



**DAN JOHNSON**  
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT  
DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

July 9, 2020

Board of Commissioners  
Clackamas County

Members of the Board:

**Approval of a Board Order Accepting a Request to Transfer Jurisdiction from  
Clackamas County to the City of Milwaukie of a Portion of  
Monroe Street (County Roads #2361) and Kuehn Road (County Roads #1249)**

<b>Purpose/Outcomes</b>	Jurisdictional transfer of a portion of Monroe Street and Kuehn Road to the City of Milwaukie.
<b>Dollar Amount and Fiscal Impact</b>	Cost savings in the form of staff time and Maintenance monies used on a County maintained portion of road located entirely within the City of Milwaukie. Initial cost of transfer is \$11,758, which represents the cost of a 2" asphalt overlay of that portion of Monroe St. being transferred.
<b>Funding Source</b>	Road Fund
<b>Duration</b>	Upon execution; permanent
<b>Previous Board Action</b>	N/A
<b>Strategic Plan Alignment</b>	Building trust with good government.
<b>Counsel Review</b>	Reviewed and approved by Counsel on
<b>Procurement Review</b>	1. Was this item processed through Procurement? NO 2. If no, provide brief explanation: Not applicable.
<b>Contact Person</b>	Michael Bays, Survey/CADD Supervisor; 503-742-4667

There are certain County roads, such as Monroe Street and Kuehn Road in Milwaukie, that are wholly, mostly, or partially within various cities throughout Clackamas County. Fragmented jurisdiction over these roads often results in differing road maintenance activities and confusion by the public as to which agency is responsible for the operation and maintenance of the roads.

Clackamas County and the City of Milwaukie have agreed to the transfer portions of Monroe Street and Kuehn Road to the City with the intent of streamlining planned roadway improvements, eliminating confusion to the public and to improve the efficiencies of maintenance and public service. The portions of Monroe Street and Kuehn Road to be transferred are located entirely within Milwaukie city limits.

The County and the City of Milwaukie have an agreement to provide funds to the City of Milwaukie in the amount of \$11,758, which is equal to the cost of a 2" asphalt overlay, in exchange for the City assuming exclusive jurisdiction over the portion of Monroe Street and Kuehn Road containing approximately 17,000 square feet and 42,270 square feet of Right-of-

Way respectively. By accepting jurisdiction over portions of Monroe Street and Kuehn Road, the City becomes the "Road Authority" responsible for all maintenance, improvement, permitting and road standard activities.

The City has formally requested that the County fully transfer jurisdiction over portions of Monroe Street and Kuehn Road over to the City pursuant to ORS 373.270(6), (see attached Resolution 26-2020). Pursuant to ORS 373.270(7), the County may finalize the transfer by adopting the proposed order which is attached to this report.

**RECOMMENDATION:**

Staff respectfully requests that the Board approve this Board Order related to the transfer of jurisdiction over portions of Monroe Street and Kuehn Road and the payment to the City in an amount equivalent to a 2" asphalt overlay of that portion of Monroe Street being transferred.

Respectfully submitted,

*Michael Bays*

Michael Bays -Survey/CADD Supervisor

Attachments:

Board Order

City of Milwaukie Resolution

Exhibit A1 & A2

Exhibit B1 & B2

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the matter of transferring to the City of Milwaukie, jurisdiction over a portion of Monroe St, County Road No. 2361, DTD No. 12053 and Kuehn Rd, County Road No. 1249, DTD No. 22030



Board Order No. \_\_\_\_\_

Page 1 of 2

This matter coming before the Board of County Commissioners as a result of a request from the City of Milwaukie, by Resolution Number 26-2020, dated April 21, 2020 and the preceding negotiation between the City of Milwaukie and Clackamas County Department of Transportation and Development to transfer portions of the following roads, more particularly described in Exhibits "A-1" and "A-2" and more particularly depicted in Exhibits "B-1" and "B-2" all of which are attached to this Order:

<u>Road Name</u>	<u>Cnty #</u>	<u>DTD #</u>	<u>From</u>	<u>To</u>	<u>Square Feet</u>
Monroe Street	2361	12053	MP 0.0	MP 0.08	17,000;
Kuehn Road	1249	22030	MP 0.0	MP 0.16	42,270; and,

It further appearing to the Board that said transfer of jurisdiction has been recommended by Dan Johnson, Director of the Department of Transportation and Development because said transfer would be in the best interest of the County, and the Board agrees with that assessment; and,

It further appearing to the Board that pursuant to ORS 373.270, notice of the hearing on this matter was provided by publication in the Clackamas Review on 06/10, 06/17, 06/24, 07/01; now therefore,

IT IS HEREBY ORDERED that jurisdiction over portions of Monroe Street and Kuehn Road shall be transferred, Clackamas County jurisdiction shall cease, and full and absolute jurisdiction of said portions of roadway is transferred to the City of Milwaukie as of the date of this Order; and,

IT IS FURTHER ORDERED that 59,270 square feet, more or less, be removed from the County's Road Inventory; and,

IT IS FURTHER ORDERED that payment in the amount of \$11,758, which is equal to the cost of a 2" asphalt overlay, be made to the City of Milwaukie in exchange for the City assuming exclusive jurisdiction over the portion of Monroe Street and Kuehn Road, described above; and,

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the matter of transferring to the  
City of Milwaukie, jurisdiction over  
a portion of Monroe St, County  
Road No. 2361, DTD No. 12053 and  
Kuehn Rd, County Road No. 1249,  
DTD No. 22030



Board Order No. \_\_\_\_\_

Page 2 of 2

IT IS FURTHER ORDERED that copies of this Order be submitted to the Clackamas County Clerk's office for recording and that copies be subsequently sent without charge to the Clackamas County Surveyor, Tax Assessor, Finance/Fixed Asset Offices, and DTD Engineering.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

**COUNCIL STAFF REPORT**

**To:** Mayor and City Council  
Ann Ober, City Manager

**Date Written:** April 3, 2020

**Reviewed:** Steve Adams, PE, City Engineer

**From:** Wendy Marshall, PE, Civil Engineer

**Subject: Transfer of Road Maintenance Authority from Clackamas County to City of Milwaukie – Portions of SE Monroe Street and SE Kuehn Road**

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**ACTION REQUESTED**

Request jurisdictional transfer of portions of SE Monroe Street and SE Kuehn Road from Clackamas County to the city in accordance with the Urban Growth Management Agreement (UGMA). The transfer will be contingent upon receipt of payment from the county in the amount of \$11,758.

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

- April 21, 2015: Adoption of Ordinance 2096, File #A-2015-001, annexation of SE Monroe Street west of SE Linwood Avenue.
- August 20, 2019: Adoption of Ordinance 2176, File #A-2019-002, annexation of SE Kuehn Road and SE Lake Road (Cereghino Farms subdivision).

**ANALYSIS**

When public right-of-way (ROW) is annexed into the city, authority to maintain the street is not transferred, and requires a separate action. This action is requested to transfer maintenance authority to the city for the two road segments referenced above that were annexed into the city.

Prior to the transfer, the county is required to upgrade the pavement to a certain standard, or to compensate the city for application of a two-inch asphalt overlay on substandard pavement. Kuehn Road is new and meets standards. Compensation for the requested segment of SE Monroe Street has been calculated at \$11,758. Lake Road is not included in this action and will be requested for transfer later, when county funding to compensate the city for the overlay has been identified.

**BUDGET IMPACTS**

The city will receive a one-time payment of \$11,758 from the county for the city to apply a two-inch asphalt overlay for the described segment of SE Monroe Street upon approval and execution of the transfer. The transfer of roads will have a minor impact on future costs for street sweeping, repairs, and winter weather operations.

**WORKLOAD IMPACTS**

The transfer of roads will have a minor impact on future workload for street sweeping, repairs, and winter weather operations.

**CLIMATE IMPACT**

None.

**COORDINATION, CONCURRENCE, OR DISSENT**

None.

**STAFF RECOMMENDATION**

Staffs recommends that the Clackamas County Board of Commissioners be asked to transfer jurisdiction of maintenance authority of the roads referenced above.

**ALTERNATIVES**

Council may decide to not request jurisdictional authority over the roads described above.

**ATTACHMENTS**

1. Resolution
  - a. Exhibit A: Ordinance 2096 Monroe Street Transfer Area
  - b. Exhibit B: Ordinance 2176 Kuehn Road Transfer Area
  - c. Exhibit C: UGMA

**COUNCIL RESOLUTION No. 26-2020**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REQUESTING TRANSFER OF JURISDICTION TO THE CITY BY THE CLACKAMAS COUNTY BOARD OF COMMISSIONERS FOR PORTIONS OF SE MONROE ST AND SE KUEHN RD.**

WHEREAS, properties and contiguous rights-of-way as described in Exhibits A and B have been annexed into the city from Clackamas County; and

WHEREAS, Oregon Revised Statute (ORS) 373.270 provides a means for cities to request the transfer of jurisdiction of county roads within city; and

WHEREAS, the city has coordinated with the county to facilitate transfer of the roads described in Exhibits A and B; and

WHEREAS, the city and county adopted an urban growth management agreement (UGMA) attached as Exhibit C; and

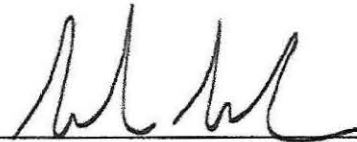
WHEREAS, the county roads described in Exhibits A and B lie within the city limits; and

WHEREAS, it is in the public interest for this transfer to take place.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the Clackamas County Board of Commissioners is asked to execute the jurisdictional transfer described above.

