

Final Documents  
for  
Annexation to  
**Library Service District of Clackamas County**

CL0910  
Ordinance/Resolution: 2010-129  
Annexation:  
DOR: 3-1911-2011  
Secretary of State: SD 2011-0011  
Secretary of State Effective Date: 2/22/2011

February 9, 2011

Linda Martin  
Metro  
Data Resources Department  
600 N.E. Grand Avenue  
Portland, Oregon 97232

RE: Final Boundary Change Documents

Dear Linda,

Attached is the final packet for Boundary Change Proposal No. CL-0910, annexation to the Library District of Clackamas County. If you have any questions please let me know.

Ken Martin

# Notice to Taxing Districts

ORS 308.225



Cadastral Information Systems Unit  
 PO Box 14380  
 Salem, OR 97309-5075  
 (503) 945-8297, fax 945-8737

Clackamas County Commissioners  
 Board of County Commissioners  
 2051 Kaen Road  
 Oregon City, OR 97045-4035

**Description and Map Approved**  
**February 9, 2011**  
**As Per ORS 308.225**

Description     Map received from: Ken Martin  
 On: 1/25/2011

This is to notify you that your boundary change in Clackamas County for

Annexation to the Library District of Clackamas County  
 CL-0910 Orders 2010-94, 2010-104

Order No.2010-129

has been:     Approved            2/9/2011  
                    Disapproved

Notes:

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Department of Revenue File Number: 3-1911-2011

Prepared by: Robert Ayers 503-945-8883

Boundary:     Change     Proposed Change  
 The change is for:

- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge

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

In the Matter of Entering an Order  
Declaring Approval of  
Boundary Change Proposal  
No. CL-0910



ORDER No. 2010-129

This matter coming before the Board at this time, and it appearing that the Board received a petition from the City of Damascus ("Damascus") requesting annexation of that portion of Damascus that lies within Clackamas County ("Territory") into the Library District of Clackamas County;

It further appearing that this Board approved the annexation pursuant to Board Order 2010-94 on July 1, 2010 and ordered an election in Damascus pursuant to Board Order 2010-104 on July 29, 2010; and

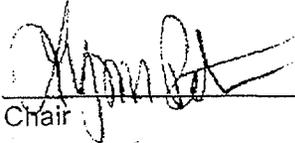
It further appearing that the election occurred within Damascus on November 2, 2010; and

It further appearing that as certified by Damascus on the attached Exhibit A that the electors voted in support of annexation; and

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-0910 (as described in Exhibit B and depicted on Exhibit C) is approved effective as of December 2, 2010.

ADOPTED this 2<sup>nd</sup> day of December, 2010.

BOARD OF COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Chair

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

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

In the Matter of Entering an Order  
Declaring Approval of  
Boundary Change Proposal  
No. CL-0910



ORDER No. 2010-129

**EXHIBIT A**

**City Certification of Election Results**

See Attached.

2010-127

NUMBERED KEY CANVASS

Clackamas County, Oregon  
General Election  
November 2, 2010

REPORT-EL52 PAGE 0161

RUN DATE:11/18/10 11:30 AM

VOTES PERCENT

VOTES PERCENT

CITY OF DAMASCUS Measure 3-367: Shall Damascus annex  
into the Library District of Clackamas County

Vote For 1

01 = Yes  
02 = No

2,773 55.95  
2,183 44.05

03 = OVER VOTES  
04 = UNDER VOTES

1  
116

	01	02	03	04
0390 390	551	501	0	34
0394 394	484	361	1	22
0401 401	609	514	0	20
0403 403	184	183	0	4
0405 405	3	8	0	0
0407 407	2	1	0	0
0422 422	589	340	0	22
0443 443	351	275	0	14



CERTIFIED COPY OF THE ORIGINAL  
SHERRY HALL COUNTY CLERK

BY: Sherry Hall

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

In the Matter of Entering an Order  
Declaring Approval of  
Boundary Change Proposal  
No. CL-0910



ORDER No. 2010-129

EXHIBIT B

LEGAL DESCRIPTION

All of the City of Damascus, Oregon effective June 11, 2010 that is located in the ORS 201.030 description of Clackamas County, Oregon.

