



# CITY OF MILWAUKIE

**To:** Planning Commission

**Through:** Dennis Egner, Planning Director

**From:** Brett Kelter, Associate Planner

**Date:** May 24, 2019, for June 11, 2019, Public Hearing

**Subject:** **File:** A-2016-006

**Applicant/Owner:** City of Milwaukie and Clackamas Community College

**Location:** 7616, 7726, and 7738 SE Harmony Rd, and Harmony Rd right-of-way from Linwood Ave to near 80<sup>th</sup> Ave

**Legal Description (Map & Tax Lot):** 2S2E05A 00400, 00402, & 00403

**NDA:** NA

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## ACTION REQUESTED

Recommend approval of annexation file #A-2016-006, including adoption of the proposed ordinance and exhibits found in Attachment 1. This action would allow for annexation of the Harmony Road campus of Clackamas Community College and the adjacent public right-of-way (ROW) in SE Harmony Road, from SE Linwood Avenue to the eastern boundary of the campus near 80<sup>th</sup> Ave.

## BACKGROUND INFORMATION

The Board of Clackamas Community College has applied to annex the Harmony Road campus (the Annexation Properties) to the city. In addition, the city is annexing the public ROW for SE Harmony Road from SE Linwood Avenue to the eastern boundary of the community college campus near SE 80<sup>th</sup> Avenue to provide the necessary contiguity for the campus parcels. The Annexation Properties have commercial Clackamas County land use and zoning designations and will receive equivalent commercial city land use and zoning designations. Upon annexation, the existing institutional use of the site will be a de facto community service use (CSU), subject to the city's zoning ordinance for review and approval of any proposed alterations.

### A. Site and Vicinity

The Annexation Properties are the three legal lots of record that comprise the Harmony Road campus of Clackamas Community College, addressed as 7616, 7726, and 7738 SE

Harmony Rd. The site is developed with two community college buildings, and construction of an administrative office building for Clackamas Fire District #1 is planned for the near future on the westernmost portion of the site.

The Annexation Properties will be contiguous to the existing city limits as a result of the annexation of the SE Harmony Road ROW from SE Linwood Avenue to the eastern boundary of the college campus. The Annexation Properties are within the city's urban growth management area (UGMA). The surrounding area consists of residential dwellings (mostly single-family, with some multifamily) to the north across SE Harmony Road, the Three Creeks Natural Area to the south, the North Clackamas Aquatic Park to the southeast, and a retail commercial store site to the east.

## **B. Zoning Designation**

Office Commercial (OC) (*Clackamas County's zone—corresponds to Milwaukie's Limited Commercial (C-L) zone*)

## **C. Comprehensive Plan Designation**

Office Commercial (OC) (*Clackamas County's designation—corresponds to Milwaukie's Commercial (C) designation*)

## **D. Land Use History**

As the property is not yet annexed, there are no City records regarding previous land use actions for this site. The timeline of annexation-related actions in the City is as follows:

- **July 1990:** Clackamas County Order No 90-726 established an urban growth management agreement in which the city and county agreed to coordinate the future delivery of services to the unincorporated areas of North Clackamas County.
- **May 2016:** The Board of Education of the Clackamas Community College District adopted a resolution authorizing the consent to annexation of the Harmony Road campus.
- **September 2016:** Staff at Clackamas Community College submitted the annexation petition and other materials required to initiate the expedited annexation process.
- **2017-2018:** The planning director explored the legal ramifications of using the annexation of the SE Harmony Road ROW to access the community college campus. Recent case law involving the City of Happy Valley suggested that Clackamas County might contest a “cherry stem” annexation.
- **January 2019:** The planning department coordinated with a surveyor at Compass Engineering to obtain a legal description and map for the public ROW on SE Harmony Road to be annexed.

## **E. Proposal**

The applicant is seeking land use approval for annexation. The proposal includes the following:

1. Annexation into the city of 7616, 7726, & 7738 SE Harmony Road (Tax Lots 2S2E05A 0400, 0402, and 0403), the "Annexation Properties."
2. Annexation into the city of the public ROW for SE Harmony Road from SE Linwood Avenue to the eastern boundary of the community college campus near SE 80<sup>th</sup> Avenue.
3. Application of a commercial (C) comprehensive plan land use designation and a limited commercial (C-L) zoning designation to the Annexation Properties.
4. Amendments to the city's comprehensive plan land use map and zoning map to reflect the city's new boundary and the Annexation Properties' new land use and zoning designations.
5. Withdrawal of the Annexation Properties from the following urban service districts:
  - Clackamas County Service District for Enhanced Law Enforcement
  - Clackamas County Service District No. 5 for Street Lights

The project requires approval of an adopting ordinance for annexation.

## **CONCLUSIONS**

### **Staff recommendation to the Planning Commission is as follows:**

Recommend that City Council adopt the proposed ordinance for annexation, based on the information provided in application #A-2016-006. This will result in annexation into the city of the Harmony Road campus of Clackamas Community College and the adjacent public ROW in SE Harmony Road.

## **CODE AUTHORITY AND DECISION-MAKING PROCESS**

The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).

- MMC Section 19.1007 Type IV Review
- MMC Chapter 19.1100 Annexations and Boundary Changes

This application is subject to Type IV review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above and make a recommendation to the City Council for a final decision. In Type IV reviews, the Commission may recommend that the City Council approve or deny the application with or without changes, providing a written justification for the recommendation.

