

Final Documents

For

Annexation to the
Clackamas Co. Service Dist. #1

CL0204
Order No. 2004-47
DOR 3-1615-2004
Sec. State: SD-2004-0020

Final to DOR: _____

Signature:

Date of
Mailing: 3/17/04 _____

Final to Secretary of State: _____

Signature:

Date of
Mailing: 3/25/04 _____

CL0204

Sent

Received

DOR:	3/17/04	3/24/04
Sec. State:	3/25/04	3/31/04
Assessor:	3/25/04	
Elections:	3/25/04	
Mapped:	Yes	
Posted to Web:	4/14/04	

Assessor Information:

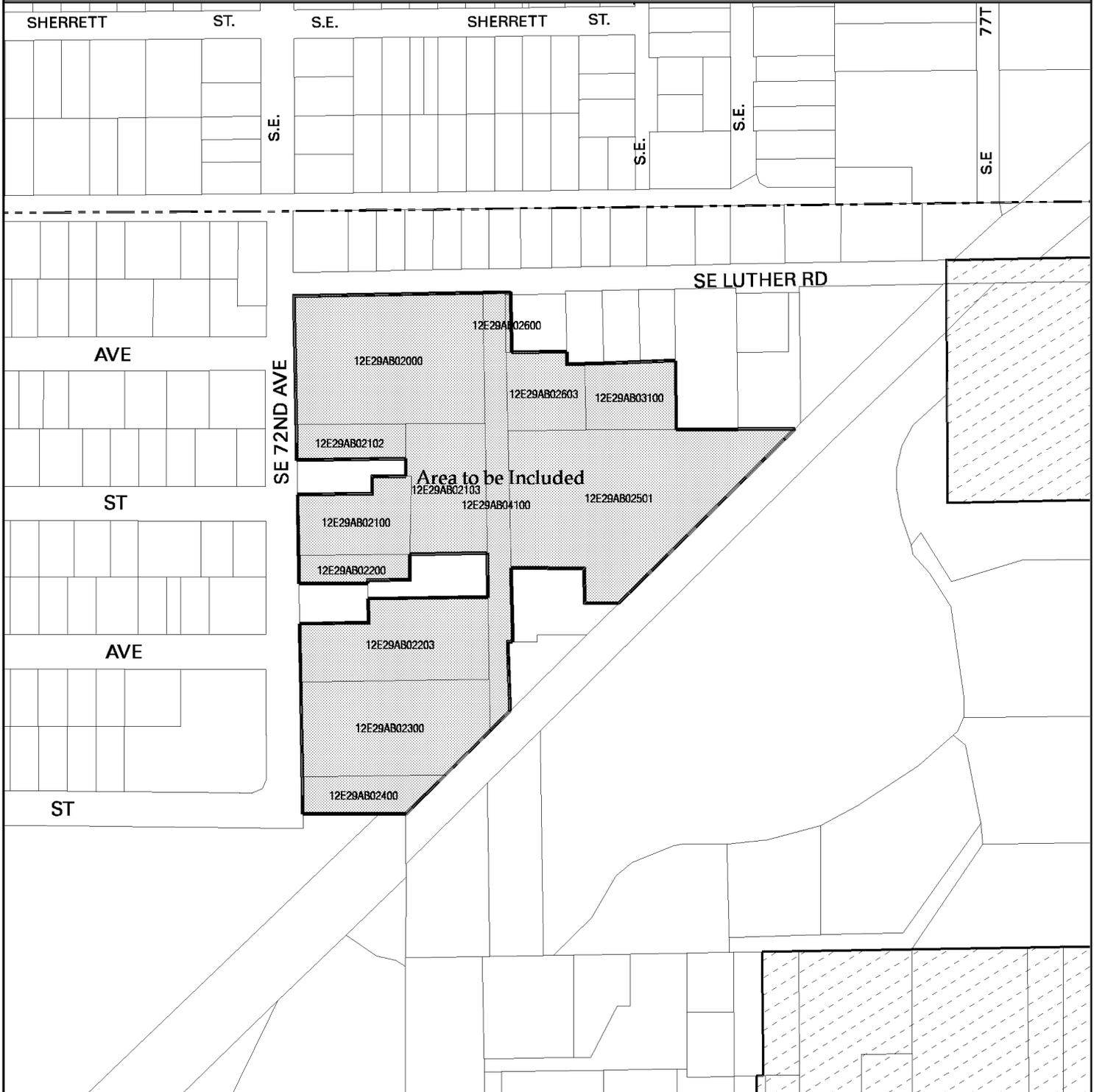
12E29AB02000	8604 SE 72 nd Ave
12E29AB02100	8900 SE 72 nd Ave
12E29AB02102	8680 SE 72 nd Ave
12E29AB02103	No Site Address
12E29AB02200	No Site Address
12E29AB02203	No Site Address
12E29AB02300	9001 SE 73 rd Ave
12E29AB02400	No Site Address
12E29AB02501	8900 SE 73 rd Ave
12E29AB02603	8802 SE 73 rd Ave
12E29AB03100	No Site Address
12E29AB04100	No Site Address

