

Final Documents

For

Annexation to the
Oak Lodge Sanitary District

CL0406

Resolution 2006-100

DOR: 3-1731-2006

Sec. State: SD-2006-0061

CL0406

Sent

Received

DOR: 5/18/06 5/30/06

Sec. State: 6/1/06 6/13/06

Assessor: 6/1/06

Elections: 6/1/06

Mapped: Yes

Property Information:

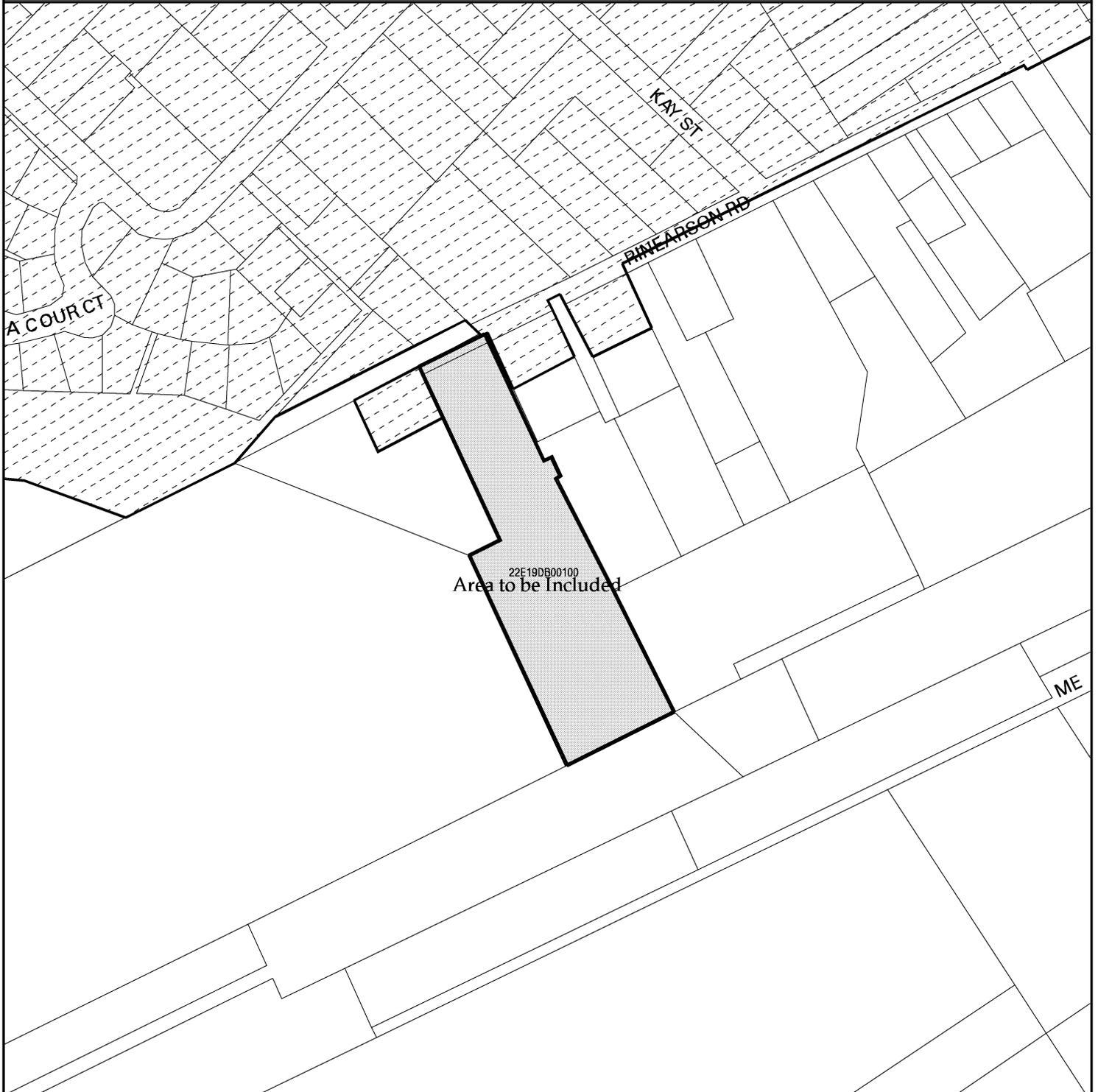
22E19DB00100 4920 SE Rinearson Rd

Proposal No. CL0406

22E19DB

Annexation to the Oak Lodge Sanitary Dist.