Introduced and adopted by the City Council on April 21, 2020.

This resolution is effective immediately.



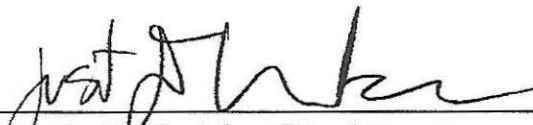
Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:



Scott S. Stauffer, City Recorder



Justin D. Gericke, City Attorney

## EXHIBIT A.1



### CITY OF MILWAUKIE

*"Dogwood City of the West"*

Ordinance No. 2096

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E31AA01300 AND LOCATED AT 6169 SE MONROE STREET, AS WELL AS THE ADJACENT PUBLIC RIGHT-OF-WAY ON MONROE STREET, INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE. (FILE #A-2015-001)**

**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 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 19.1504.1.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 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 and attached as Exhibit A are hereby adopted.

Section 2. The tract of land and adjacent public right-of-way described and depicted in Exhibit B are hereby annexed to the City of Milwaukie.

Section 3. The tract of land and adjacent public right-of-way 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 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 and a Municipal Code zoning designation of Residential zone R-10. The public right-of-way annexed by this ordinance and described in Section 2 is hereby assigned a Comprehensive Plan land use designation of Low Density Residential, with a Municipal Code zoning designation of Residential zone R-10 on the northern half of the length of the right-of-way and Residential zone R-7 on the southern half of the length of the right-of-way.

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 4/21/15, and moved to second reading by 5:0 vote of the City Council.

Read the second time and adopted by the City Council on 4/21/15

Signed by the Mayor on 4/21/15

  
\_\_\_\_\_  
Wilda Parks, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

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

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

## Exhibit A

### FINDINGS IN SUPPORT OF APPROVAL

Based on the expedited annexation staff report for 6169 SE Monroe Street (the "Annexation Property") and adjacent public right-of-way on Monroe Street, the Milwaukie City Council finds:

1. The Annexation Property consists of one tax lot comprising 0.19 acres (Tax Map 1S2E31AA, Tax Lot 01300). In addition, the larger "Annexation Area" includes the entire width of the public right-of-way (ROW) on Monroe Street, from the current City boundary at the western edge of 6063 SE Monroe Street (two properties to the west of the Annexation Property) through the intersection with Linwood Ave. The Annexation Area is contiguous to the existing City limits via the properties along the southern border of Monroe Street. The Annexation Area is within the regional urban growth boundary and also within the City's urban growth management area (UGMA).  
  
The Annexation Property is developed with a single-family dwelling unit. The surrounding area consists of single-family dwellings.
2. The property owner seeks annexation to the City to access City services, namely sewer service.
3. The annexation petition was initiated by Consent of All Owners of Land on January 8, 2015, with an application for annexation submitted to the City on the same day (January 8, 2015). 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 land use and zoning designations to the Annexation Area based on its existing land use designation in the County. For the Annexation Property, the existing County land use designation is Low Density Residential and the existing County zoning is Residential R10. For the ROW, the existing County land use designation is Low Density Residential and the existing zoning is split, with the County's Residential R10 zoning on the northern half of the ROW and the City's Residential Zone R-7 on the southern half.

Pursuant to MMC Table 19.1104.1.E, the automatic City Comprehensive Plan land use and zoning designations for the Annexation Property are Low Density Residential and Residential Zone R-10, respectively. The automatic City Comprehensive Plan land use designation for the ROW is Low Density

Residential; the automatic City zoning designations for the ROW are Residential Zone R-10 on the northern half and Residential Zone R-7 on the southern half.

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 Area is within the City's UGMA.*
  - B. The subject site must be contiguous to the existing city limits;  
*The Annexation Area is contiguous to the existing city limits along the southern boundary of the Monroe Street ROW.*
  - C. The requirements of Oregon Revised Statutes for initiation of the annexation process must be met;  
*Thea Tilford, owner of the Annexation Property, consented to the annexation by signing the petition. On behalf of the City, the Planning Director initiated the annexation of the ROW to be annexed. There is one registered voter residing at the Annexation Property, and that voted signed the petition. In general, ROW is not associated with any registered voters. 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. City sewer service is available to the Annexation Property in Monroe Street. 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.*
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. However, 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 has maintained a public sewer system in this area for several decades (since at least 1975). The proposed annexation is in keeping with 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 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.

*Water:* 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 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 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. With the proposed annexation, the City will annex and then take jurisdiction of the Monroe Street right-of-way adjacent to the proposed 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.*

*The City has public sewer and water service in this area via Monroe Street.*

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

*The Annexation Property is a tax lot 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 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 the City's 8-inch sewer line accessible in Monroe Street.

Water: The Annexation Property is currently served by the City through a City water line in Monroe Street (4- and 10-inch water lines are available).

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 Area 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 area should be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation to the City.

Street Lights: The Annexation Area is currently within Clackamas County Service District No. 5 for Street Lights (the "District"). The City assumes operational responsibility for street lights and street light payments for properties within the City limits. The Annexation Property should 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 CITY OF MILWAUKIE**

**LEGAL DESCRIPTION**

**1-2E-31AA-01300 plus Monroe St Right-of-Way**

A parcel of land in the Daniel Hathaway Donation Land Claim No. 40 in Section 31, Township 1 South, Range 2 East of the Willamette Meridian in Clackamas County, Oregon, more particularly described as follows:

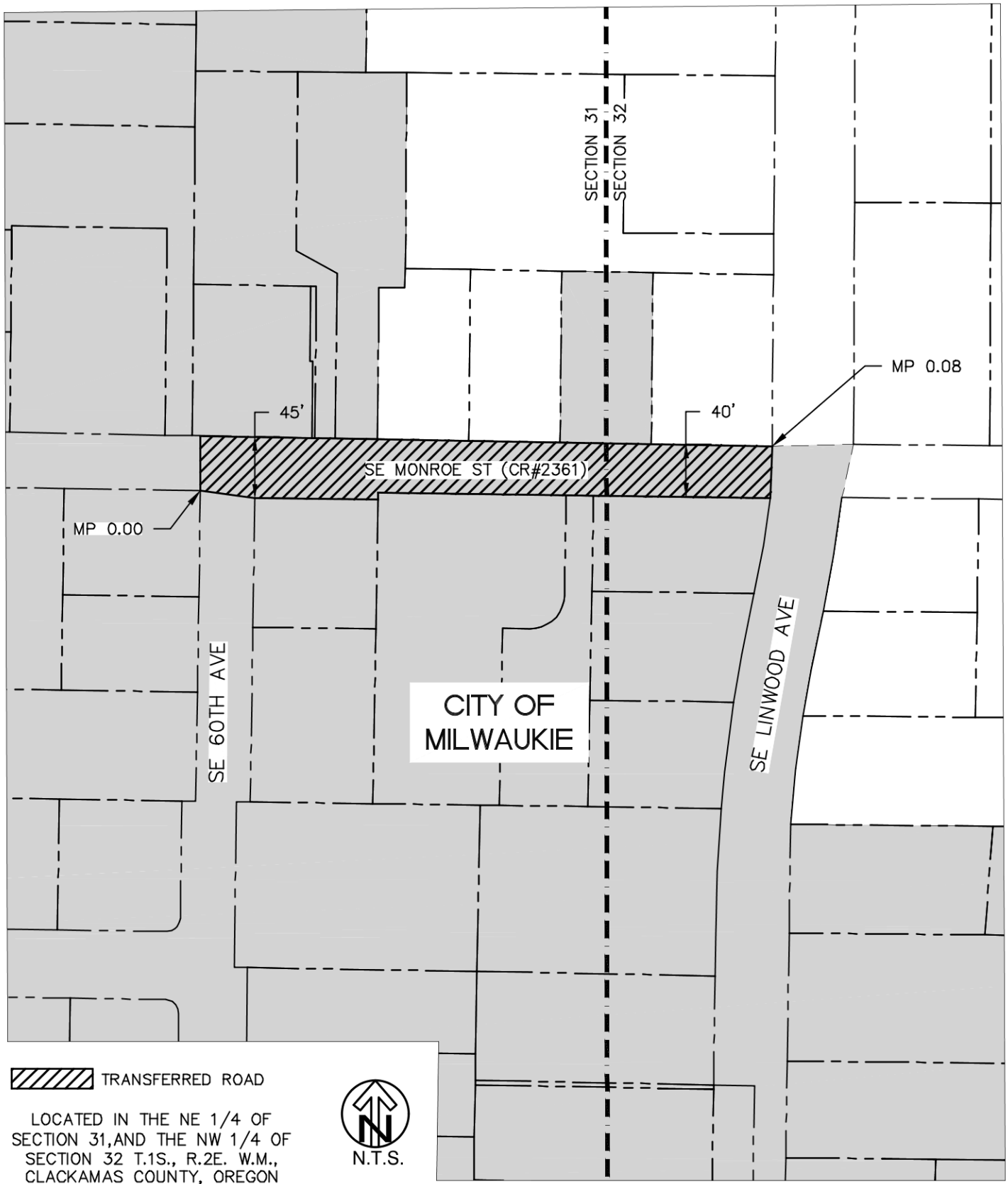
BEGINNING at the intersection of the Northerly right-of-way line of SE Monroe Street with the Westerly right-of-way line of SE Linwood Avenue;