**CITY OF DAMASCUS  
RESOLUTION NO. 10-268**

**A RESOLUTION CERTIFYING TO THE CLACKAMAS COUNTY BOARD OF COMMISSIONERS AND TO THE BOARD IN ITS CAPACITY AS THE CLACKAMAS COUNTY LIBRARY DISTRICT GOVERNING BODY THE APPROVAL BY THE ELECTORS OF THE CITY OF DAMASCUS OF THE ANNEXATION OF THE CITY OF DAMASCUS INTO THE CLACKAMAS COUNTY LIBRARY DISTRICT**

**WHEREAS**, at the General Election held on November 2, 2010 the electors of the City of Damascus approved City Ballot Measure No. 3-367, annexing the City of Damascus into the Clackamas County Library District; and

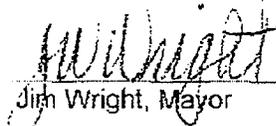
**WHEREAS**, the results of said election and the approval of said measure have been certified by the Elections Officer of Clackamas County and by the City Council of the City of Damascus; and

**WHEREAS**, ORS 198.867 requires that the approval by Damascus city electors of the annexation of the City into the Library District be certified to the County Board of Commissioners and presented to the Board in its capacity as the Library Governing Body.

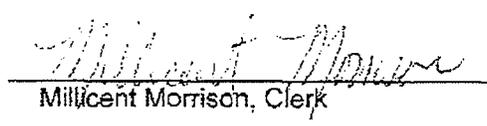
**NOW, THEREFORE, THE CITY OF DAMASCUS RESOLVES AS FOLLOWS:**

1. The City Council of the City of Damascus hereby certifies to the Clackamas County Board of Commissioners that the electors of the City of Damascus have approved the annexation of the City of Damascus into the Clackamas County Library District and presents said certification in the form of City Resolution No. 10-268 to the Board in its capacity as the Clackamas County Library District Governing Body.

**INTRODUCED AND ADOPTED** this 29<sup>th</sup> day of November, 2010.

  
Jim Wright, Mayor

**ATTEST:**

  
Millicent Morrison, Clerk

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

In the Matter of Entering an Order  
Declaring Approval of  
Boundary Change Proposal  
No. CL-0910



ORDER No. 2010-94

This matter coming before the Board of County Commissioners ("Board") as the governing body of the Library District of Clackamas County ("District") at this time, and it appearing that the Board received a resolution from the Damascus City Council requesting that the entirety of that city be annexed to the District;

It further appearing that this Board is charged with deciding this proposal for a boundary change pursuant to ORS Chapters 198.866 and Metro Code 3.09; and

It further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report which complies with the requirements of Metro Code 3.09.050 (b); and

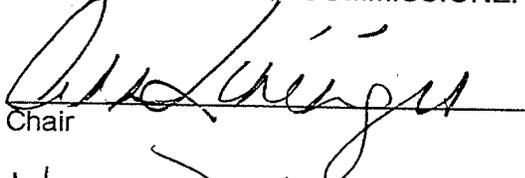
It further appearing that this matter came before the District Board for public hearing on July 1, 2010 and that a decision of approval was made on July 1, 2010; and

It further appearing that the Board of County Commissioners is required to hold a second hearing as required by ORS 198.866 (4); and

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. 0910 (as described in Exhibit B and depicted on Exhibit C) is approved for the reasons stated in attached Exhibit A and that a final hearing on Boundary Change Proposal No. CL-0910 will be held on July 29, 2010. If at or before that hearing written requests for an election are not filed with the Board of County Commissioners, the Board of the District will enter its order approving the annexation.

ADOPTED this 1<sup>st</sup> day of July, 2010.

BOARD OF COUNTY COMMISSIONERS

  
Chair

  
Recording Secretary

**FINDINGS AND REASONS FOR DECISION**

Based on the staff report and the public hearing, the District Board found that:

1. The territory to be annexed is located in the north part of the District and comprises the entire City of Damascus.
2. This annexation is being processed under a special section of Oregon Revised Statute (ORS) 198 allowing a city to initiate annexation of city territory into a district. If the Board of the District approves the annexation it must call an election in the District unless the population of the territory to be annexed is less than 20 percent of the population of the District or the City is completely surrounded by the District. The population of the area to be annexed in this instance is less than 20% of the population of the District and the City is completely surrounded by the District so no election in the District is required to be called by the District Board. An election in the District could be required if 10 % of the electors or 100 electors in the District petition the *County* Board requesting this. Thus a second hearing is required at the *County* Board to determine if such a remonstrance petition is forthcoming. This hearing is scheduled for July 29, 2010.

