



PLANNING DEPARTMENT
 6101 SE Johnson Creek Blvd
 Milwaukie OR 97206

PHONE: 503-786-7630
 FAX: 503-774-8236
 E-MAIL: planning@milwaukieoregon.gov
 WEB: www.milwaukieoregon.gov

Expedited Annexation Application

File #: A-2017-006

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant):

ANN AUSTIN

Mailing address:

5555 SE ALDERCREST LN MILWAUKIE Zip: 97222

Phone(s):

507 653 2314

E-mail:

daustin97222@aol.com

APPLICANT'S REPRESENTATIVE (if different than above):

Mailing address:

Zip:

Phone(s):

E-mail:

SITE INFORMATION:

Address(es): 9631 SE WICHITA Map & Tax Lot(s): 12E30DA01500 Property size: 0.29 AC

Existing County zoning:

R10

Proposed City zoning:

R10

Existing County land use designation:

LDR

Proposed City land use designation:

LDR

PROPOSAL (describe briefly):

ANNEX TO CITY ^{OF MILWAUKIE} CONNECT TO SE WEN

LIST OF ALL CURRENT UTILITY PROVIDERS:

Check all that apply (do not list water or sewer service providers)

Cable, internet, and/or phone:

Comcast CenturyLink (formerly Qwest)

Energy:

PGE NW Natural Gas

Garbage hauler:

Waste Management Mel Deines Hoodview Disposal and Recycling
 Wichita Sanitary Oak Grove Disposal Clackamas Garbage

Other (please list):

SIGNATURE:

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. I have attached all owners' and voters' authorizations to submit this application. I understand that uses or structures that were not legally established in the County are not made legal upon annexation to the City. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by:

Date:

10/26/17

CONTINUED ON REVERSE

THIS SECTION FOR OFFICE USE ONLY:

| File #: | Fee: \$ | Receipt #: | Rcd. by: | Date stamp: |
|--|---------|------------|----------|--|
| Associated application file #'s: | | | | <p>RECEIVED OCT 27 2017 CITY OF MILWAUKIE PLANNING DEPARTMENT</p> |
| Neighborhood District Association(s): | | | | |
| Notes (include discount if any): | | | | |

**EXPEDITED ANNEXATION
PETITION OF OWNERS OF 100% OF LAND AREA
AND PETITION OF AT LEAST 50% OF REGISTERED VOTERS**

TO: The Council of the City of Milwaukie, Oregon

RE: Petition for Annexation to the City of Milwaukie, Oregon

We, the petitioners (listed on reverse), are property owners of and/or registered voters in the territory described below. We hereby petition for, and give our consent to, annexation of this territory to the City of Milwaukie.

This petition includes a request for the City to assign a zoning and land use designation to the territory that is based on the territory's current zoning designation in the County, pursuant to the City's expedited annexation process.

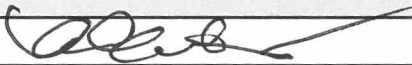
The territory to be annexed is described as follows:

(Insert legal description below OR attach it as Exhibit "A")

LEGAL DESCRIPTION IS ATTACHED
FOR 9631 SE WICHITA, MILWAUKIE, OR
97222

PETITION SIGNERS

NOTE: This petition may be signed by qualified persons even though they may not know their property description or voter precinct number.

| SIGNATURE | PRINTED NAME | I AM A:* | | | DATE |
|---|----------------------|----------|--------|----------|------------------|
| | | PO | RV | OV | |
|  | ANN AUSTIN | X | | | 10/26/17 |
| PROPERTY ADDRESS | PROPERTY DESCRIPTION | | | | VOTER PRECINCT # |
| | TOWNSHIP | RANGE | ¼ SEC. | LOT #(S) | |
| 9631 SE WICKITA AVE MILWAUKEE, WI 53222 | | | | | |

| SIGNATURE | PRINTED NAME | I AM A:* | | | DATE |
|------------------|----------------------|----------|--------|----------|------------------|
| | | PO | RV | OV | |
| | | | | | |
| PROPERTY ADDRESS | PROPERTY DESCRIPTION | | | | VOTER PRECINCT # |
| | TOWNSHIP | RANGE | ¼ SEC. | LOT #(S) | |
| | | | | | |