The Commission has 2 decision-making options as follows:

- A. Recommend approval of the proposed annexation with the Recommended Findings in Support of Approval.
- B. Recommend denial of the proposed annexation upon finding that it does not meet approval criteria.

Annexation applications are not subject to the 120-day clock, so there is no deadline for a final decision.

## ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	PC Packet	Public Copies	Packet
1. Annexation Ordinance			
a. Exhibit A—Findings in Support of Approval	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Exhibit B—Legal Description and Tax Map	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Annexation Site Map			
3. Applicant's Annexation Application	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

PC Packet = materials provided to Planning Commission 7 days prior to the hearing.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-30>.



## **COUNCIL ORDINANCE No.**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING TRACTS OF LAND IDENTIFIED AS TAX LOTS 2S2E05A 0400, 0402, AND 0403 (THE HARMONY ROAD CAMPUS OF CLACKAMAS COMMUNITY COLLEGE) AS WELL AS THE PUBLIC RIGHT-OF-WAY OF SE HARMONY ROAD FROM SE LINWOOD AVENUE TO THE EASTERN BOUNDARY OF THE COMMUNITY COLLEGE CAMPUS NEAR SE 80<sup>TH</sup> AVENUE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2016-006).**

**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 a majority of land owners who own a majority of real property representing a majority of the assessed value of the 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 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**, Table 19.1104.1.E of the Milwaukie Municipal Code provides for the automatic application of city zoning and comprehensive plan land use designations; and

**WHEREAS**, the city conducted a public meeting and mailed notice of the public meeting as required by law; and

**WHEREAS**, the city prepared and made available an annexation report that addressed all applicable criteria, and, upon consideration of such report, the City Council favors annexation of the tracts of land and 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 tracts of land and public right-of-way described and depicted in Exhibit B are hereby annexed to the City of Milwaukie.

Section 3. The tracts of land and public right-of-way annexed by this ordinance and described in Section 2 are 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 tracts of land annexed by this ordinance and described in Section 2 are hereby assigned a comprehensive plan land use designation of commercial (C) and a municipal code zoning designation of limited commercial (C-L).

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 \_\_\_\_\_, and moved to second reading by \_\_\_\_\_ vote of the City Council.

Read the second time and adopted by the City Council on \_\_\_\_\_.

Signed by the Mayor on \_\_\_\_\_.

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Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

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Scott S. Stauffer, City Recorder

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Justin D. Gericke, City Attorney

## FINDINGS IN SUPPORT OF APPROVAL

Based on the staff report for the annexation of the Harmony Road campus of Clackamas Community College and the adjacent public right-of-way for Harmony Road, the Milwaukie City Council finds:

1. The Annexation Properties consist of three tax lots comprising a total of 9.66 acres (Tax Lots 2S2E05A 0400, 0402, and 0403). In addition, the larger Annexation Territory includes the public right-of-way (ROW) for SE Harmony Road from SE Linwood Avenue to the eastern boundary of the community college campus near SE 80<sup>th</sup> Avenue. The Annexation Territory is contiguous to the existing city limits via multiple properties on the north side of SE Harmony Road between SE Linwood Avenue and SE 71<sup>st</sup> Avenue. The Annexation Properties will be contiguous to the newly extended city limits through the SE Harmony Road ROW being annexed. The Annexation Territory is within the regional urban growth boundary and also within the city's urban growth management area (UGMA).

The Annexation Properties are developed with two buildings comprising the Harmony Road campus of Clackamas Community College, with a large off-street parking area. Construction of an administrative office building for Clackamas Fire District #1 is planned for the westernmost portion of the site. The surrounding area consists of residential dwellings (mostly single-family with some multifamily) to the north across Harmony Road, the Three Creeks Natural Area to the south, the North Clackamas Aquatic Park to the southeast, and a retail commercial store site to the east.

2. The owner of the Annexation Properties seeks annexation to the city as part of an agreement related to the current provision of city sewer service to the Annexation Properties site. The city seeks annexation of the SE Harmony Road ROW to provide contiguity of the city limits to the Annexation Properties.
3. The annexation petition was initiated by a majority of land owners who own a majority of real property representing a majority of the assessed value of the land within the affected area (a.k.a., a "triple majority" annexation) on September 19, 2016, with an application for annexation submitted to the city on the same day (September 19, 2016). 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 19.1102.
5. The annexation application includes a request for city comprehensive plan land use and zoning designations to the Annexation Properties. The existing comprehensive plan land use and zoning designations in the county are both office commercial (OC). The applicant has requested city comprehensive plan land use and zoning designations for the Annexation Properties to be commercial (C) and limited commercial (C-L), respectively.
6. 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 properties on the north side of SE Harmony Road between SE Linwood Avenue and SE 71<sup>st</sup> Avenue as well as through the newly annexed SE Harmony Road ROW itself.*

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

*Joanne Truesdell, president of Clackamas Community College in 2016, 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. City sewer service is available to the Annexation Properties in SE Harmony Road. 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 7.*

- 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 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 Subsections 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 applicant has proposed to designate the Annexation Properties according to the guidance of MMC Table 19.1104.1.E, from a county zoning designation of Office Commercial (OC) to city designations of Limited Commercial (C-L) for zoning and Commercial (C) for land use. The approval criteria for both proposed amendments are effectively met.*

7. Prior to approving an annexation, the city must apply the provisions set forth in Subsection 3.09.050.D of the Metro Code, 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:*

*Sewer: The city maintains a public sewer system that can adequately serve the Annexation Properties.*

Storm: The Annexation Properties are developed with on-site stormwater facilities and for overflow are connected to a public stormwater system managed by Clackamas County Water Environment Services (WES). Treatment and management of on-site stormwater will be required when any new development occurs.

