

Final Documents
for
Annexation to
Clackamas County Service District #1

CL0907
Ordinance: 2007-286
Annexation:
DOR: 3-1798-2007
Secretary of State: SD 2007-0102

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 CLACKAMAS COUNTY SERVICE DISTRICT #1

ORDER #2007-286 (CL0907)

has been: Approved 6/6/2007
 Disapproved

Notes:

Department of Revenue File Number: 3-1798-2007

Prepared by: Carolyn Sunderman, 503-945-8882

Boundary: Change Proposed Change
The change is for:

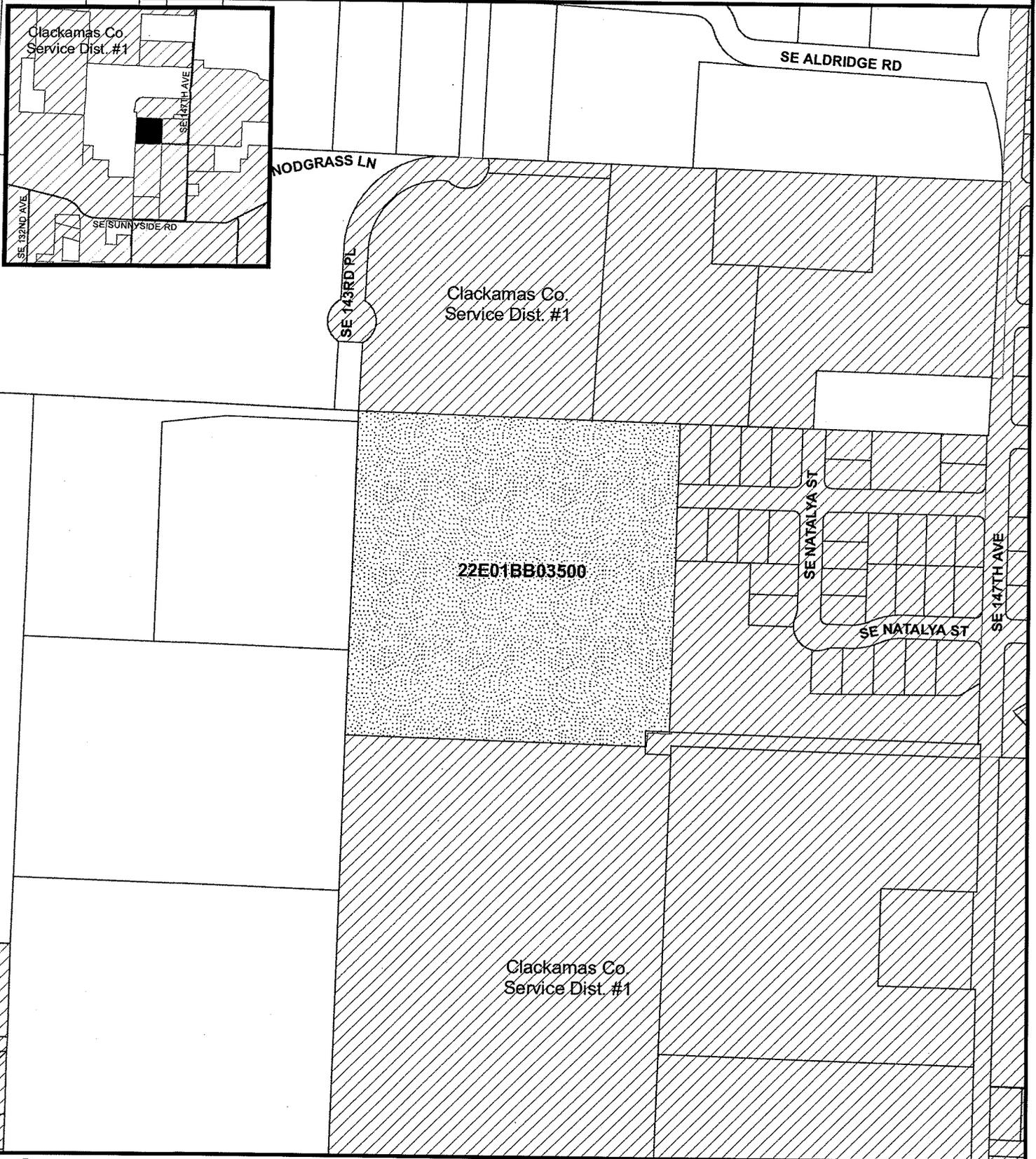
- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge

Proposal No. CL0907

2S2E01

Annexation to Clackamas Co. Service Dist. #1

Clackamas Co.



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

- Clackamas Co. Service Dist. #1
- Area to be annexed

Figure 1

1:3,200

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



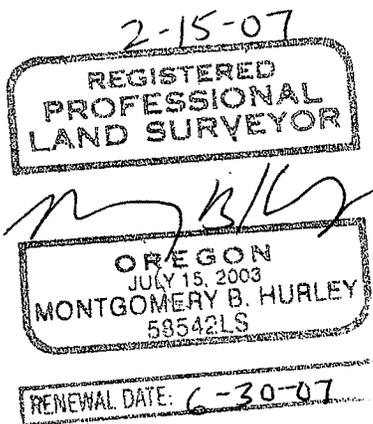
EXHIBIT A
Legal Description

A tract of land located in the Northwest One-Quarter of Section 1, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon and being more particularly described as follows:

22E 01BB 03500

Beginning at the section corner common to Section 35, 36, 2, and 1, being a 3 1/4 inch brass disk; thence along the northerly line of Section 1 South 88°19'11" East 662.08 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "GAYLORD PLS 929"; thence along the most westerly line of the Plat of "Vista Heights" Book 131, Page 005 South 01°16'38" West 633.82 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "WB WELLS & ASSOC. INC."; thence North 88°16'24" West 52.97 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "WB WELLS & ASSOC. INC."; thence South 01°24'32" West 28.00 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "WRG DESIGN INC." from which a 5/8 inch iron rod with a yellow plastic cap inscribed "WB WELLS & ASSOC. INC." bears South 34°52'54" East 0.93 feet; thence along the most southerly line of Document Number 2002-028578 North 88°16'04" West 610.00 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "WB WELLS & ASSOC. INC."; thence along the westerly line of Section 1 North 01°21'33" East 661.22 feet to the Point of Beginning.

The above described portion of land contains 10.03 acres, more or less. The Basis of Bearings is per the Plat of "Vista Heights" Book 131, Page 005.