1. Thence Westerly along the Northerly right-of-way line of said SE Monroe Street, 88.0 feet to the Southeast corner of that tract of land conveyed to Richard Tilford and Thea Tilford in Instrument No. 90-01885, Clackamas County Deed Records;
2. Thence Northerly parallel with the Westerly right-of-way line of said SE Linwood Avenue, 126.77 feet, more or less, to the Northeast corner of said Tilford tract and a point on a line marked with 3/4 inch iron pipes in the Westerly right-of-way line of said SE Linwood Avenue and North 89° 59' West, 270 feet therefrom set by R.S. Milln in 1956 as PS 1837, Clackamas County Records of Survey;
3. Thence North 89° 59' West along said line marked by Milln, 67.0 feet to the Northwest corner of said Tilford tract;
4. Thence Southerly parallel with the Westerly right-of-way line of said SE Linwood Avenue, 126.77 feet, more or less, to the Southwest corner of said Tilford tract and a point on the Northerly right-of-way line of said SE Monroe Street;
5. Thence Westerly along the Northerly right-of-way line of said SE Monroe Street, 134.0 feet, more or less, to the Southwest corner of that tract of land conveyed to Thomas L. Runft and Laura J. Runft in Instrument No. 79-51302, Clackamas County Deed Records;
6. Thence Southerly parallel with the Westerly right-of-way line of said SE Linwood Avenue, 40.0 feet, more or less, to the Southerly right-of-way line of said SE Monroe Street;
7. Thence Easterly along the Southerly right-of-way line of said SE Monroe Street and the Easterly extension thereof, 349.0 feet, more or less, to the Easterly right-of-way line of said SE Linwood Avenue;
8. Thence Northerly along the Easterly right-of-way line of said SE Linwood Avenue, 40.0 feet, more or less, to a point on the Easterly extension of the Northerly right-of-way line of said SE Monroe Street;
9. Thence Westerly along said Easterly extension of the Northerly right-of-way line SE Monroe Street, 60.0 feet, more or less, to the Point of Beginning.





# EXHIBIT A.2



 TRANSFERRED ROAD

LOCATED IN THE NE 1/4 OF SECTION 31, AND THE NW 1/4 OF SECTION 32 T.1S., R.2E. W.M., CLACKAMAS COUNTY, OREGON



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

150 BEAVERCREEK ROAD  
OREGON CITY, OR 97045



BY: M.BAYS

DATE: 4/6/2020

JURISDICTIONAL TRANSFER  
MONROE STREET  
COUNTY ROAD #2361

SHEET

1 OF 1



**COUNCIL ORDINANCE No. 2176**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING INTO THE CITY LIMITS THE PUBLIC RIGHTS-OF-WAY OF SE LAKE ROAD AND SE KUEHN ROAD ADJACENT TO THE CEREGHINO FARMS SUBDIVISION AND THE PORTION OF SE LAKE ROAD WEST TO THE CURRENT CITY LIMITS (FILE #A-2019-002).**

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 the City Council approving a motion to initiate the annexation at its regular session meeting on May 21, 2019; and

WHEREAS, the territory proposed for annexation lies within the territories of both the Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District #5 for Street Lights; 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, the annexed public right-of-way will receive Comprehensive Plan land use and zoning designations equivalent to the adjacent properties; and

WHEREAS, the city conducted two public hearings and mailed notice as required by law; and

WHEREAS, the Planning Commission held a public hearing on July 23, 2019, and recommended approval of the annexation; 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 public right-of-way 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 public rights-of-way described and depicted in Exhibit B is hereby annexed to the City of Milwaukie.

Section 3. The public rights-of-way annexed by this ordinance and described in Section 2 is hereby withdrawn from both the Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District #5 for Street Lights.

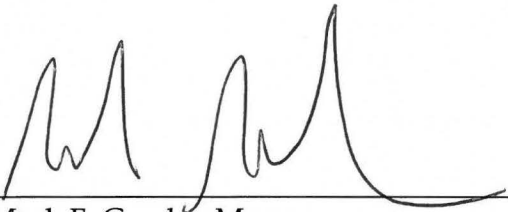
Section 4. The public rights-of-way annexed by this ordinance and described in Section 2 is hereby assigned a comprehensive plan land use designation of low density residential (LDR) and a municipal code zoning designation of residential R-10.

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, 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 8/20/19, and moved to second reading by 5:0 vote of the City Council.

Read the second time and adopted by the City Council on 8/20/19.

Signed by the Mayor on 8/20/19.



---

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:



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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 public right-of-way in SE Lake Road and SE Kuehn Road adjacent to the Cereghino Farms subdivision property as well as the SE Lake Road ROW west to the current city limits, the Milwaukie City Council finds:

1. The Annexation Territory consists of approximately 2.16 acres of public right-of-way (ROW) in SE Lake Road and SE Kuehn Road, found on Assessor Maps 1S2E31CC, 2S2E06BA, 2S2E06BB, and 2S2E06BD. The Annexation Territory is contiguous to the existing city limits via the existing SE Lake Road ROW to the west as well as via a residential property at the southwest corner of SE Lake Road and SE Kuehn Road. The Annexation Territory is within the regional urban growth boundary and also within the city's urban growth management area (UGMA).  
  
Clackamas County currently has maintenance authority over the ROW that comprises the Annexation Territory, though the city expects to initiate a transfer of that authority following annexation. The surrounding area consists of residential dwellings and lots (mostly single-family).
2. The City Council initiated annexation of the Annexation Territory on May 21, 2019, in conjunction with the recent annexation of the Cereghino Farms subdivision property (Ordinance 2171, land use file #A-2019-001). The city seeks annexation of the SE Lake Road and SE Kuehn Road ROW to provide greater contiguity of the city limits to the Cereghino Farms subdivision property. The proposed annexation meets the requirements for initiation set forth in Oregon Revised Statutes (ORS) 222.111, Metro Code Section 3.09.040, and Milwaukie Municipal Code (MMC) 19.1102.2.A.4.
3. The annexation petition was processed, and public notice was provided in accordance with ORS 222.170(1), Metro Code Section 3.09.030, and MMC 19.1102.
4. The proposed annexation would adjust the city boundary on the comprehensive plan land use map and zoning map. The application includes a proposal to show the appropriate city land use and zoning designations over the Annexation Territory; for ROW, those designations are determined by the designations of the adjacent properties. The existing comprehensive plan land use and zoning designations on the adjacent properties, both in the county and within the current city boundary, are low density residential and residential R-10, respectively. As proposed, the city land use and zoning designations for the Annexation Territory would also be low density residential and residential R-10, respectively.
5. The approval criteria for 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 Territory is within the regional UGB and within the city's UGMA.*

- B. The subject site must be contiguous to the existing city limits;

*The Annexation Territory is contiguous to the existing city limits via the existing SE Lake Road ROW to the west as well as via a residential property at the southwest corner of SE Lake Road and SE Kuehn Road.*

- C. The requirements of the ORS for initiation of the annexation process must be met;

*As allowed by ORS 222.111, the City Council initiated the annexation by a motion approved at its regular session meeting on May 21, 2019.*

- 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. City sewer and water services are available in the SE Lake Road portion of the Annexation Territory; bringing the Annexation Territory into the city will make those services available to other nearby unincorporated properties if they choose to annex. As proposed, the annexation is consistent with Milwaukie Comprehensive Plan policies.*

- E. The proposal must comply with the criteria of Metro Code Section 3.09.050, which refers to criteria (d) and (e) of Section 3.09.045.

*The annexation proposal is consistent with applicable Metro code sections for annexations, as detailed in Finding 6.*

- F. The proposal must comply with the criteria of MMC 19.902 for Zoning Map Amendments and Comprehensive Plan Map Amendments, if applicable.

*The annexation would add new territory within the city limits, and the new territory must be designated on both the zoning map and the comprehensive plan map for land use. These additions effectively constitute amendments to the zoning map and comprehensive plan map.*

The approval criteria for zoning map amendments and comprehensive plan amendments are provided in MMC 19.902.6.B and 19.902.3.B, respectively. Collectively, the criteria address issues such as compatibility with the surrounding area, being in the public interest and satisfying the public need, adequacy of public facilities, consistency with transportation system capacity, consistency with goals and policies of the Milwaukie Comprehensive Plan and relevant Metro plans and policies, and consistency with relevant State statutes and administrative rules.

*MMC Table 19.1104.1.E establishes automatic zoning map and comprehensive plan map designations for expedited annexations. Compliance with the table is essentially equivalent to specific findings that address individual criteria for zoning map and comprehensive plan map amendments, such as compatibility, public need, etc. In essence, if a proposed designation is consistent with the table, it is consistent with the various applicable plans and policies.*

*In the case of the proposed annexation, the public ROW will assume the zoning designation of adjacent properties, which is R-10 both for incorporated and unincorporated lots in this area. The application includes a proposal to designate the Annexation Territory according to the*

*guidance of MMC Table 19.1104.1.E, from a county zoning designation of Residential R-10 to a city designation of R-10 for zoning and a county land use designation of Low Density Residential to a city designation of Low Density Residential for land use. The approval criteria for both proposed amendments are effectively met.*

6. Prior to approving an annexation, the city must apply the provisions set forth in Metro Code Section 3.09.050.D, which references subsections D and E of Section 3.09.045. 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 outlines procedures and practices for coordinating land use planning activities. The proposed annexation is in keeping with the city's policy of requiring properties to annex to the city in order to connect to city services.*

- (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:*

*Wastewater: The city maintains a public sewer system in SE Lake Road within the Annexation Territory that can adequately serve the area. The existing sewer system in SE Kuehn Road is maintained by Clackamas County Water Environment Services (WES); staff intends to seek jurisdictional transfer of the sewer system to the city following annexation.*

*Storm: The city has a short segment of storm line on the north side of the ROW at 4637 SE Lake Road but no other stormwater facilities in the SE Lake Road or SE Kuehn Road ROW.*

Transportation: Clackamas County currently maintains SE Lake Road and SE Kuehn Road. Following this annexation of ROW, the city will initiate a transfer of jurisdiction for maintenance authority.