Transportation: Clackamas County currently maintains SE Harmony Road. In the future, following county improvements, the city will initiate a transfer of jurisdiction. The city may then require public street improvements along the Annexation Properties' frontage when any new development occurs.

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. 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.

As discussed in Finding 6, 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 SE Harmony Road ROW once the annexation is official and the county makes planned improvements to the road.

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 Properties.*

*The city has public sewer service in this area via a sewer line in the SE Harmony Road ROW.*

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

*The Annexation Properties consist of three tax lots under the same ownership. The site is developed with two buildings comprising the Harmony Road campus of Clackamas Community College, an administrative office building for Clackamas Fire District #1, and associated off-street parking. 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 also assume responsibility for maintaining street lights in the Annexation Territory. 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.*

8. 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 Properties are within the city's sewer service area and are served by the city's 8-in sewer line accessible in SE Harmony Road.*

Water: *The Annexation Properties are currently served by CRW through CRW's water line in SE Harmony Road adjacent to the Annexation Properties. Pursuant to the city's IGA with CRW, the Annexation Properties should not be withdrawn from this district at this time.*

Storm: *The Annexation Properties are developed with on-site stormwater facilities and for overflow are connected to a public stormwater system managed by WES. Treatment and management of on-site stormwater will be required when any new development occurs.*

Fire: *The Annexation Properties are 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 Properties are 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. 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 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 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.*

Exhibit B

**Annexation to the City of Milwaukie**  
**LEGAL DESCRIPTION for 3 PROPERTIES**

**Milwaukie Annexation File No. A-2016-006**

Property Address: 7616 SE Harmony Rd, Milwaukie OR 97222

Tax Lot Description: 2S2E05A 00400

Legal Description: Parcel 1 of Partition Plat 1992-41

Property Address: 7726 SE Harmony Rd, Milwaukie OR 97222

Tax Lot Description: 2S2E05A 00402

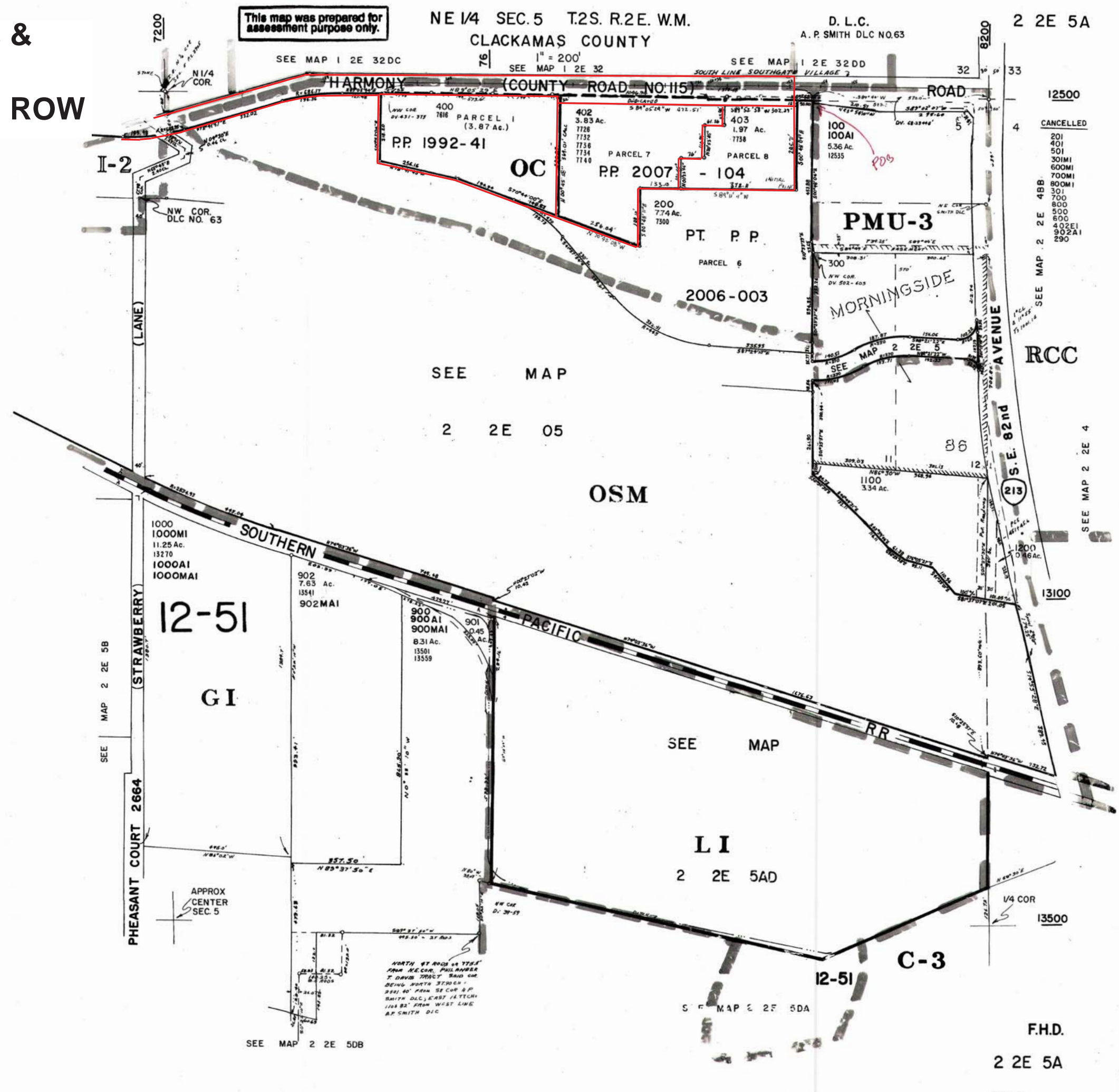
Legal Description: Parcel 7 of Partition Plat No. 2007-104, except that part lying in SE Harmony Road, in the County of Clackamas and State of Oregon