| SIGNATURE | PRINTED NAME | I AM A:* | | | DATE |
|------------------|----------------------|----------|--------|----------|------------------|
| | | PO | RV | OV | |
| | | | | | |
| PROPERTY ADDRESS | PROPERTY DESCRIPTION | | | | VOTER PRECINCT # |
| | TOWNSHIP | RANGE | ¼ SEC. | LOT #(S) | |
| | | | | | |

| SIGNATURE | PRINTED NAME | I AM A:* | | | DATE |
|------------------|----------------------|----------|--------|----------|------------------|
| | | PO | RV | OV | |
| | | | | | |
| PROPERTY ADDRESS | PROPERTY DESCRIPTION | | | | VOTER PRECINCT # |
| | TOWNSHIP | RANGE | ¼ SEC. | LOT #(S) | |
| | | | | | |

| SIGNATURE | PRINTED NAME | I AM A:* | | | DATE |
|------------------|----------------------|----------|--------|----------|------------------|
| | | PO | RV | OV | |
| | | | | | |
| PROPERTY ADDRESS | PROPERTY DESCRIPTION | | | | VOTER PRECINCT # |
| | TOWNSHIP | RANGE | ¼ SEC. | LOT #(S) | |
| | | | | | |

| SIGNATURE | PRINTED NAME | I AM A:* | | | DATE |
|------------------|----------------------|----------|--------|----------|------------------|
| | | PO | RV | OV | |
| | | | | | |
| PROPERTY ADDRESS | PROPERTY DESCRIPTION | | | | VOTER PRECINCT # |
| | TOWNSHIP | RANGE | ¼ SEC. | LOT #(S) | |
| | | | | | |

*PO = Property Owner RV = Registered Voter OV = Owner and Registered Voter

EXHIBIT "A"

Part of the Hector Campbell Donation Land Claim, Section 30, Township 1 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, to-wit:

Beginning at the Southeasterly corner of that certain tract of land described in the Deed from T.S. Mullen and wife to School District 119, recorded in Book 109, page 128 of Deed Records; thence running Northerly along the Westerly line of Wichita Road 1904 feet to the Northeast corner of a 34 foot strip conveyed to Clackamas County for road by Deed recorded October 18, 1952 in Book 461, page 744, Deed Records; thence continuing Northerly along the Westerly line of Wichita Road 71 feet to the true point of beginning of the tract herein described; thence Westerly parallel with the Northerly line of said 34 foot strip conveyed to Clackamas County a distance of 180 feet to the East line of a tract conveyed to Wm. A. Read, et ux, by Deed recorded July 17, 1952 in Book 458, page 681, Deed Records; thence Northerly along the Easterly line of said Read Tract 71 feet to the Southwest corner of a tract conveyed to Walter Bohlmann, et ux, by Deed recorded May 7, 1952 in Book 456, page 377, Deed Records; thence Easterly along the South line of said Bohlmann Tract 180 feet to the Westerly line of Wichita Road; thence South along said Westerly line 71 feet to the true point of beginning.

**CERTIFICATION OF PROPERTY OWNERSHIP OF
100% OF LAND AREA**

I hereby certify that the attached petition contains the names of the owners¹ (as shown on the last available complete assessment roll) of 100% of the land area of the territory proposed for annexation as described in the attached petition.



Name Mary Neigel
Title GIS Cartographer II
Department Assessment & Tax
County of Clackamas
Date 09-26-17

¹ Owner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If a parcel of land has multiple owners, each consenting owner shall be counted as a percentage of their ownership interest in the land. That same percentage shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the territory included within the attached petition (located on Assessor's Map 1ZE 30DA) has been checked by me. It is a true and exact description of the territory under consideration and corresponds to the attached map indicating the territory under consideration.