If the *District* Board approves the annexation and following the "remonstrance hearing" by the *County* Board, the *District* Board must certify a copy of its resolution to the governing body of the City. The City will then call an election in the City. The election must be not sooner than 90 days after the date of the Board's order. The City wishes to call the election for the November, 2010 general election date which is November 2, 2010. If the City electors approve the annexation, the City must certify this to the *County* Board. The *County* Board must then enter an order annexing the territory to the District.

3. When the Library District of Clackamas County was formed to fund library services in the County, the cities of Johnson City, Damascus and the portion of Tualatin in Clackamas County opted out of the formation. The residents of Tualatin within Clackamas County have since voted to join the District. Residents in Damascus recently petitioned the City to start proceedings for Damascus to become part of the District as well. The residents of Damascus do not have their own library. If they wish to use other libraries in Clackamas County they pay \$95 per card. To use Multnomah County facilities they must pay \$135 per household. All other residents of Clackamas County have full library services available to them.

Clackamas, Multnomah and Washington counties are part of a larger consortium of library providers (Metropolitan Interlibrary Exchange - MIX). The consortium "rule" is that residents of property subject to library taxes in their home jurisdiction have available to them the resources of all consortium members. Clackamas County residents (except

those residing in Damascus and Johnson City) are subject to the District tax rate of \$0.3974/\$1,000. This funds the bulk of all library services in the County. Residents of Washington and Multnomah counties are subject to taxes which fund libraries in these counties.

4. ORS 198.866 does not lay out criteria for the District Board decision on the annexation.

The Metro Code does contain criteria applicable to all boundary changes. To approve a boundary change, the reviewing entity [the Library District Board] must apply the criteria and consider the factors set forth in Section 3.09 of the Metro Code. To approve a boundary change the Board must:

- (1) Find that the change is consistent with expressly applicable provisions in:
  - (A) Any applicable urban service agreement adopted pursuant to ORS 195.205;
  - (B) Any applicable annexation plan adopted pursuant to ORS 195.205;
  - (C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;
  - (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and
  - (E) Any applicable comprehensive plan; and
- (2) Consider whether the boundary change would:
  - (A) Promote the timely, orderly and economic provision of public facilities and services;
  - (B) Affect the quality and quantity of urban services; and
  - (C) Eliminate or avoid unnecessary duplication of facilities and services.

Cooperative agreements, urban service agreements and annexation plans adopted pursuant to ORS 195 do not apply to library service. Public facility plans adopted pursuant to statewide planning goals do not pertain to library services. The County Comprehensive Plan is silent on library services. Damascus has not yet completed a

comprehensive plan.

5. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

The law that requires Metro to adopt criteria for boundary changes specifically states that Metro shall “. . . ensure that a boundary change is in compliance with the Metro regional framework plan as defined in ORS 197.015 and cooperative agreements and urban service agreements adopted pursuant to ORS 195.” ORS 197.015 says “Metro regional framework plan means the regional framework plan required by the 1992 Metro Charter or its separate components.” The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan, which were examined and found not to contain any directly applicable standards and criteria for boundary changes.

6. The County Comprehensive Plan does not contain an element on libraries or library district boundary changes. Damascus has no comprehensive plan.
7. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. Library services are not covered by this requirement.
8. The territory to be annexed to the Library Services District is within the City of Damascus which provides direct and contract services to the area. These services will not be affected by annexation to the County Service District for library services. Some services, such as fire and water are provided by special districts. These services will also not be affected by annexation of the area to the Library County Service district.
9. As noted in Finding # 3 Damascus does not have its own library and the only way for residents of the City to acquire library service is to pay a per card or per household fee to the County or another county.

**CONCLUSIONS AND REASONS FOR DECISION**

Based on findings, the Board concludes that:

1. Criteria found in Metro Code 3.09.045 (d) (1) (A) through (D) are not applicable to library services. The Metro Code also requires consistency with the local comprehensive Plan. The Board considered the Clackamas County Comprehensive Plan and finding no references to library services (Finding No. 6 above) concludes there are no inconsistencies with the Plan.
2. As required by Metro Code 3.09.045 (d) (2) (A) the Board has considered the timely, orderly and economic provision of library services and concludes this annexation provides the best way for full library services to be made available in the area to be annexed.
3. The requirement that the Board consider the affect of the annexation on the quality and quantity of urban services is not applicable. Urban services as defined in the Metro Code do not include library service.
4. As required by Metro Code 3.09.045 (d) (2) (C) the Board has considered whether the boundary change would eliminate or avoid unnecessary duplication of library services. The Board concludes this annexation would neither cause nor avoid unnecessary duplication of library service.