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

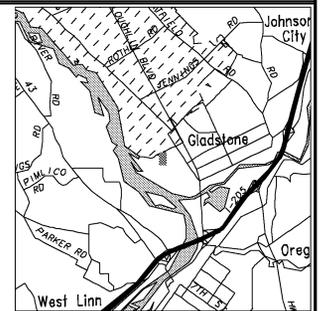
METRO

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- County lines
- Annexation boundary
- District

Proposal No. CL0406
OAK LODGE SANITARY DIST.
Figure 1

Scale: 1" = 250'





June 9, 2006

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

Dear Mr. Knight:

Please be advised that we have received and filed, as of June 2, 2006, the following records annexing territory to the following:

Ordinance/Resolution Number(s)		Our File Number
RES 2006-99	(Oak Lodge Sanitary Dist)	SD 2006-0060
RES 2006-100	(Oak Lodge Sanitary Dist)	SD 2006-0061
RES 2006-101	(Clackamas Co. Service Dist #1)	SD 2006-0062

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
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
May 30, 2006
As Per ORS 308.225

Oak Lodge Sanitary Dist
 Budget Officer
 14611 SE River Rd
 Milwaukie, OR 97267-1198

Description Map received from: METRO
 On: 5/19/2006

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

ANNEX TO OAK LODGE SANITARY DISTRICT

ORDER #2006-100 (CL-0406)

has been: Approved 5/30/2006
 Disapproved

Notes:

Department of Revenue File Number: 3-1731-2006

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

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

In the Matter of Approving
Boundary Change Proposal
No. CL-0406

} ORDER NO. 2006-100

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 Oak Lodge Sanitary 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

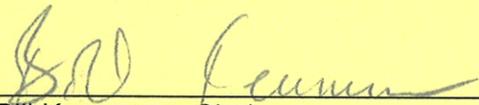
It further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report which complies with the requirements of Metro Code 3.09.050(b); and

It further appearing that this matter came before the Board for public hearing on April 27, 2006 and that a decision of approval was made on April 27, 2006;

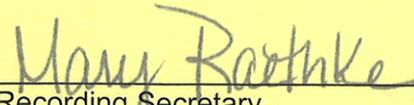
NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-0406 is approved for the reasons stated in attached Exhibit A and the territory described in Exhibit B and depicted on Exhibit C is annexed to Oak Lodge Sanitary District.

ADOPTED this 27th day of April, 2006.

BOARD OF COUNTY COMMISSIONERS



Bill Kennemer, Chair



Recording Secretary

FINDINGS

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

1. The territory to be annexed contains 2.91 acres, one vacant single family dwelling and has an assessed value of \$290,232.
2. The property owner desires sewer service to facilitate development of a 10-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. The land is mostly flat with a creek at the back end of the parcel.
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 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.

6. The Clackamas County Comprehensive Plan covers this area. The site has a plan designation of Low Density Residential and is zoned R-10. 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.

There is no urban planning area agreement (UPAA) between the Oak Lodge Sanitary District and any necessary party.

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. The statute was enacted in 1993 but no urban service agreements have yet been adopted in this area of Clackamas County.
8. Sewer service can be provided from an 8-inch District line adjacent to the property in Rinearson Rd.
9. This property is within the Oak Lodge Water District from which it receives service.
10. The area receives police service from Clackamas County generally and from the County Service District for Enhanced Law Enforcement.
11. The territory is within the Clackamas County R.F.P.D. #1. This service will not be affected by annexation to the Oak Lodge Sanitary District.