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's water service master plan for all of the territory within its UGMA addresses the need to prepare for future demand and coordinate service provision changes with CRW. The city has 6-in and 12-in cast iron pipe (CIP) water mains in SE Lake Road west of SE Kuehn Road and a 12-in CIP water main in Lake Road east of SE Kuehn Road. CRW maintains an 8-in ductile iron pipe (DIP) water main in SE Lake Road east of SE Kuehn Road and a 6-in CIP water main in SE Kuehn Road. As per the city's intergovernmental agreement (IGA) with CRW, CRW will continue to provide water service within the Annexation Territory.

(5) Any applicable comprehensive plan.

As discussed in Finding 5, the proposed annexation is consistent with the Milwaukie Comprehensive Plan. 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 will initiate a transfer of jurisdiction for the newly annexed ROW in SE Lake Road and SE Kuehn Road once the annexation is official.

B. Consider whether the boundary change would:

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

As discussed above in Finding 6-a, the city is the primary identified urban service provider in the area of the proposed annexation. The proposed annexation will facilitate the timely, orderly, and economic provision of urban services to properties abutting the Annexation Territory.

The city has public sewer service via a sewer line in SE Lake Road. As per the UGMA agreement discussed above in Finding 6-a, CRW will continue to provide water service to the surrounding area through its existing water lines within the Annexation Territory.

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

The Annexation Territory consists of approximately 2.16 acres of public ROW in SE Lake Road and SE Kuehn Road. 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 Territory will be served by the Milwaukie Police Department. The city will also assume responsibility for the street lights in the Annexation Territory; however, with the city's current enrollment in PGE Option A, maintenance of these street lights will be performed by PGE. 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.*

- C. A city may not annex territory that lies outside the UGB, except that it may annex a lot or parcel that lies partially within and partially outside the UGB.

*The Annexation Territory is entirely within the regional UGB.*

7. 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 city maintains a public sewer system in SE Lake Road within the Annexation Territory that can adequately serve the area. The existing sewer system in SE Kuehn Road is maintained by WES; staff intends to seek jurisdictional transfer of the sewer system to the city following annexation.*

Water: *CRW is the water service provider identified in the North Clackamas Urban Area Public Facilities 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's water service master plan for all of the territory within its UGMA addresses the need to prepare for future demand and coordinate service provision changes with CRW. The city has 6-in and 12-in CIP water mains in SE Lake Road west of SE Kuehn Road and a 12-in CIP water main in Lake Road east of SE Kuehn Road. CRW maintains an 8-in DIP water main in SE Lake Road east of SE Kuehn Road and a 6-in CIP water main in SE Kuehn Road. As per the city's IGA with CRW, CRW will continue to provide water service within the Annexation Territory, which should not be withdrawn from this district at this time.*

Storm: *The city has a short segment of storm line on the north side of the ROW at 4637 SE Lake Road but no other stormwater facilities in the SE Lake Road or SE Kuehn Road ROW.*

Fire: *The Annexation Territory is currently served by Clackamas Fire District #1 and will continue to be served by the district upon annexation, since the entire city is within this district.*

Police: *The Annexation Territory 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 area. To avoid duplication of services, the area will be withdrawn from this district upon annexation to the city.*

Street Lights: *The Annexation Territory is currently within Clackamas County Service District #5 for Street Lights but 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 area upon annexation as necessary. The Annexation Territory will continue to 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.*



AKS ENGINEERING & FORESTRY, LLC  
 12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
 P: (503) 563-6151 | www.aks-eng.com

AKS Job #6685-02

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

## EXHIBIT B

### Annexation Description

A portion of right-of-way, 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, North 01°19'24" East 226.08 feet to the northeast corner of Document Number 2017-074698, Clackamas County Deed Records, also being on the southerly right-of-way line of SE Lake Road (45.00 feet from centerline), and the Point of Beginning; thence along said southerly right-of-way line along a non-tangent curve to the right with a Radius of 5774.58 feet, a Delta of 01°36'36", a Length of 162.28 feet and a Chord of North 70°42'56" West 162.27 feet; thence continuing along said southerly right-of-way line, North 69°54'38" West 154.92 feet; thence continuing along said southerly right-of-way line (variable width from centerline), North 72°46'23" West 100.12 feet; thence continuing along said southerly right-of-way line (50.00 feet from centerline), North 69°54'38" West 48.41 feet; along a curve to the right with a Radius of 5779.58 feet, a Delta of 00°54'03", a Length of 90.87 feet and a Chord of North 69°27'36" West 90.87 feet to the northwest corner of said deed, also being on the easterly right-of-way line of SE Kuehn Road, County Road No. 1249, (15.00 feet from center line); thence along said easterly right-of-way line, South 00°58'18" West 818.63 feet to the northwest corner of Document Number 2007-064347, Clackamas County Deed Records; thence leaving said easterly right-of-way line, North 87°34'13" West 30.00 feet to the westerly right-of-way line of SE Kuehn Road, County Road Number 1249, (variable width from centerline); thence along said westerly right-of-way line, Northerly 475 feet, more or less, to the southeast corner of Document Number 2006-109951, Clackamas County Deed Records, also being on the City of Milwaukie city limits line; thence continuing along said westerly right-of-way line and said city limits line, Northerly 385 feet, more or less, to the intersection of said westerly right-of-way line and the southerly right-of-way line of SE Lake Road (30.00 feet from centerline); thence along said southerly right-of-way line and said city limits line, Northwesterly 273 feet, more or less, to the southwesterly extension of the easterly line of Document Number 2011-010989, Clackamas County Deed Records; thence along said southwesterly extension and said city limits line, Northeasterly 60 feet, more or less, to the southeasterly corner of said deed, also being on the northerly right-of-way line of SE Lake Road (variable width from centerline); thence leaving said city limits line along said northerly right-of-way line, Southeasterly 881 feet, more or less, to the northerly extension of the west line of said Document Number 2015-052983; thence along said northerly extension and the west line of said Document Number 2015-052983, Southerly 101 feet, more or less, to the Point of Beginning.

The above described tract of land contains 2.16 acres, more or less.

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

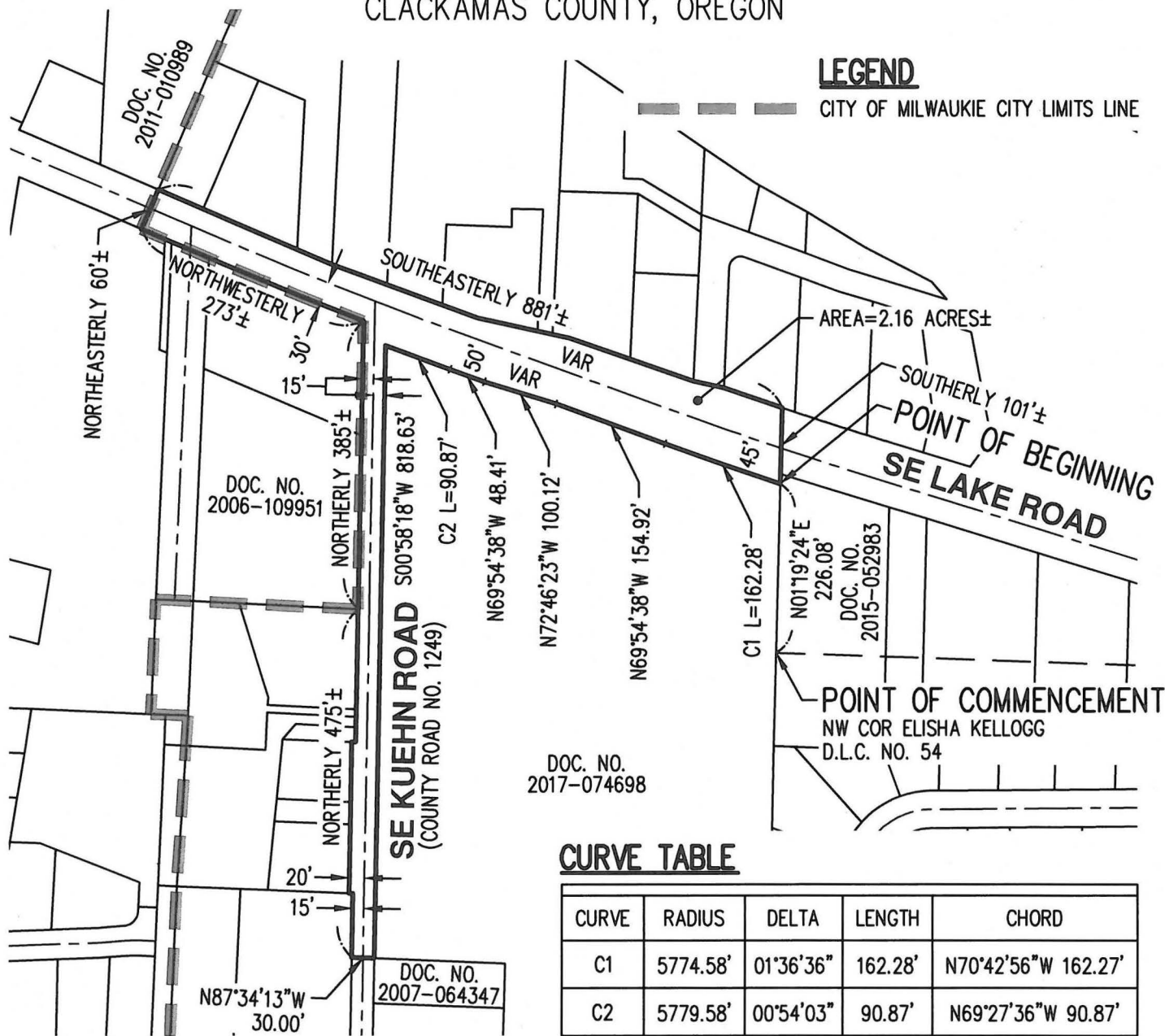
*Benjamin R Huff*

**OREGON  
MARCH 14, 2017  
BENJAMIN R HUFF  
84738PLS**

**RENEWS: 6/30/21**

# EXHIBIT B

A PORTION OF RIGHT-OF-WAY,  
 LOCATED IN THE NORTHWEST 1/4 OF SECTION 6,  
 TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN,  
 CLACKAMAS COUNTY, OREGON



### CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	5774.58'	01°36'36"	162.28'	N70°42'56"W 162.27'
C2	5779.58'	00°54'03"	90.87'	N69°27'36"W 90.87'

7/12/2019

**REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR**

### PREPARED FOR

CITY OF MILWAUKIE  
 6101 SE JOHNSON CREEK BOULEVARD  
 MILWAUKIE, OR 97206

SCALE: 1" = 200 FEET



*Benjamin R Huff*  
 OREGON  
 MARCH 14, 2017  
 BENJAMIN R HUFF  
 84738PLS  
 RENEWS: 6/30/21

<b>ANNEXATION MAP</b>		<b>EXHIBIT B</b>
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: WCB CHKD: BRH AKS JOB: 6685-02





NE 1/4 NW1/4 SEC. 6 T.2S. R.2E. W.M.  
CLACKAMAS COUNTY

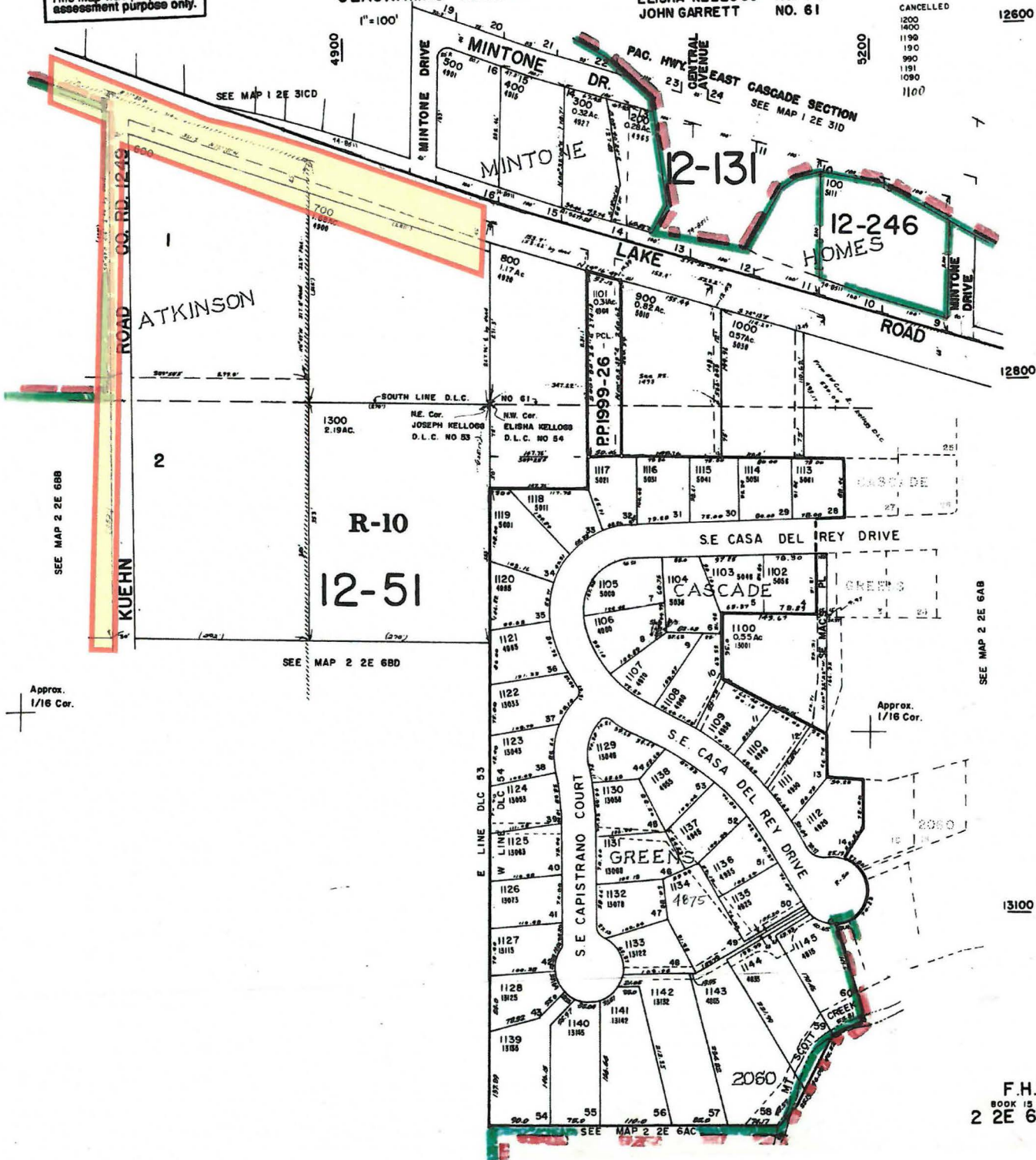
D.L.C.  
JOSEPH KELLOGG NO 53  
ELISHA KELLOGG NO. 54  
JOHN GARRETT NO. 61

CANCELLED  
1200  
1400  
1190  
190  
990  
1191  
1090  
1100

This map was prepared for  
assessment purposes only.

1"=100'

4700



SEE MAP 2 2E 68B

Approx.  
1/16 Cor.

SEE MAP 2 2E 68D

SEE MAP 2 2E 6A8

Approx.  
1/16 Cor.

13100

F.H.D.  
BOOK IS  
2 2E 68A

78 2/24/43



This map was prepared for assessment purposes 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

