

Final Documents
For
Annexation to the
Clackamas County Service District #1

CL1101
DOR 3-1515-2001
Ordinance #2001-111

Final to DOR: _____

Signature:

 _____

Date of
Mailing: 6/13 /01

Final to Secretary of State: _____

Signature:

 _____

Date of
Mailing: 6/29/01

CL1101

Sent

Received

DOR: 6/15/01 6/20/01

Sec. State: 6/29/01

Assessor: 6/29/01

Elections: 6/29/01

Mapped: Yes

Posted to Web: 6/29/01

Addresses:	22E12B 02700	14830 SE 142 nd Ave
	22E12B 02800	14858 SE 142 nd Ave
	22E12B 02901	No Site Address

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
June 28, 2001
As Per ORS 308.225

Description Map received from: METRO
On: 6/18/01, 6/27/01

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

ANNEX TO CLACKAMAS COUNTY SERVICE DIST. #1

ORDER #2001-111

has been: Approved 6/28/01
 Disapproved

Notes:

Department of Revenue File Number: 3-1515-2001

Prepared by: Jennifer Dudley, 503-945-8666

Boundary: Change Proposed Change
The change is for:

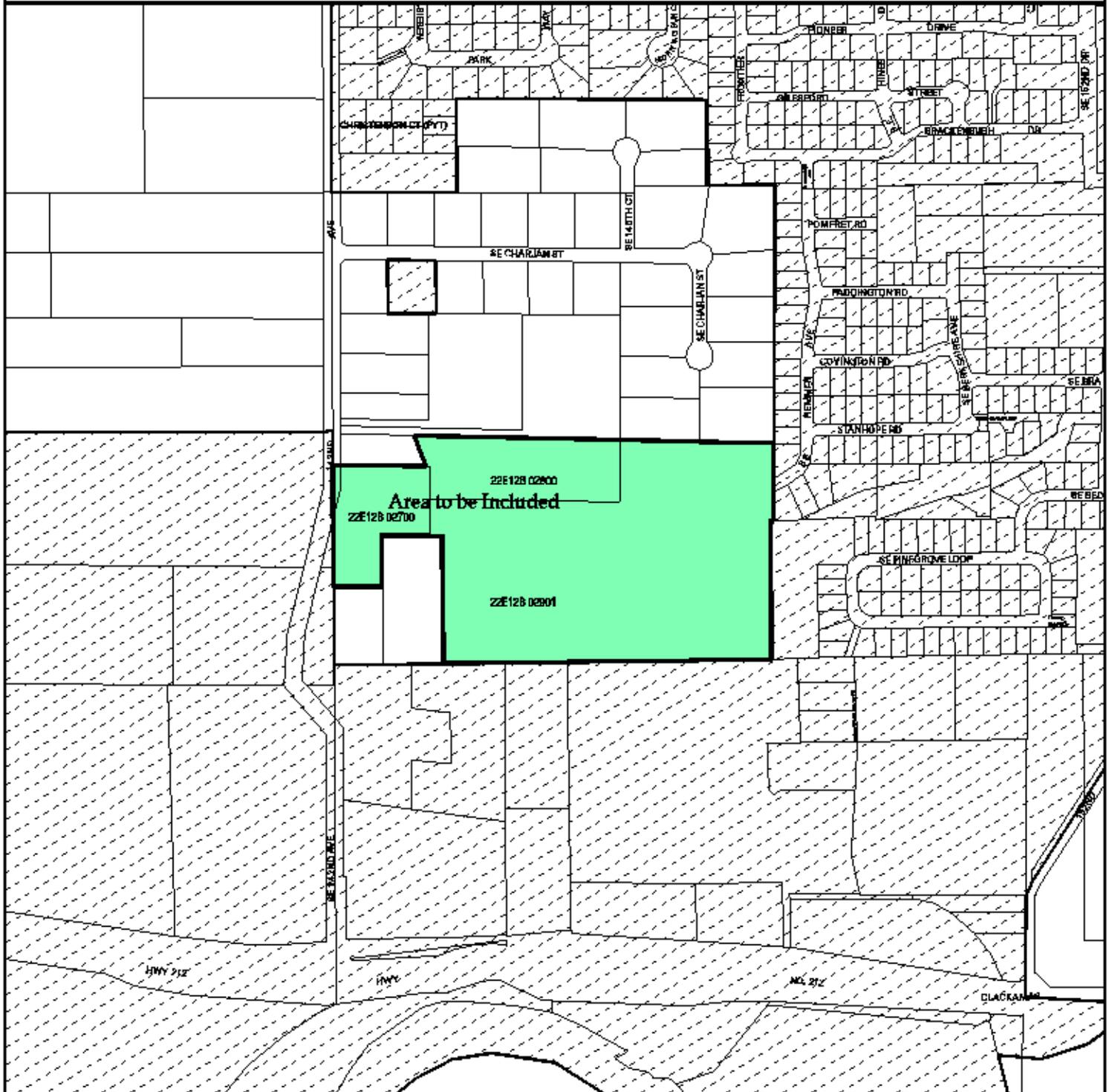
- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge

Proposal No. CL1101

2S2E12B

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



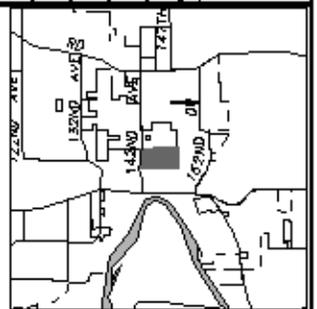
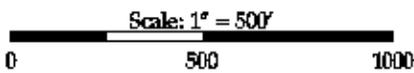
600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email dro@metro-region.org

METRO

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 partial/incomplete accuracy. There are no warranties, expressed or implied, including the suitability of any information or data for a particular purpose, accompanying this product. However, correction of any errors will be appreciated.

-  County lines
-  Annexation boundary
-  District

Proposal No. CL1101
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-1101

ORDER NO. 2001-111

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-1101 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 26.11 acres, three single family dwellings, a population of 4 and has an assessed value of \$260,297.
2. The owners of the 18.34 acre parcel wish to divide the piece so that each owns half. Since any additional development would require sewer service the owners desire to be a part of the District. There are no immediate plans for additional development at this time.
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 gently sloping with a creek canyon in the northwest corner of the property and a creek canyon in the southeast corner of the property.
5. 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 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.

6. The Clackamas County Comprehensive Plan designates the area as Low Density Residential. County zoning is FU-10, Future Urbanizable, 10 acre minimum lot size. The County has categorized lands within urban growth boundaries as "immediate urban" and "future urbanizable." Lands that were serviced by sanitary sewers or were within the boundary of a sewer provider and lands that were developed to urban density were designated immediate urban. All other lands were designated future urbanizable.

Urbanization policy 5 provides that lands are converted from future urbanizable to immediate urban when they are annexed to an entity that provides sewer service and policy 6 provides criteria for making that conversion decision:

5.0 Convert land from Future Urbanizable to Immediate Urban when land is annexed to either a city or special district capable of providing public sewer. Zoning will be applied, compatible with the Plan when land becomes immediate urban.

6.0 Use the following guidelines for annexations having the effect of

converting Future Urbanizable to Immediate Urban land:

- a. Capital improvement programs, sewer and water master plans, and regional public facility plans should be reviewed to insure that orderly, economic provision of public facilities and services can be provided.
- b. Sufficient vacant Immediate Urban land should be permitted to insure choices in the market place.
- c. Sufficient infilling of Immediate Urban areas should be shown to demonstrate the need for conversion of Future Urbanizable areas.
- d. Policies adopted in this Plan for Urban Growth Management Areas and provisions in signed Urban Growth Management Agreements should be met.

Public facilities have been extended to surrounding lands, which are developed. Extending those facilities constitutes an orderly and economic provision of public facilities and services. The surrounding lands are designated immediate urban because they have been annexed to the District. Annexation and conversion of the remaining future urban lands facilitates infilling before services and facilities are extended to lands lacking infrastructure. Policies in the comprehensive plan are met.

The PUBLIC FACILITIES AND SERVICES Element of the Comprehensive Plan contains the following Goals:

POLICIES

Sanitary Sewage Disposal

* * *

- 6.0 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.

Some of the land is labeled Resource Protection and restrictions relating to this designation will need to be addressed when any future development occurs.

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 in this area of Clackamas County.

8. This property is not within a water district.
9. Clackamas County Service District # 1 has a sanitary sewer line in SE 142nd Avenue which could serve the northwest corner of the area to be annexed. The eastern portions of the property could be served by extension of District lines serving the subdivisions to the east of the territory.
10. 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.
11. 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.
12. 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.
13. 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. 7 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 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 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. Most other services are already available from other service providers.

EXHIBIT B

Proposal No. CL-1101

LEGAL DESCRIPTION:

References:

Clackamas County Survey Record No. PS-14830
Clackamas County Survey Record No. PS-20826

Taxlots: (Reference Only)

22E12B 02700, 22E12B 02800, 22E12B 02901

A tract of land situated in the N.W. $\frac{1}{4}$ of Section 12, T.2S., R.2E., of the Willamette Meridian, Clackamas County, Oregon, and further described as follows:

Beginning at the Southwest corner of the Northwest one-quarter of Section 12; thence North 00°01' East along the Section Line 1194.21 feet, to a point (southwest corner TL 22E12B 02700) also being the TRUE POINT OF BEGINNING; thence North 89°18'30" East 190.00 Feet; thence North 00°01'00" West 156.00 Feet more or less; thence South 89°18'30" East 195.00 feet ; thence South 00°01' West 404.30 feet (southwest corner TL 22E12B 02901); thence North 88°13'30" East 1182.97 feet more or less (southeast corner TL 22E12B 02901); thence North 00°16'30" West 829.93 feet (northeast corner TL 22E12B 02901); thence South 87°26'50" West 558.31 East; thence North 89°59'30" West 716.04 feet; thence South 29°41'30" East 133.48 feet; thence North 89°18'30" West 335.00 feet to a point on the West Line of Section 12; thence South 00°01' West along the Section Line 476 feet more or less to the TRUE POINT OF BEGINNING.

