

Final Documents  
for  
Annexation to  
**Tri-City Service District #4**

CL0107  
Ordinance: 2007-84  
Annexation:  
DOR: 3-1779-2007  
Secretary of State: SD 2007-0049



March 29, 2007

Metro  
Linda Martin  
600 NE Grand Ave  
Portland, Oregon 97232-2736

Dear Ms. Martin:

Please be advised that we have received and filed, as of March 29, 2007, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
2007-02 (Forest Grove)	AN 2007-0170
06-1015 (Oregon City)	AN 2007-0157
1229-07 (Tualatin)	AN 2007-0158
5725 (Hillsboro)	AN 2007-0159
5737 (Hillsboro)	AN 2007-0160
5708 (Hillsboro)	AN 2007-0161
5721 (Hillsboro)	AN 2007-0162
5723 (Hillsboro)	AN 2007-0163
06-1017 (Oregon City)	AN 2007-0164
06-1016 (Oregon City)	AN 2007-0165
06-1014 (Oregon City)	AN 2007-0166
07-18 (Clean Water Services District)	SD 2007-0044
07-40 (Clean Water Services District)	SD 2007-0045
07-19 (Tualatin Hills Parks & Recreation)	SD 2007-0046
2007-68 (Clackamas River Water District)	SD 2007-0047
2007-69 (Sunrise Water Authority)	SD 2007-0048
2007-84 (Tri-City Service District #4)	SD 2007-0049

For your records please verify the effective date through the application of ORS 199.519.

Our assigned file number(s) are included in the above information.

Sincerely,  
*Linda Bjornstad*  
Linda Bjornstad  
Official Public Documents

cc: County Clerk(s)  
Department of Revenue  
ODOT  
Population Research Center

# Notice to Taxing Districts

ORS 308.225



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

**Description and Map Approved**  
**March 19, 2007**  
**As Per ORS 308.225**

Tri-City Service District 4  
 Budget Officer  
 9101 SE Sunnybrook  
 Clackamas, OR 97015

Description     Map received from: METRO  
 On: 3/12/2007

This is to notify you that your boundary change in Clackamas County for  
 ANNEX TO TRI-CITY COUNTY SERVICE DISTRICT

ORD. #2007-84 (CL-0107)

has been:     Approved            3/19/2007  
                    Disapproved

Notes:

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Department of Revenue File Number: 3-1779-2007

Prepared by: Carolyn Sunderman, 503-945-8882

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



# Proposal No. CL0107

3S2E04

Annexation to Tri-City Service Dist. #4 (Sewer)

Clackamas Co.



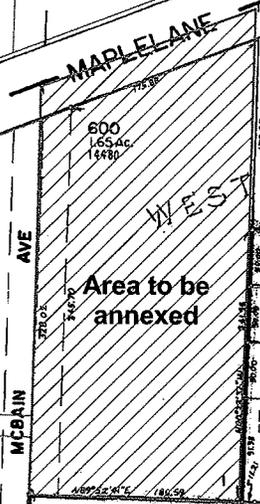
This map was prepared for assessment purpose only.

NW 1/4 SE 1/4 SEC  
CLACKAMA

62-84

14500

SEE MAP 3 2E 4B  
RD. NO. 398



Area to be annexed

SUGARPINE ST.

WALNUT

GROVE

RIVER BIRCH PL.

EFFINGER

ESTATES

YELLOWWOOD

SEE MAP 3 2E 4C

SEE MAP 3 2E 4D

Area to be annexed

Figure 2

1:2,000

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



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

**PETITION OF OWNERS OF MAJORITY OF LAND  
AND PETITION OF A MAJORITY OF REGISTERED VOTERS  
FOR A DISTRICT ANNEXATION**

TO: Michael S. Kuenzi, P.E., Director, Water Environment Services

PETITION FOR ANNEXATION TO: TRI CITY SERVICE DISTRICT

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to Tri City Service District.

We further request your approval for annexation, acting on behalf of the governing body of Tri City Service District.

We further request that this petition be forwarded to the Board of County Commissioners for their consideration as authorized by ORS 198.850.

