

**COUNCIL ORDINANCE No. 2171****AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING THE CEREGHINO FARMS SUBDIVISION INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2019-001).**

**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 (ORS) for initiation of the annexation were met by providing written consent from all owners of land within the territory proposed for annexation; and

**WHEREAS**, the territory proposed for annexation lies within the territories of both the Clackamas County Service District for Enhanced Law Enforcement, Clackamas County Service District #5 for Street Lights, and Clackamas County Water Environment Services; 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 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 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 The tracts of land annexed by this ordinance and described in Section 2 are hereby withdrawn from the Clackamas County Service District for Enhanced Law Enforcement, Clackamas County Service District #5 for Street Lights, and Clackamas County Water Environment Services.


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 (LD) and a municipal code zoning designation of residential R-10. The portion of the site identified on the City of Milwaukie Water Quality and Natural Resources Area Map is hereby assigned Natural Resource (NR) overlay zoning.

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, 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. In the event the final plat for the Cereghino Farms subdivision has not been recorded with Clackamas County at the time of approval by the City Council, the filing of this ordinance with Metro and other agencies shall be delayed until such time that the plat is recorded.

Read the first time on 5/21/19 and moved to second reading by 5:0 vote of the City Council.

Read the second time and adopted by the City Council on 5/21/19.

Signed by the Mayor on 5/21/19.



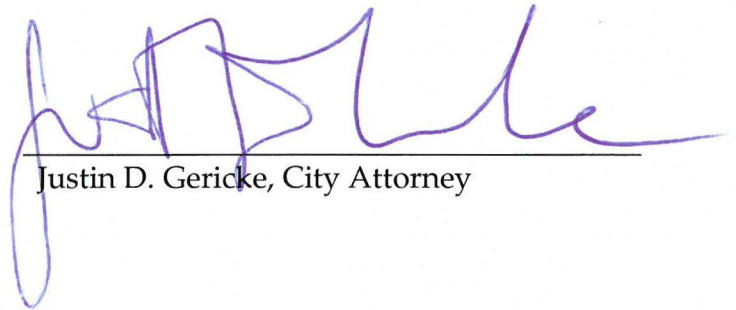
Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:



Scott S. Stauffer, City Recorder



Justin D. Gericke, City Attorney

## EXHIBIT A

### FINDINGS IN SUPPORT OF APPROVAL

Based on the staff report for the annexation of the Cereghino Farms subdivision, the Milwaukie City Council finds:

1. The annexation properties include the Cereghino Farms subdivision comprising a total of 15.05 acres. Prior to subdivision, the site consisted of six tax lots (Tax Lots 2S2E06BA 0600, 0700, and 1300 and Tax Lots 2S2E06BD 0100, 0200, and 0400). The annexation property is contiguous to the existing city limits via the abutting North Clackamas Park property at the southeast corner of the site. The annexation properties are within the regional urban growth boundary and also within the city's urban growth management area (UGMA).  
  
The annexation properties are being subdivided into 55 developable residential lots under the jurisdiction of Clackamas County. However, the city will have jurisdiction and oversight of the subsequent home development once the annexation is complete. The surrounding area consists of residential dwellings (mostly single-family), including two large undeveloped parcels within the city limits across SE Kuehn Road to the west.
2. The owner of the annexation properties seeks annexation to the city as part of an agreement with the city related to the applicant's subdivision of the site.
3. The annexation petition was initiated by consent of all owners of land on April 30, 2019, with an application for annexation submitted to the city on the same day (April 30, 2019). It meets the requirements for initiation set forth in ORS 222.170(1), 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 222.170(1), 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 Section 19.1104.
6. The expedited annexation process provides for automatic application of city Comprehensive Plan land use and zoning designations to the annexation properties based on their existing Comprehensive Plan land use and zoning designations in the county, which are urban low density residential (LDR) and residential R-10, respectively. Pursuant to MMC Table 19.1104.1.E, the automatic city Comprehensive Plan land use and zoning designations for the Annexation Properties are low density residential (LD) and residential R-10, respectively.

MMC 19.1104.1.F authorizes application of any special area designation to the property at the time of annexation including Natural Resource (NR) overlay zoning. Mt. Scott Creek crosses the southeast corner of the site and is depicted on the city's Water Quality and Natural Resources Map. With annexation, NR zoning will be applied to the portions of the site that are identified as water quality resource or habitat conservation areas.



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 boundary (UGB);  
*The Annexation Properties are within the regional UGB and within the city's UGMA.*
  - B. The subject site must be contiguous to the existing city limits;  
*The annexation properties are contiguous to the existing city limits via the abutting North Clackamas Park property at the southeast corner of the site.*
  - C. The requirements of Oregon Revised Statutes for initiation of the annexation process must be met;  
*Bruce Ament, a member of Cereghino Farms, LLC (the property owner), consented to the annexation by signing the petition. There are no registered voters for the annexation properties. 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 territory.*
  - 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. With annexation, the city will take over urban service provision for the property. City services to be provided include wastewater collection, stormwater management, police protection, and general governmental 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 8.*
  - F. The proposal must comply with the criteria of Section 19.902 for Zoning Map Amendments and Comprehensive Plan Map Amendments, if applicable.  
*The annexation proposal does not involve an amendment to the city's zoning map. The annexation properties currently have a county zoning designation of residential R-10 and will be assigned a city zoning designation of R-10, as prescribed in MMC Table 19.1104.1.E. Natural Resource (NR) overlay zoning will be applied to the southeast corner of the property along Mt. Scott Creek consistent with the city's Water Quality and Natural Resources Map and MMC 19.1104.1.F.*
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 195.065;

*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 outlines procedures and practices for coordinating land use planning activities. The proposed annexation is in keeping with the city's policy of encouraging properties within the Urban Growth Management Area to annex to the city.*

*The city has an intergovernmental agreement with WES regarding wholesale rates for wastewater treatment, but that agreement does not address issues related to annexations.*

(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: With annexation, the city will take over the wastewater collection system that has been constructed to serve the subdivision. The city public works department has capacity to maintain the public sewer systems.*

*Storm: The annexation properties are served by on-site stormwater facilities located in a separate tract. With annexation, the City will take over management of the stormwater collection system. As per the annexation agreement established between the applicant and the city, the city will assume ownership and maintenance responsibility for the stormwater tract once the installation and functionality of the stormwater improvements has been confirmed.*

*Transportation: With annexation, the city will take ownership and maintenance*



responsibility for the local street system in the subdivision. Clackamas County currently maintains SE Lake Road and SE Kuehn Road. The city intends to initiate annexation of the portions of SE Lake Road and SE Kuehn Road that abut the subdivision following the current annexation. After annexation of the road rights-of-way, the city will initiate a transfer of jurisdiction.

Water: Clackamas River Water (CRW) is the identified water service provider for the annexation properties based on current district boundaries. As per the city's intergovernmental agreement (IGA) with CRW, CRW will continue to provide water service to the annexation properties.

(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. Once this annexation is official, the city will initiate the annexation of those portions of SE Lake Road and SE Kuehn Road that are adjacent to the annexation properties, followed by a transfer of jurisdiction for the newly annexed streets.

B. Consider whether the boundary change would:

(1) Promote the timely, orderly, and economic provision of public facilities and services;

With annexation, the city will be the primary urban service provider in the area of the proposed annexation, and the annexation will facilitate the timely, orderly, and economic provision of urban services to the annexation properties.

Upon annexation, the city will take over wastewater collection and stormwater management services for the subdivision.

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

The annexation properties are all under the same ownership. The site being subdivided into 55 developable residential lots through Clackamas County. 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.

Upon annexation, the annexation properties will be served by the Milwaukie Police Department. The city will assume responsibility for maintaining street lights in the annexation territory. In order to avoid duplication of law enforcement and street lighting services, the site will be withdrawn from both the Clackamas County Service District for

*Enhanced Law Enforcement and Clackamas County Service District #5 for Street Lights, respectively, upon annexation. The site is also being withdrawn from Clackamas County Water Environmental Service district boundaries. Upon withdrawal, the city will take over the wastewater and stormwater systems that serve the property.*

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: With annexation, the City will take over the wastewater collection system that has been constructed to serve the subdivision.

Water: The annexation properties are currently served by Clackamas River Water (CRW) through CRW's water line in SE Lake Road adjacent to the annexation properties. Pursuant to the city's intergovernmental agreement with CRW, the annexation properties should not be withdrawn from this district at this time.

Storm: Upon annexation, the city will take over the stormwater collection and management system that has been constructed to serve the subdivision. As per the annexation agreement established between the applicant and the city, the city will assume ownership and maintenance responsibility for the stormwater tract once the installation and functionality of the stormwater improvements has been confirmed.

Fire: The annexation properties are currently served by Clackamas Fire District #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 site will be withdrawn from this district upon annexation to the city.

Street Lights: The Annexation Properties are currently within Clackamas County Service District #5 for Street Lights. The annexation properties will be withdrawn from this district upon annexation.

Other Services: Community development, public works, 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 properties 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.





**BEND, OR**  
3052 NW Merchant Way, Suite 100  
Bend, OR 97703  
(503) 317-8429  
www.aks-eng.com

**KEIZER, OR**  
4300 Cherry Avenue NE  
Keizer, OR 97303  
(503) 400-6028

**TUALATIN, OR**  
12965 SW Herman Road, Suite 100  
Tualatin, OR 97062  
(503) 563-6151

**VANCOUVER, WA**  
9500 NE 126th Avenue, Suite 2520  
Vancouver, WA 98682  
(360) 882-0419

AKS Job #5748

### Annexation Description

A tract of land located in the Northwest One-Quarter of Section 6, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Beginning at the northwest corner of the Elisha Kellogg Donation Land Claim No. 54, also being on the west line of Document Number 2015-052983, Clackamas County Deed Records; thence along said west line and the west line of the plat "Cascade Greens", Plat No. 2060, Clackamas County Plat Records, South  $01^{\circ}19'24''$  West 1070.85 feet to the southwest corner of said plat, also being on the north line of Document Number 77-07739, Clackamas County Deed Records; thence along said north line, North  $88^{\circ}05'28''$  West 0.77 feet to the northwest corner of said deed, also being on the west line of said Elisha Kellogg Donation Land Claim No. 54; thence along said west line, South  $01^{\circ}21'51''$  West 319.76 feet to the northeasterly corner of Book 666, Page 052, Clackamas County Deed Records, also being on the easterly line of the plat "Atkinson", Plat No. 58, Clackamas County Plat Records; thence along said easterly line, North  $67^{\circ}11'14''$  West 287.32 feet to the southeast corner of Document Number 76-22816, Clackamas County Deed Records; thence continuing along said easterly line, North  $01^{\circ}26'18''$  East 565.65 feet to the northeast corner of Document Number 2007-031295, Clackamas County Deed Records; thence along the north line of said deed, North  $87^{\circ}31'52''$  West 85.00 feet to the southeast corner of Document Number 98-090218, Clackamas County Deed Records; thence along the east line of said deed and the east line of Document Number 94-04548, Clackamas County Deed Records, and the east line of Document Number 89-026046, Clackamas County Deed Records, and the east line of Document Number 2007-064347, Clackamas County Deed Records, North  $01^{\circ}36'31''$  East 294.92 feet to the northeast corner of said Document Number 2007-064347; thence along the north line of said deed, North  $87^{\circ}34'13''$  West 173.27 feet to the easterly right-of-way line of SE Kuehn Road (15.00 feet to centerline); thence along said easterly right-of-way line North  $00^{\circ}58'18''$  East 818.63 feet to the southerly right-of-way line of SE Lake Road (50.00 feet to centerline); thence along said southerly right-of-way line the following five courses: along a non-tangent curve to the left with a Radius of 5779.58 feet, a Delta of  $00^{\circ}54'03''$ , a Length of 90.87 feet and a Chord of South  $69^{\circ}27'36''$  East 90.87 feet to point of tangency; South  $69^{\circ}54'38''$  East 48.41 feet; South  $72^{\circ}46'23''$  East 100.12 feet; South  $69^{\circ}54'38''$  East 154.92 feet to point of curvature; along a curve to the left with a Radius of 5774.58 feet, a Delta of  $01^{\circ}36'36''$ , a Length of 162.28 feet and a Chord of South  $70^{\circ}42'56''$  East 162.27 feet to the west line of Document Number 2015-052983, Clackamas County Deed Records; thence along said west line, South  $01^{\circ}19'24''$  West 226.08 feet to the Point of Beginning.

5/15/2019

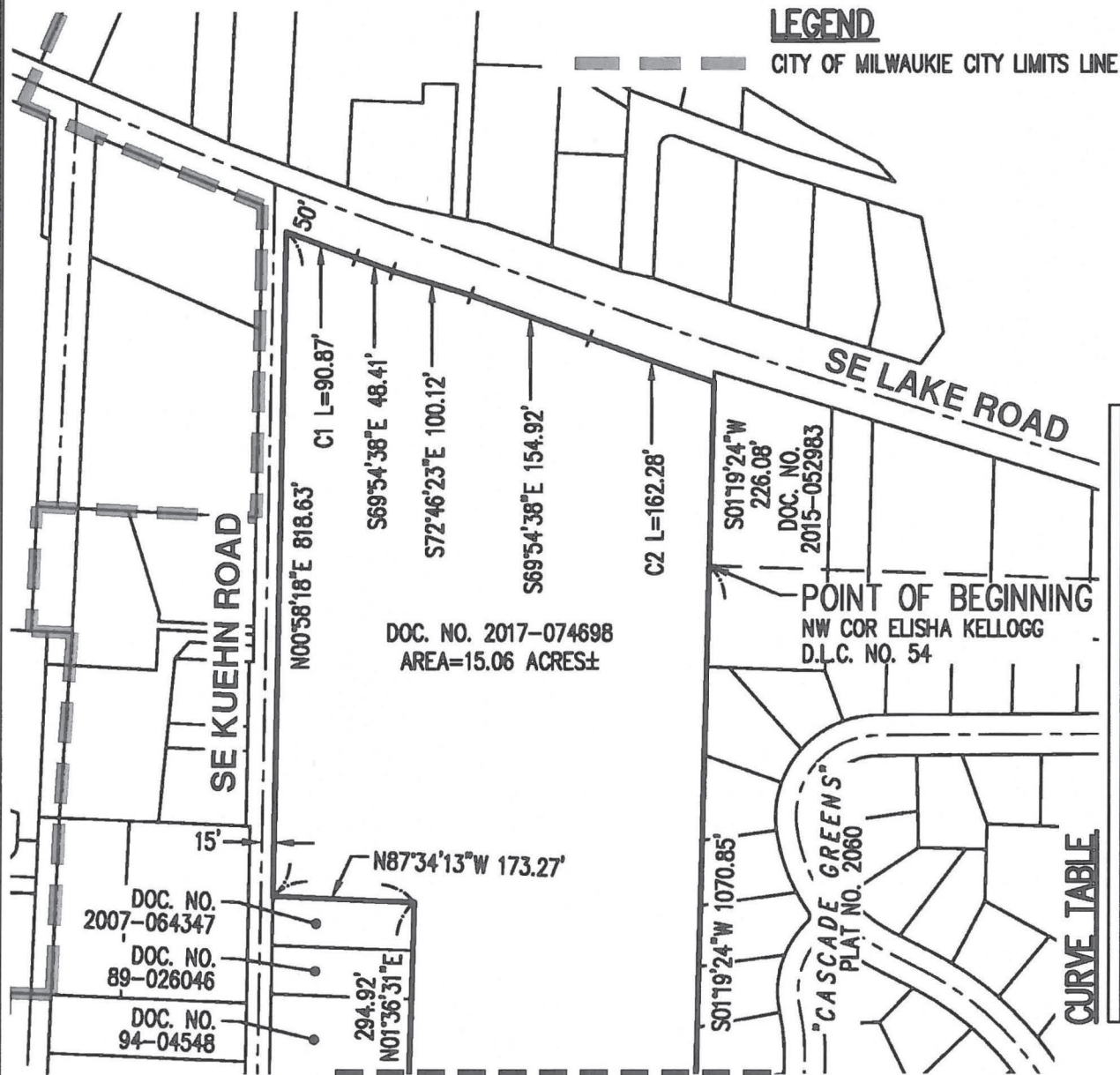
The above described tract of land contains 15.06 acres, more or less.