Property Address: 7738 SE Harmony Rd, Milwaukie OR 97222

Tax Lot Description: 2S2E05A 00403

Legal Description: Parcel 8 of Partition Plat No. 2007-104, except that part lying in SE Harmony Road, in the County of Clackamas and State of Oregon

CCC parcels & portion of Harmony Rd ROW



LEGAL DESCRIPTION  
HARMONY ROAD  
CITY OF MILWAUKIE

#8174  
2/1/19 MAR

A STRIP OF LAND, VARIABLE WIDTH, LOCATED IN THE SOUTHWEST ONE-QUARTER AND THE SOUTHEAST ONE-QUARTER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 2 EAST AND THE NORTHWEST ONE-QUARTER AND THE NORTHEAST ONE-QUARTER OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH DIAMETER IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CLACKAMAS COUNTY DTD", FOUND AT THE NORTHEAST CORNER OF PARCEL 6, PARTITION PLAT 2006-003, CLACKAMAS COUNTY PLAT RECORDS, BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF SE HARMONY ROAD (COUNTY ROAD NO. 115, WIDTH VARIES); THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING 15 COURSES: N.87°39'46"W., 50.00 FEET; THENCE S.01°33'06"W., 12.00 FEET; THENCE N.87°39'46"W., 301.51 FEET; THENCE N.88°26'54"W., 473.13 FEET; THENCE N.01°33'06"E., 22.00 FEET; THENCE N.88°26'54"W., 701.10 FEET; THENCE 196.41 FEET ALONG THE ARC OF A 686.17 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 16°24'00" (THE CHORD OF WHICH BEARS S.83°21'06"W., 195.74 FEET); THENCE S.75°09'06"W., 332.02 FEET; THENCE 199.48 FEET ALONG THE ARC OF A 602.95 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 18°57'20" (THE CHORD OF WHICH BEARS S.84°37'46"W., 198.57 FEET); THENCE N.85°53'34"W., 337.13 FEET; THENCE 213.66 FEET ALONG THE ARC OF A 1115.90 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 10°58'14" (THE CHORD OF WHICH BEARS S.88°37'19"W., 213.34 FEET); THENCE S.83°08'12"W., 262.86 FEET; THENCE 141.84 FEET ALONG THE ARC OF A 2321.77 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 03°30'01" (THE CHORD OF WHICH BEARS S.84°53'12"W., 141.82 FEET); THENCE S.86°38'13"W., 964.12 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF SOUTHERN PACIFIC RAILROAD (60.00 FEET WIDE); THENCE ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, N.64°51'48"W., 223.63 FEET TO A POINT; THENCE N.25°08'12"E., 60.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID SE HARMONY ROAD; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING 21 COURSES: S.64°51'48"E., 83.73 FEET; THENCE 244.16 FEET ALONG THE ARC OF A 490.85 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 28°29'59" (THE CHORD OF WHICH BEARS S.79°06'47"E., 241.65 FEET); THENCE N.86°38'13"E., 485.96 FEET; THENCE N.86°30'17"E., 359.95 FEET; THENCE N.80°34'30"E., 50.27 FEET; THENCE 66.19 FEET ALONG THE ARC OF A 2256.77 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 01°40'50" (THE CHORD OF WHICH BEARS N.83°58'37"E., 66.19 FEET); THENCE N.75°03'00"E., 35.54 FEET; THENCE N.83°08'12"E., 100.00 FEET; THENCE N.56°34'18"E., 89.44 FEET; THENCE N.83°08'12"E., 47.67 FEET; THENCE 61.34 FEET ALONG THE ARC OF A 1225.90 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 02°52'00" (THE CHORD OF WHICH BEARS N.84°34'12"E., 61.33 FEET); THENCE S.63°09'47"E., 60.75 FEET; THENCE 116.97 FEET ALONG THE ARC OF A 1195.90 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 05°36'14" (THE CHORD OF WHICH BEARS S.88°41'41"E., 116.92 FEET); THENCE S.85°53'34"E. 93.65 FEET; THENCE S.04°06'26"W., 20.00 FEET; THENCE S.85°53'34"E., 87.09 FEET; THENCE



