

Final Documents  
For  
Annexation to the  
**Clackamas County Service Dist. #1**

CL0502  
Ordinance #2002-67  
DOR 3-1542-2002

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

Signature:

\_\_\_\_\_

Date of  
Mailing: 4/22/02

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

Signature:

\_\_\_\_\_

Date of  
Mailing: 5/7/02

CL0502

Sent

Received

DOR:

4/22/02

4/29/02

Sec. State:

5/7/02

Assessor:

5/7/02

Elections:

5/7/02

Mapped:

Yes

Posted to Web:

Addresses:

22E01D 02201  
22E01 02100

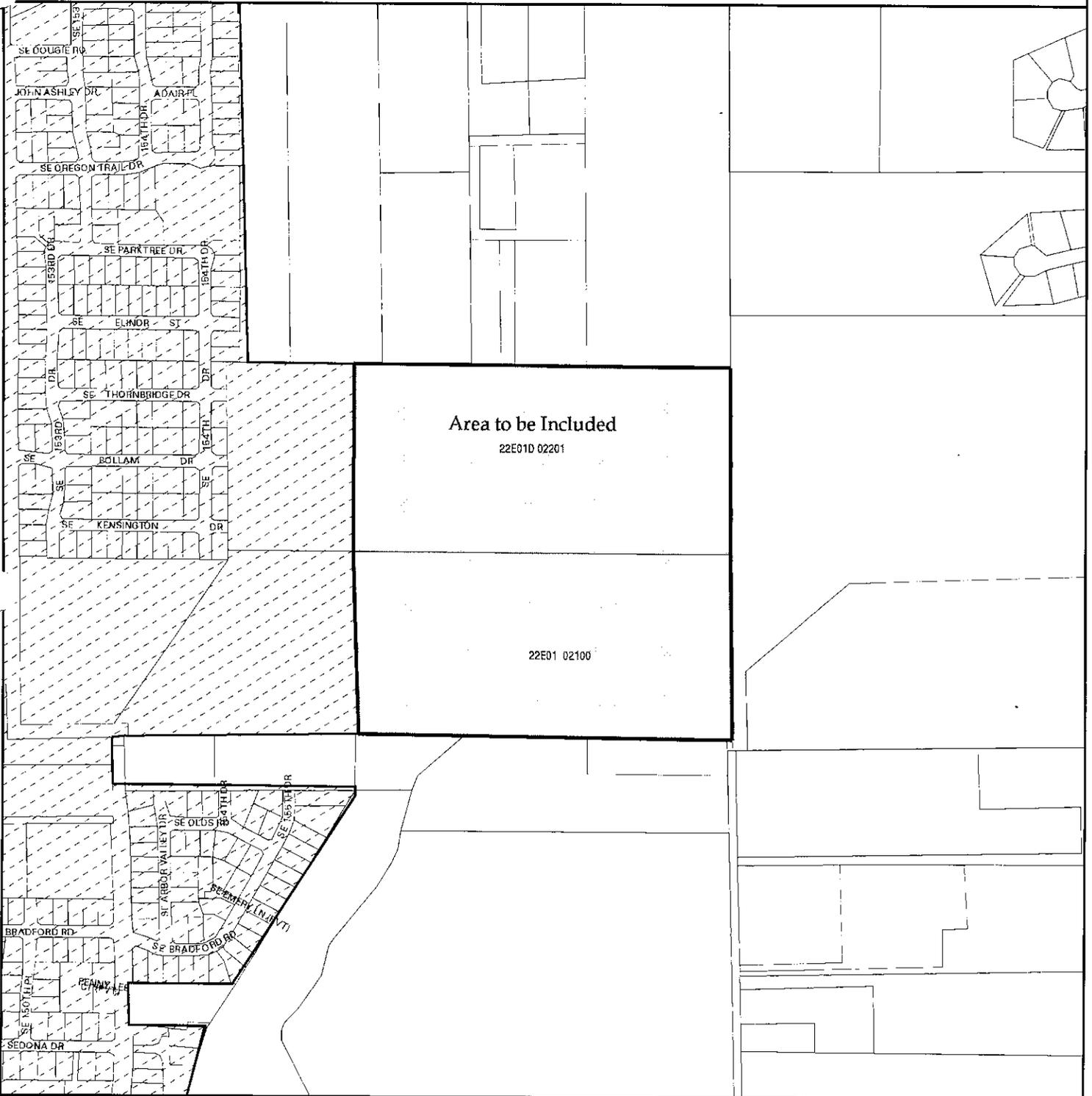
No Site Address  
14488 SE 152<sup>nd</sup> Drive

# Proposal No. CL0502

2S2E01D

Annexation to the Clackamas Co. Service Dist. #1

Clackamas Co.