Name Mary Neigel
Title GIS Cartographer II
Department Assessment & Tax
County of Clackamas
Date 09.26.17

CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition contains the names of at least 50% of the electors registered in the territory proposed for annexation as described in the attached petition.

no active voters

Name Rebekah St Poll
Title Deputy Clerk
Department Elections
County of Clackamas
Date 10/26/17



NOTICE LIST

(This form is NOT the petition)

LIST THE NAMES AND ADDRESSES OF ALL PROPERTY OWNERS AND REGISTERED VOTERS IN THE TERRITORY PROPOSED FOR ANNEXATION.

| | Name of Owner/Voter | Mailing Street Address | Property Address |
|----|---------------------|---|--|
| | | Mailing City/State/Zip | Property Description <small>(township, range, ¼ section, and tax lot)</small> |
| 1 | AKIN AUSTIN | 5555 SE ALDEN WOODS MILWAUKEE, OR 97222 | 9631 SE WICKI MILWAUKEE, OR |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 10 | | | |

CONFIDENTIAL

Census Form

Date

10/15/17

Use one form per housing unit

CITY OF MILWAUKIE, OREGON

ADDRESS 9631 SE WICHITA AVE

HOUSING TYPE:

- Single Unit Structure
- Multiple Unit Structure
- Trailer or Mobile Home

TENURE:

- Owner Occupied
- Renter Occupied
- Vacant
- Seasonal

RESIDENTS:

Last Name

First Name

- Respondent _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____
- 6) _____
- 7) _____
- 8) _____
- 9) _____
- 10) _____

POPULATION RESEARCH CENTER

**PORTLAND STATE
UNIVERSITY**

(503) 725-3922

**Department of Environmental Quality
LAND USE COMPATIBILITY STATEMENT (LUCS)**



WHAT IS A LUCS? The Land Use Compatibility Statement is the process used by the DEQ to determine whether DEQ permits and other approvals affecting land use are consistent with local government comprehensive plans.

WHY IS A LUCS REQUIRED? Oregon law requires state agency activities that impact land use be consistent with local comprehensive plans. DEQ Oregon Administrative Rules (OAR) Chapter 340, Division 18 identifies agency activities or programs that significantly affect land use and must have a process for determining local plan consistency.

WHEN IS A LUCS REQUIRED? A LUCS is required for nearly all DEQ permits and certain approvals of plans or related activities that affect land use. These permits and activities are listed on p. 2 of this form. A single LUCS can be used if more than one DEQ permit/approval is being applied for concurrently.

A permit modification requires a LUCS when any of the following applies:

1. Physical expansion on the property or proposed use of additional land;
2. A significant increase in discharges to water;
3. A relocation of an outfall outside of the source property; or
4. Any physical change or change of operation of an air pollutant source that results in a net significant emission rate increase as defined in OAR 340-200-0020.

A permit renewal requires a LUCS if one has not previously been submitted, or if any of the above modification factors apply.

HOW TO COMPLETE A LUCS:

| Step | Who Does It | What Happens |
|------|--------------------------------|--|
| 1 | Applicant | Completes Section 1 of the LUCS and submits it to the appropriate city or county planning office. |
| 2 | City or County Planning Office | Completes Section 2 of the LUCS by determining if the activity or use meets all local planning requirements, and returns to the applicant the signed and dated LUCS form with findings of fact for any local reviews or necessary planning approvals. |
| 3 | Applicant | Includes the completed LUCS with findings of fact with the DEQ permit or approval submittal application to the DEQ. |

WHERE TO GET HELP: For questions about the LUCS process, contact the DEQ staff responsible for processing the permit/approval. Headquarters and regional staff may be reached using DEQ's toll-free telephone number 1-800-452-4011. For general questions, please contact DEQ land use staff listed at: www.deq.state.or.us/pubs/permithandbook/lucs.htm.

CULTURAL RESOURCES PROTECTION LAWS: Applicants involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction, or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking, to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.

SECTION 1 - TO BE COMPLETED BY APPLICANT

A. Applicant Name: ANN AUSTIN
 Contact Name: SPR
 Mailing Address: 5555 SE ALDENCREST LN
 City, State, Zip: MILWAUKIE, OR 97222
 Telephone: 503 653 2214
 Tax Account No.: _____

B. Project Name: Residential sewer connection
 Physical Address: 9631 SE WICHITA AVE
 City, State, Zip: Milwaukie, OR 97222
 Tax Lot No.: 01500
 Township:1S Range:2E Section: 30DA
 Latitude: 45.453565
 Longitude: -122.601225

For latitude/longitude, use the **DEQ Location Finder** at <http://deq12.deq.state.or.us/website/findloc>.