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Benjamin R Huff*  
**OREGON  
MARCH 14, 2017  
BENJAMIN R HUFF  
84738PLS  
RENEW: 6/30/19**



A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 6,  
TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN,  
CLACKAMAS COUNTY, OREGON



CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	5779.58'	00°54'03"	90.87'	S69°27'36"E 90.87'
C2	5774.58'	01°36'36"	162.28'	S70°42'56"E 162.27'

CURVE TABLE

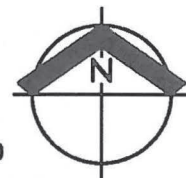
4/30/2019

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

PREPARED FOR

CEREHINO FARMS, LLC  
P. O. BOX 2559  
OREGON CITY, OR 97045

SCALE: 1" = 200 FEET



*Benjamin R Huff*  
OREGON  
MARCH 14, 2017  
BENJAMIN R HUFF  
84738PLS  
RENEWS: 6/30/19

ANNEXATION MAP

AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, STE 100  
TUALATIN, OR 97062  
503.563.6151 WWW.AKS-ENG.COM

**AKS**

EXHIBIT  
A

DRWN: WCB  
CHKD: BRH  
AKS JOB:  
5748

A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 6,  
TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN,  
CLACKAMAS COUNTY, OREGON



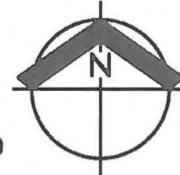
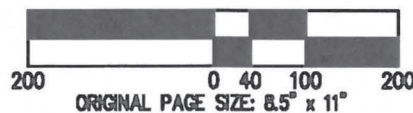
4/30/2019

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

**PREPARED FOR**

CERECHINO FARMS, LLC  
P. O. BOX 2559  
OREGON CITY, OR 97045

SCALE: 1" = 200 FEET



**LEGEND**

CITY OF MILWAUKIE CITY LIMITS LINE

*Benjamin R Huff*  
OREGON  
MARCH 14, 2017  
BENJAMIN R HUFF  
84738PLS  
RENEWS: 6/30/19

ANNEXATION MAP

AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, STE 100  
TUALATIN, OR 97062  
503.563.6151 WWW.AKS-ENG.COM

**AKS**

EXHIBIT  
**A**

DRWN: WCB  
CHKD: BRH  
AKS JOB:  
5748



JOSEPH KELLOGG NO 53  
ELISHA KELLOGG NO. 54  
JOHN GARRETT NO. 61

CANCELLED  
1200  
1400  
1190  
190  
990  
1191  
1090

12600

4700

 $1'' = 100'$ 

5200

12800

SEE MAP 2 2E 6AB

13100

F.H.D.  
BOOK 15  
2 2E 6BA



TA 93 Sept 69

This map was prepared for  
assessment purpose only.

SE 1/4 NW 1/4 SEC. 6 T.2S. R.2E. W.M.  
CLACKAMAS COUNTY

D. L. C.  
JOSEPH KELLOGG NO 53

2 2E 6BD

1"=100'

4700

5000

5200

Approx  
1/16 Cor

CANCELLED  
301

13000 Approx  
1/16 Cor

SEE MAP 2 2E 6BC

SEE MAP 2 2E 6BA

SEE MAP 2 2E 6AC

13200

SE BRAE  
STREET

R-10  
12-51

E LINE DLC 53  
W LINE DLC 54

SEE MAP 2 2E 6CA

Approx  
1/16 Cor

F.H.D.

13500 BOOK 15 Approx  
Center Sec  
2 2E 6BD