2010-94

**EXHIBIT B**

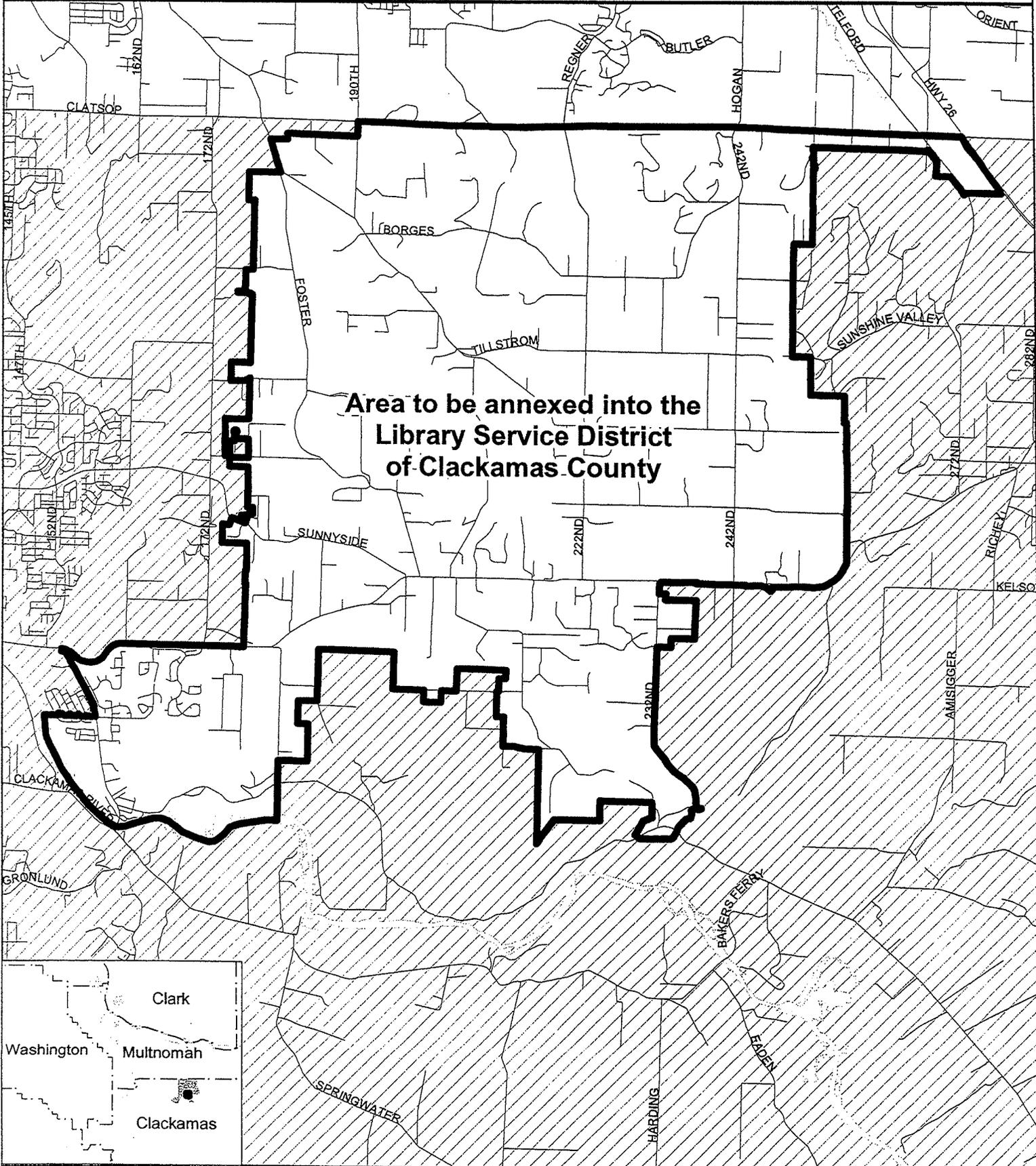
**LEGAL DESCRIPTION**

All of the City of Damascus, Oregon effective June 11, 2010.