S.86°08'35"E., 79.03 FEET; THENCE S.86°04'39"E., 104.58 FEET; THENCE 152.41 FEET ALONG THE ARC OF A 542.95 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 16°04'58" (THE CHORD OF WHICH BEARS N.83°11'35"E., 151.91 FEET); THENCE N.75°09'06"E., 439.54 FEET; THENCE S.88°26'54"E., 1575.49 FEET; THENCE N.01°33'06"E., 10.00 FEET; THENCE S.88°26'54"E., 57.74 FEET; THENCE S.01°33'06"W., 84.82 FEET TO THE POINT-OF-BEGINNING, CONTAINING 299577 SQUARE FEET, (6.88 ACRES) MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS SN 23425, CLACKAMAS COUNTY SURVEY RECORDS.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Michael A. Rademacher*

OREGON  
JULY 16, 1987  
MICHAEL A. RADEMACHER  
2303

DATE OF SIGNATURE: 2-6-19  
EXPIRES: 12/31/2018

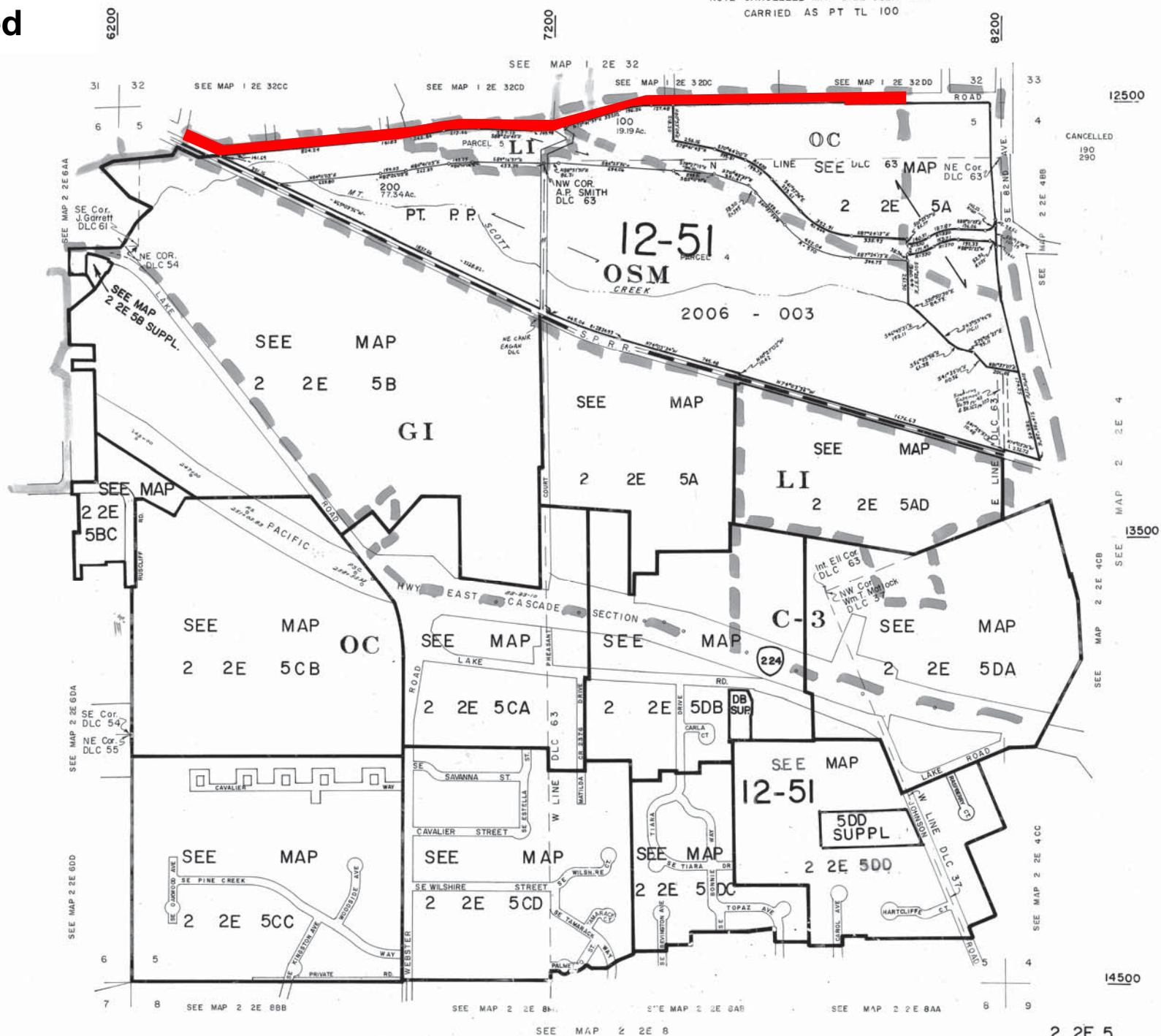




This map was prepared for assessment purpose only.