Proposal No. CL0204

1S2E29AB

Annexation to the Clackamas Co. Service Dist. #1

Clackamas Co.



R E G I O N A L I N F O R M A T I O N S Y S T E M



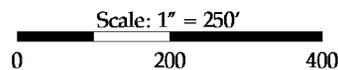
600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

METRO

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

- County lines
- Annexation boundary
- District

Proposal No. CL0204
CLACKAMAS CO. SERVICE DIST. #1
Figure 1





March 26, 2004

Metro
Robert Knight
600 NE Grand Ave
Portland, OR 97232-2736

Dear Mr. Knight:

Please be advised that we have received and filed on March 26, 2004 the following Annexation(s).

Ordinance(s):	Jurisdiction:	Our File Number(s):
ORD NO 2004-48	Clackamas County Service Dist #1	SD 2004-0019
ORD NO 2004-47	Clackamas County Service Dist #1	SD 2004-0020
ORD NO 2004-49	Clackamas County Service Dist #1	SD 2004-0021
ORD NO 4290	City of Beaverton	AN 2004-0074

Determination of the effective date for all the above Final Order and is subject to ORS199.461 and/or ORS 222.180 and/or ORS 222.750.

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

Sincerely,

Linda Bjornstad
Official Public Documents

cc: County Clerk
ODOT/Highway Dept
PSU/Population Research Ctr.
Revenue Cartography Section

Notice to Taxing Districts

ORS 308.225



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

Clackamas Co. Serv. Dist. 1
Budget Officer
9101 SE Sunnybrook, Suite 441
Clackamas, OR 97015

Description and Map Approved
March 24, 2004
As Per ORS 308.225

Description Map received from: METRO
On: 3/19/2004

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

ANNEX TO CLACKAMAS CO. SERVICE DIST. #1

ORDER #2004-47

has been: Approved 3/24/2004
 Disapproved

Notes:

PLEASE NOTE AND CORRECT TYPOS AS ATTACHED.

Department of Revenue File Number: 3-1615-2004

Prepared by: Jennifer Dudley, 503-945-8666

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 Approving
Boundary Change Proposal
No. CL-0204

}

ORDER NO. 04-0001

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 Clackamas County Service District # 1;

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

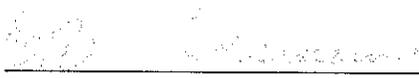
It further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report which complies with the requirements of Metro Code 3.09.050(b); and

It further appearing that this matter came before the Board for public hearing on March 11, 2004 and that a decision of approval was made on March 11, 2004;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-0204 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 Clackamas County Service District # 1.

ADOPTED this 11th day of March, 2004.