**References:**

Tax Assessor Map:  
3 2E 4 DB (Tax Lot #600)  
Exhibit "A" – Annexation Area Map

**Description:**

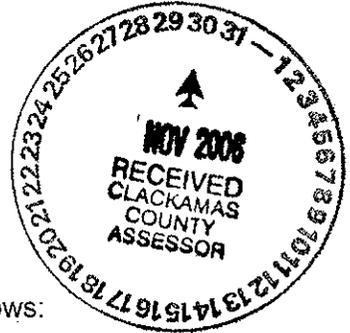
Real property in the County of Clackamas, State of Oregon, described as follows:

PART OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A STONE IN THE CENTER OF MAPLE LANE COUNTY ROAD, 32.32 FEET, MORE OR LESS, NORTH OF THE NORTHEAST CORNER OF LOT 4, IN BLOCK "A" OF WESTOVER ACRES, (NOW VACATED); THENCE SOUTH 67° 11' WEST IN THE CENTER OF SAID ROAD 520.86 FEET, MORE OR LESS, TO A POINT NORTH OF THE NORTHEAST CORNER OF LOT 1, BLOCK "A" SAID PLAT, WHICH IS THE TRUE POINT OF BEGINNING; THENCE SOUTH 444.77 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF LOT 1, BLOCK "A"; THENCE WEST ON THE SOUTH LINE OF SAID LOT 1, BLOCK "A", 187.88 FEET, MORE OR LESS, TO THE CENTER LINE OF MCBAIN AVENUE IN SAID PLAT; THENCE NORTH IN THE CENTERLINE OF SAID MCBAIN AVENUE, 378.02 FEET, MORE OR LESS, TO THE CENTERLINE OF MAPLE LANE COUNTY ROAD; THENCE NORTH 67° 11' EAST IN THE CENTERLINE OF SAID ROAD 175.80 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

BEING ALSO KNOWN AS LOT 1, BLOCK "A" AND THE EAST ONE-HALF OF MCBAIN AVENUE LYING WEST OF LOT 1 IN SAID BLOCK "A", WESTOVER ACRES, (NOW VACATED), IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON.

Tax Parcel Number: 00842798



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

In the Matter of Approving  
Boundary Change Proposal  
No. CL-0107

}  
ORDER NO. 2007- 84

This matter coming before the Board at this time, and it appearing that more than half the electors and owners of more than half the land in the territory to be annexed have petitioned to annex the territory to Tri-City County Service District;

It further appearing that this Board is charged with deciding this proposal for a boundary change pursuant to ORS Chapters 198 and Metro Code 3.09; and

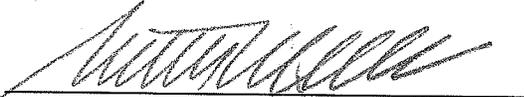
It further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report which complies with the requirements of Metro Code 3.09.050(b); and

It further appearing that this matter came before the Board for public hearing on February 22, 2007 and that a decision of approval was made on February 22, 2007;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-0107 is approved for the reasons stated in attached Exhibit A and the territory described in Exhibit B and depicted on Exhibit C is annexed to Tri-City County Service District.

ADOPTED this 22<sup>nd</sup> day of February, 2007.

BOARD OF COUNTY COMMISSIONERS

  
Martha Schrader, Chair

  
Mary Raethke, Recording Secretary

## FINDINGS

Based on the study and the public hearing the Board found:

1. The territory to be annexed contains 1.6 acres, 1 single family dwelling, a population of 1 and is valued at \$140,271.
2. The property owner desires sewer service to facilitate residential development. The property was recently annexed to the City of Oregon City. All of the City is served by the District so annexation of this property to the District is necessary before sewer service can be extended. The property owner is requesting a zone change from City R-10 to City R-6 to accommodate an 8-lot subdivision.
3. Oregon Revised Statute 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."

A second set of criteria can be found in the Metro Code. That Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The findings and conclusions shall address seven minimum criteria:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065. [Urban service provider agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place. Annexation plans are timelines for annexation, which can only be done after all required 195 agreements are in place and which must have been voted on by the City residents and the residents of the area to be annexed.]
2. Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party.
3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans.
4. Consistency with specific directly applicable standards for boundary changes contained in the Regional Framework Plan or any functional plan.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.

6. The territory lies within the Urban Growth Boundary.
7. Consistency with other applicable criteria for the boundary change in question under state and local law.

The Metro Code also contains a second set of 10 factors which are to be considered where no ORS 195 agreements have been adopted and the boundary change is being contested by a necessary party. This boundary change is not being contested by a necessary party.

