

Final Documents
for
Annexation to
Sunrise Water Authority

CL0807
Ordinance: 2007-285
Annexation:
DOR: 3-1797-2007
Secretary of State: SD 2007-0101

Office of the Secretary of State

BILL BRADBURY
Secretary of State



Archives Division
MARY BETH HERKERT
Director

800 Summer St. NE
Salem, Oregon 97310
(503) 373-0701

Facsimile (503) 373-0953

June 13, 2007

Metro
Linda Martin
600 NE Grand Ave
Portland, Oregon 97232-2736

Dear Ms. Martin:

Please be advised that we have received and filed, as of June 13, 2007, the following records annexing territory to the following:

| Ordinance/Resolution Number(s) | Our File Number |
|---|-----------------|
| 180918 (Portland) | AN 2007-0228 |
| 180919 (Portland) | AN 2007-0229 |
| 07-10 (Tigard) | AN 2007-0230 |
| 2007-285 (Sunrise Water Authority) | SD 2007-0101 |
| 2007-286 (Clackamas County Service District #1) | SD 2007-0102 |

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

Metropolitan Service District
 Budget Officer
 600 NE Grand Ave
 Portland, OR 97232-2736

Description and Map Approved
June 6, 2007
As Per ORS 308.225

Description Map received from: METRO
 On: 6/4/2007

This is to notify you that your boundary change in Clackamas County for
 ANNEX TO SUNRISE WATER AUTHORITY (WINDSONG CREEK ESTATE)
 ORDER #2007-285 (CL0807)

has been: Approved 6/6/2007
 Disapproved

Notes:

Department of Revenue File Number: 3-1797-2007

Prepared by: Carolyn Sunderman, 503-945-8882

Boundary: Change Proposed Change
 The change is for:

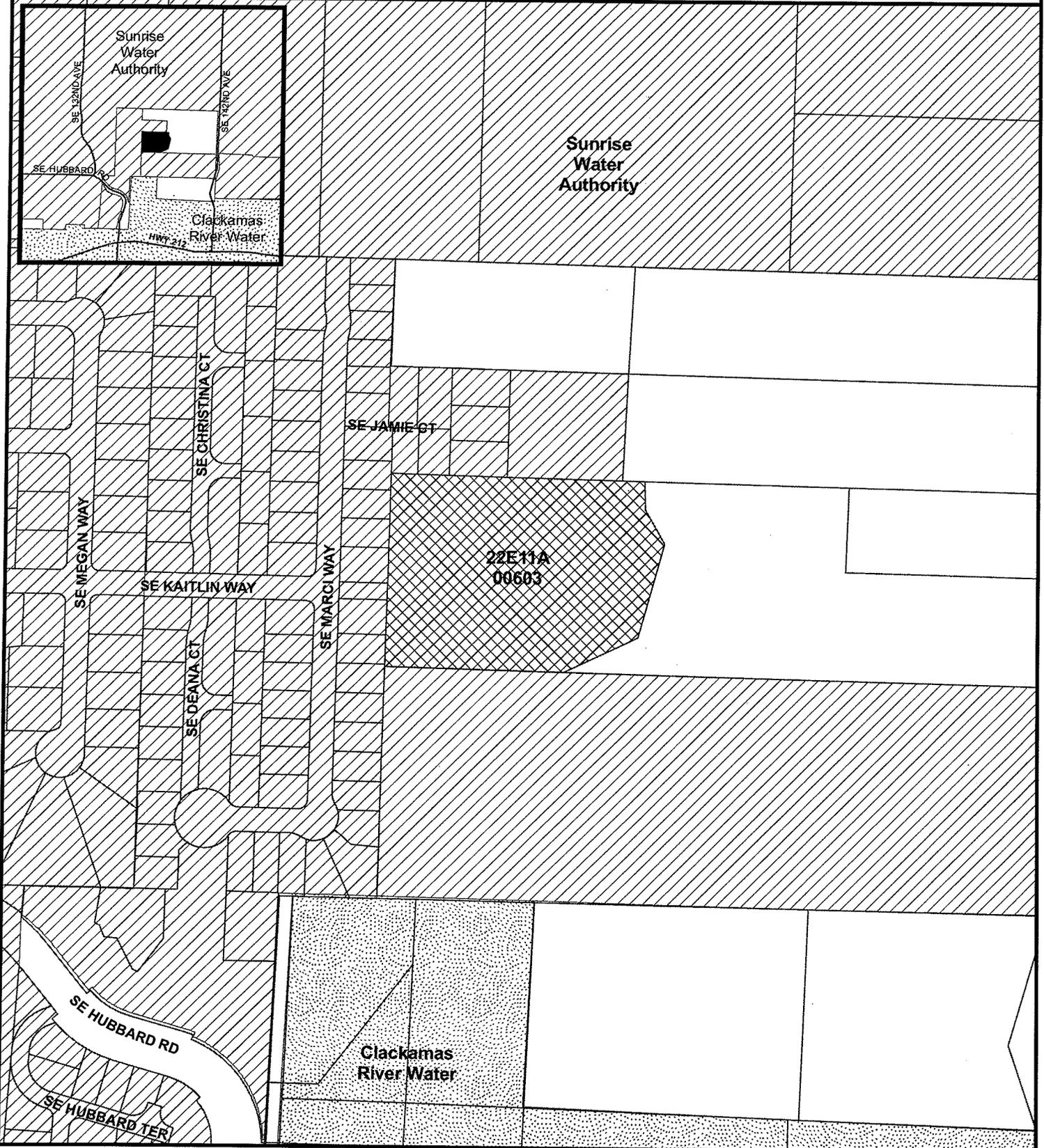
- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge

Proposal No. CL0807

2S2E11

Annexation to Sunrise Water Authority

Clackamas Co.



Data Resource Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
<http://www.metro-region.org/drc>

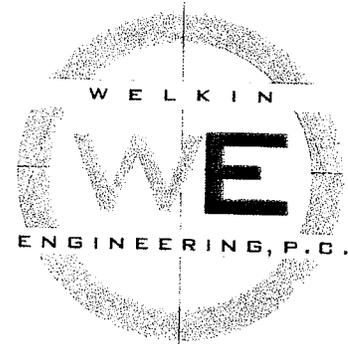
- Clackamas River Water Dist.
- Sunrise Water Authority
- Area to be annexed

Figure 1
1:3,200

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



WindSong Creek Estates
Legal Description for Annexations
Job No. 05-139.01
December 11, 2006



A portion of that tract of land described in Deed Document No. 86-50748, Clackamas County Deed Records, situated in the Northeast quarter of Section 11, Township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Commencing at the Northeast corner of said Section 11; thence S 00°00'00" E along the east line of said Section 11, a distance of 444.56 feet to the northeast corner of that tract of land described in Document No. 2003-157552; thence S 90°00'00" W, a distance of 30.00 feet to the westerly right of way line of SE 142nd Avenue; thence S 89°59'23" W along the north line(s) of Document No. 2003-157552 and 86-50748, a distance of 913.86 feet to the Point of Beginning; thence leaving said north line S 04°27'54" E, a distance of 58.95 feet; thence S 32°47'00" E, a distance of 80.68 feet; thence S 13°05'49" W, a distance of 202.58 feet; thence S 62°06'58" W, a distance of 27.84 feet; thence S 62°05'02" W, a distance of 139.59 feet to the south line of that tract of land described in Document No. 86-50748; thence along said south line S 89°00'25" W, a distance of 369.43 feet to a point on the east line of "Howard's Estates" (Plat Book 125, Page 260; thence along said east line N 01°04'35" W, a distance of 400.00 feet to the southwest corner of Lot 40, "Howard's Estates"; thence leaving said east line and along the south line of said Lot 40 and the North line of Document No., 86-50748 N 89°02'40" E, a distance of 476.88 feet; thence N 88°59'23" E, a distance of 45.65 feet to the Point of Beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Bradley J. Gabriel

