

Final Documents

For

Annexation to the
Clackamas County Service District #1

CL1003
Ord. #2003-138
DOR 3-1589-2003
SOS SD-2003-0091

Final to DOR: _____

Signature:

Date of
Mailing: 7/3/03

Final to Secretary of State: _____

Signature:

Date of
Mailing: 7/15/03

CL1003

Sent

Received

DOR: 7/3/03 7/14/03

Sec. State: 7/15/03 9/5/03

Assessor: 7/15/03

Elections: 7/15/03

Mapped: Yes

Assessor Information:

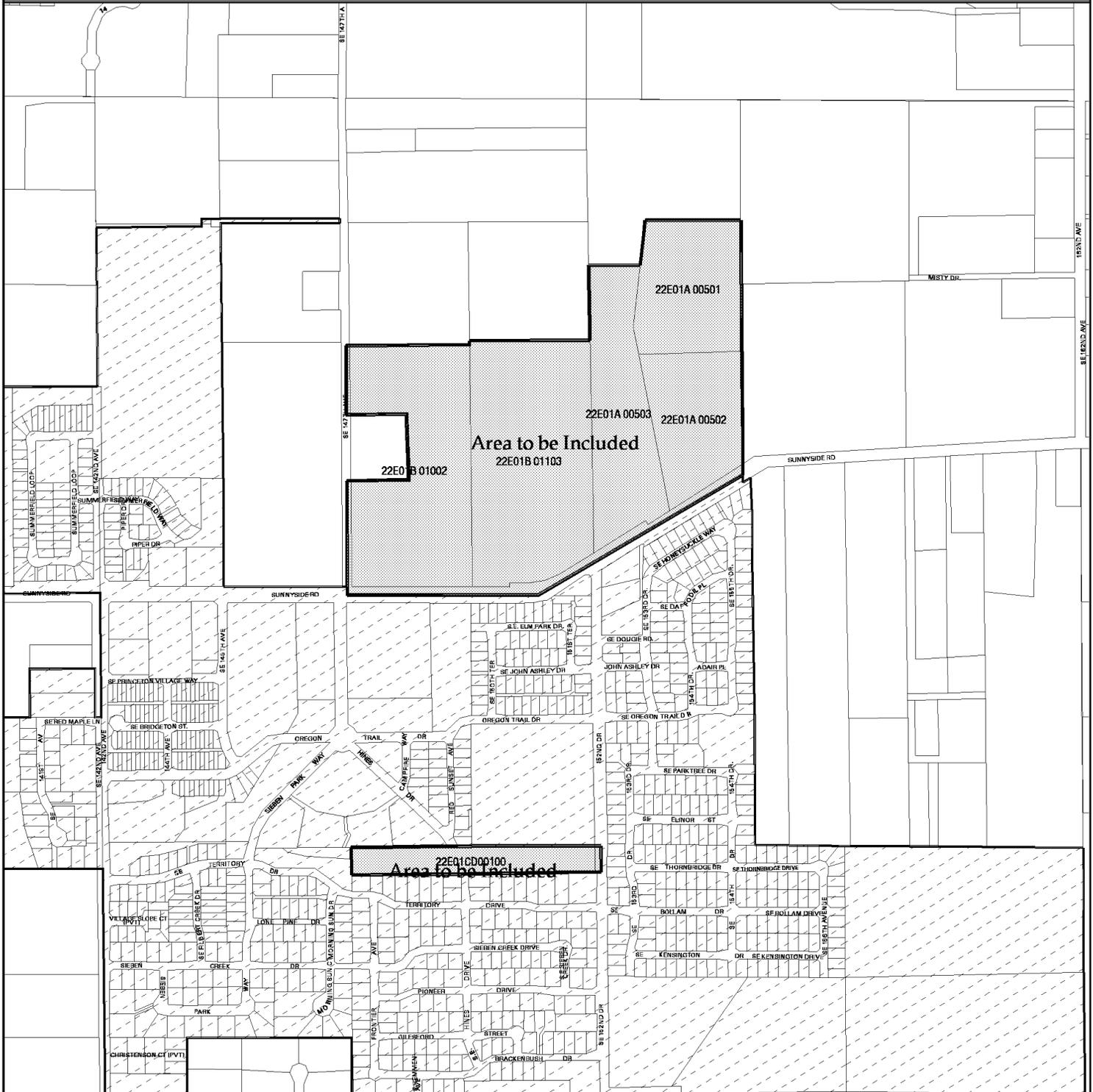
22E01A 00501	No Site Address
22E01A 00503	15225 SE Sunnyside Rd
22E01B 01103	No Site Address
22E01B 01002	15015 SE Sunnyside Rd
22E01A 00502	15573 SE Sunnyside Rd
22E01CD00100	14001 SE 152 nd Dr

Proposal No. CL1003

2S2E01

Annexation to the Clackamas Co. Service Dist. #1

Clackamas Co.



R L I S
REGIONAL LAND INFORMATION SYSTEM



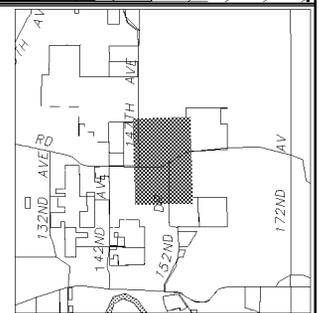
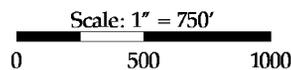
600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

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

Proposal No. CL1003
CLACKAMAS CO. SERVICE DIST. #1
Figure 1



Notice to Taxing Districts

ORS 308.225



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
July 14, 2003
As Per ORS 308.225

Description Map received from: METRO
 On: 7/7/2003

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

ANNEX TO CLACKAMAS COUNTY SERVICE DIST. #1

ORDER #2003-138

has been: Approved 7/14/2003
 Disapproved

Notes:

Department of Revenue File Number: 3-1589-2003

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

Office of the Secretary of State

Bill Bradbury
Secretary of State



Archives Division
ROY TURNBAUGH
Director

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

Facsimile (503) 373-0953

September 5, 2003

Metro
600 NE Grand Ave
Portland, OR 97232-2736

Dear Mr. Knight:

Please be advised that we have received and filed the following Annexation(s).

Ordinance(s):	City of:	Our File Number(s):
2360	Lake Oswego	AN 2003-0157
03-1011	Metro Boundary	SD 2003-0092
2003-138	Clackamas Co. SD	SD 2003-0091
2298	Lake Oswego	AN 2003-0168
03-1008	Oregon City	AN 2003-0169
03-1009	Oregon City	AN 2003-0170
214-03	Durham	AN 2003-0171
1143-03	Tualatin	AN 2003-0172
2003-06	Tigard	AN 2003-0173
2002-1137	Sherwood	AN 2003-0174
2003-1146	Sherwood	AN 2003-0175

All the above Final Order(s) determination of the effective date is subject to ORS199.461 and/or ORS 222.180 and/or ORS 222.750

Our assigned file number(s) are included with the above information.

Sincerely,

Rita F. Mathews
Official Public Documents

cc: County Clerk
ODOT/Highway Dept
PSU/Population Research Ctr.

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

In the Matter of Approving
Boundary Change Proposal
No. CL-1003



ORDER NO. 2003-138

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

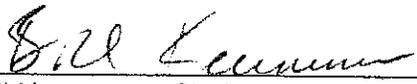
It further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report which complies with the requirements of Metro Code 3.09.050(b); and

It further appearing that this matter came before the Board for public hearing on June 26, 2003 and that a decision of approval was made on June 26, 2003;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-1003 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 26th day of June, 2003.

BOARD OF COUNTY COMMISSIONERS



Bill Kenemer, Chair



Millicent Morrison, Recording Secretary

TO: Board of County Commissioners

FROM: Ken Martin - Local Government Boundary Consultant

DATE: June 6, 2003

RE: Boundary Change Proposal No. CL-1003, Annexation to Clackamas County Service District #1 scheduled for **Hearing Date** of June 26, 2003

1. Recommendation/Action Requested: Approval
2. Background/Analysis: See Attached Staff Report
3. Financial Impact: None
4. Legal Issues: None
5. Controversial Issues: None
6. Link to Current County Policies: None (Its relationship to the Happy Valley Comprehensive Plan is covered in the attached staff report.)
7. Citizen Participation: Notice of this hearing invites testimony from any interested party. Notice consisted of: 1) Posting three notices near the territory and one notice in the County Courthouse 40 days prior to the hearing; 2) Published notice twice in the Clackamas County Review; 3) Mailed notice sent to affected local governments and all property owners within 100 feet of the area to be annexed.
8. Other Government Participation: As required by statute the Board of the District has endorsed the proposed annexation. The Director of the Dept. of Environment Services approved the proposal under authority granted by Co. Order 99-274. Also as required by statute the Happy Valley City Council has assented to inclusion of this City territory in the District.

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 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.

LAND USE PLANNING

REGIONAL PLANNING

General Information

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

Regional Framework Plan

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.

CITY PLANNING

The territory is inside the City of Happy Valley and covered by the City's Rock Creek Area

FINDINGS

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

1. The territory to be annexed contains 65.2 acres, one single family dwelling and has an assessed value of \$3,208,222.
2. The property owners desire sewer service to facilitate eventual development in accordance with the Rock Creek Comprehensive Plan which calls for Mixed Use Commercial on the lower half and Hillside Residential on the upper half. The separate piece on the south is owned by the Service District and is not slated for development.
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 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.

8. The territory is within the Sunrise Water Authority. There is an existing 18 inch water line in Sunnyside Road adjacent to the site.
9. The area receives police service from the City of Happy Valley.
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 receives park & recreation service 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 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 (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 Happy Valley's Rock Creek Area Comprehensive Plan and concludes this proposal complies with it. No directly applicable service agreements were found to exist.

EXHIBIT "A"

Taxlot Numbers (reference only)

2S2E Section 1A lots 501,502 & 503 2S2E Section 1B lots 1002 & 1103
2S2E Section 1CD lots 100

Tax Assessor Maps (reference only)

22E01A & 22E01B

Clackamas County Partition Plats

Partition Plat No. 1992-75 Partition Plat No. 1993.159
Partition Plat No. 1995-1 1 Partition Plat No. 2002-045

Clackamas County Private Survey

PS-29062

Legal Description

THE PARCELS OF PROPERTY ARE LOCATED IN THE SECTION 1, T2S. R2E, W.M, CITY OF HAPPY VALLEY, CLACKAMAS COUNTY AND THE STATE OF OREGON. THE PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AREA "A"

Beginning at a point on the centerline of Sunnyside Road, Clackamas County Road No. 186 and the intersection point of the centerline extension of S.W. 147th Avenue, and said point being the TRUE POINT OF BEGINNING; thence easterly along Sunnyside Road centerline a distance of 1,260 feet more or less; thence continuing along said centerline northeasterly a distance of 1,180 feet more or less to a point on the centerline which intersects with the extension of the east line of "Parcel 3" on Partition Plat recorded at Clackamas County Surveyor, Partition Plat No. 1992-75; thence north 00°46'52" west a distance of 30 feet more or less to a point of intersection with the north line of Sunnyside Road and the southeast corner of "Parcel 3" Partition Plat No. 1992-75; thence continuing north 00°46'52" west a distance of 1,358.53 feet more or less to the northeast corner of "Parcel 1" Partition Plat No. 1993-159; thence south 89°35'42" west a distance of 642.07 feet along the north line of "Parcel 1" Partition Plat No. 1993-159; thence south 04°35'15" west a distance of 359.25 feet more or less; thence south 89°35'42" west a distance of 151.36 feet more or less; thence south 01°08'35" east a distance of 345.14 feet more or less to a point of intersection with the northeast corner of "Parcel 4" on Partition Plat recorded at Clackamas County Surveyor, Partition Plat No. 2002-4-045; thence north 89°26'07" west a distance of 663.00 feet more or less; thence south 00°02'39" east a distance of 20.39 feet to the northeast corner of "Parcel 3" of Partition Plat No. 1995-11; thence north 89°25'49" west a distance of 643.00 feet to a point of intersection with the east line of S.W. 147th Avenue; thence westerly along the north extension line of "Parcel 3" on Partition Plat recorded at Clackamas County Surveyor, Partition Plat No. 1995-11, a distance of 20 feet more or less to a point of intersection with the centerline of S.W. 147th Avenue; thence southerly along the centerline of S.W. 147th Avenue a distance 334.49 feet; thence south 89°57'56" east a distance of 295 feet more or less; thence south 00°02'04 west a distance of 300 feet more or less; thence north 89°57'56" west a distance of 295 feet more or less to a point on the centerline of S.W. 147th Avenue; thence southerly along the centerline of S.W. 147th Avenue a distance 654.11 feet more or less to a point of intersection of the centerline extension of S.W. 147th Avenue and the centerline of Sunnyside Road, and said point being the TRUE POINT OF BEGINNING.

AREA "B"

A tract of land situated in the southwest ¼ of Section 1, T2S. R2E, Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

Beginning at the northwest corner of Lot 34, FRONTIER ESTATES, a subdivision filed in Clackamas County Plat Records, Plat #3123, and said point being the TRUE POINT OF BEGINNING; thence south 89°21'45" east a distance of 1,343.70 feet more less along the north line of said Plat to a point of intersection of the extension of said line and the centerline of S.E. 152nd Drive; thence northerly along said centerline a distance of 165.00 feet more or less; thence north 89°20'07" west a distance of 1,330 feet more or less; thence south along the extension of the west line of said plat a distance of 165.00 feet more or less to a point being the TRUE POINT OF BEGINNING.