

Final Documents

For

Annexation to the  
**Tri-City County Service District**

CL0403  
Ord. #2003-91  
DOR 3-1583-2003

Final to DOR: \_\_\_\_\_

Signature:

 \_\_\_\_\_

Date of  
Mailing: 6/11/03

Final to Secretary of State: \_\_\_\_\_

Signature:

 \_\_\_\_\_

Date of  
Mailing: 7/2/03

CL0403

Sent

Received

DOR:

6/11/03

6/19/03

Sec. State:

7/1/03

Assessor:

7/1/03

Elections:

7/1/03

Mapped:

Yes

Assessor Information:

32E09D 01390

19771 S BEAVERCREEK RD

# Proposal No. CL0403

3S2E09D

Annexation to the Tri-City Service Dist. #4

Clackamas Co.



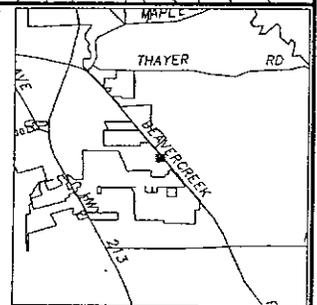
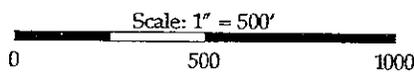
R L I S  
REGIONAL LAND INFORMATION SYSTEM



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

- County lines
- Annexation boundary
- District

Proposal No. CL0403  
TRI-CITY SERVICE DIST. #4  
Figure 1



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.

# Notice to Taxing Districts

ORS 308.225



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

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

**Description and Map Approved**  
**June 19, 2003**  
**As Per ORS 308.225**

Description     Map received from: METRO  
On: 6/16/2003

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

ANNEX TO TRI-CITY SERVICE DIST. #4

ORDER #2003-91 (CL-0403)

has been:     Approved        6/19/2003  
                   Disapproved

Notes:

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Department of Revenue File Number: 3-1583-2003

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-0403

} ORDER NO. 2003-91

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 April 10, 2003 and that a decision of approval was made on April 10, 2003;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-0403 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 10th day of April, 2003.

BOARD OF COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Bill Kennemer, Chair

  
\_\_\_\_\_  
Millicent Morrison, Recording Secretary

W

TO: Board of County Commissioners

FROM: Ken Martin - Local Government Boundary Consultant

DATE: March 21, 2003

RE: Boundary Change Proposal No. CL-0403, Annexation to Tri-City County Service District scheduled for **Hearing Date** of April 10, 2003

1. Recommendation/Action Requested: Approval
2. Background/Analysis: See Attached Staff Report
3. Financial Impact: None
4. Legal Issues: None
5. Controversial Issues: None
6. Link to Current County Policies: None (Its relationship to the Oregon City Comprehensive Plan is covered in the attached staff report.)
7. Citizen Participation: Notice of this hearing invites testimony from any interested party. Notice consisted of: 1) Posting three notices near the territory and one notice in the County Courthouse 40 days prior to the hearing; 2) Published notice twice in the Clackamas County Review; 3) Mailed notice sent to affected local governments and all property owners within 100 feet of the area to be annexed.
8. Other Government Participation: As required by statute the Board of the District has endorsed the proposed annexation. The Director of the Dept. of Environment Services approved the proposal under authority granted by Co. Order 99-274. Also as required by statute the Oregon City City Council has assented to inclusion of this City territory in the District.

April 10, 2003 Hearing

PROPOSAL NO. CL-0403 – TRI-CITY COUNTY SERVICE DISTRICT - Annexation

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Petitioners      Property Owners/Voters:                      Oregon City School District

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Proposal No. CL-0403 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 198.855(3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040(a) (lists Metro's minimum requirements for petition). If the Board approves the proposal and there are no objections from necessary parties, the boundary change will become effective immediately.

The territory to be annexed is located generally in the east part of the District inside the City of Oregon City on the west side of Beaver Creek Road north of Glenn Oak Road. The territory contains 1.46 acres and is vacant.

#### REASON FOR ANNEXATION

The property is included in a larger development, the balance of which is also inside the City. The development consists of conversion of Moss Junior High School into a high school. As a part of the development approval the City has requested the District consolidate all of its tax lots into a single ownership. This requires that all of the lots be within the same set of governmental units so that the Assessor carries only one tax code for the entire ownership. Also the Tri-City District was formed to provide sewer service to Oregon City, Gladstone and West Linn and each of those cities desires that the entire city be within the District. Sewer service is not to be extended outside the city boundaries.

#### CRITERIA

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 ORS 195 agreements or ORS 195 annexation plans [ORS 195 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 area agreements* between the annexing entity and a necessary party.