OREGON
JULY 13, 1999
BRADLEY J. GABRIEL
58543

RENEWS: JULY 1, 2007

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

In the Matter of Approving
Boundary Change Proposal
No. CL-0807

} ORDER NO. 2007-285

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

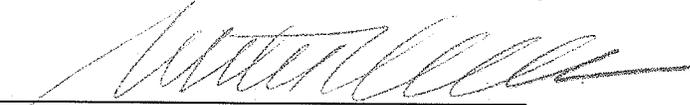
It further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report which complies with the requirements of Metro Code 3.09.050(b); and

It further appearing that this matter came before the Board for public hearing on May 17, 2007 and that a decision of approval was made on May 17, 2007;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-0807 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 17th day of May, 2007.

BOARD OF COUNTY COMMISSIONERS


Martha Schrader, Chair


Mary Raethke, Recording Secretary

FINDINGS

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

1. The territory to be annexed contains 4.8 acres, is vacant and is valued at \$127,000.
2. The property owners desire water service to facilitate development. A 17-lot subdivision has been approved for the site by Clackamas County.
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."
4. A second set of criteria can be found in the Metro Code. The Metro 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. No necessary party is contesting the annexation at this time.

5. The area to be annexed slopes towards Sieben Creek and includes wetlands which will be dealt with as a part of the development process.
6. This territory to be annexed is included in Metro's jurisdictional boundary and is inside the regional Urban Growth Boundary (UGB).

The law which dictates that Metro 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 free standing construct which is now an element of the Framework Plan is the 2040 Growth Concept.

Metro is authorized to adopt functional plans which are limited purpose plans addressing designated areas and activities of metropolitan concern. Metro has adopted two such plans, 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 water authorities.

The Regional Framework Plan contains chapters on citizen involvement, on policies, on transportation, parks, housing, etc. However, 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.

7. The territory to be annexed is identified as LDR - Low Density on the Clackamas County North Urban Area Land Use Plan Map (Map IV-6). Current zoning is R-7.

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

- Provide for the location and development of drinking water facilities to support existing and future land development.
- Coordinate the location and size of drinking water facilities with appropriate water purveyors.

Specifically with regard to *water*, the Plan says:

- 12.0 Require all public 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 facilities, which are necessary to serve additional lands.
 - 14.0 Encourage development in urban areas where adequate urban water facilities already exist.
- 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 relative to this area of Clackamas County.
 - 9. The Sunrise Water Authority has a 6 inch line in SE Kaitlin Way adjacent to the territory to be annexed on the west. Extensions from this line can serve the property.
 - 10. There are 8 inch sewer lines in the subdivision to the west and future sanitary sewer will be located in the Sieben Creek drainage.
 - 11. The Clackamas County Sheriff serves the area with a ratio of sworn officers per thousand population of approximately .5. The territory is served by Clackamas County Service District for Enhanced Law Enforcement in addition to the service received generally from the County Sheriff.
 - 12. The area is within Clackamas R.F.P.D. # 1. 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. 8 there are no ORS 195 agreements in place in this area. The Board therefore 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 (Sunrise Water Authority) 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. Specifically the Plan calls for providing water to "support existing and future development" as noted in Finding No. 7. 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 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 an area which will ultimately develop with urban densities. The Water Authority has water service available to serve this area. 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-0807