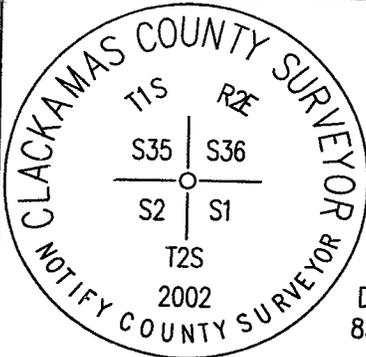
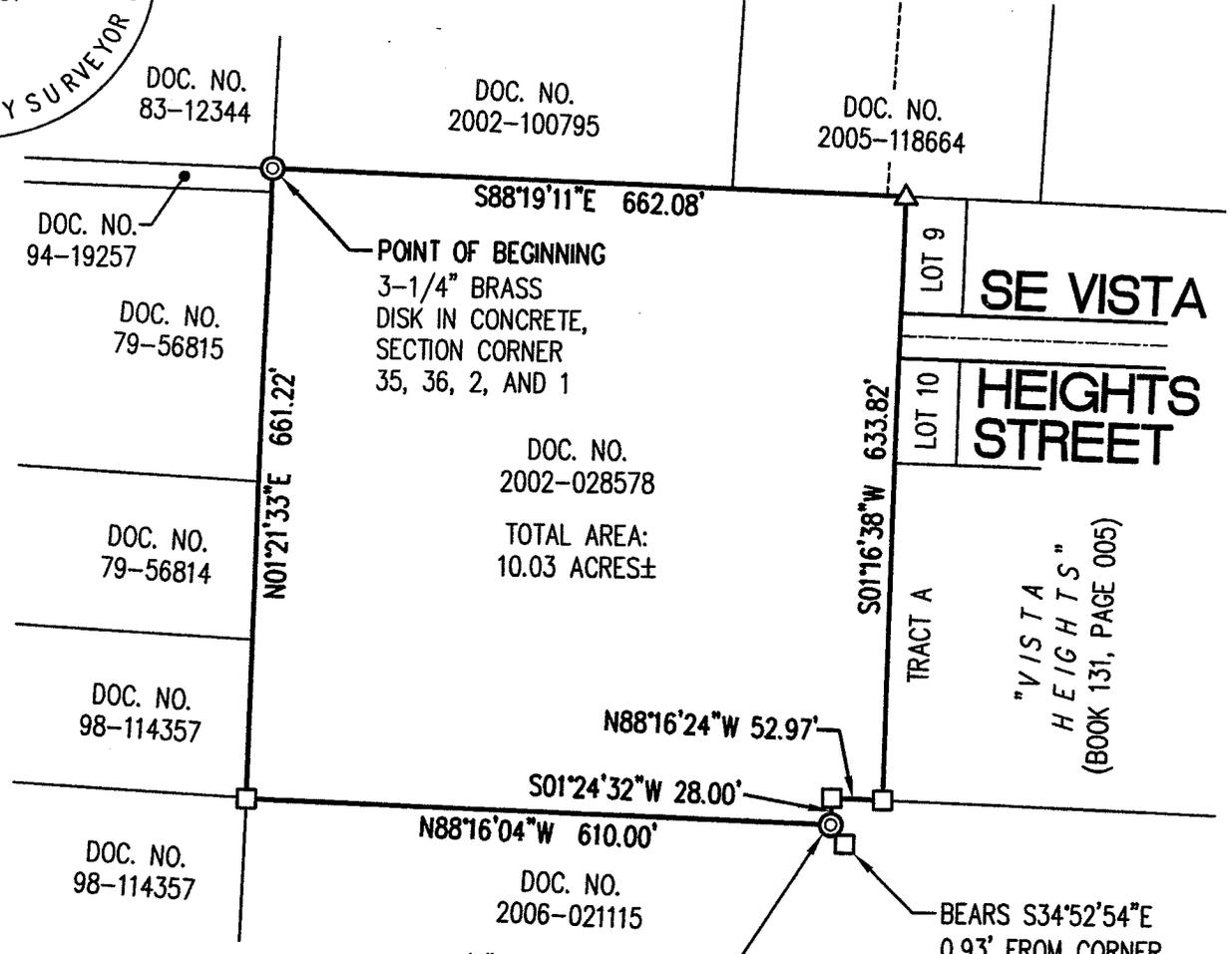
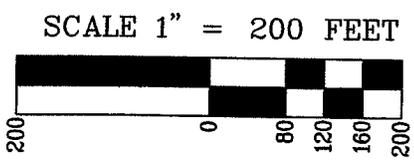


EXHIBIT B

A MAP OF A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON

**BRASS DISK
DETAIL**
NOT TO SCALE



5/8" IRON ROD W/YPC INSCRIBED "WRG DESIGN INC."

LEGEND

- 5/8" IRON ROD W/YPC INSCRIBED "WB WELLS & ASSOC. INC."
- △ 5/8" IRON ROD W/YPC INSCRIBED "GAYLORD PLS 929"
- ⊙ DENOTES FOUND MONUMENT AS NOTED
- DOC. NO. DOCUMENT NUMBER PER CLACKAMAS COUNTY DEED RECORDS
- W/YPC WITH A YELLOW PLASTIC CAP