9200

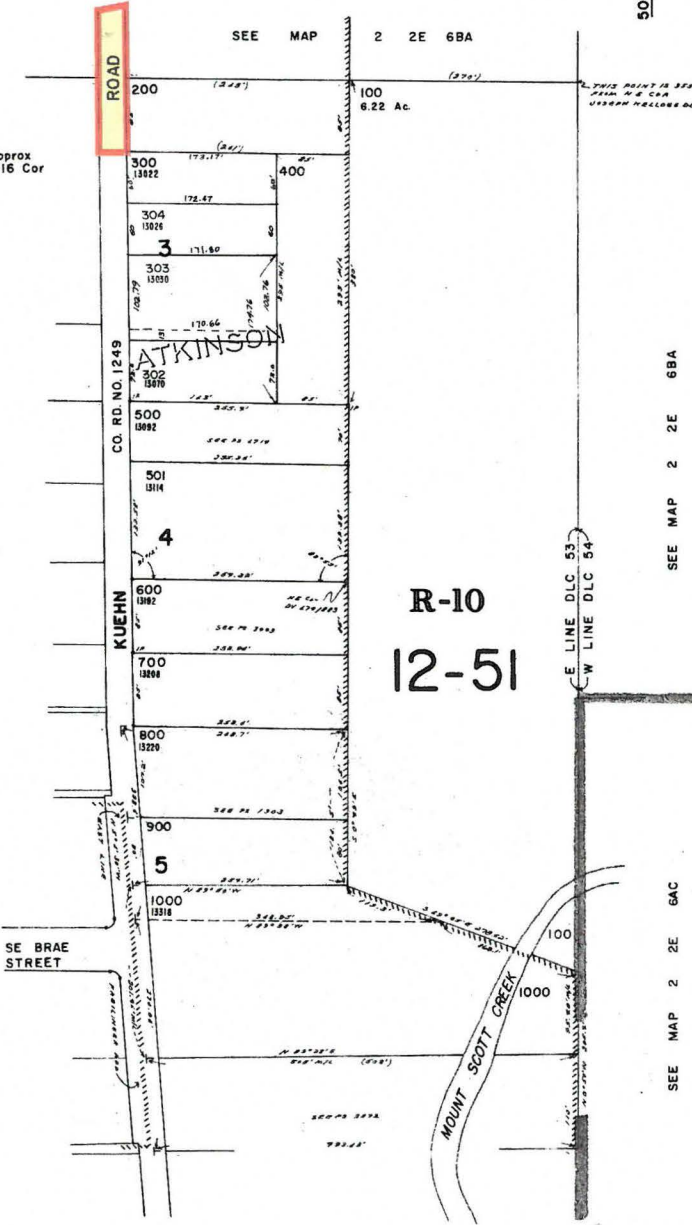
Approx 1/16 Cor

CANCELLED 301

13000

Approx 1/16 Cor

SEE MAP 2 2E 6BC



SEE MAP 2 2E 6CA

SEE MAP 2 2E 6AC

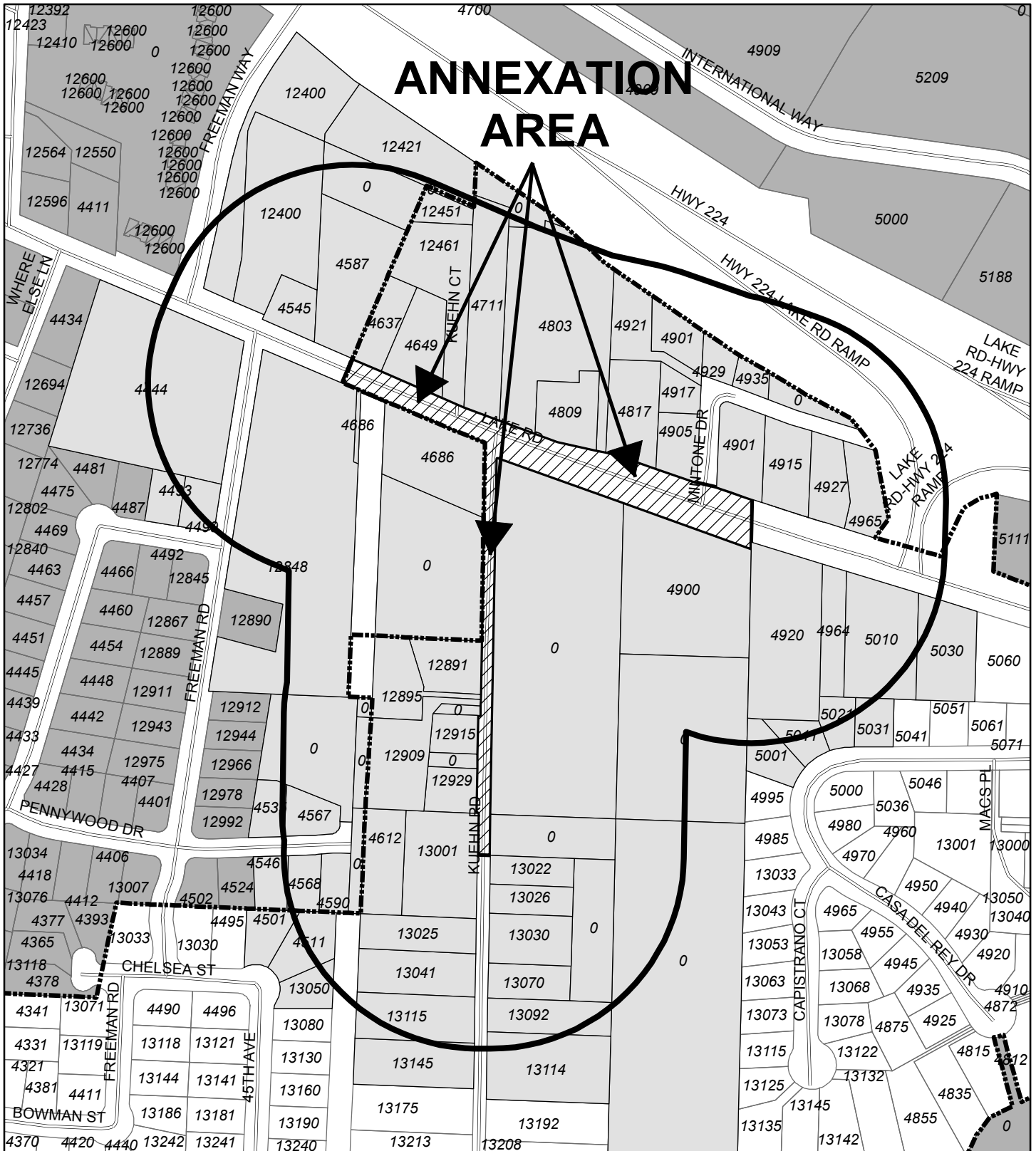
SEE MAP 2 2E 6BA

9-11-69 D.H.

Approx 1/16 Cor

F.H.D.

13500 BOOK 15 Approx Center Sec  
2 2E 6BD









# ANNEXATION AREA

**Site Map**  
**Annexation of public right-of-way**  
**in Lake Rd & Kuehn Rd**  
**File #A-2019-002**

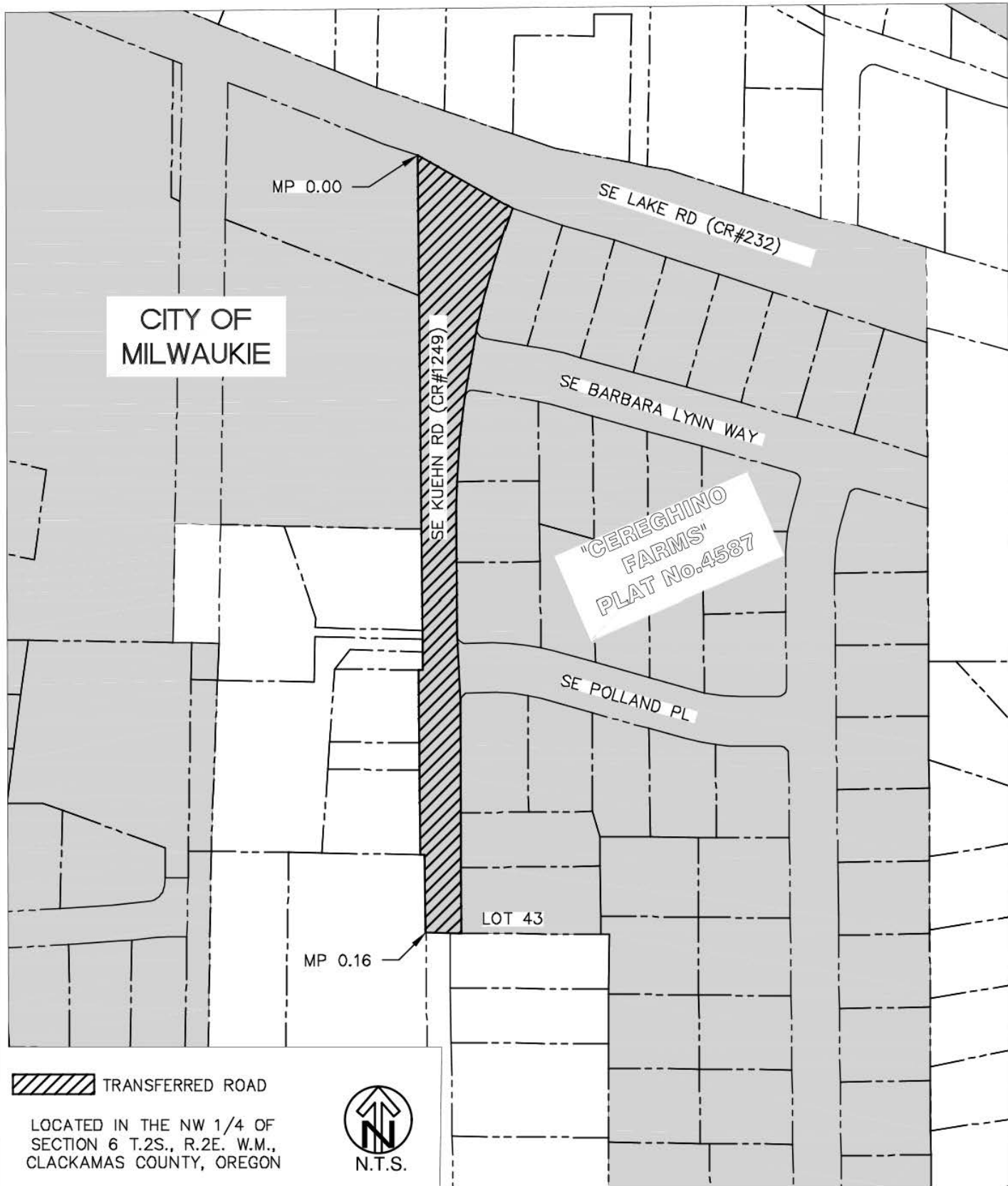


## Legend

-  ROW being annexed
-  400-ft notice boundary
-  Properties receiving notice
-  Other Milwaukee tax lots
-  Other tax lots (unincorporated)
-  City Limit



# EXHIBIT B.2



TRANSFERRED ROAD

LOCATED IN THE NW 1/4 OF SECTION 6 T.2S., R.2E. W.M., CLACKAMAS COUNTY, OREGON



N.T.S.

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

150 BEAVERCREEK ROAD OREGON CITY, OR 97045



BY: M.BAYS

DATE: 4/7/2020

JURISDICTIONAL TRANSFER  
KUEHN ROAD  
COUNTY ROAD #1249

SHEET

1 OF 1

EXHIBIT C

H 90 - 506

Urban Growth Management Agreement

THE CITY OF MILWAUKIE AND CLACKAMAS COUNTY

The City of Milwaukie (CITY) and Clackamas County (COUNTY) enter into this Agreement in order to satisfy statutory requirements for land use coordination, to establish working communication channels, and to implement orderly and cost-effective conversion of potential urban land to urban uses.