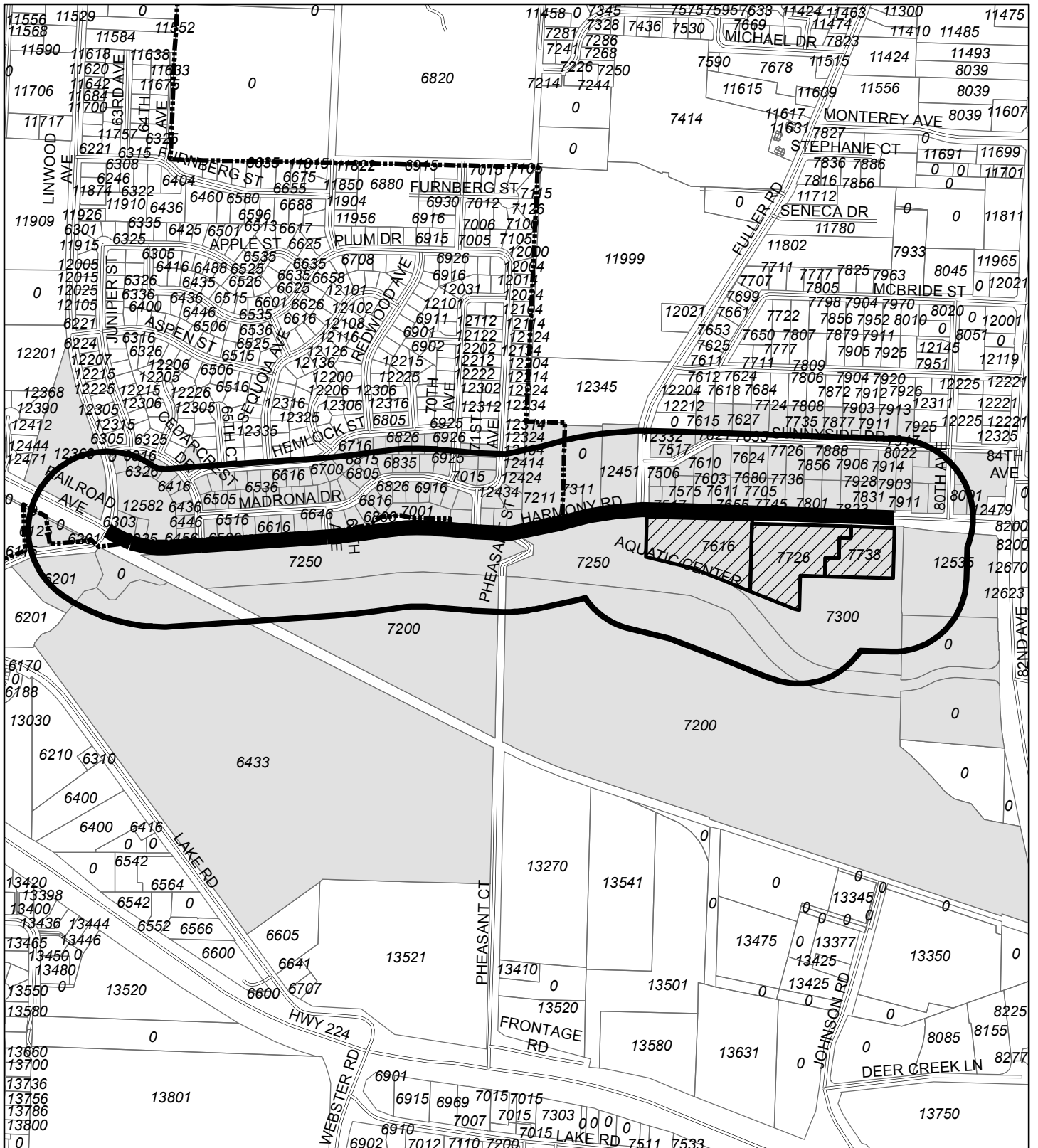
$$l''' = 400'$$

NO. 37  
NO. 61  
NO. 63

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BOOK 15

# ATTACHMENT 2



## Site Map






**7616, 7726, & 7738 SE Harmony Rd  
and Harmony Rd right-of-way (ROW)  
(Tax ID: 2S2E05A, lots 400, 402, & 403)**

**File #A-2016-006**



0 230 460 920 1,380 1,840 Feet

## Legend

-  Properties being annexed
-  Harmony Rd ROW being annexed
-  400-ft notice boundary
-  Properties receiving notice
-  Other tax lots



**PLANNING DEPARTMENT**  
 6101 SE Johnson Creek Blvd  
 Milwaukie OR 97206

PHONE: 503-786-7630  
 FAX: 503-774-8236  
 E-MAIL: [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov)  
 WEB: [www.milwaukieoregon.gov](http://www.milwaukieoregon.gov)

# Expedited Annexation Application

601-16-00007 6 PLNG

## RESPONSIBLE PARTIES:

File #: A-2016-006

<b>APPLICANT</b> (owner or other eligible applicant): Joanne Truesdell, President of Clackamas Community College	
Mailing address: 19600 Molalla Avenue Oregon City, OR	Zip: 97045
Phone(s): (503) 594-6000	E-mail: <a href="mailto:presidentsoffice@clackamas.edu">presidentsoffice@clackamas.edu</a>
<b>APPLICANT'S REPRESENTATIVE</b> (if different than above): Bob Cochran	
Mailing address: 19600 Molalla Avenue Oregon City, OR	Zip: 97045
Phone(s): 503-594-6790	E-mail: <a href="mailto:bobc@clackamas.edu">bobc@clackamas.edu</a>

## SITE INFORMATION:

7726, 7738 & 7616 SE Address(es): Harmony Road	Map & Tax Lot(s): 2S 2E 05A Lots 400, 402, 403 Property size: 3.83, 1.96 & 3.87 Acres
Existing County zoning: OC	Proposed City zoning: C-L
Existing County land use designation: Office Commercial	Proposed City land use designation: Commercial

## PROPOSAL (describe briefly):

Annexation of the above-listed properties into the City of Milwaukie.