PREPARED FOR

SEQUOIA PROPERTY DEVELOPMENT, LLC.
15525 SE FOR MOR COURT, SUITE B
CLACKMAS, OR 97015

REGISTERED PROFESSIONAL LAND SURVEYOR

M. B. Hurley
OREGON
JULY 15, 2003
MONTGOMERY B. HURLEY
58542LS
RENEWAL DATE: 6/30/07

JOB NAME:	LYON CROWN RIDGE
JOB NUMBER:	1496
DRAWN BY:	WCB
CHECKED BY:	NSW
DRAWING NO.:	1496EXHIBITB

ENGINEERING • PLANNING • LANDSCAPE ARCHITECTURE
FORESTRY • SURVEYING



LICENSED IN OR & WA
13910 SW GALBREATH DRIVE, SUITE 100
SHERWOOD, OR 97140
PHONE: (503) 925-8799
FAX: (503) 925-8969

OFFICES LOCATED IN REDMOND, OR & VANCOUVER, WA

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

In the Matter of Approving
Boundary Change Proposal
No. CL-0907

} ORDER NO. 2007-286

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 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-0907 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 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 10.03 acres, one single family dwelling a population of 2 and is valued at \$501,062.
2. The property owners desire annexation to facilitate development of a 40 lot residential 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. 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.

5. The territory is inside the City of Happy Valley and zoned R-8.5 (8,500 square feet minimum lot size). The City Planning Commission has granted preliminary approval for the development.
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. There are no urban service agreements relative to sewer service in this area of Clackamas County.
7. The District will have sewer service available to the site from SE Faris Street in the subdivision being developed to the south.
8. The territory is within Sunrise Water Authority which has 8-inch water lines in SE Vista Heights Street on the east and SE Faris Street on the south.

9. The area receives police service from Clackamas County and the Clackamas County Enhanced Law Enforcement County Service District.
10. 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.
11. The area to be annexed is within the North Clackamas County Service District for Parks & Recreation.
12. Planning, zoning and other services are available from the City of Happy Valley

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 directly applicable provisions in any urban service provider agreements. As noted in Finding No. 6 there are no urban service provider 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 (CCSD # 1) 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 City's Comprehensive Plan and concludes this proposal complies with it. All other urban services necessary for development are available.
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 Plan or any functional plan."

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 will allow for development in conformance with the planning and zoning designations. Since adjacent properties to the south and east are already in the district, extending service to the property will be economical and efficient. The Board therefore concludes that annexation promotes the timely, orderly and economic provision of this service.
6. Metro Code 3.09.050 (d) (6) establishes as a major criterion whether the affected territory lies within the Urban Growth Boundary. The territory in this proposed annexation does lie within the Urban Growth Boundary.
7. 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-0907

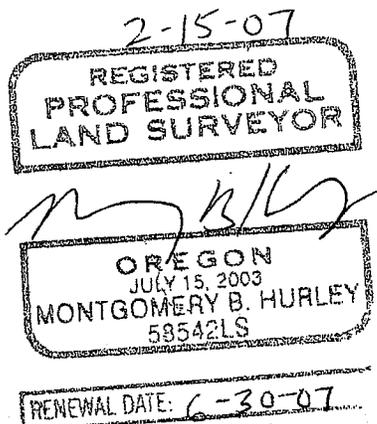
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Proposal No. CL0907

2S2E01

Annexation to Clackamas Co. Service Dist. #1

Clackamas Co.



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

-  Clackamas Co. Service Dist. #1
-  Area to be annexed

Figure 1
 1:3,200

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



14200

This map was prepared for assessment purpose only.

NW 1/4 NW 1/4 SEC.