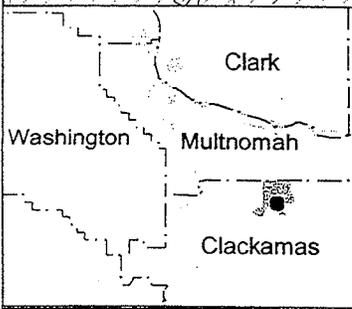
1S3E, 2S2E, 2S3E

Library Service District of Clackamas County

Clackamas County



**Area to be annexed into the  
Library Service District  
of Clackamas County**



**CITY OF DAMASCUS  
RESOLUTION NO. 10-253**

**RESOLUTION ACCEPTING AND ENDORSING A CITIZEN PETITION  
TO PLACE THE MATTER OF THE ANNEXATION OF THE CITY OF DAMASCUS  
INTO THE CLACKAMAS COUNTY LIBRARY DISTRICT  
ON THE NOVEMBER 2, 2010 GENERAL ELECTION BALLOT**

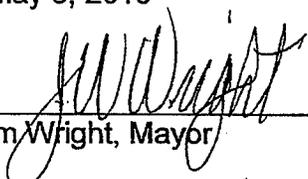
**WHEREAS**, the City of Damascus has received a citizen petition to place the matter of the annexation of the City of Damascus into the Clackamas County Library District on the November 2, 2010 General Election ballot; and

**WHEREAS**, the City wants to provide its citizens with the opportunity to decide on whether to join the Clackamas County Library District in compliance with the Damascus City Charter.

**NOW, THEREFORE**, the City Council of the City of Damascus resolves as follows:

The City Council hereby accepts and endorses the citizen petition to place the matter of the annexation of the City of Damascus into the Clackamas County Library District on the November 2, 2010 General Election ballot and requests that both the Library District and Clackamas County take such actions as may be required to place the matter on the aforementioned ballot.

**INTRODUCED AND ADOPTED** on May 3, 2010

  
\_\_\_\_\_  
Jim Wright, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Millicent Morrison, Clerk



May 25, 2009

Patrick Duke, Chair  
Library District Advisory Committee

Wilsonville Public Library  
8200 SW Wilsonville Rd.  
Wilsonville, OR 97070

Lynn Peterson, Chair  
Library District of Clackamas County Board  
2051 Kaen Road  
Oregon City, OR 97045

Dear Chair Peterson,

On May 20, 2010, the District Advisory Committee of the Library District of Clackamas County met and considered the resolution from the City of Damascus proposing to annex its citizens to the Clackamas County Library District.

As Chair of the Library District Advisory Committee, I am forwarding to you the Committee's unanimous recommendation.

#### Recommendation

The Library District Advisory Committee at its May 20, 2010 meeting recommends that the Library District Governing Board accept resolution number 10-253 dated May 3, 2010 as submitted by the Damascus City Council. This resolution asks the matter of an annexation of Damascus into the Library District be placed on the Nov 2, 2010 General Election ballot.

At a later date, the Committee will develop and send to the District Board additional recommendations regarding service population and revenue distribution of the proposed annexation.

Sincerely,

Patrick Duke

#### Member Libraries:

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

In the Matter of Calling An  
Election on the Annexation of  
The City of Damascus into the Library  
District of Clackamas County

ORDER NO. 2010-104



This matter coming before the Board of County Commissioners acting as the governing body of the Library District of Clackamas County" (the "District"); and

It appearing that this Board consented to the annexation of the City of Damascus ("Damascus") to annex into the District pursuant to Board Order 2010-94 on July 1, 2010 as further described on Exhibit A and depicted on Exhibit B hereto (the "Proposed Annexation Area"); and

It further appearing that this matter came before the Board for a second public hearing on July 29, 2010 and that additional public testimony was received and the opportunity for the receipt of remonstrances was given;

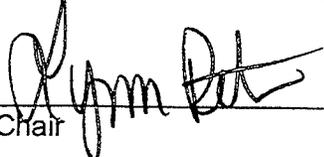
NOW, THEREFORE, IT IS HEREBY ORDERED that an election be held within the City of Damascus on November 2, 2010.

IT IS FURTHER RESOLVED AND ORDERED that the City of Damascus submit a ballot title and related explanatory statement describing the proposed annexation question to the County Clerk for inclusion in the Clackamas County voters pamphlet for the November 2, 2010 election.

IT IS FURTHER RESOLVED AND ORDERED that the City of Damascus shall give notice of the election as required by Oregon law, and shall take any other actions which are required to place this formation question on the November 2, 2010 election ballot.

DATED this 29th day of July, 2010.