## LIST OF ALL CURRENT UTILITY PROVIDERS:

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

<b>Cable, internet, and/or phone:</b>	<input checked="" type="checkbox"/> Comcast	<input type="checkbox"/> CenturyLink (formerly Qwest)
<b>Energy:</b>	<input checked="" type="checkbox"/> PGE	<input checked="" type="checkbox"/> NW Natural Gas
<b>Garbage hauler:</b>	<input checked="" type="checkbox"/> Waste Management	<input type="checkbox"/> Mel Deines <input type="checkbox"/> Hoodview Disposal and Recycling
	<input type="checkbox"/> Wichita Sanitary	<input type="checkbox"/> Oak Grove Disposal <input type="checkbox"/> Clackamas Garbage
<input type="checkbox"/> Other (please list):		

## SIGNATURE:

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

Submitted by: *Joanne Truesdell*

Date: 9/19/16

CONTINUED ON REVERSE



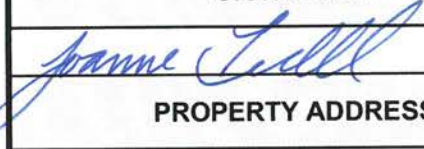
**THIS SECTION FOR OFFICE USE ONLY:**


<b>File #:</b> A 2016-006	<b>Fee:</b> \$ 150. <sup>00</sup>	<b>Receipt #:</b>	<b>Rcd. by:</b>	<b>Date stamp:</b>
<b>Associated application file #'s:</b>				<b>RECEIVED</b> <b>SEP 21 2016</b> <b>CITY OF MILWAUKIE</b> <b>PLANNING DEPARTMENT</b>
<b>Neighborhood District Association(s):</b>				
<b>Notes</b> (include discount if any):				

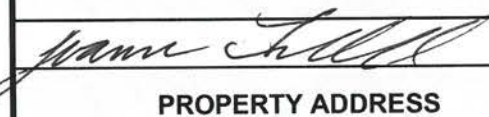
Z:\Planning\Administrative - General Info\Applications\Annexations (also see AcroForms)\01 Expedited package\AnnexExpPetitionCover100%.doc—Last Rev. 5/14/14

# PETITION SIGNERS

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

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	Joanne Truesdell	X			9/19/16
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
7726 SE Harmony Road	2S	2E	05A	402	421

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	Joanne Truesdell	X			9/19/16
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
7738 SE Harmony Road	2S	2E	05A	403	421

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	Joanne Truesdell	X			9/19/16
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
7616 SE Harmony Road	2S	2E	05A	400	421

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

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

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

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

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

I hereby certify that the attached petition contains the names of the owners<sup>1</sup> (as shown on the last available complete assessment roll) of 100% of the land area of the territory proposed for annexation as described in the attached petition.



Name CRAIG FERRIS *Craig Ferris*  
Title CARTOGRAPHER III  
Department ASSESSMENT & TAX  
County of CLACKAMAS  
Date 9-20-16

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

## CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the territory included within the attached petition (located on Assessor's Map 22E05A) has been checked by me. It is a true and exact description of the territory under consideration and corresponds to the attached map indicating the territory under consideration.



Name CRAIG FERRIS  
Craig Ferris  
Title CARTOGRAPHER III  
Department ASSESSMENT & TAX  
County of CLACKAMAS  
Date 9-20-2016



## CERTIFICATION OF REGISTERED VOTERS

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

Name PAUL HANES  
Title DEPUTY CLERK  
Department CLERK/ELECTIONS  
County of CLACKAMAS  
Date 9/20/16



CLACKAMAS COUNTY ELECTIONS  
SHERRY HALL, COUNTY CLERK  
1710 RED SOILS CT, SUITE 100  
OREGON CITY, OR 97045

# NOTICE LIST

(This form is NOT the petition)

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

	Name of Owner/Voter	Mailing Street Address	Property Address
		Mailing City/State/Zip	Property Description (township, range, ¼ section, and tax lot)
1	Joanne Truesdell	19600 Molalla Avenue	7726, 7738 & 7616 SE Harmony Road
		Oregon City, OR	2S 2E 05A Lots 400, 402 & 403
2			
3			
4			
5			
6			
7			
8			
9			
10			

**RESOLUTION NO. R15/16-48**

**CLACKAMAS COMMUNITY COLLEGE**

**A RESOLUTION APPROVING THE CONSENT TO ANNEX AUTHORIZATION FOR  
REAL PROPERTY IN MILWAUKIE, OREGON**

**WHEREAS**, Clackamas Community College owns an undivided 100% interest in real property and improvements located at 7738 S.E. Harmony Road and 7726 S.E. Harmony Road in the city of Milwaukie, legally described as Lot 7 and 8 of Partition Plat 2007-104 in the County of Clackamas and the State of Oregon; and