CLACK

SC

SEE

35

36

2

3500
10.01Ac.
12313

12-188

660'

660'

660'

50'
52.95'

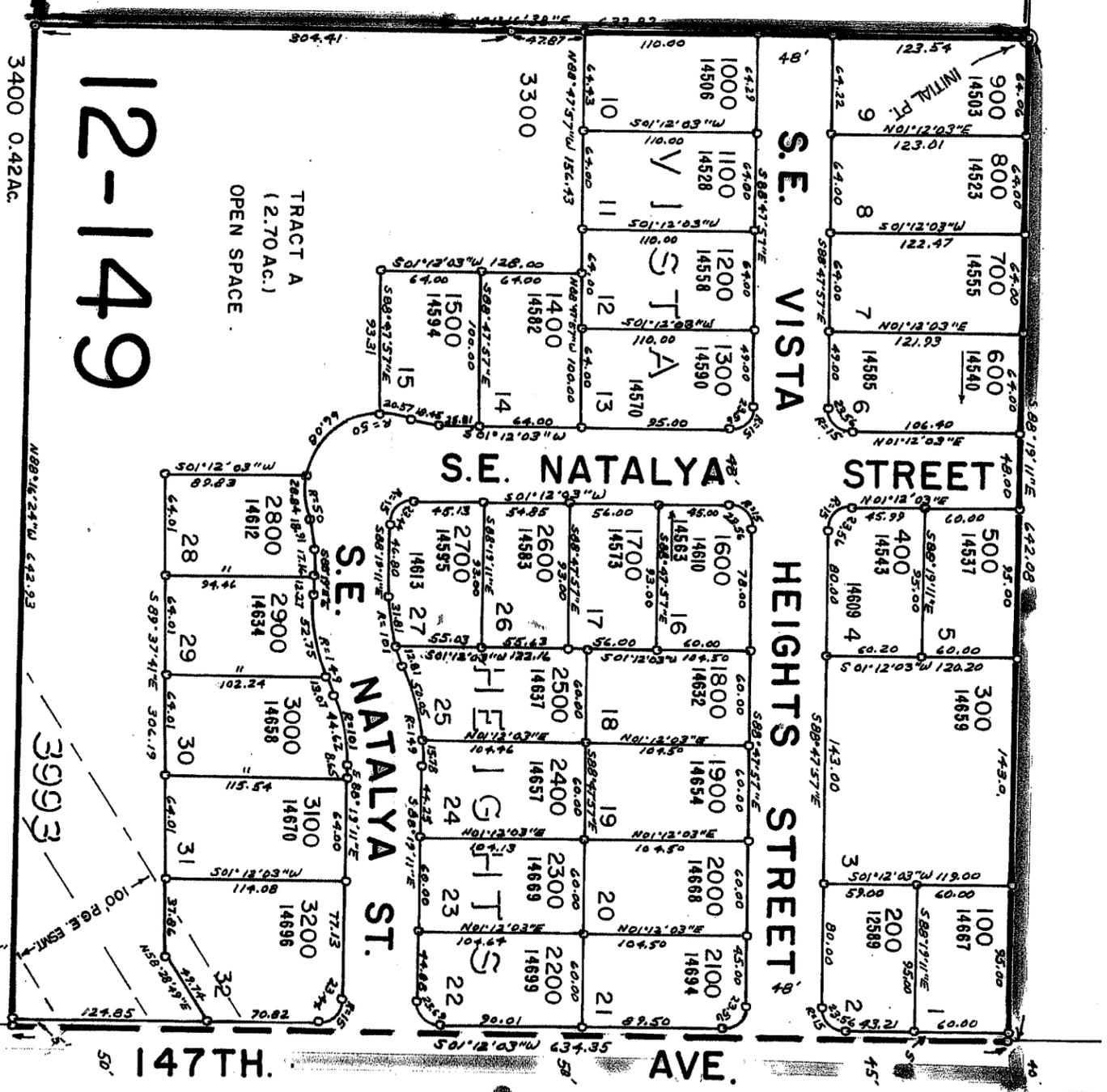
SEE MAP 2 2E 2A

SEE MAP 2 2E 1B

SCALE 1" = 100'

MAP 1 2E 36CC

14700



12-149

TRACT A
(2.70 AC.)
OPEN SPACE

3400 0.42AC.

3993

3600
8.77Ac.
12325

3700
0.87Ac.
12795

SEE MAP 2 2E 1BA

SEE MAP 2 2E 1A