3. Consistency with directly applicable standards for boundary changes contained in comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional Framework Plan or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria.
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.

## **LAND USE PLANNING**

### *REGIONAL PLANNING*

#### General Information

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

#### Regional Framework Plan

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.

## CITY PLANNING

The *Community Facilities Goals And Services* Chapter of the 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*

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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.*

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6. *The Tri-City Service District will be encouraged to extend service into the urban growth area concurrent with annexation approval by Oregon City.*

## FACILITIES AND SERVICES

ORS 195 Agreements. 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.

Sewer. This area will not require sewer service since it will be utilized for parking and landscaping. The District does have a sewer line in Beaver Creek Road.

Water. This area will not require water service since it will be utilized for parking and landscaping.

Police Service. The area receives police service from the City of Oregon City.

Fire. The area receives Fire service from the City of Oregon City which contracts for service with Tualatin Valley Fire & Rescue.

Parks and Recreation. The area to be annexed receives park & recreation service from the City of Oregon City.

## **RECOMMENDATION**

Based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit A, the staff recommends Proposal No. CL-0403 be **approved**.



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

TO: J. Michael Read, Director, Water Environment Services

PETITION FOR ANNEXATION TO: Clackamas County Service District No. 1

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 Clackamas County Service District No 1.

We further request your approval for annexation, acting on behalf of the governing body of Clackamas County Service District No. 1.

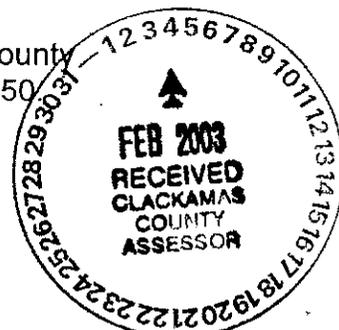
We further request that this petition be forwarded to the Board of County Commissioners for their consideration as authorized by ORS 198.850

The property to be annexed is described as follows:

**Legal Description:**

A parcel of property located in the S.E. ¼ of the Section 9, T.3S., R.2E., of the Willamette Meridian, Clackamas County, Oregon, and further described as follows:

Beginning at the southeast corner of Section 9, T.3S., R.2E., of the Willamette Meridian, Clackamas County, Oregon; thence along the line common to said Section 9 and 16, north 89°62'19" west a distance of 1758.90 feet to a point; thence leaving said line, north 00°26'02" west a distance of 744.10 feet to a point more or less; thence north 89°59'28" east a distance of 1186.92 feet more or less; thence south 89°41'43" east a distance of 457.08 feet more or less; thence north 49°27'44" east a distance of 412.18 feet more or less to a point on the southwesterly line of Beaver Creek Road; thence northwesterly along the westerly line of said Road a distance of 190 feet more or less to a point, and said point being the TRUE POINT OF BEGINNING; thence south 88°48'00" west a distance of 259.09 feet more or less; thence north 41°12'32" west a distance of 263.64 feet more or less; thence north 48°04'18" east a distance of 204.13 feet more or less to a point on the southwesterly right-of-way line of Beaver Creek Road; thence southeasterly along said right-of-way line a distance of 438 feet more or less to the TRUE POINT OF BEGINNING.



## FINDINGS

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

1. The territory to be annexed contains 1.46 acres and is vacant.
2. The property is included in a larger development, the balance of which is also inside the City. The development consists of conversion of Moss Junior High School into a high school. As a part of the development approval the City has requested the School District consolidate all of its tax lots into a single ownership. This requires that all of the lots be within the same set of governmental units so that the Assessor carries only one tax code for the entire ownership. Also the Tri-City District was formed to provide sewer service to Oregon City, Gladstone and West Linn and each of those cities desires that the entire city be within the District. Sewer service is not to be extended outside the city boundaries.
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 ORS 195 agreements or ORS 195 annexation plans [ORS 195 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 area agreements* between the annexing entity and a necessary party.
3. Consistency with directly applicable standards for boundary changes contained in comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional Framework Plan or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the

timely, orderly and economic provision of public facilities and services.

6. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria.
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. This area will not require sewer service since it will be utilized for parking and landscaping. The District does have a sewer line in Beaver Creek Road.
- 8. This area will not require water service since it will be utilized for parking and landscaping.
- 9. The area receives police service from the City of Oregon City.
- 10. The area receives Fire service from the City of Oregon City which contracts for service with Tualatin Valley Fire & Rescue.

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 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 will simplify administration by the County Assessor's Office and allow the owner to meet a key condition of approval required by Oregon City. The Board therefore concludes that annexation promotes the timely, orderly and economic provision of this service.