WHEREAS, ORS 197.190(1) requires counties to coordinate plans and planning activities within a county; and

WHEREAS, ORS 227.090(1) authorizes cities to undertake planning activities for land adjacent to their incorporated areas; and

WHEREAS, ORS 197.175(2) authorizes cities and counties to undertake comprehensive planning and implementation measures; and

WHEREAS, the CITY's interests are best served in defining its role as a service provider within the general North Clackamas area, and in defining its responsibilities in providing cost-effective and coordinated services to said area in the future; and

WHEREAS, the COUNTY's interests are best served by fulfilling its responsibility for ensuring coordinated land use plans throughout the county and for adopting a Public Facilities Plan that serves as a framework for future cost-effective service provision in urbanizing areas; and

WHEREAS, the CITY's and COUNTY's interests are best served by establishing processes and procedures whereby issues of regionalization and/or various interjurisdictional service delivery arrangements can be explored;

NOW THEREFORE, the parties hereto agree as follows:

A. Urban Growth Boundary Management Area

1. The Urban Growth Boundary Management area in which the CITY and COUNTY have mutual interest in coordinating effective and efficient service delivery shall be that area identified in EXHIBIT A.
2. The CITY shall adopt the North Clackamas Urban Area Public Facilities Plan, developed through a County coordinated process, for the area within the Urban Growth Management Boundary identified in EXHIBIT A.
3. Notification and referral procedures set out in Section C of this Agreement shall apply to the area within the Urban Growth Management Boundary identified in EXHIBIT A.

Urban Growth Management Agreement  
THE CITY OF MILWAUKIE AND CLACKAMAS COUNTY

B. Dual Interest Areas

1. The CITY shall assume a lead role in providing urbanizing services, whenever possible and according to adopted capital improvement programs, in the area identified as Dual Interest Area A in EXHIBIT A.
2. The COUNTY will not oppose CITY programs and projects which accomplish service provision within Dual Interest Area A.
3. The CITY and COUNTY agree the area identified as Dual Interest Area B in EXHIBIT A warrants particularly close coordination, notification, and review of appropriate provision of services.
4. The Dual Interest Area boundaries may be amended at any time by consent of both parties.

C. Action Notification Procedures

1. The CITY and COUNTY shall provide notice at least thirty (30) days in advance of the first public hearing on all proposed quasi-judicial or legislative changes to each jurisdiction's respective Plans, zoning, or implementation ordinances affecting land within the Urban Growth Management Boundary as identified in EXHIBIT A.
2. The COUNTY shall provide notification to the CITY at least fifteen (15) days prior to staff decision on applications for administrative actions as provided for in the COUNTY's Zoning and Development Ordinance for applications within the Dual Interest Areas as identified in EXHIBIT A.
3. The COUNTY shall provide notification to the CITY at least thirty-five (35) days prior to the first scheduled public hearing on all land use actions before the County Hearings Officer affecting land within the Dual Interest Areas as identified in EXHIBIT A.
4. A reasonable response time will be provided and any response will be included within the record of the action. Lack of response will be considered "no objection" to the proposal.
5. Within the Dual Interest Areas, notification procedures specified in Section C(1) shall be in effect, with the added requirement that written concurrence or no objection shall be the appropriate and necessary response by each party.
6. If an annexation to the CITY occurs, the CITY shall assume jurisdiction of COUNTY roads and local access roads that are within or abutting the area annexed. As a condition of jurisdiction transfer for roads not built to the CITY street standards, on the date of the final decision on

Urban Growth Management Agreement  
THE CITY OF MILWAUKIE AND CLACKAMAS COUNTY

the annexation, the COUNTY shall either reimburse the CITY for the actual cost of the overlay or the COUNTY shall install the overlay itself over the width of the then-existing pavement. However, if the width of pavement is less than twenty (20) feet, the sum shall be calculated for an overlay twenty (20) feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of the CITY and COUNTY. Arterial roads shall be considered for transfer on a case-by-case basis. Terms of transfer for arterial roads shall be negotiated and agreed to by both jurisdictions.

D. Urban Service Coordination Committees

1. The CITY and the COUNTY shall meet at a minimum once each quarter to discuss issues and activities of mutual concern as identified in the North Clackamas Urban Area Public Facilities Plan.
2. A minimum of four (4) Coordination Committees shall be established, corresponding to the four public facilities of sanitary sewerage services, water supply and delivery services, storm drainage provision, and transportation planning. Other service systems, such as parks and recreation planning, may be organized as coordination committees.
3. In addition to issues identified in the North Clackamas Urban Area Public Facilities Plan, each coordination committee shall address regional coordination and cooperation, service operation and maintenance concerns where there are joint responsibilities, future facility locations, and future funding sources.

E. Term of Agreement

1. This Agreement may be amended in writing by the concurrence of both signatory jurisdictions, with each elected body acting at a regular public meeting.
2. This Agreement may not be terminated except during either jurisdiction's Periodic Review. At such time, either party may terminate this Agreement after one hundred twenty (120) days written notice to the other party, provided, however, that in the event this action is taken, termination shall not occur until after a representative of the Department of Land Conservation and Development (DLCD) reviews this Agreement and the concerns of both jurisdictions regarding its successful operation.
3. This Agreement supersedes previous agreements, if any.

Urban Growth Management Agreement  
THE CITY OF MILWAUKIE AND CLACKAMAS COUNTY

IN WITNESS WHEREOF, the respective parties have caused to be signed in their behalf to make and enter into this Agreement this 24th day of May, 1990.

CITY OF MILWAUKIE

CLACKAMAS COUNTY  
BOARD OF COMMISSIONERS

By: Roger A. Hall  
Roger A. Hall, Mayor

By: Darlene Hooley  
Darlene Hooley, Chairperson  
Board of Commissioners

ATTEST:

By: Dale Harlan  
Dale Harlan  
Commissioner

By: Jerri L. Widner  
Jerri L. Widner  
City Recorder

By: Ed Lindquist  
Ed Lindquist  
Commissioner

Exhibit A-1

Monroe Street Transfer of Jurisdiction  
Clackamas County to the City of Milwaukie

Description

A portion of Monroe Street, Clackamas County Road No. 2361 lying in sections 31 and 32, T.1S., R.2E., W.M. and within the boundary of the City of Milwaukie, more particularly described below.

A 40 to 45 foot wide road Right of Way lying West of the Westerly Right of Way of Linwood Avenue, Market Road #37 and East of the Northerly extension of the Westerly Right of Way of SE 60<sup>th</sup> Avenue  
Containing 17,000 Sq.Ft. of Right of Way, more or less.

Exhibit A-2

Kuehn Road Transfer of Jurisdiction

Clackamas County to the City of Milwaukie

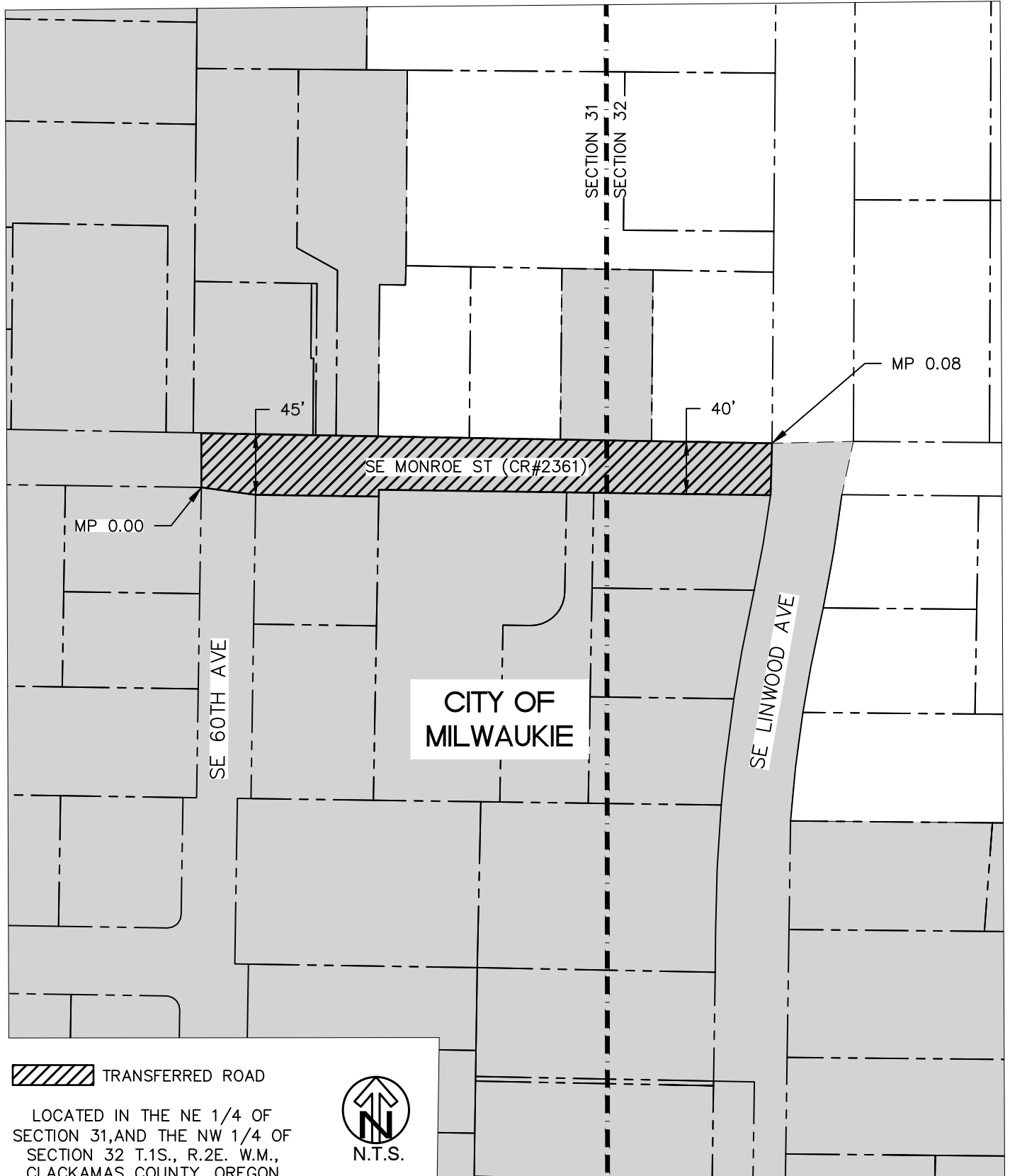
Description

A portion of Kuehn Road, Clackamas County Road No. 1249 lying in section 6, T.2S., R.2E., W.M. and within the boundary of the City of Milwaukie, more particularly described below.