A portion of that tract of land described in Deed Document No. 86-50748, Clackamas County Deed Records, situated in the Northeast quarter of Section 11, Township 2 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Commencing at the Northeast corner of said Section 11; thence S 00°00'00" E along the east line of said Section 11, a distance of 444.56 feet to the northeast corner of that tract of land described in Document No. 2003-157552; thence S 90°00'00" W, a distance of 30.00 feet to the westerly right of way line of SE 142nd Avenue; thence S 89°59'23" W along the north line(s) of Document No. 2003-157552 and 86-50748, a distance of 913.86 feet to the Point of Beginning; thence leaving said north line S 04°27'54" E, a distance of 58.95 feet; thence S 32°47'00" E, a distance of 80.68 feet; thence S 13°05'49" W, a distance of 202.58 feet; thence S 62°06'58" W, a distance of 27.84 feet; thence S 62°05'02" W, a distance of 139.59 feet to the south line of that tract of land described in Document No. 86-50748; thence along said south line S 89°00'25" W, a distance of 369.43 feet to a point on the east line of "Howard's Estates" (Plat Book 125, Page 260; thence along said east line N 01°04'35" W, a distance of 400.00 feet to the southwest corner of Lot 40, "Howard's Estates"; thence leaving said east line and along the south line of said Lot 40 and the North line of Document No., 86-50748 N 89°02'40" E, a distance of 476.88 feet; thence N 88°59'23" E, a distance of 45.65 feet to the Point of Beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Bradley J. Gabriel

OREGON
JULY 13, 1999
BRADLEY J. GABRIEL
58543

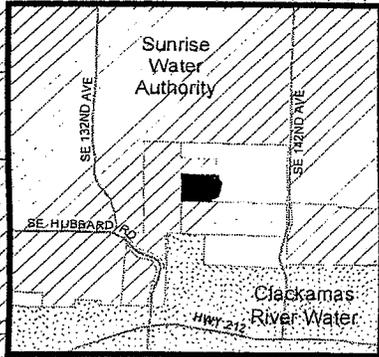
RENEWS: JULY 1, 2007

Proposal No. CL0807

2S2E11

Annexation to Sunrise Water Authority

Clackamas Co.



Sunrise Water Authority

Area to be Annexed

22E11A
00603

Clackamas River Water



Data Resource Center
 600 NE Grand Ave
 Portland, OR 97232-2736
 (503) 797-1742
<http://www.metro-region.org/drc>

