

Final Documents

For

Annexation to the
Clackamas County Service Dist. #1

CL1001
DOR 3-P55-2001
Ordinance #2001-110

Final to DOR: _____

Final to Secretary of State: _____

Signature:



Date of
Mailing: 6/13/01

Date of
Mailing: _____

WA0601 Sent Received

DOR: 6/13/01

Sec. State:

Assessor: 6/13/01

Elections: 6/13/01

Mapped: Yes

Posted to Web:

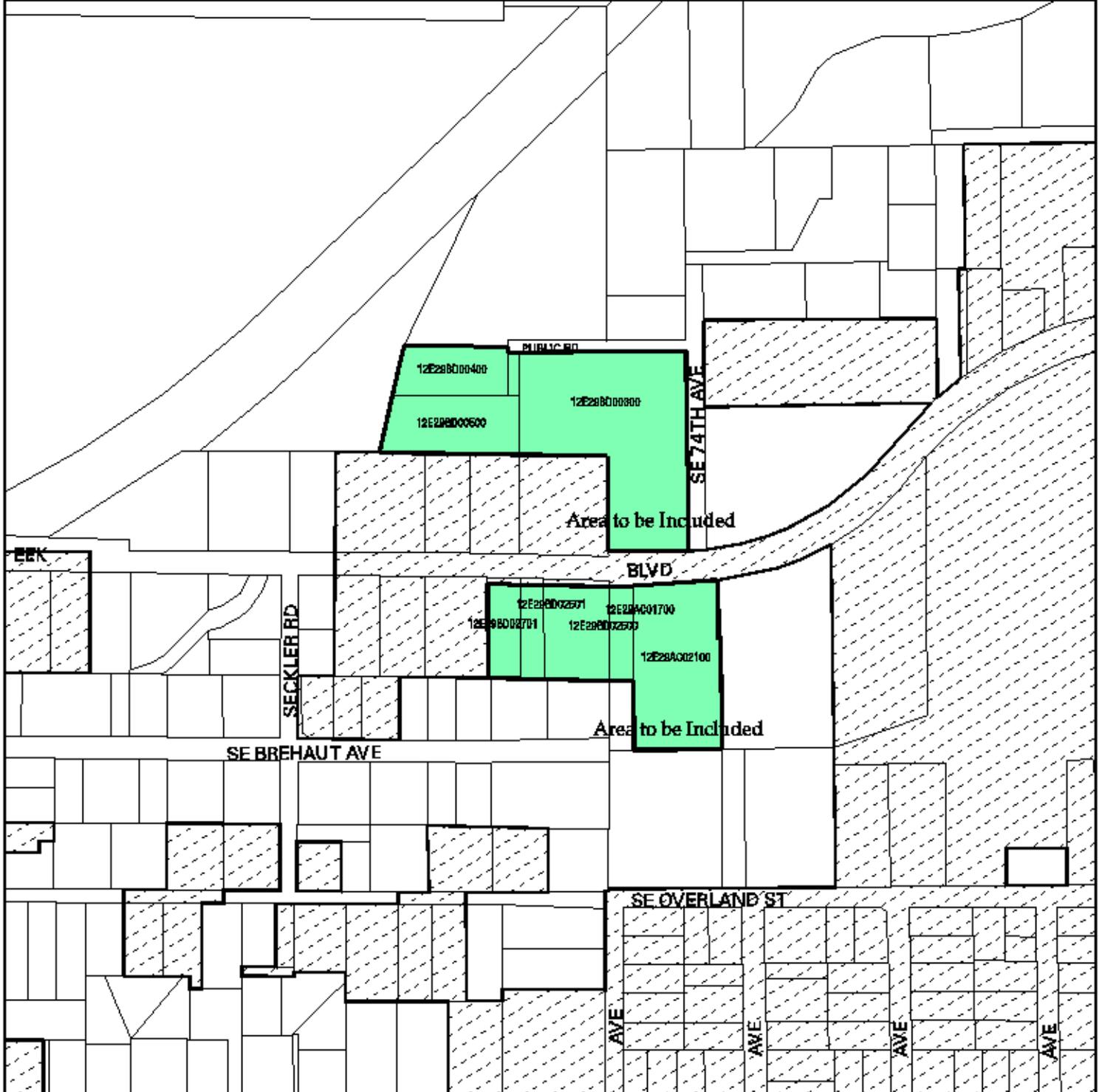
Addresses:	12E29BD00400	7225 SE LABEL LN
	12E29BD00500	7221 SE JOHNSON CREEK BLVD
	12E29BD02701	7222 SE JOHNSON CREEK BLVD
	12E29BD02601	“”
	12E29BD02600	“”
	12E29AC01700	“”
	12E29AC02100	7354 SE JOHNSON CREEK BLVD
	12E29BD00300	7355 SE JOHNSON CREEK BLVD

Proposal No. CL1001

1S2E29AC, BD

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



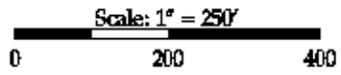
600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email dro@metro-region.org

METRO

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-  County lines
-  Annexation boundary
-  District

Proposal No. CL1001
CLACKAMAS CO. SERVICE DIST. #1
Figure 1



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

In the Matter of Approving
Boundary Change Proposal
No. CL-1001

} ORDER NO. 2001-110

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

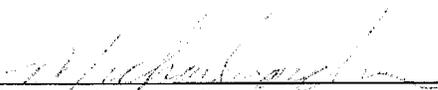
It further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report which complies with the requirements of Metro Code 3.09.050(b); and

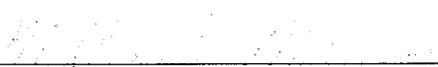
It further appearing that this matter came before the Board for public hearing on May 17, 2001 and that a decision of approval was made on May 17, 2001;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-1001 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 24th day of May, 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 4.68 acres, four commercial structures, three industrial structures and has an assessed value of \$549,910.
2. The owner of the .97 acre piece south of Johnson Creek Blvd. desires sewer service to pre-treat wastewater from vehicle washing operations on the site. The owners of the balance of the property intend to replace the existing structures with one new building and need sewer service for the new building.
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 and in industrial use. Most of the surrounding area is also in industrial use.

5. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).
6. 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.

7. The Clackamas County Comprehensive Plan designates the area as Industrial. County zoning is I-2 , Light Industrial on Tax Lot 1600 and I-3, General Industrial on all other tax lots in the area to be annexed.

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.

8. 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.
9. 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.
10. This property is within the Clackamas River Water District.
11. Clackamas County Service District # 1 has a 8-inch sanitary sewer line in SE Johnson Creek Blvd. which can serve these properties.

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. 9 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.

LEGAL DESCRIPTION

Reference:

Willow Park Plat, Clackamas County Surveyors Record No.348 ,
Private Survey, Clackamas County Surveyors Record No. PS-18443

Two tracts of land. **Tract "A"** of land Description begins in Township 1 South, Range 2 East, of the Willamette Meridian, in the southwest quarter of the northeast quarter of Section 29, within County of Clackamas and State of Oregon, described as follows:

Beginning at the southeast corner of the southwest quarter of the northeast quarter of section 29, Township 1, South, Range 2 East; the thence North 89°55' West 1089.50 feet to a point on the East Line of Hector Campbell DLC; thence along said East Line North 00°01' East 390 feet more or less to the southeast corner of Lot 7 Block 2, Willow Park Plat, Clackamas County Surveyors Record No.348 said point also being the TRUE POINT OF BEGINNING; thence North 89°32' West 215.70 feet; thence North 01°58' West 165' more or less; thence South 89°32' East 216.66 feet more or less to a point of intersection of the East Line of Hector Campbell DLC and South Line of Johnson Creek Boulevard, County Road No.1215; thence easterly along the South Line of said county road 46.90 feet more or less to the Northwest corner of a tract of land (taxlot number 12E29AC02100); thence continuing along the South Line of said county road South 89°29'26" East 85.71 feet as referred to on the Private Survey recorded with Clackamas County Surveyors, record number PS-18443; thence continuing easterly along the South Line of Johnson Creek Boulevard with the curve 59.69 feet to the Northeast corner of said tract of land; thence South 00°01' East 100.00 feet to a point; thence East 4 feet; thence South 00°01' East 185 more or less feet to the Southeast corner of said tract of land; thence North 89°55' West 149.29 feet more or less; thence North 00°01' West 120.0 feet more or less; thence North 89°32' West 47.15 feet more or less to the TRUE POINT OF BEGINNING.

Tract "B" of land Description begins in Township 1 South, Range 2 East, of the Willamette Meridian, in the southeast quarter of the northeast quarter of Section 29, within County of Clackamas and State of Oregon, described as follows:

Beginning at the northeast corner Lot 12 Block 1 of Willow Park, Recorded Plat No.348 said point being the TRUE POINT OF BEGINNING; thence North 89°31' West 393.56 feet to the northwest corner of Lot 8 Block 1 of said Plat; thence North 11°45' East 188.8' more or less; thence South 89°32' East 200 feet more or less to a point of intersection of the south line and east line of a Public Road named Label Lane; thence continuing along the south line of said Public Road South 89°32' East 294.19 feet to a point of intersection of the south line of said Public Road and the west line of 74th Avenue also being a Public Road; thence South 01°00' East along the west line of 74th Avenue 350 feet to a point on the north line Johnson Creek Boulevard, County Road No.1215; thence along the north line of said county road North 89°32' West 140.63 feet to a point on the East Line of Hector Campbell DLC; thence North 00°01' West along said East Line 165 feet more or less to the TRUE POINT OF BEGINNING.

Note: Tax lot numbers are for reference only and not to be considered part of the legal description.

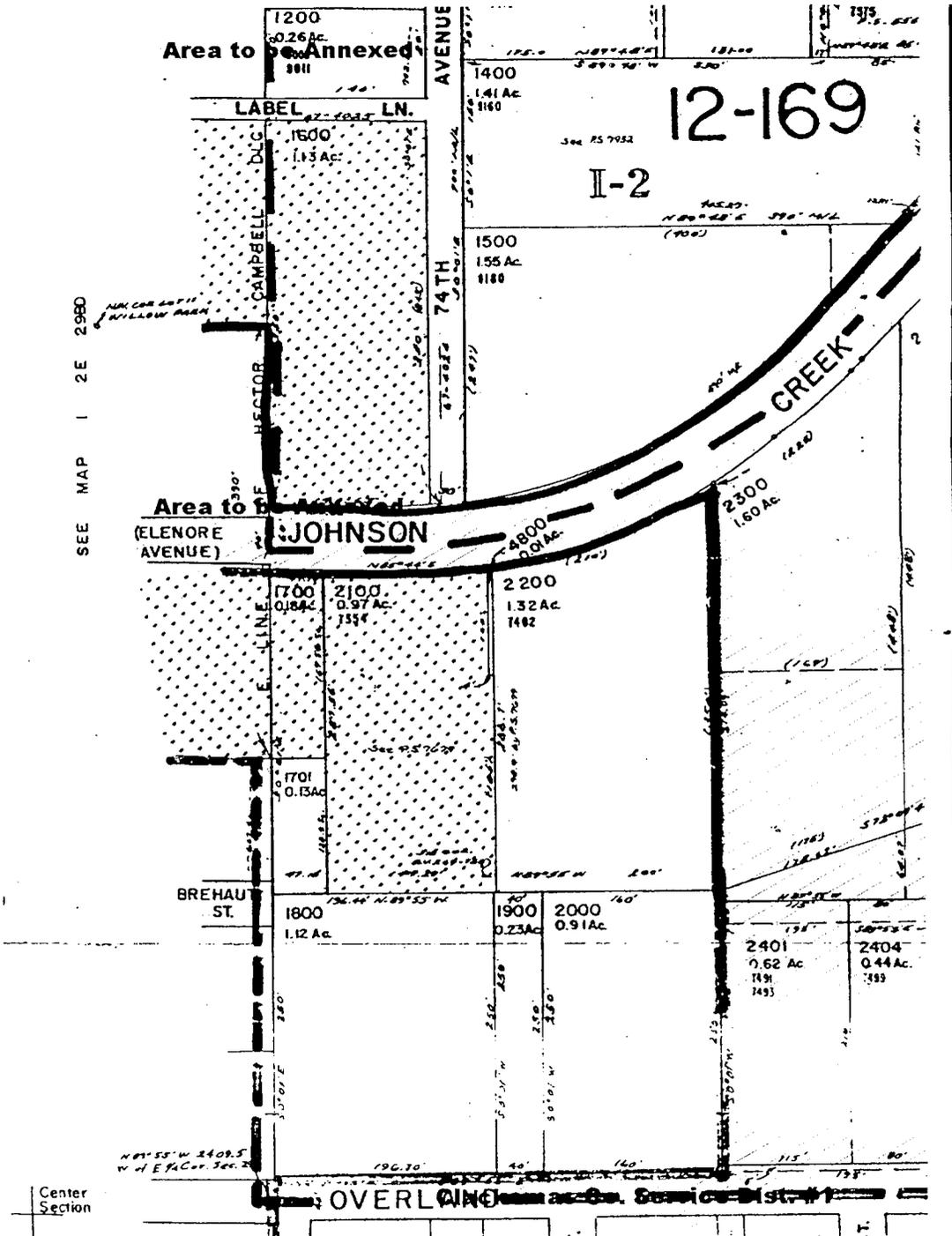
See Exhibit "B" for a map of the boundary.

Proposal No. CL1001



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FAX 503 797-1909
Email dro@metro-region.org

Annexation to the Clackamas Co. Service Dist. #1
Clackamas Co.
Section 1S2E29



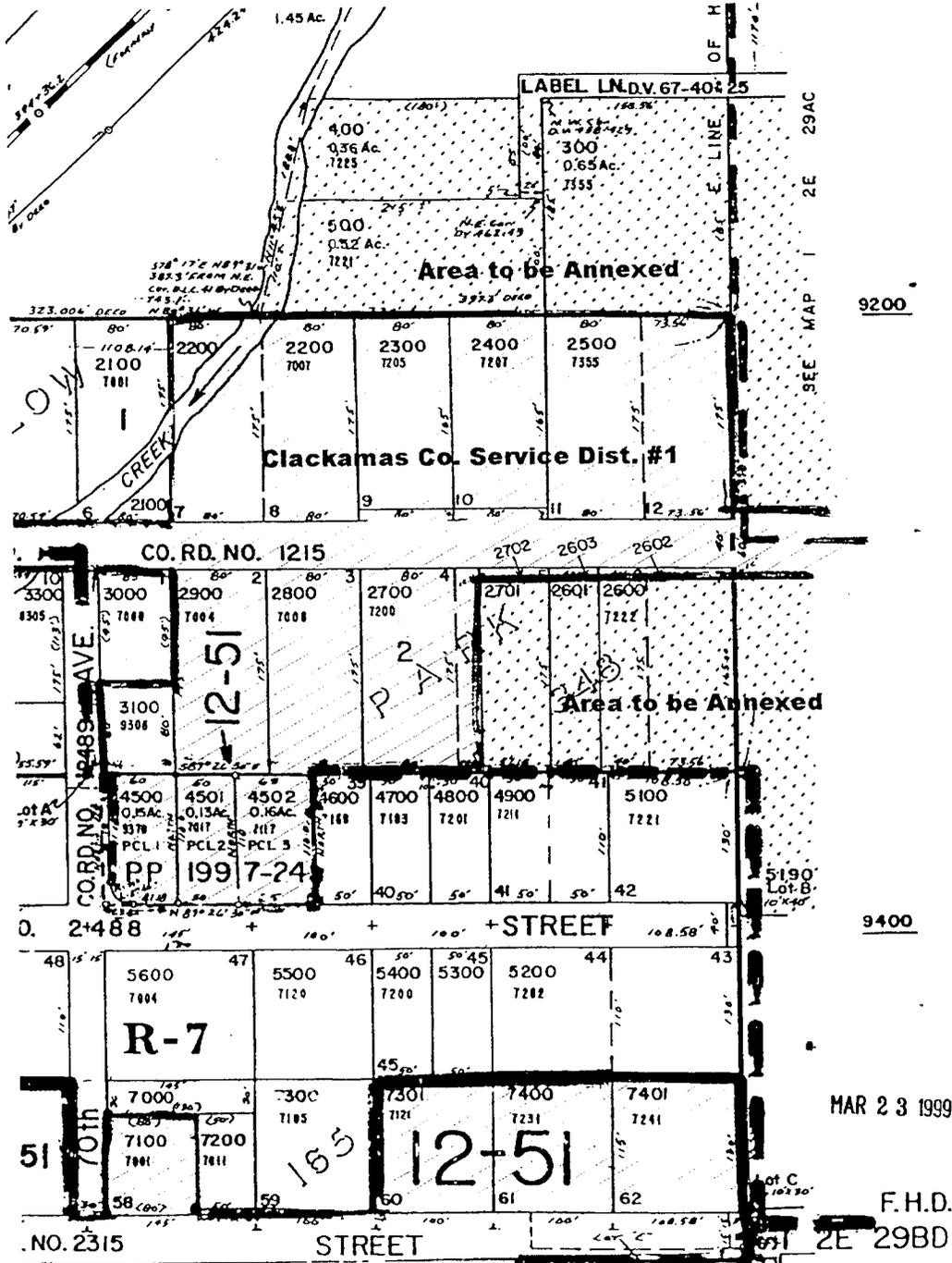
PROPOSAL NO. CL1001
CLACKAMAS CO. SERVICE DIST. #1
Figure 2

Proposal No. CL1001



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Annexation to the Clackamas Co. Service Dist. #1
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PROPOSAL NO. CL1001
CLACKAMAS CO. SERVICE DIST. #1
Figure 3