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. 7 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 (Oak Lodge Sanitary 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 the Clackamas County Comprehensive 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 sanitary 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 is necessary to make this critical service available to this property. The Board therefore concludes that annexation promotes the timely, orderly and economic provision of this service.
6. 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-0406

DESCRIPTION OF THAT TRACT OF LAND DEEDED TO SURESH C. PARANJPE IN INSTRUMENT NO. 2005-038495, CLACKAMAS COUNTY DEED RECORDS

A portion of the Peter M. Rinearson Donation Land Claim in the Southeast ¼ of Section 19, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, as described in Document No. 2005-038495, Clackamas County Deed Records, more particularly described as follows:

Beginning at a point in the division line between husband's and wife's halves of the Peter M. Rinearson Donation Land Claim No. 41 in Section 19, Township 2 South, Range 2 East to the Willamette Meridian, which point is North 64°00'00" East 1, 214.00 feet distant from the Southwest end of said division line and which point is 3,206.98 feet South and 456.30 feet West of the North quarter section corner of Section 19, said township and range; thence South 26°00'00" East a distance of 15.00 feet to a 5/8 inch iron rod with a red plastic cap marked "PLS CHEEL 42649" on the Southerly right of way line of SE Rinearson Road and the most Northerly corner of that tract of land deeded to Nancy Jo Towle in Document No. 95-051567, Clackamas County Deed Records and true point of beginning; thence continuing South 26°00'00" East along the Easterly line of said Towle tract and the Easterly line of that tract of land deeded to the City of Gladstone in Document No. 93-30263 a distance of 330.59 feet to a 5/8 inch iron rod marking a re-entrant corner in said Gladstone tract; thence South 64°00'00" West along a Southerly line in said Gladstone tract a distance of 67.25 feet to a 5/8 inch iron; thence South 26°00'00" East along the Easterly line of said Gladstone tract a distance of 390.91 feet to a re-entrant corner in said Gladstone tract; thence North 64°00'00" East along the Northerly line of said Gladstone tract a distance of 210.56 feet to the most Southerly corner of that tract of land deeded to Starpointpoint Properties in Document No. 2004-082930, Clackamas County Deed Records, said point is also the most Southerly corner of that tract of land deeded to William F. Van Buren and Anna R. Van Buren in Book 244, Page 296, Clackamas County Deed Records; thence North 26°00'00" West along said Van Buren Westerly line, also the Westerly line of said Starpointpoint properties and the Westerly line of that tract of land deeded to Edward P. Gronke and Elissa M. Gronke, Document No. 77-32764, Clackamas County Deed Records a distance of 443.11 feet to a re-entrant corner in said Gronke tract; thence North 64°00'00" East along a northerly line of said Gronke tract and also described in said Van Buren tract a distance of 6.00 feet; thence North 26°00'00" West along a Westerly line of said Gronke tract also described in said Van Buren tract a distance of 40.00 feet; thence South 64°00'00" West along a line in said Gronke tract also described in said Van Buren tract a distance of 16.00 feet; thence North 26°00'00" West along the Westerly line of said Gronke tract and also described in said Van Buren tract a distance of 238.39 feet to the South right of way line of SE Rinearson Road and the most Westerly corner of said Gronke tract; thence South 64°00'00" West along said right of way a distance of 133.33 feet to the true point of beginning.

Together with a 15.00 foot strip of land lying within SE Rinearson Road abutting the North line of the herein before described property.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Thomas H. Burton

