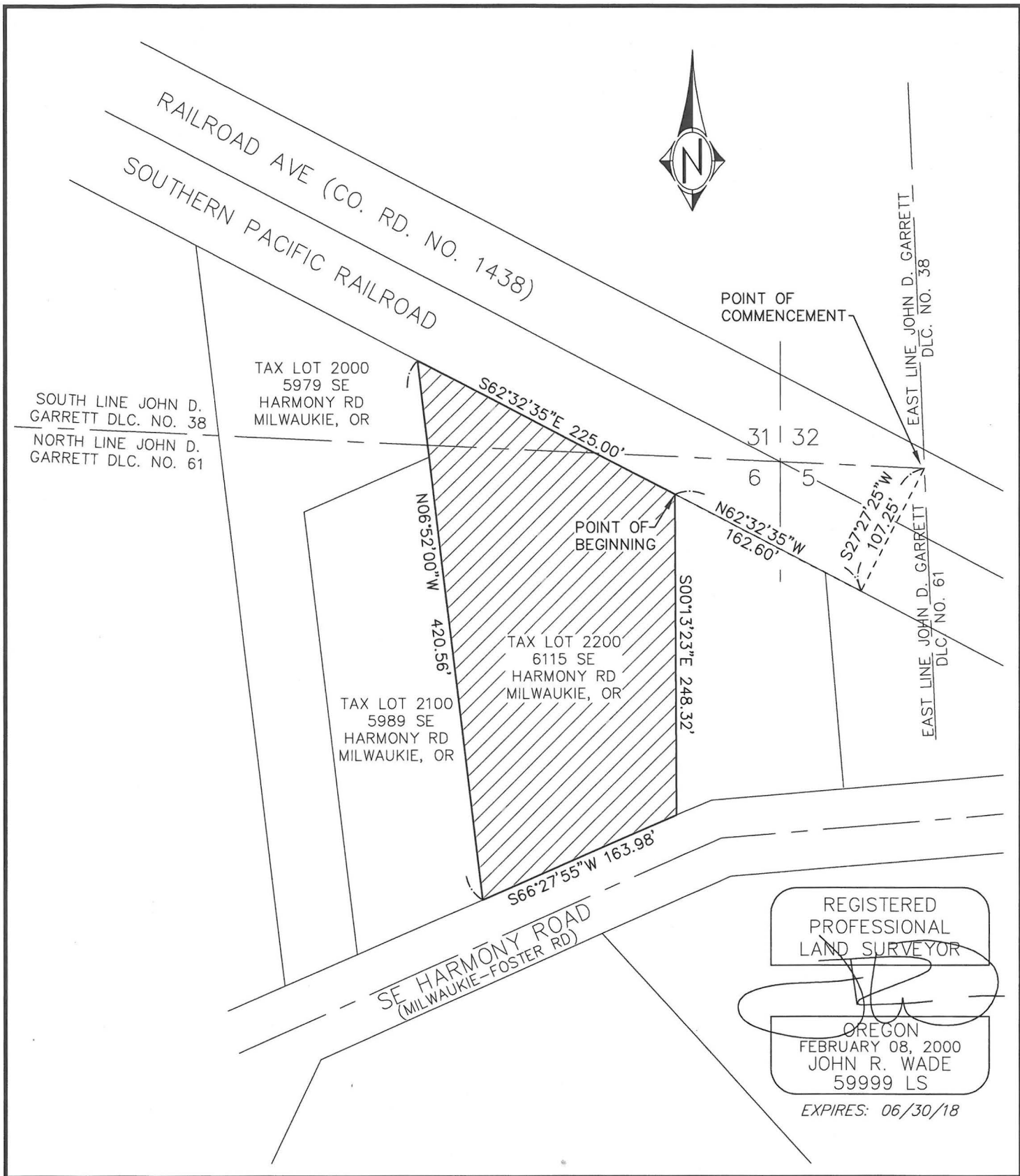
SUMMIT
LAND SURVEYORS

12950 SW PACIFIC HIGHWAY, SUITE 255
TIGARD, OR 97223
PHONE & FAX: 503.928.5589

ANNEXATION EXHIBIT _____

A PORTION OF THE NORTHEAST 1/4 OF SECTION 6,
TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN,
CLACKAMAS COUNTY, STATE OF OREGON

JOB NO: 998-187	DATE: 04/06/17	SCALE: 1"=100'	PREPARED FOR: ED WILLIAMS
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REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]

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