BOARD OF COUNTY COMMISSIONERS



Bill Kennemer, Chair



Millicent Morrison, Recording Secretary

FINDINGS

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

1. The territory to be annexed contains 10 acres, 5 single family homes, a population of 15 and has an assessed value of \$1,487,972.
2. The property owners desire sewer service to replace existing septic systems.
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 Clackamas County Comprehensive Plan covers this area. Plan designations include Low Density Residential, Light Industrial and General Industrial. Tax Lots 2000, 2100, 2102, 2200, 2300, 2600, 2603, 3100 & the upper part of 4100 are zoned R-10, Residential. Tax Lots 2103, 2203, 2501 and the lower part of 4100 are zoned I-2, Light Industrial. Tax Lot 2400 is zoned I-3, General Industrial.

The PUBLIC FACILITIES AND SERVICES Element of the Comprehensive Plan contains the following Goal:

POLICIES

Sanitary Sewage Disposal

* * *

- 6.0 Require sanitary sewerage service agencies to coordinate extension of sanitary services with other key facilities, i.e., water, transportation, and storm drainage systems, which are necessary to serve additional lands.
6. The territory is within the City of Portland Urban Services Boundary. The Portland Urban Services Boundary is a part of the City's Comprehensive Plan. The Urban Services Boundary replaces the original City of Portland-Clackamas County Dual Interest Area Agreement which is mandated by LCDC to be a part of every city and county plan. The boundary identifies areas which the City has determined could ultimately best be served by the City and should eventually be annexed to the City. The establishment of this boundary is clearly intended to demonstrate the City's ultimate "claim" to the territory but it does not prohibit interim annexations to service districts. Specifically the language in the now amended Clackamas County-City of Portland Dual Interest Area Agreement says:
8. The City and County have agreed on the location of an Urban Services Boundary suitable and appropriate for provision of future City services and eventual annexation by the City. For the purposes of this agreement, the Urban Services Boundary shall constitute the City's Dual Interest Area Boundary. The City shall also be responsible for the preparation, adoption and amendment of the Public Facilities Plan within this Boundary. Specific agreements, including standards and coordination or transfer of service provision, shall be negotiated between affected jurisdictions. If the parties cannot agree, both parties shall seek resolution of said differences through the appropriate agencies.

In this instance the District and City of Portland Bureau of Environmental Services (BES) staffs have met. The District is able to serve this area now. The City is not contiguous and has no plans to provide collector service in the area at this time. The City BES staff have indicated they have no objection to the District providing service to this particular area at this time. Should the City ultimately annex this area, the territory could be withdrawn from the District as part of the City's annexation ordinance.

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. 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.
8. The District can serve this area by extension of a line approximately up SE 73rd (TL 4100). This line will connect directly to the City of Portland's Lents Trunk which lies just south of the area to be annexed. The District has an agreement with the City for service into this trunk line.

9. The territory is within Clackamas River Water and already has water service from the District.
10. The area receives police service from the Clackamas County and the Clackamas County Enhanced Law Enforcement County Service District.
11. The territory is within the Clackamas County R.F.P.D. #1. This service will not be affected by annexation to the County Service District for sanitary sewers.
12. The area to be annexed is within the North Clackamas County Service District for Parks & Recreation.

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 directly applicable provisions in any urban service provider agreements. As noted in Finding No. 7 there are no urban service provider 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 (CCSD # 1) 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 the County's Comprehensive Plan and concludes this proposal complies with it. Two directly applicable service agreements were found to exist – The City of Portland-Clackamas County Dual Interest Area Agreement and the City of Portland-Clackamas County Service District No. 1 Wholesale Sewer Service Agreement. As Noted in Finding No. 6, the Dual Interest Area Agreement does not prohibit interim annexations of territory covered by the agreement into the District. As noted in Finding No. 8 the City of Portland and the District have an agreement allowing for the District to utilize the City's trunk as is proposed. Therefore the Board concludes that an affirmative decision on this annexation is consistent with these two agreements as required by this criteria.
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 Plan or any functional plan."

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 criteria 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 is necessary to make this critical service available to avoid future potential health problems. The District is able to

provide this service now while the City is unable to provide the service at present. 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 criteria whether the affected territory lies within the Urban Growth Boundary. The territory in this proposed annexation does lie within the Urban Growth Boundary. The Board concludes this criteria is met.