C. Describe the type of business or facility and services or products provided:

Single family residence

SECTION 1 - TO BE COMPLETED BY APPLICANT (Continued)

Applicant Name: Ann Austin

Project Name: 9631 SE Wichita Ave

D. Check the type of DEQ permit(s) or approval(s) being applied for at this time.

| | |
|---|---|
| <input type="checkbox"/> Air Notice of Construction | <input type="checkbox"/> Pollution Control Bond Request |
| <input type="checkbox"/> Air Discharge Permit (<i>excludes portable facility permits</i>) | <input type="checkbox"/> Hazardous Waste Treatment, Storage, or Disposal Permit |
| <input type="checkbox"/> Title V Air Permit | <input type="checkbox"/> Clean Water State Revolving Fund Loan Request |
| <input type="checkbox"/> Parking/Traffic Circulation Plan | <input checked="" type="checkbox"/> Wastewater/Sewer Construction Plan/Specifications (<i>includes review of plan changes that require use of new land</i>) |
| <input type="checkbox"/> Air Indirect Source Permit | <input type="checkbox"/> Water Quality NPDES Individual Permit |
| <input type="checkbox"/> Solid Waste Disposal Permit | <input type="checkbox"/> Water Quality WPCF Individual Permit (<i>for onsite construction-installation permits use DEQ's Onsite LUCS form</i>) |
| <input type="checkbox"/> Solid Waste Treatment Permit | <input type="checkbox"/> Water Quality NPDES Stormwater General Permit (<i>1200-A, 1200-C, 1200-CA, 1200-COLS, and 1200-Z</i>) |
| <input type="checkbox"/> Solid Waste Compost Registration or Permit | <input type="checkbox"/> Water Quality General Permit (<i>all general permits, except 600, 700-PM, 1700-A, and 1700-B when they are mobile.</i>) |
| <input type="checkbox"/> Solid Waste Letter Authorization Permit | <input type="checkbox"/> Water Quality 401 Certification for federal permit |
| <input type="checkbox"/> Solid Waste Material Recovery Facility Permit | |
| <input type="checkbox"/> Solid Waste Transfer Station Permit | |
| <input type="checkbox"/> Solid Waste Tire Storage Permit | |

E. This application is for: permit renewal new permit permit modification other: _____

SECTION 2 - TO BE COMPLETED BY CITY OR COUNTY PLANNING OFFICIAL

Please Note: A LUCS approval cannot be accepted by DEQ until all local requirements have been met. Written findings of fact for all local decisions addressed under Item C below are required. Written findings for an activity or use addressed by the acknowledged comprehensive plan in accordance with OAR 660-031-0020 may simply reference the specific plan policies, criteria, or standards that were relied upon in rendering the decision and indicate why the decision is justified based on the plan policies, criteria, or standards.

A. The facility proposal is located: inside city limits inside UGB outside UGB

B. Name of the city or county that has land use jurisdiction (*the legal entity responsible for land use decisions for the subject property or land use*): _____

C. Does the activity or use comply with all applicable local land use requirements (*as required by OAR Chapter 660, Division 31*)?

YES, you must complete below or attach findings to support the affirmative compliance decision

i) Relevant specific plan policies, criteria, or standards:

Property has applied to annex; Milwaukie comp plan requires annexation prior to connection.

ii) Provide the reasons for the decision:

Property owner has applied to annex and requires emergency connection.

NO, you must complete below or attach findings for noncompliance, and identify requirements the applicant must comply with before LUCS compatibility can be determined.

iii) Relevant specific plan policies, criteria, or standards:

iv) Provide the reasons for the decision:

D. Planning Official Signature:  _____ **Title:** Associate Planner

Print Name: Vera Kolias **Telephone No.:** 503-786-7653 **Date:** 10/27/17

E. If necessary, depending upon city/county agreement on jurisdiction outside city limits but within UGB:

Planning Official Signature: _____ **Title:** _____

Print Name: _____ **Telephone No.:** _____ **Date:** _____

AFTER RECORDING RETURN TO:
Planning Department
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