-  Clackamas River Water Dist.
-  Sunrise Water Authority
-  Area to be annexed

Figure 1

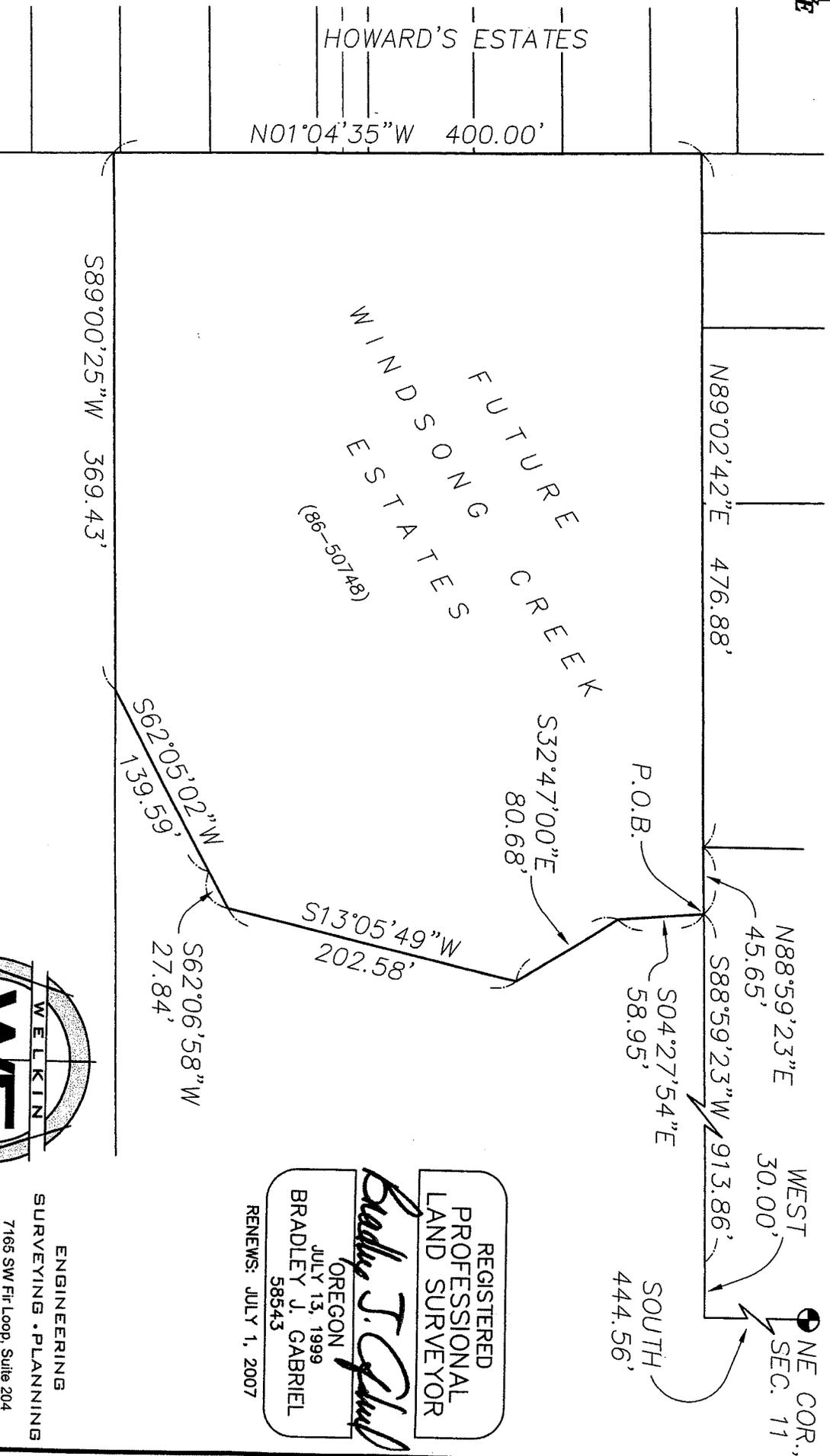
1:3,200

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



EXHIBIT B

WINDSONG CREEK ESTATES ANNEXATIONS EXHIBIT

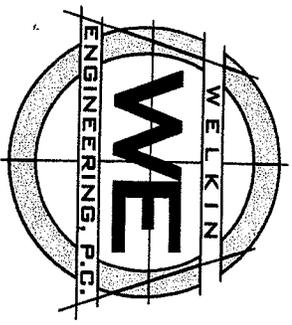


REGISTERED
PROFESSIONAL
LAND SURVEYOR

Bradley J. Gabriel

OREGON
JULY 13, 1999
BRADLEY J. GABRIEL
58543

RENEWS: JULY 1, 2007



ENGINEERING
SURVEYING • PLANNING

7165 SW Fir Loop, Suite 204
Portland, OR 97223
Tel: (503) 598-1866
Fax: (503) 598-1868
www.welkinengineering.net

This map was prepared for assessment purpose only.

N.E. 1/4 SE
CLACI

13200

1/4 Cor.

SEE M

R-8.5

S.E. KAITLIN WAY

2 2E 1

2 2E 11BA

SEE

ROAD

12-165

R-8.5

PVT MYRA LN.

94-095403

HUBBARD

MR-2

2 2E 11BD

2

2E

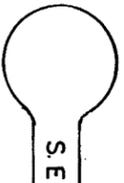
1/4 COR.

N.W. COR. ISAAC
CAPPS DLC NO 52

WIKI RD.

