

Final Documents

For

Annexation to the
Sunrise Water Authority

CL0801
DOR 3-1508-2001
Ordinance #2001-74

Final to DOR: _____

Signature:

 _____

Date of
Mailing: 5/7/01

Final to Secretary of State: _____

Signature:

 _____

Date of
Mailing: 6/18/01

CL1301	<u>Sent</u>	<u>Received</u>
DOR:	5/8/01	5/15/01
Sec. State:	6/18/01	
Assessor:	6/18/01	
Elections:	6/18/01	
Mapped:	Yes	
Posted to Web:		
Addresses:	22E11A 00301	14700 SE 132 nd Ave
	22E11A 00400	No Site Address
	22E11A 00500	14874 SE 132 nd Ave
	22E11A 01005	No Site Address
	22E11A 01004	No Site Address
	22E11A 01005	No Site Address

Notice to Taxing Districts

ORS 308.225



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

Sunrise Water Authority
10602 SE 129th Avenue
Portland, OR 97236-6218

Description and Map Approved
May 15, 2001
As Per ORS 308.225

Description Map received from: METRO
On: 5/8/01

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

ANNEX TO THE SUNRISE WATER AUTHORITY

ORDER #2001-74

has been: Approved 5/15/01
 Disapproved

Notes:

Department of Revenue File Number: 3-1508-2001

Prepared by: Jennifer Dudley, 503-945-8666

Boundary: Change Proposed Change
The change is for:

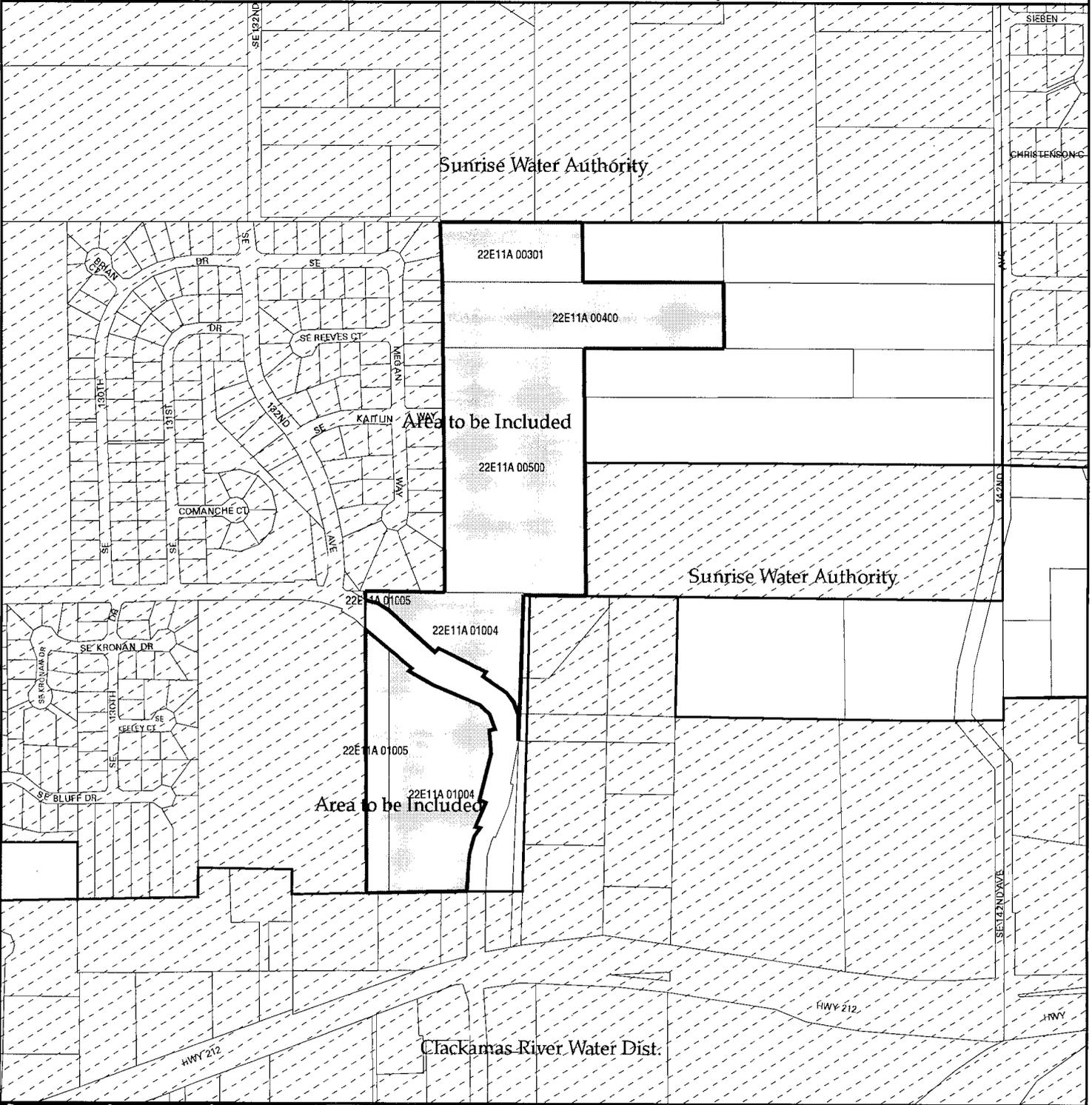
- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge

Proposal No. CL0801

2S2E11

Annexation to the Sunrise Water Authority

Clackamas Co.



R L I S
REGIONAL LAND INFORMATION SYSTEM



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

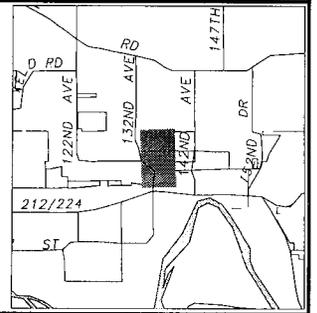
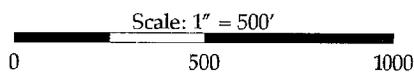
METRO

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

Urban Growth Boundary

Proposal No. CL0801
SUNRISE WATER AUTHORITY
Figure 1



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

In the Matter of Approving
Boundary Change Proposal
No. CL-0801

ORDER NO. 2001-74

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 Sunrise Water Authority;

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

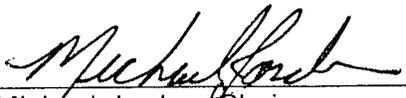
It further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report which complies with the requirements of Metro Code 3.09.050(b); and

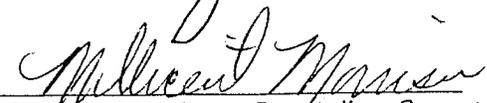
It further appearing that this matter came before the Board for public hearing on April 19, 2001 and that a decision of approval was made on April 19, 2001;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-0801 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 Sunrise Water Authority.

ADOPTED this 19th day of April, 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 26.9 acres, one single family dwelling, a population of 2 and has an assessed value of \$298,310.
2. The property owners desire annexation to obtain water service to facilitate residential development. Anticipated development is two PUD's with a total of 91 lots.
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.
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 the 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). Neither the Regional Framework Plan nor the Regional Growth Management Functional Plan nor the Regional Transportation Functional Plan contains criteria for deciding boundary changes for districts providing water service.
5. The County has categorized lands within urban growth boundaries as "immediate urban" and "future urbanizable." Lands that are serviced by sanitary sewers or are within the boundary of a sewer provider and lands that are developed to urban density are designated immediate urban. All other lands are designated future urbanizable.

Tax Lots 1004 & 1005 are inside Clackamas County Service District No. 1 and are therefore classified as Immediate Urban and Tax Lots 301, 400 & 500 are outside CCSD # 1 and are therefore Future Urbanizable according to the County Plan.

Tax Lots 301, 400 & 500 are zoned FU-10, Future Urban, 10-acre minimum lot sizes. Tax Lot 1004 north of Hubbard Road is zoned R-15, Low Density Residential, 15,000 square foot minimum lot size. The portion of Tax Lot 1004 south of Hubbard Road and Tax Lot 1005 are zoned R-8.5, Low Density Residential, 8500 square foot minimum lot size.

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

POLICIES

- Clackamas County adopts as supporting documents to this Plan the public facilities plans title, "Transportation Element," "Sanitary Sewerage Services," "Water Systems," and "Storm Drainage Element," including the public facility project titles contained therein. The public facility projects' locations or service areas are shown on maps contained within the above reports.

Water

* * *

- 12.0 Require all water purveyors to design the extension of water facilities at levels consistent with the land use element of the Comprehensive Plan.
- 13.0 In urban areas, require water purveyors to coordinate the extension of water services with other key facilities, i.e., transportation, sanitary sewers, and storm drainage systems, which are necessary to serve additional lands.