**WHEREAS**, Clackamas Community College owns an undivided 100% interest in real property and improvements located along S.E. Harmony Road in the city of Milwaukie, legally described as Lot 1 of Partition Plat 1992-41 in the County of Clackamas and the State of Oregon; and

**WHEREAS**, these contiguous lots make up the Clackamas Community College Harmony Campus; and

**WHEREAS**, the Phase II development of the Harmony Campus is in the permitting stage; and

**WHEREAS**, as a condition of the Harmony Phase II construction project building to connect to the City of Milwaukie sewer system, the property must be annexed into the City of Milwaukie; and

**WHEREAS**, as a condition of obtaining the building permit for the Harmony Phase II construction project, the College must demonstrate its intent to annex these properties to the City of Milwaukie; and

**WHEREAS**, the CITY OF MILWAUKIE CONSENT TO ANNEXATION & AGREEMENT NOT TO CONTEST ANNEXATION form is required to document the College's intent to the City of Milwaukie and begin the annexation process;

**Now, therefore**, the Board of Education resolves as follows:

Clackamas Community College is authorized to provide the City of Milwaukie the CITY OF MILWAUKIE CONSENT TO ANNEXATION & AGREEMENT NOT TO CONTEST ANNEXATION form indicating the College's intent to annex the real property and improvements located 7738 S.E. Harmony Road and 7726 S.E. Harmony Road in the city of Milwaukie, legally described as Lot 7 and 8 of Partition Plat 2007-104, and Lot 1 of Partition Plat 1992-41 in the County of Clackamas and the State of Oregon (the "Property"), to the City of Milwaukie.

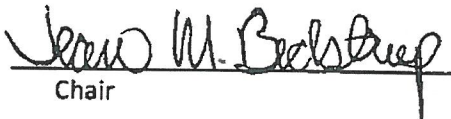
Any and all actions taken by the President or her designees to cause Clackamas Community College to enter into an ANNEXATION & AGREEMENT NOT TO CONTEST ANNEXATION with City of Milwaukie, or otherwise in furtherance of these resolutions is hereby ratified and approved.

Joanne Truesdell, as the President of Clackamas Community College, or her designee, for and on behalf of and in the name of the Clackamas Community College, is authorized to do and perform such

acts and deeds and execute, acknowledge, and deliver all documents, agreements, instruments, and certificates as may be necessary, desirable or appropriate in connection with the annexation consent, and upon such terms and conditions as determined by the President or her designee, in their reasonable discretion.

ADOPTED by the Board of Education of the Clackamas Community College District, Clackamas County, Oregon this 11th day of May, 2016.

**CLACKAMAS COMMUNITY COLLEGE DISTRICT,  
CLACKAMAS COUNTY, OREGON**

By:   
Chair

**ATTEST:**

By:   
President

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

*This Space For County Recording Use Only*

**FOR OFFICE USE ONLY**

Annexation File No. \_\_\_\_\_

Date Received \_\_\_\_\_

RECEIVED  
JUN 09 2016  
CITY OF MILWAUKIE  
PLANNING DEPARTMENT

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

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

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

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

**PROPERTY DESCRIPTION**

Street Address: 7726 SE Harmony Road & 7738 SE Harmony Road

City: Milwaukie State: OR Zip Code: 97222

Tax Map ID: Township 2 South Range 2 East Section NE ¼ of Section 5

Tax Lot(s) 22E05A 00400, 22E05A 00402, 22E05A 00403

\*\*\*\*\*

**I/WE, THE UNDERSIGNED PROPERTY OWNER(S), AFFIRM BY MY/OUR SIGNATURE(S)  
THAT THE INFORMATION CONTAINED IN THIS DOCUMENT AND ASSOCIATED  
SUBMISSIONS IS TRUE AND CORRECT.**

Property Owner Joanne Truesdell Date: 6/1/16  
Signature  
Joanne Truesdell, President Clackamas Community College  
Printed Name

Property Owner \_\_\_\_\_ Date: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name

Property Owner \_\_\_\_\_ Date: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name

Property Owner \_\_\_\_\_ Date: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name

Property Owner \_\_\_\_\_ Date: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name

Property Owner \_\_\_\_\_ Date: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name

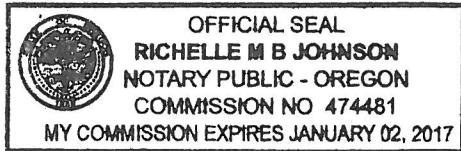
Property Owner \_\_\_\_\_ Date: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name

Property Owner \_\_\_\_\_ Date: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name

Each property owner's signature must be notarized. Submit additional sheets as necessary.

STATE OF OREGON )  
 ) ss.

Personally appeared the above named Joanne Truesdale - President  
and acknowledged the foregoing instrument to be their voluntary act and deed, before me this  
1st day of June, 2014.



[Signature]  
Notary Public of Oregon

My Commission Expires: 01/02/2016

STATE OF OREGON )  
 ) ss.

Personally appeared the above named \_\_\_\_\_  
and acknowledged the foregoing instrument to be their voluntary act and deed, before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public of Oregon

My Commission Expires: \_\_\_\_\_

STATE OF OREGON )  
 ) ss.

Personally appeared the above named \_\_\_\_\_  
and acknowledged the foregoing instrument to be their voluntary act and deed, before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public of Oregon

My Commission Expires: \_\_\_\_\_