Proposal No. CL1101

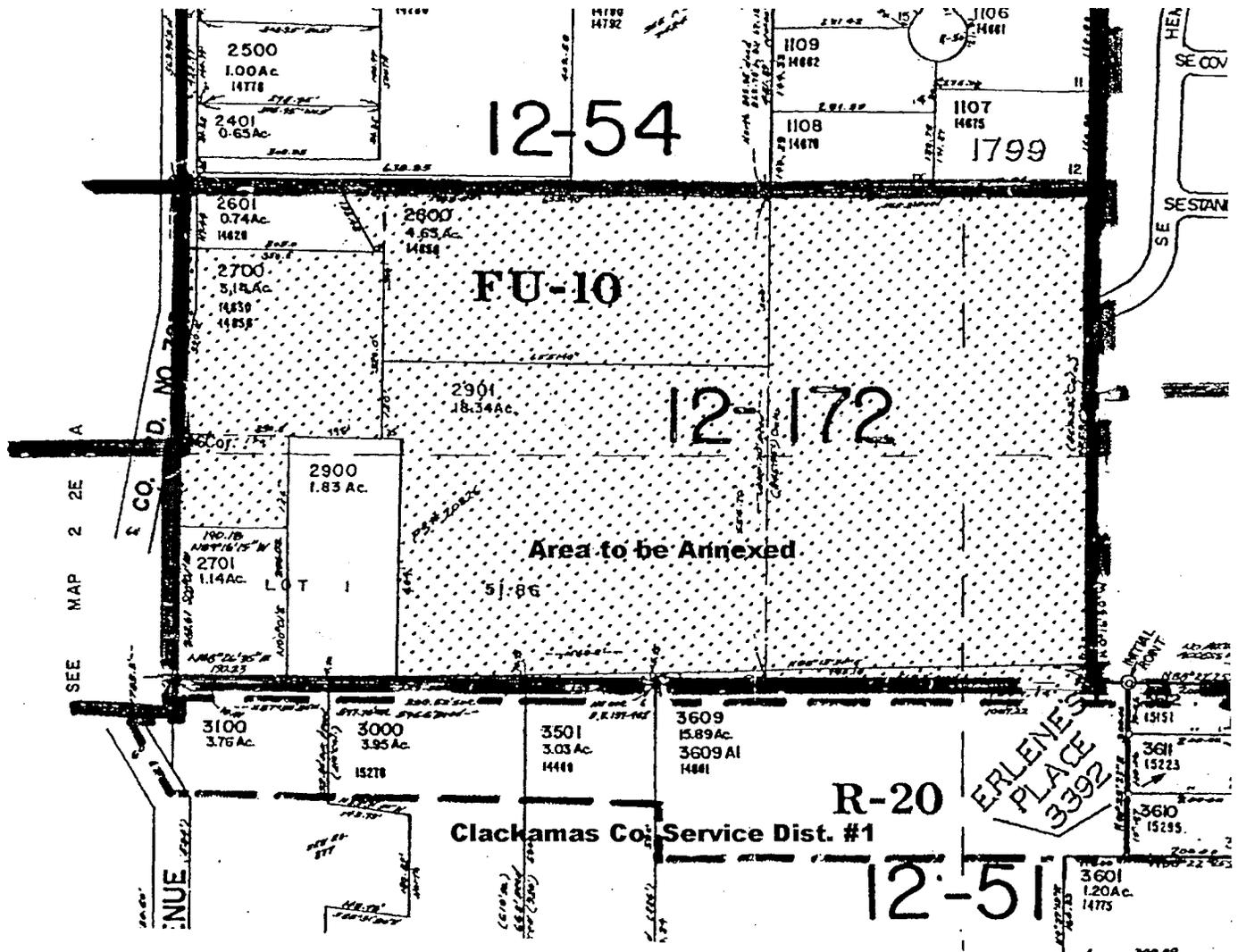


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Annexation to the Clackamas Co. Service Dist. #1
Clackamas Co.
Section 2S2E12

EXHIBIT C

Proposal No. CL-1101



PROPOSAL NO. CL1101
CLACKAMAS CO. SERVICE DIST. #1
Figure 2