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. The only service agreement that Clackamas County has adopted is with Happy Valley.
7. The Water Authority has a 12-inch water line in Hubbard Road and 8-inch waterlines in the subdivision adjacent to the northern part of the proposed annexation. The Water Authority purchases water from Clackamas River Water.
8. Tax Lots 1004 & 1005 are within Clackamas County Service District No. 1. The other three lots will need to be annexed to the District prior to development. The District has sewer lines available to serve the entire area.
9. 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 Water Authority will have no effect on the law enforcement district.
10. The territory is within the Clackamas County R.F.P.D. #1. This service will not be affected by annexation to the Water Authority.
11. The area to be annexed is within the North Clackamas County Park & Recreation District. This service will not be affected by annexation to the Water Authority.
12. The area to be annexed is within Clackamas County Service District #5 for streetlights. This service will not be affected by annexation to the Water Authority.

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 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 Plan and concludes this proposal complies with it. The Water Authority purchases water from Clackamas River Water but nothing in the purchase agreement would be inconsistent with the annexation.
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 water authority 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 the Sunrise Water Authority 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.

Two parcels of land situated in the Northeast $\frac{1}{4}$ of Section 11, T2S, R2E, W.M., Clackamas County, Oregon, being more particularly described as follows:

Beginning in the Northeast corner of Section 11, T2S, R2E, W.M., Clackamas County, Oregon and proceeding West along the Section line a distance of 1484.55' to a 5/8 inch iron rod with yellow plastic cap stamped "Compass Corp." being the Point of Beginning at the Northeast corner of that parcel of land conveyed to Susan Loretta McAdams and Myra Naomi Hubbard by Warranty Deed recorded as Document number 83-37861, Clackamas County deed records. Thence along the east line of said McAdams and Hubbard parcel S $00^{\circ}33'39''$ E 222.27 feet to a 5/8 inch iron rod with yellow plastic cap stamped "Compass Corp." Thence along the North line of that parcel of land conveyed to Howard C. Hubbard by deed recorded in Book 383, Page 600, Clackamas County deed records, N $88^{\circ}59'25''$ E 490.45 feet to the Northeast corner thereof. Thence along the east line of said Hubbard tract S $01^{\circ}16'0''$ W 222.37 feet to the Southeast corner thereof. Thence along the south line of said Hubbard tract S $88^{\circ}59'25''$ W 490.23 feet to a 5/8 inch iron rod with yellow plastic cap stamped "Compass Corp." Thence S $01^{\circ}07'19''$ E 865.86 feet to a 5/8 inch iron rod with yellow cap stamped "Compass Corp." Thence S $01^{\circ}07'19''$ E 6.26 feet. Thence along the North line of Parcel 1, Partition Plat No. 2000-22, S $88^{\circ}38'53''$ W 201.4 feet to a $\frac{3}{4}$ inch iron pipe. Thence along the northerly extension of the west line of said Parcel 1 N $00^{\circ}03'26''$ W 7.13 feet to the south line of the aforementioned Hubbard tract recorded in Book 467, Page 449. Thence South along the west line of that of Partition Plat No. 2000-22, 511.19 feet to a point on the North right-of-way of Hubbard Road. Thence Northerly and Westerly along said right-of-way 700 feet, more or less, to a point where the North right-of-way of Hubbard Road intersects with the East line of that tract of land conveyed to Stone Creek Investors by Warranty Deed recorded as Document 86-48816. Thence North 66 feet, more or less, to the South line of Lot 46 "Megan Park", a plat of record in Clackamas County, Oregon. Thence N $88^{\circ}42'19''$ E 223 feet, more or less to the Southeast corner of Lot 47 "Megan Park", a plat of record in Clackamas County, Oregon. Along the East line of said "Megan Park" N $01^{\circ}07'19''$ W 1319.69 feet. Thence N $88^{\circ}59'25''$ E 492.64 feet to the Point of Beginning.

Beginning at the Southeast corner of the Northeast $\frac{1}{4}$ of Section 11, T2S, R2E, W.M., Clackamas County, Oregon and proceeding West along that line a distance of 1800 feet more or less to a point on the center line of Hubbard Road, thence North to a point on the intersection of the North right-of-way of State Highway 212/224 and the center of Hubbard road, thence S $69^{\circ}42'24''$ W 30 feet to the Northwest Corner of the intersection of Hubbard Road and State Highway 212/224. Thence N $00^{\circ}24'07''$ W a distance of 193.5 feet to the Point of Beginning. Thence Northerly and Westerly along the West Right-of-way of said Hubbard Road 1100 feet more or less to the intersection of of that Warranty Deed recorded as Document 86-48816, Clackamas County Deed Records, with the Southwesterly line of that tract of land granted to Clackamas County by instrument recorded as Document 83-11794, Clackamas County Deed Records. Thence South 900 feet, more or less, to the South line of that tract of land conveyed to Howard C. Hubbard and Myra Ann Hubbard by Warranty Deed recorded as Document no. 77-45809, Clackamas County Deed Records. Thence N $89^{\circ}42'55''$ E 360 feet, more or less, to the Point of Beginning.