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



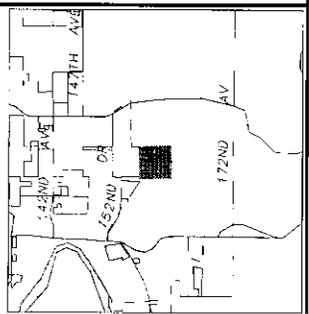
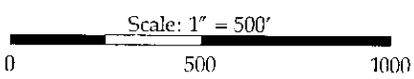
600 NE Grand Ave.  
Portland, OR 97232-2736  
Voice 503 797-1742  
FAX 503 797-1909  
Email drc@metro-region.org

**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. CL0502  
CLACKAMAS CO. SERVICE DIST. #1  
Figure 1



# Notice to Taxing Districts

ORS 308.225



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

**Description and Map Approved**  
**April 29, 2002**  
**As Per ORS 308.225**

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

Description     Map received from: METRO  
 On: 4/29/02

This is to notify you that your boundary change in Clackamas County for  
 ANNEX TO CLACKAMAS COUNTY SERVICE DIST. #1

ORDER #2002-67

has been:     Approved            4/29/02  
                    Disapproved

Notes:

Department of Revenue File Number: 3-1542-2002

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-0502

} ORDER NO. 2002-67

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

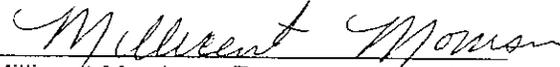
It further appearing that this matter came before the Board for public hearing on April 4, 2002 and that a decision of approval was made on April 4, 2002;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-0502 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 4th day of April, 2002.

BOARD OF COUNTY COMMISSIONERS

  
Larry Sowa, Chair

  
Millicent Morrison, Recording Secretary

## FINDINGS

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

1. The territory to be annexed contains 39.48 acres, one vacant single family dwelling and has an assessed value of \$46,465.
2. The property owners desire sewer service to facilitate future residential development. The territory is inside the City of Happy Valley. The bulk of the City is inside the District and the entire City is to be provided sewer service by the District.
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. The south half of the territory (TL 2100) is forested and nearly bisected by Rock Creek. Steep slopes inhibit development near the creek particularly on the west side. The north half of the territory (TL 2201) is 2/3-3/4 open field. The remaining 1/4-1/3 in the southeast corner of TL 2201 is forested and contains some steep slopes.
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 PUBLIC FACILITIES AND SERVICES Element of the County Comprehensive Plan contains the following Goals:

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.

7. The area is now within the City of Happy Valley. The City has recently completed assigning City plan and zoning designations to the area. These lots have a City plan and zoning designation of R 8.5 which allows for single family residential development on 8,500 square foot lots. Future subdivision review and approval would be conducted by the City.
8. 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.
9. A portion of the area to be annexed (approximately one-half) can be served from the District's line in SE 155<sup>th</sup> Dr. to the southwest. Much of the remainder of the property would not be developable due to severe slopes adjacent to Rock Creek. A small part of the territory which will be developable on the east side of the Creek may not be serviceable until sewers become available from the east.
10. This property is within the Sunrise Water Authority. The Authority has lines available in existing subdivisions to the west.
11. The area receives police service from the City of Happy Valley. The County Sheriff provides county-wide service equivalent to approximately .5 officers per 1,000 population.
12. 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.
13. The area to be annexed receives park & recreation service from the City of Happy Valley. This service will not be affected by annexation to the County Service District for sanitary sewers.

## 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. 8 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 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 Happy Valley 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 is necessary to make this critical service available to facilitate future development. The Board therefore concludes that annexation promotes the timely, orderly and economic provision of this service.