OREGON
JAN. 18, 1963
THOMAS H. BURTON

EXHIBIT C

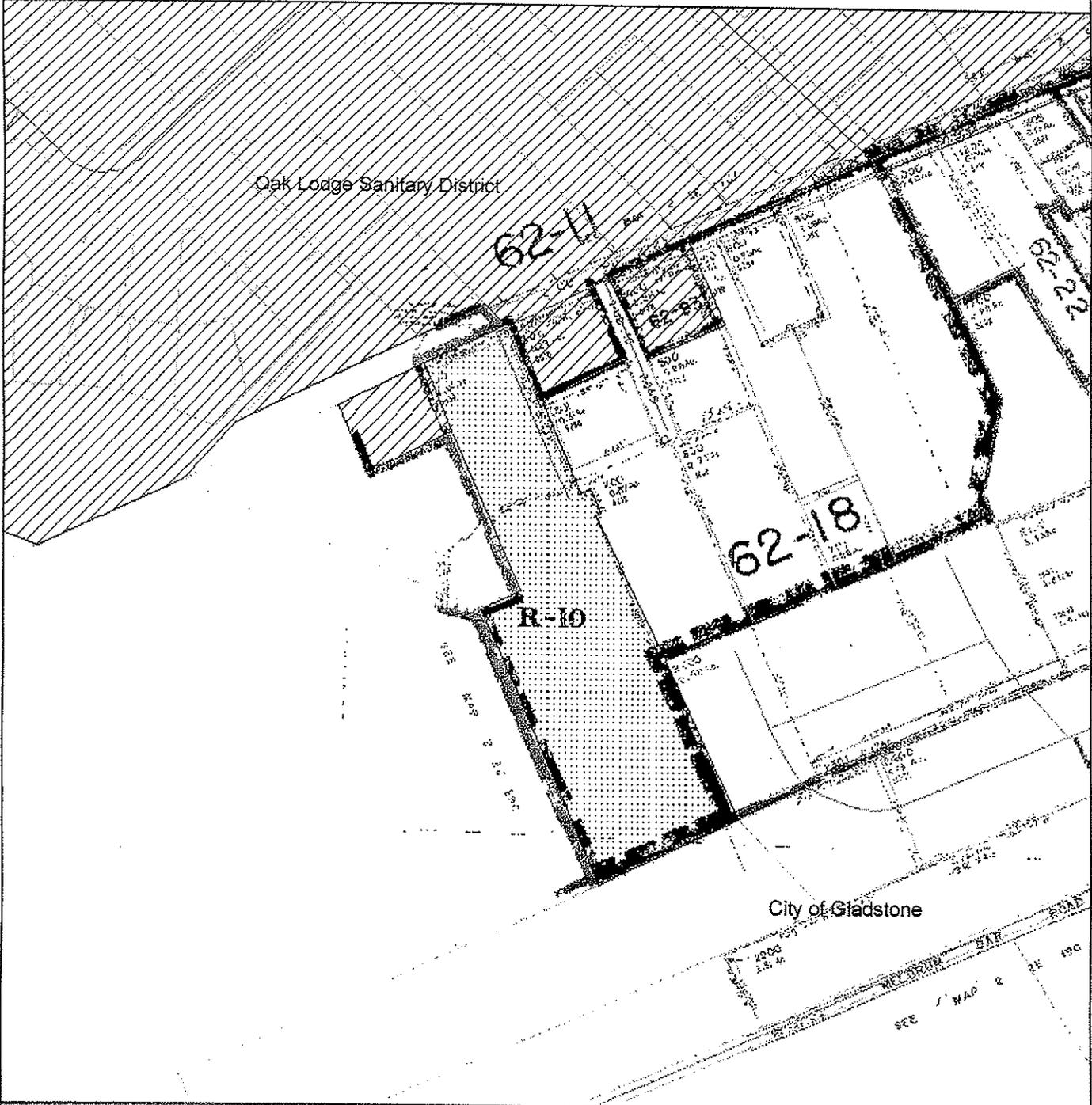
Proposal No. CL-0406

Proposal CL0406

2S2E19DB

Annexation to the Oak Lodge Sanitary Dist.

Clackamas Co.

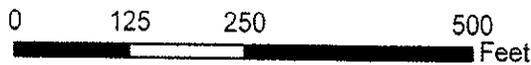


Proposal CL0406
 Oak Lodge Sanitary Dist.
 Figure 2

 Oak Lodge Sanitary Dist.
 Area to be Annexed

K M C

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



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

METRO