Proposal No. CL0801

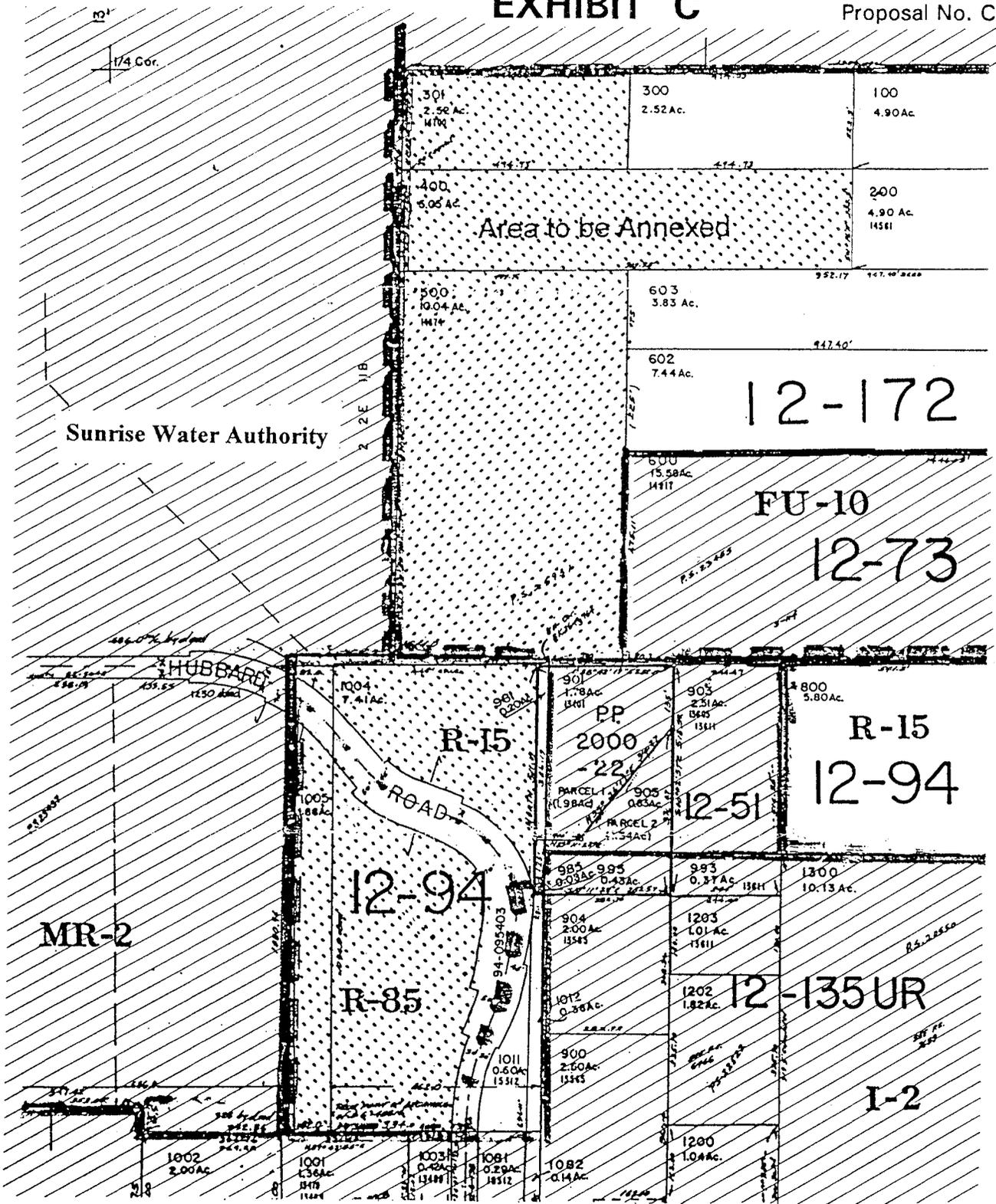


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Annexation to the Sunrise Water Authority
Clackamas Co.
Section 2S2E11

EXHIBIT C

Proposal No. CL-0801



PROPOSAL NO. CL0801
SUNRISE WATER AUTHORITY
Figure 2