4. 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 those criteria shall include ". . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are actually now part of Metro's Regional Framework Plan. Another previously freestanding construct that is now an element of the Framework Plan is the 2040 Growth Concept.

Metro has adopted the Urban Growth Management Functional Plan and the Regional Transportation Functional Plan. Nothing in these two functional plans speaks to criteria for deciding on boundary changes for sanitary sewer districts.

The Regional Framework Plan contains chapters on citizen involvement, on policies, parks, housing, etc. All of these chapters of the Framework Plan have been examined and found not to contain any directly applicable standards and criteria for boundary changes.

5. The *Community Facilities Goals And Services* Chapter of the Oregon City Comprehensive Plan contains the following pertinent sections.

Goal

*Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate community facilities.*

Policies

1. *The City of Oregon City will provide the following urban facilities and services as funding is available from public and private sources:*
  - a. *Streets and other roads and paths*
  - b. *Minor sanitary and storm water facilities*

- c. *Police protection*
- d. *Fire protection*
- e. *Parks and recreation*
- f. *Distribution of water*
- g. *Planning, zoning and subdivision regulation*

\* \* \*

- 3. *Urban public facilities shall be confined to the incorporated limits.*

#### *Sanitary Sewers*

\* \* \*

- 4. *Urban development within the City's incorporated boundaries will be connected to the Tri-City sewer system with the exception of buildings that have existing sub-surface sewer treatment, if service is not available.*

\* \* \*

- 6. *The Tri-City Service District will be encouraged to extend service into the urban growth area concurrent with annexation approval by Oregon City.*
- 6. 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. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. There are no urban service agreements relative to sewer service in this area of Clackamas County.
  - 7. The District has an 8-inch sewer line in Sugarpine Street in the Walnut Grove subdivision to the south. This line will serve the area to be annexed.
  - 8. There is an 8-inch water line in Sugarpine Street which will serve this area.
  - 9. The area receives police service from the City of Oregon City.
  - 10. The area receives fire service from the City of Oregon City.
  - 11. The area to be annexed receives park & recreation service from the City of Oregon City.

### **CONCLUSIONS AND REASONS FOR DECISION**

Based on the Findings, the Board determined:

1. The Metro Code requires the boundary change decision to be consistent with any urban service agreements under ORS 195. As noted in Finding No. 6 there are no ORS 195 agreements in place in this area. The Board concludes that its decision is not inconsistent with any such agreements.
2. The Metro Code calls for consistency with directly applicable provisions of urban planning area agreements between the annexing entity and any necessary party. The annexing entity (Tri-City Service District) does not have an urban planning area agreement with any necessary party.
3. The Metro Code at 3.09.050 (d) (3) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans." ORS 198 requires consideration of the comprehensive plan and any service agreements affecting the area. The Board has reviewed the applicable comprehensive plan, which is Oregon City's Comprehensive Plan and concludes this proposal complies with it. No directly applicable service agreements were found to exist.
4. The Metro Code at 3.09.050 (d) (4) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in the regional framework or any functional plans."

There are no directly applicable criteria in Metro's two adopted functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Functional Plan. All elements of the Regional Framework Plan were examined and found not to contain any directly applicable standards and criteria for service district boundary changes.

5. Metro Code 3.09.050 (d) (5) states that another criterion to be addressed is: "Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services." Annexation will simplify administration by the County Assessor's Office and allow the owner to proceed with development plans within the City of Oregon City. The Board therefore concludes that annexation promotes the timely, orderly and economic provision of this service.
6. Metro Code 3.09.050 (d) (6) establishes as a major criterion whether the affected territory lies within the Urban Growth Boundary. The territory in this proposed annexation does lie within the Urban Growth Boundary.
7. Metro Code 3.09.050 (d) (6) requires "consistency with other applicable criteria for the boundary change in question under state and local law." The Board staff has examined state statutes and local laws relative to boundary changes and found no other applicable criteria.

# EXHIBIT B

Proposal No. CL-0107

## Description:

Real property in the County of Clackamas, State of Oregon, described as follows:

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Tax Parcel Number: 00842798

# EXHIBIT C

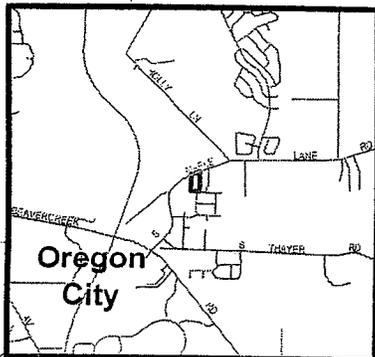
Proposal No. CL-0107

# Proposal No. CL0107

3S2E04

Annexation to Tri-City Service Dist. #4 (Sewer)

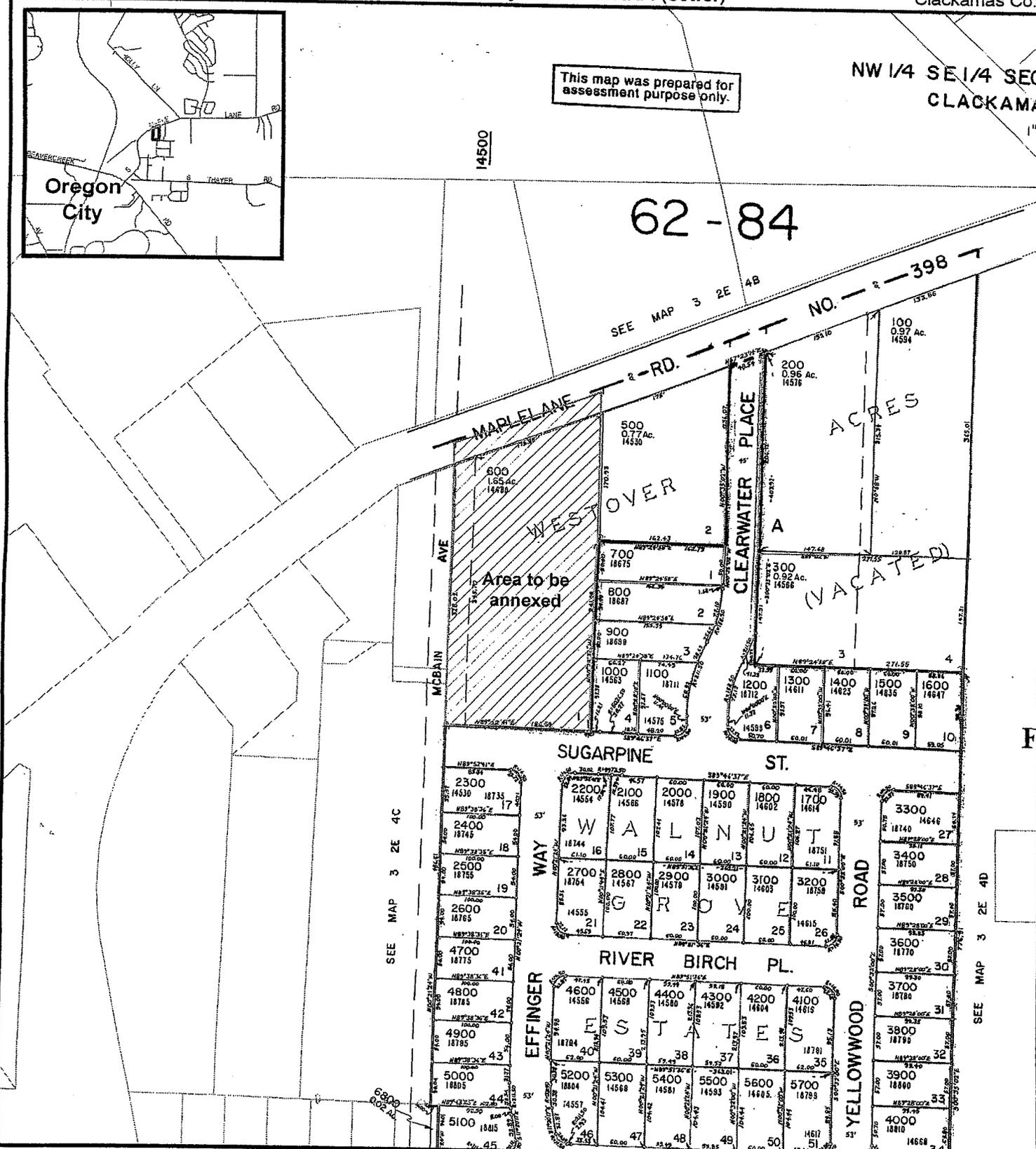
Clackamas Co.



This map was prepared for assessment purpose only.

NW 1/4 SE 1/4 SEC  
CLACKAMA

## 62-84



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

 Area to be annexed

Figure 2

1:2,000

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

### K M C