This Space For County Recording Use Only

FOR OFFICE USE ONLY

Annexation File No. A-2017-006

Date Received 10/27/17

**CITY OF MILWAUKIE
CONSENT TO ANNEXATION &
AGREEMENT NOT TO CONTEST ANNEXATION**

In consideration for the City of Milwaukie for the property described below:

All owners of the property listed below, and their successors and assigns, consent to annex the following described real property into the City of Milwaukie by preparing and signing all relevant annexation documents that the City of Milwaukie desires, including but not limited to a "Petition" for annexation and/or a "Covenant of Waiver of Rights and Remedies," so that the following described real property located in Clackamas County, Oregon, and within the Urban Growth Management Area of the City of Milwaukie, can be annexed into the City of Milwaukie.

All owners of the property listed below further agree that they, their successors and assigns, will not oppose, in any manner, requests or attempts to annex the following described real property into the City of Milwaukie:

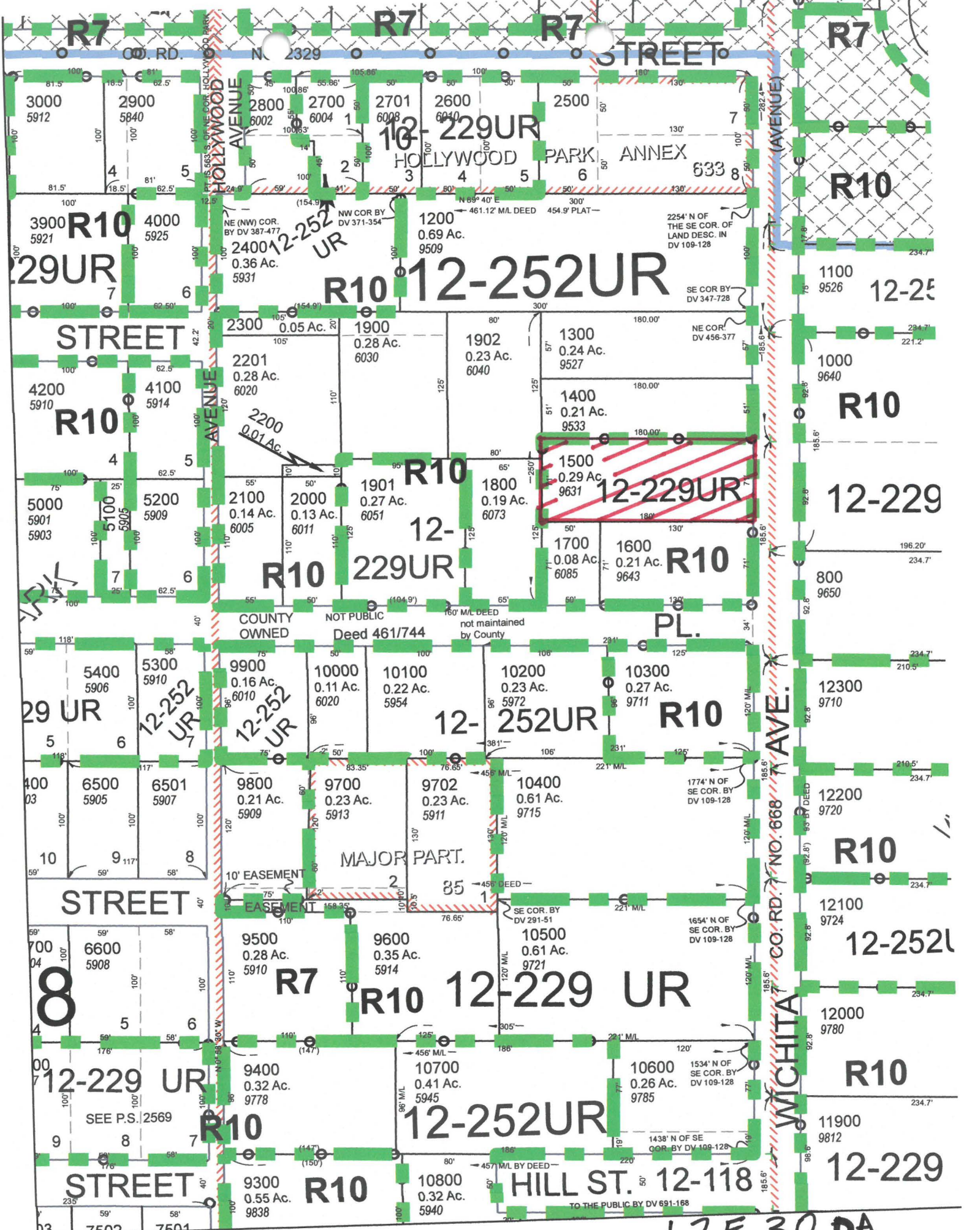
PROPERTY DESCRIPTION

Street Address: 9631 SE WICHITA AVE

City: MILWAUKIE State: OR Zip Code: 97222

Tax Map ID: Township 1S Range 2E Section 30DA Tax Lot(s) 01500

Dated this 27th day of October, 2017.



12E30DA

EXHIBIT "A"

Part of the Hector Campbell Donation Land Claim, Section 30, Township 1 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, to-wit:

Beginning at the Southeasterly corner of that certain tract of land described in the Deed from T.S. Mullen and wife to School District 119, recorded in Book 109, page 128 of Deed Records; thence running Northerly along the Westerly line of Wichita Road 1904 feet to the Northeast corner of a 34 foot strip conveyed to Clackamas County for road by Deed recorded October 18, 1952 in Book 461, page 744, Deed Records; thence continuing Northerly along the Westerly line of Wichita Road 71 feet to the true point of beginning of the tract herein described; thence Westerly parallel with the Northerly line of said 34 foot strip conveyed to Clackamas County a distance of 180 feet to the East line of a tract conveyed to Wm. A. Read, et ux, by Deed recorded July 17, 1952 in Book 458, page 681, Deed Records; thence Northerly along