C-2

SEE MAP
2 2E 11D



12

1" = 200'

SEE MAP 2 2E 2D

13800

14200

14500

165

FU-10

12-73

12-172

R-15
12-94

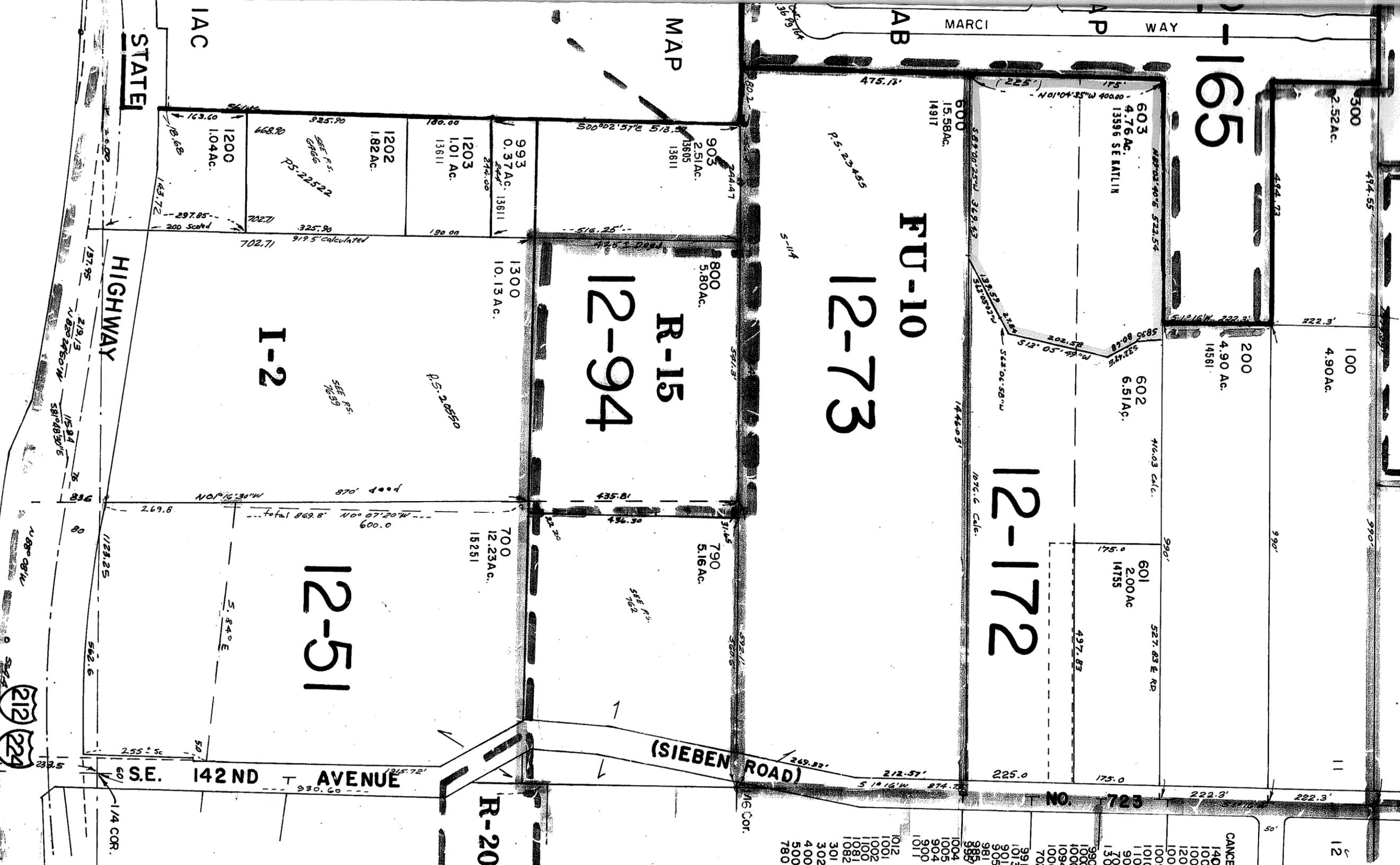
I-2

12-51

R-20

15100

15500



SEE MAP 2 2E 12B

MAR 26 2007

2 2E 11A