# PROPOSAL CL0502

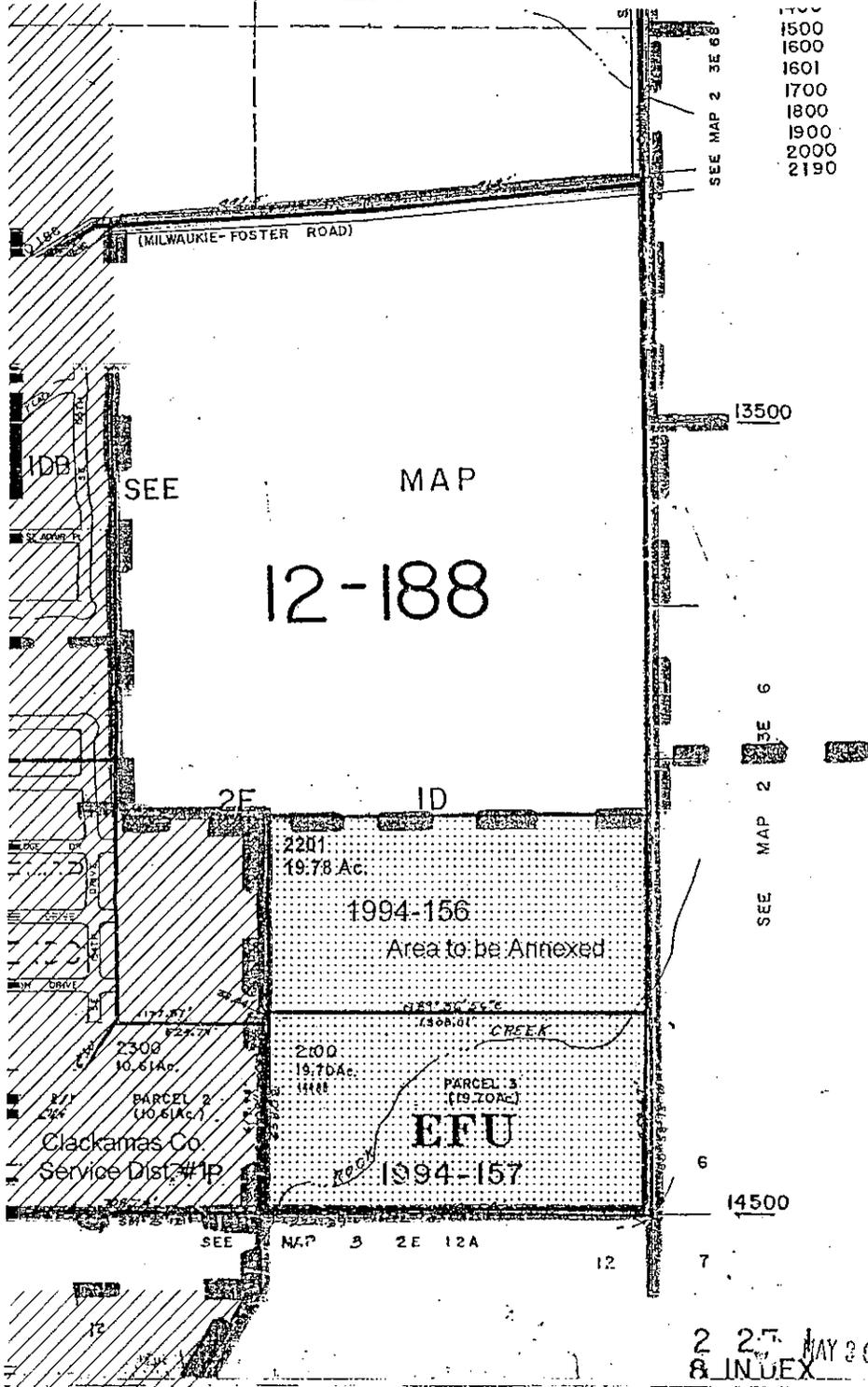


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www.metro-region.org

Annexation to the Clackamas County Service Dist. #1  
Clackamas Co.  
Map2S2E01D

## EXHIBIT B

Proposal No. CL-0502



PROPOSAL NO. CL0502  
CLACKAMAS COUNTY SERVICE DIST. #1  
Figure 2

# EXHIBIT C

Proposal No. CL-0502

Tax Lot 2201W1  
2 2E 1D  
Parcel 3, Partition Plat No. 1994-156  
Clackamas County Partition Plat Records

Tax Lot 2100  
2 2E 1 & Index  
Parcel 3, Partition Plat No. 1994-157  
Clackamas County Partition Plat Records