

Final Documents

For

Annexation to the
Clackamas County Service District #1

CL0601
DOR 3-1497-2001
Ordinance #2001-45

Final to Secretary of State: _____

Signature:



Date of
Mailing: 04/02/2001

Final to Others: _____

Signature:



Date of
Mailing: 04/18/01

Notice to Taxing Districts
ORS 308.225

DOR 3-1497-2001


OREGON
DEPARTMENT
OF REVENUE
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 29, 2001
As Per ORS 308.225

Description Map received from: METRO
On: 3/28/01

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

ANNEX TO CLACKAMAS COUNTY SERVICE DIST. #1

ORDER #2001-45

has been: Approved 3/29/01
 Disapproved

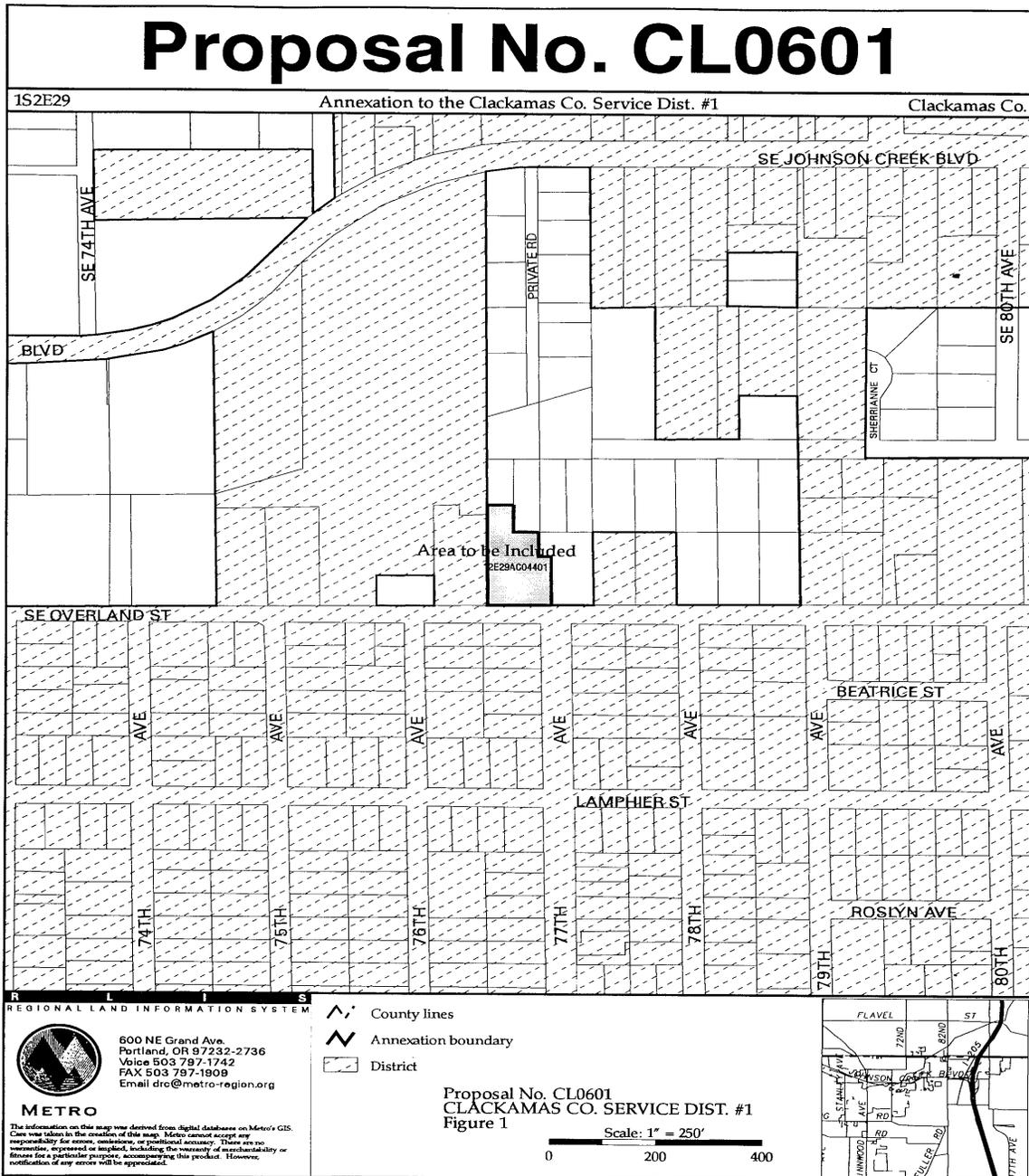
Notes:

Department of Revenue File Number: 3-1497-2001

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



hdyadmm/pilot/pilotbegin.mxd, plot date: February 05, 2001

Address List:
12E29AC04401

No Address

Milwaukie, OR 97222

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

In the Matter of Approving)	
Boundary Change Proposal)	
No. CL-0601)	ORDER NO. 2001-45
)	
)	
)	

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

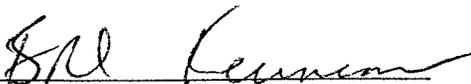
It further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report which complies with the requirements of Metro Code 3.09.050(b); and

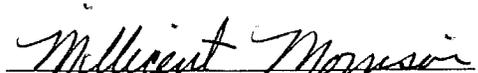
It further appearing that this matter came before the Board for public hearing on March 22, 2001 and that a decision of approval was made on March 22, 2001;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-0601 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 22nd day of March, 2001.

BOARD OF COUNTY COMMISSIONERS


Michael Jordan, Chair


Millicent Morrison, Recording Secretary

FINDINGS

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

1. The territory to be annexed contains 0.48 acres, one vacant single-family dwelling and has an assessed value of \$104,000.
2. This property was actually connected to the sewer system when it was constructed in 1974 but the property was not in the District. The owners now wish to rebuild a burned structure and formalize the existing sewer connection.
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 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.

4. The territory is flat. It is surrounded by a duplex on the north, single family dwellings on the east and south and industrial land on the west.
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 speak 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 designates the area as Low Density Residential. County zoning is R-7.

The Public Facilities and Services Element of the Comprehensive Plan contains the following Goals:

- Provision of sanitary facilities must be coordinated with other essential facilities and services.

Specifically with regard to sewer the Plan says:

- 12.0 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 territory is within the City of Milwaukie Area of Interest as designated on the City/County Urban Growth Management Agreement. Annexation to the City is not required by the Agreement in this part of the City's area of interest. The Agreement

does require notice of actions such as annexations to be provided to the City and that notice was given.

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. This property is within the Clackamas River Water District, which serves the residence.
10. The District has a 8-inch sanitary sewer line in SE Overland Street which serves this property.
11. A County storm drainage line serves this property.
12. The Clackamas County Sheriff serves this area with a ratio of sworn officers per thousand population of approximately .5. The area to be annexed is within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to urban unincorporated and some urban incorporated areas of the county. Annexation to the service district for sanitary sewers will have no effect on the law enforcement district.
13. 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.
14. The area to be annexed is within the North Clackamas County Park & Recreation District. This service will not be affected by annexation to the County Service District for sanitary sewers.
15. The area to be annexed is within Clackamas County Service District #5 for streetlights. 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 consideration of any directly applicable standards or criteria to be found in urban planning area agreements. The annexation does not conflict with the City of Milwaukie / Clackamas County Urban Growth Management Agreement.
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 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." The Board concludes that Clackamas County Service District # 1 can directly provide the service it controls to the site immediately in adequate quantity and quality. Other services are already available from other service providers.

EXHIBIT B

The property to be annexed is described as follows:

LEGAL DESCRIPTION:

Tax lot Numbers for Reference Only: 12E29ACO4400
Clackamas County Survey Recorded No. PS-28015

A parcel of land lying in the S.W. ¼ of the N.E. ¼ of Section 29, T.1S., R.2E., of the Willamette Meridian, Clackamas County , Oregon, and further described as follows:

Beginning at the Southeast quarter corner of the N.E. ¼ of Section 29, T.1 S., R.2E, of the Willamette Meridian, Clackamas County, Oregon, thence westerly along the south line of N.E. ¼ of Section 29 1303 feet more or less to a point on the south line described on a Recorded Survey No. PS-28015, Recorded with Clackamas County Surveyor's Office, Clackamas County Oregon; thence north 00°01'00" east 11 feet more or less to a point on north line of Clackamas County Road S.E. Overland Street; thence continuing along the north line of S.E. Overland Street north 89°54'00" west 80 feet more or less to a point being the most southeast corner of Tax lot number 12E29ACO4400 (TL# Reference Only), and said point also being the TRUE POINT OF BEGINNING; thence north 89°54'00" west 119.96 feet more or less to the southwest corner of said tax lot; thence north 00°01'00" east 219.36 feet; thence south 89°54'00" east 49.99 feet; thence south 00°01'00 west 59.68 feet; thence south 89°54'00" 47.01 feet; thence south 00°01'00" west 53.40 feet; thence south 89°54'00" east 22.96 feet; thence south 00°01'00" west 106.28 feet to the TRUE POINT OF BEGINNING.