the Easterly line of said Read Tract 71 feet to the Southwest corner of a tract conveyed to Walter Bohlmann, et ux, by Deed recorded May 7, 1952 in Book 456, page 377, Deed Records; thence Easterly along the South line of said Bohlmann Tract 180 feet to the Westerly line of Wichita Road; thence South along said Westerly line 71 feet to the true point of beginning.

12E30DA 01500

MN



STATE OF OREGON }
County of Clackamas } ss.
I, John Kauffman, County Clerk, for the County of Clackamas, do hereby certify that the instrument of writing was received for recording in the records of said county at

92 NOV 16 AM10:21



Witness my hand and seal affixed
John Kauffman
JOHN KAUFFMAN
County Clerk

Recording Certificate
CCP-R4 (Rev. 6/91) 92 72805

2



STATUTORY WARRANTY DEED

707
10

DOUGLAS EDWARD AUSTIN _____, Grantor,
conveys and warrants to ANN M. BEAN _____, Grantee,
the following described real property free of liens and encumbrances, except as specifically set forth herein:
SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF

Recorded by
First American Title Insurance Company of Oregon
725418

This property is free of liens and encumbrances, EXCEPT: THE RIGHTS OF THE PUBLIC IN AND TO THAT PORTION OF THE PREMISES HEREIN DESCRIBED LYING WITHIN THE LIMITS OF ROADS, STREETS OR HIGHWAYS.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The true consideration for this conveyance is \$ 81,000.00 (Here comply with the requirements of ORS 93.030)

Dated this 13 day of November 1992.

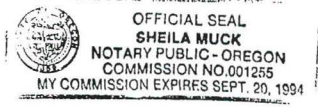
Douglas Edward Austin
DOUGLAS EDWARD AUSTIN

STATE OF OREGON
County of CLACKAMAS } ss.

BE IT REMEMBERED, That on this 13th day of November, 1992, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named DOUGLAS EDWARD AUSTIN

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that HE executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Sheila Muck
Notary Public for Oregon.
My Commission expires 9-20-94

Title Order No. 725418
Escrow No. 92140775

THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:
Ann M. Bean
9631 S.E. Wichita
Milwaukie, OR 97222
Name, Address, Zip

Until a change is requested all tax statements shall be sent to the following address.
Douglas Austin
13190 Pymble
Beaverton OR 97005
Name, Address, Zip

92 72805