

Final Documents

For

Annexation to the
Sunrise Water Authority

CL1005
Order No. 2005-99
DOR 34-1693-2005
Sec. State: SD-2005-0102

Final to DOR: _____

Signature:

 _____

Date of

Mailing: 8/15/05

Final to Secretary of State: _____

Signature:

 _____

Date of

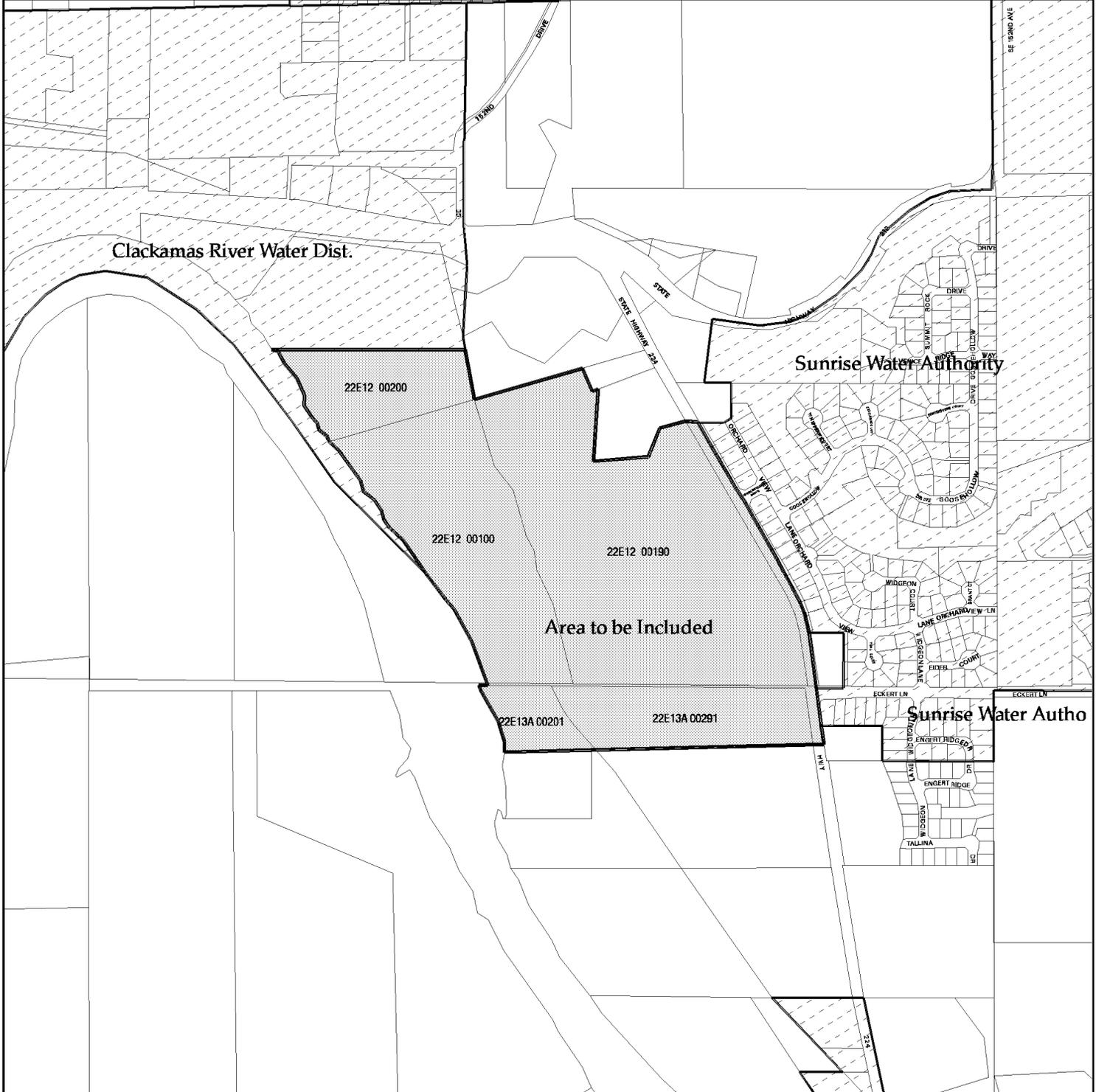
Mailing: 8/29/05

Proposal No. CL1005

2S2E12 & 13

Annexation to the Sunrise Water Authority

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

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County lines

Annexation boundary

District

Urban Growth Boundary

Proposal No. CL1005
SUNRISE WATER AUTHORITY
Figure 1

Scale: 1" = 750'

0 500 1000

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

August 31, 2005

Metro
Robert Knight
600 NE Grand Ave
Portland, Oregon 97232-2736

Dear Mr. Knight:

Please be advised that we have received and filed, as of August 31, 2005, the following records annexing territory to the following:

| Ordinance/Resolution Number(s) | Our File Number |
|---|-----------------|
| OR NO 2005-99 (Sunrise Water Authority) | SD 2005-0102 |

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

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

Description and Map Approved
August 25, 2005
As Per ORS 308.225

Description Map received from: METRO
On: 8/16/2005

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

ANNEX TO SUNRISE WATER AUTHORITY

ORDER #2005-99 (CL-1005)

has been: Approved 8/25/2005
 Disapproved

Notes:

Department of Revenue File Number: 3-1693-2005

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

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

In the Matter of Approving
Boundary Change Proposal
No. CL-1005



ORDER NO. 2005-99

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 19, 2005 and that a decision of approval was made on May 19, 2005;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-1005 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 May, 2005.

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 85.3 acres, is vacant and is valued at \$1,136,290.
2. The property owners desire water service to facilitate development. The proposed development would consist of approximately 246 single family detached homes and approximately 145 town home units.
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. 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.

4. The area to be annexed is an old gravel pit. According to the application:

The general topography of the area includes a slope from east to west, from Highway 224 to the Clackamas River. The majority of the property is between 190 and 120 feet in elevation, with the western edge exhibiting an extreme slope from 120 to 70 feet in elevation at the river bank.

Vegetative cover on the territory included in this application is practically non-existent due to its former use as a gravel pit. A thin band of cottonwoods and riparian vegetation abuts the river at its bank.

Although the property included in this territory does include river bank, the majority of the property does not reside in a flood plain due to its extreme slope and elevational changes at the river's edge.

5. 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.

6. The territory to be annexed is identified as LDR - Low Density Residential and MDR - Medium Density Residential on the Clackamas County North Urban Area Land Use Plan Map (Map IV-6). Current zoning is FU-10 Future Urban, 10-acre minimum lot size. Future Urban areas are to be converted to Immediate Urban as services become available. The applicants would apply for zone changes as a part of the development process.

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.

7. 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.
8. The Sunrise Water Authority has a 12 inch line at the intersection of Eckert Lane and Highway 224 adjacent to the territory to be annexed and an 8-inch line in Orchard View Lane across Highway 224 from the subject property. Extensions from these lines can serve the property.

9. There are no sewers immediately available. However it is anticipated that service will be available within two years.
10. 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.
11. 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. 7 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. 6. 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.

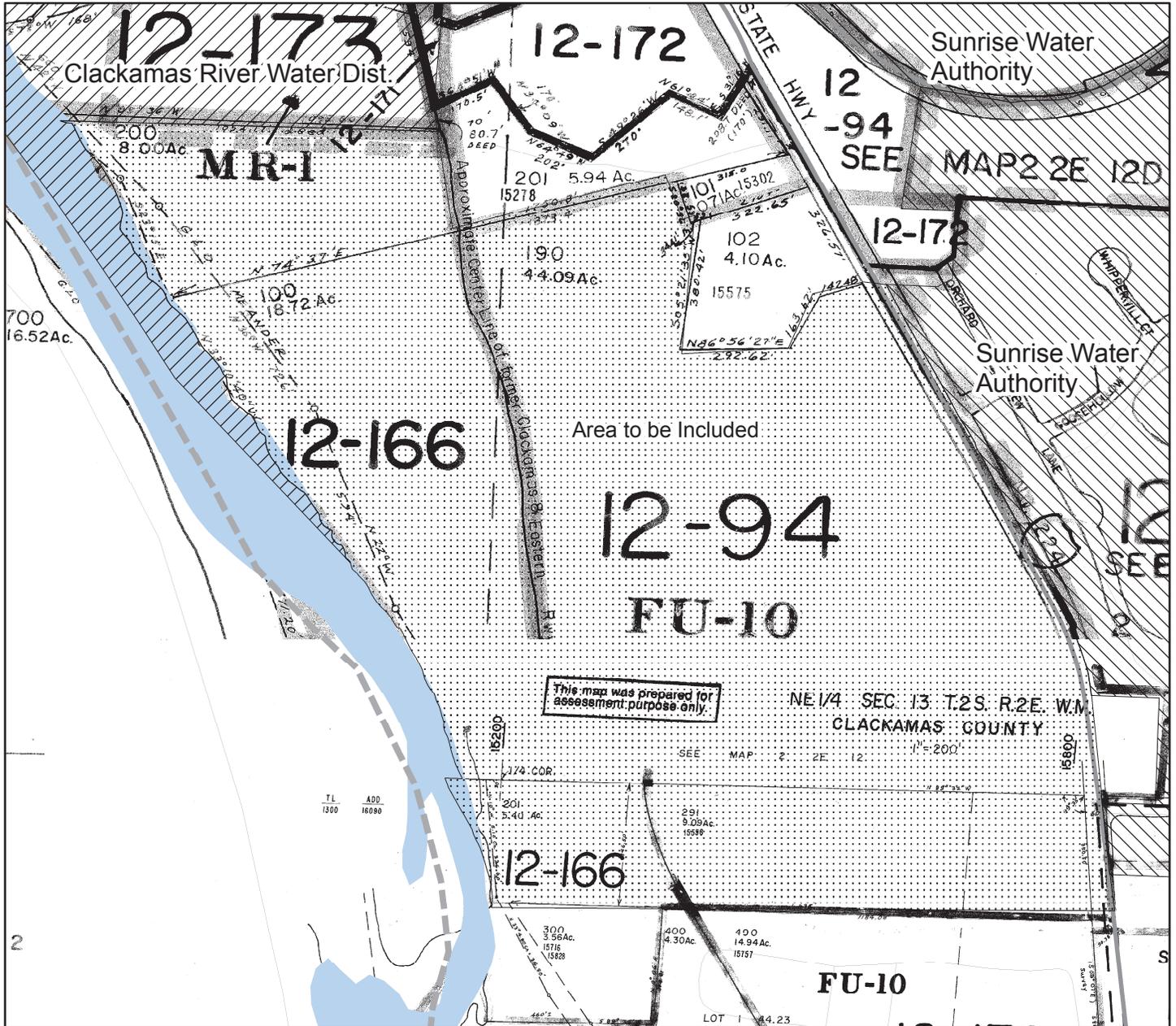
5. Metro Code 3.09.050 (d) (5) states that another criteria to be addressed is: "Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services." Annexation is necessary to make this critical service available to an area which 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.

Proposal No. CL1005

2S2E12 & 2S2E13A

Sunrise Water Authority

Clackamas Co.



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

PROPOSAL No. CL1005
Sunrise Water Authority
Figure 2

1 inch equals 425 feet

K M C

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