Proposal No. CL0601

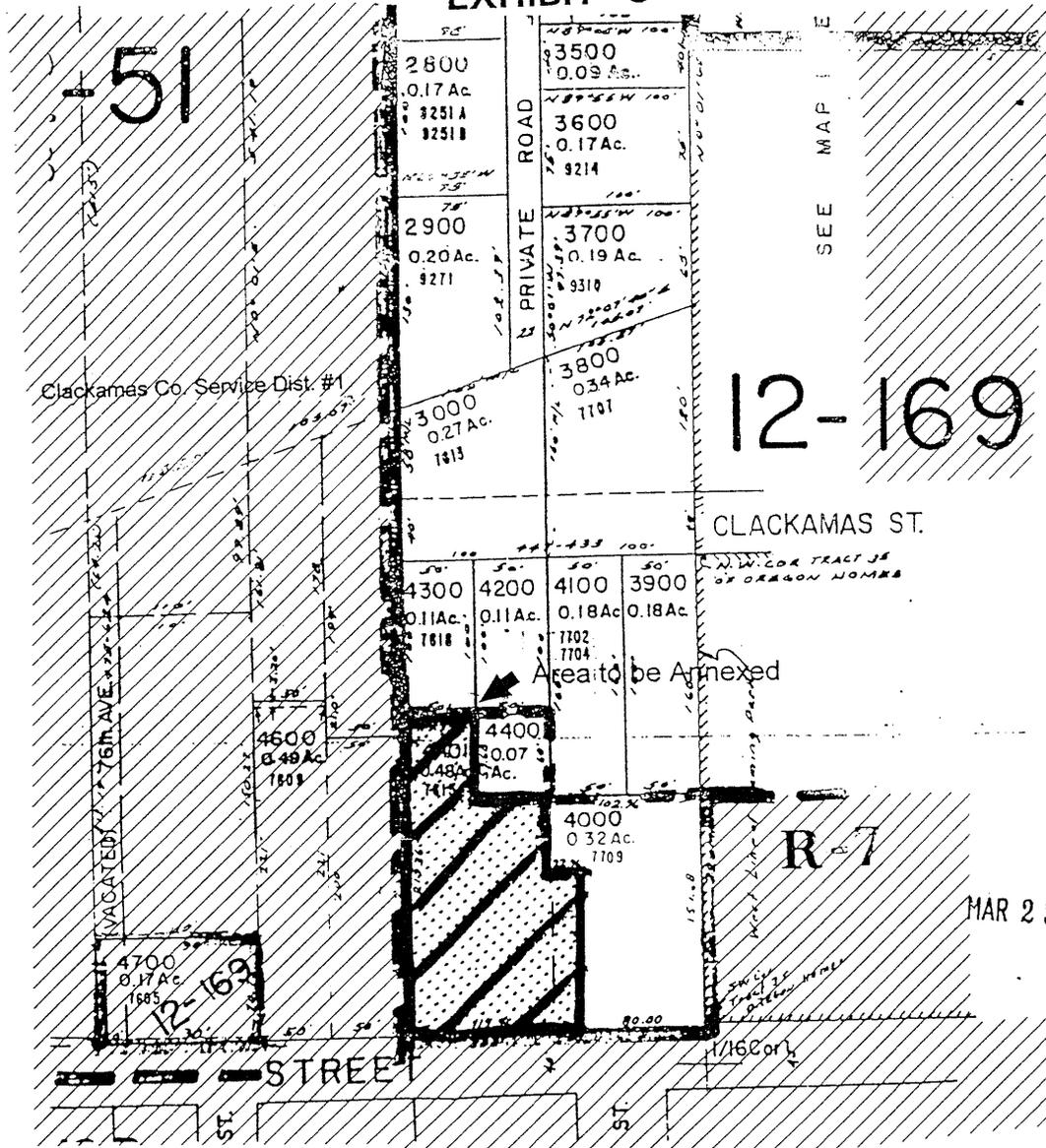


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Email dra@metro-region.org

Annexation to the Clackamas Co. Service Dist. #1
Clackamas Co.
Section 160029

Proposal No. CL-0601

EXHIBIT C



PROPOSAL NO. CL0601
CLACKAMAS CO. SERVICE DIST. #1
Figure 2