BOARD OF COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Chair

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

2010-104

Exhibit A  
Proposal CL-0910

EXHIBIT A

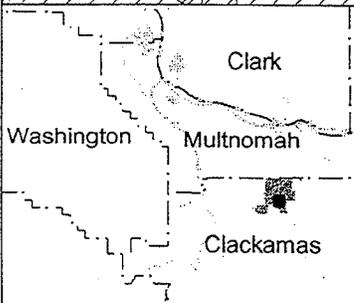
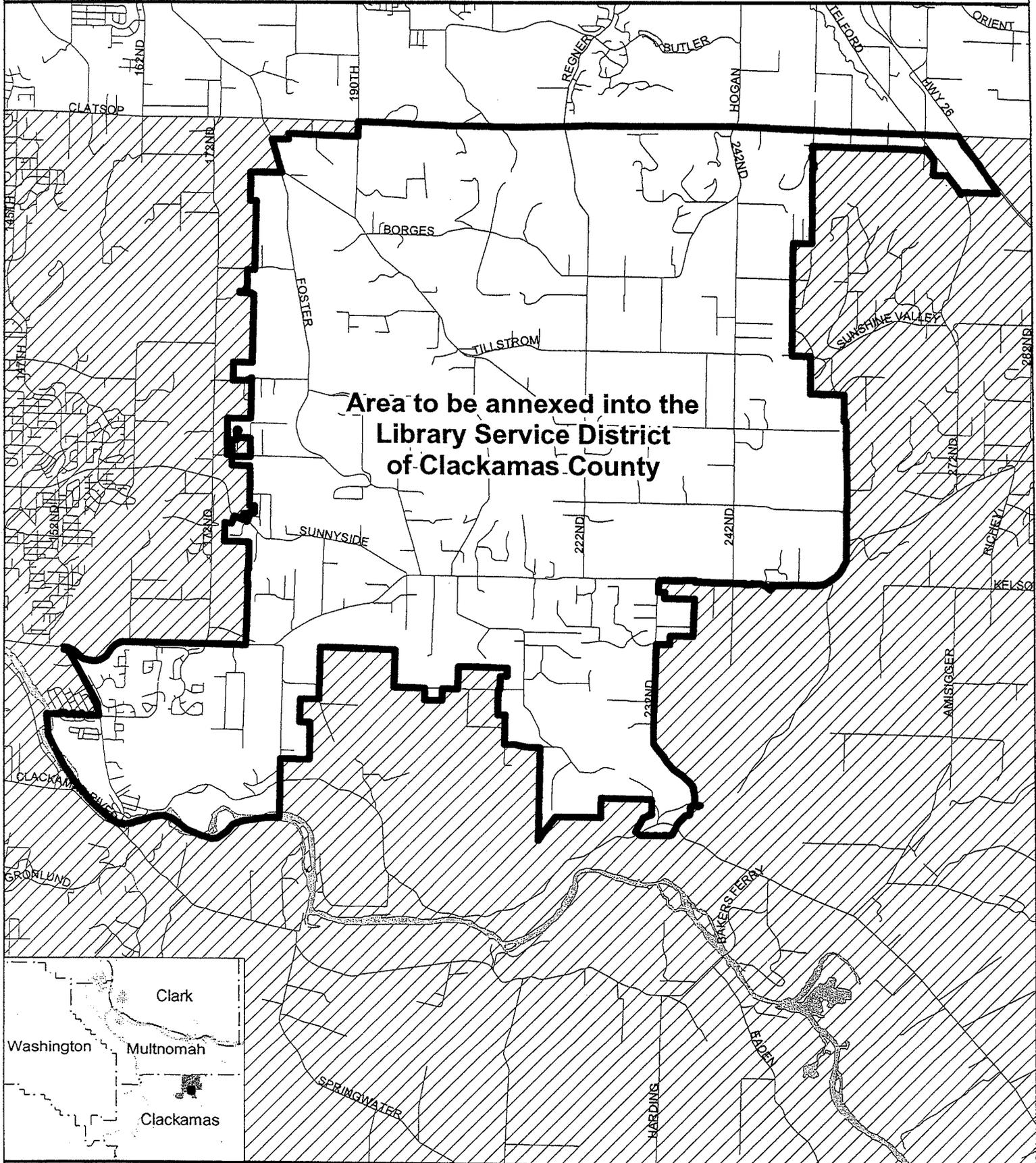
LEGAL DESCRIPTION

All of the City of Damascus, Oregon effective June 11, 2010.

1S3E, 2S2E, 2S3E

Library Service District of Clackamas County

Clackamas County



Data Resource Center  
600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1742  
<http://www.oregonmetro.gov/drc>

- Area to be annexed
- Library Service District of Clackamas County

Ken Martin Consulting  
P.O. Box 29079  
Portland, OR 97296-9079  
(503) 222-0955

**K M C**

1:55,000