A variable width road Right of Way lying South of the Southerly Right of Way of Lake Road, County Road No. 232 and North of the Westerly extension of the South line of lot 43, "Cereghino Farms" Plat No. 4587.

Containing 42,270 Sq.Ft. of Right of Way, more or less.

# EXHIBIT "B-1"



DEPARTMENT OF TRANSPORTATION  
AND DEVELOPMENT  
150 BEAVERCREEK ROAD  
OREGON CITY, OR 97045

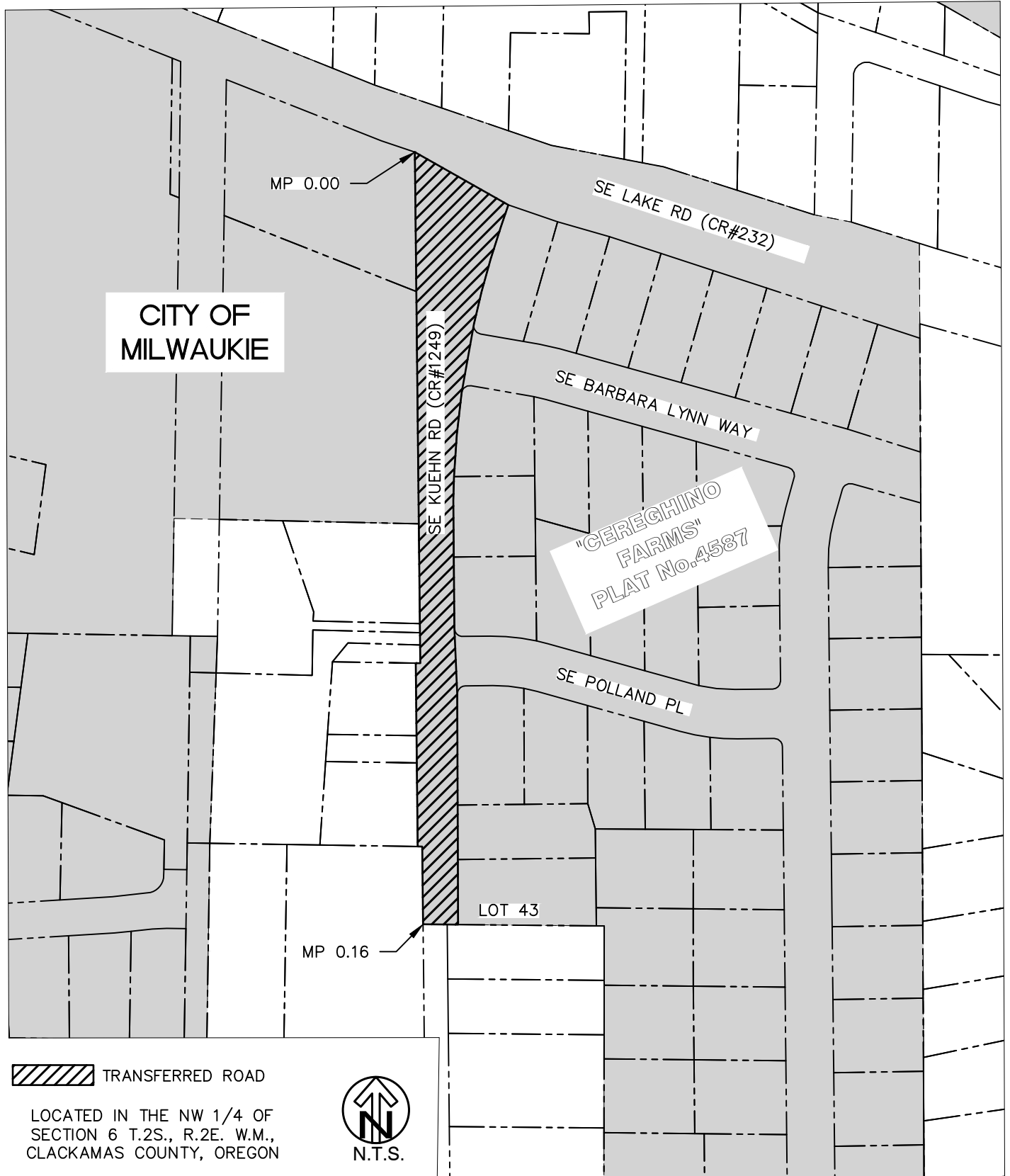


BY: M. BAYS DATE: 4/27/2020  
JURISDICTIONAL TRANSFER  
MONROE STREET  
COUNTY ROAD #2361

SHEET  
1 OF 1



# EXHIBIT "B-2"



DEPARTMENT OF TRANSPORTATION  
AND DEVELOPMENT  
150 BEAVERCREEK ROAD  
OREGON CITY, OR 97045



BY: M.BAYS DATE: 4/27/2020  
JURISDICTIONAL TRANSFER  
KUEHN ROAD  
COUNTY ROAD #1249

SHEET  
1 OF 1



**Stephen L. Madkour**  
County Counsel

**Kathleen Rastetter**  
**Scott C. Ciecko**  
**Amanda Keller**  
**Nathan K. Boderman**  
**Shawn Lillegren**  
**Jeffrey D. Munns**  
**Andrew R. Naylor**  
**Andrew Narus**  
**Sarah Foreman**  
Assistants

July 9, 2020

Board of County Commissioners  
Clackamas County

Members of the Board:

**A Board Order Approving the Limited Delegation of Contract Signing Authority**

<b>Purpose/Outcomes</b>	Delegate limited contract signing authority to certain positions not included in current LCRB Rule C-05-0100 as a result of job title change.
<b>Dollar Amount and Fiscal Impact</b>	N/A
<b>Funding Source</b>	N/A
<b>Duration</b>	Indefinitely
<b>Previous Board Action</b>	The Board regularly revisits the issue of delegation of contract signing authority.
<b>Counsel Review</b>	Reviewed by Andrew Narus, Andrew Naylor, and Stephen Madkour
<b>Strategic Plan Alignment</b>	The delegation of contract signing authority to the Procurement Manager aligns with the strategic priority of building public trust through good government.
<b>Contact Person</b>	Andrew Naylor, Assistant County Counsel; 503-742-4623
<b>Contract No.</b>	N/A

**BACKGROUND:**

The Board has previously delegated limited contract signing authority to certain department positions pursuant to the Local Contract Review Board Rules, Rule C-050-0100. However, due to a change in position title, the current list of positions is incomplete and/or inaccurate.

The proposed Board Order updates the current contract signing authority delegation list to include the position of Procurement Manager, which is currently listed in Rule C-050-0100 as “Procurement Division Director.”

If approved by the Board, this delegation will allow the Procurement Manager to sign certain contracts on behalf of Clackamas County.

**RECOMMENDATION:**

Staff respectfully requests that the Board adopt the proposed Board Order approving the limited delegation of contract signing authority.

Respectfully submitted,

/s/ Andrew Naylor

Andrew Naylor  
Assistant County Counsel

Attachments:  
Proposed Board Orders

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Limited Delegation  
of Contract Signing Authority



Board Order No. \_\_\_\_\_

*Page 1 of 2*

**Whereas**, the Clackamas County Board of County Commissioners (the “Board”) has authority to sign all contracts, contract amendments, and renewals;

**Whereas**, the Board has previously delegated limited contract signing authority to certain department positions pursuant to the Local Contract Review Board Rules, Rule C-050-0100;

**Whereas**, the previous delegation via Rule C-050-0100 is no longer complete due to updated position names, titles, and other changes that occurred subsequent to promulgation of the rule;

**Whereas**, the Board agrees that it is necessary to delegate limited contract signing authority to certain positions that are not included in Rule C-050-0100, whether by position title changes, omissions, or otherwise;

**NOW THEREFORE, the Clackamas County Board of County Commissioners resolves as follows:**

1. The following officers and employees of Clackamas County holding the positions listed below have authority to sign Contracts with a value not to exceed a total of \$150,000 in the aggregate for any one project or for any one contractor in a fiscal year:

Procurement Manager

2. The officers and employees listed above also have authority to sign Contract amendments or renewals, if the amendment does not exceed 10% of the original Contract amount or \$150,000 for the entirety of the term of the Contract, whichever is less.
3. As used herein, “Contract” shall be defined as set forth in the Local Contract Review Board Rules, Rule C-046-0110.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Limited Delegation  
of Contract Signing Authority



Board Order No. \_\_\_\_\_

*Page 2 of 2*

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 2020

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary