

Final Documents

For

Annexation to the
Clackamas County Service District #1

CL1603
Ordinance #2003-220
DOR 3-1604-2003
AN-2004-0002

Final to DOR: _____

Signature:

 _____

Date of

Mailing: 10/14/03

Final to Secretary of State: _____

Signature:

 _____

Date of

Mailing: 1/13/04

CL1603

Sent

Received

DOR: 10/14/03 11/24/03

Sec. State: 1/13/04 1/22/04

Assessor: 1/13/04

Elections: 1/13/04

Mapped: Yes

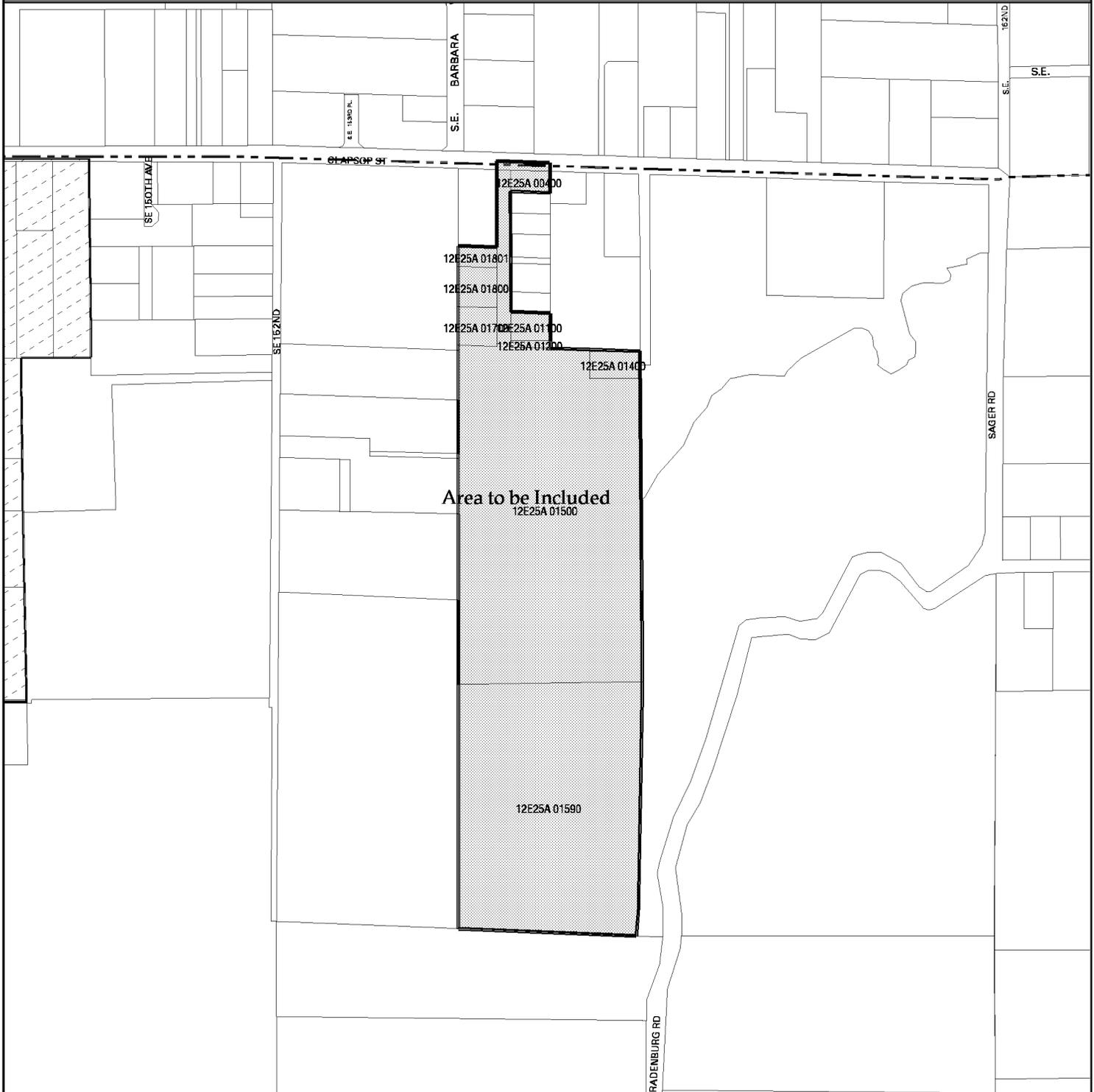
Addresses:	12E25A 01500	8750 SE 155 TH AVE
	12E25A 00400	15520 SE CLATSOP ST
	12E25A 01801	8645 SE 155 TH AVE
	12E25A 01800	NO SITE ADDRESS
	12E25A 01700	NO SITE ADDRESS
	12E25A 01100	8740 SE 155 TH AVE
	12E25A 01200	NO SITE ADDRESS
	12E25A 01400	8777 SE 156 TH AVE
	12E25A 01590	NO SITE ADDRESS

Proposal No. CL1603

1S2E25

Annexation to the Clackamas Co. Service Dist. #1

Multnomah 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

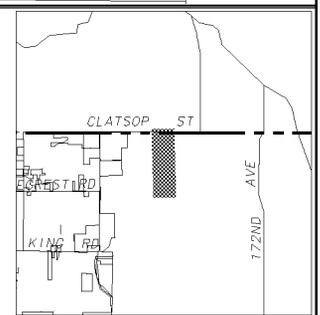
METRO

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. CL1603
CLACKAMAS CO. SERVICE DIST. #1
Figure 1

Scale: 1" = 500'



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
November 24, 2003
As Per ORS 308.225

Description Map received from: METRO
 On: 11/17/2003

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

ANNEX TO CLACKAMAS COUNTY SERVICE DIST. #1

ORDER #2003-220

has been: Approved 11/24/2003
 Disapproved

Notes:

Department of Revenue File Number: 3-1604-2003

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

January 15, 2004

Metro
600 NE Grand Ave
Portland, OR 97232-2736

Dear Mr. Knight:

Please be advised that we have received and filed on January 15, 2004 the following Annexation(s).

Ordinance(s):	Jurisdiction:	Our File Number(s):
2003-220	Clackamas County	AN 2004-0002
03-1013	City of Oregon City	AN 2004-0003
03-09	City of Tigard	AN 2004-0004
5324	City of Hillsboro	AN 2004-0005
5328	City of Hillsboro	AN 2004-0006

Determination of the effective date for all the above Final Order(s) 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,

Linda Bjornstad
Official Public Documents

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

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

In the Matter of Approving
Boundary Change Proposal
No. CL-1603



ORDER NO. 2003-220

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

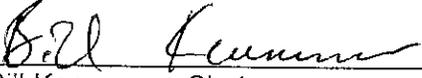
It further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report which complies with the requirements of Metro Code 3.09.050(b); and

It further appearing that this matter came before the Board for public hearing on October 30, 2003 and that a decision of approval was made on October 30, 2003;

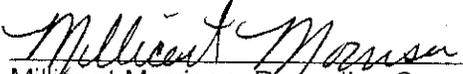
NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-1603 is approved for the reasons stated in attached Exhibit A and the territory described in Exhibit B and depicted on Exhibit C is annexed to Clackamas County Service District # 1.

ADOPTED this 30th day of October, 2003.

BOARD OF COUNTY COMMISSIONERS



Bill Kennemer, Chair



Millicent Morrison, Recording Secretary

FINDINGS

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

1. The territory to be annexed is located generally in the north part of the District on the south edge of Clatsop Street between SE 162nd and SE Sager Road. The territory contains 32 acres, a trailer park, a population of 100 and has an assessed value of \$1,093,979.
2. The property owners desire sewer service to replace the existing on-site septic system. No additional development is proposed 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 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.

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. The Planning and Zoning designation for all tax lots except TL 1590 is R-7, Residential. The designation for TL 1590 FU-10, Future Urban, 10 acre minimum lot size.
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 has a plan to build a pump station and sewer lines to serve these properties. They are currently in the process of designing this project with service to be available in 2004.
8. The territory is within the Sunrise Water Authority which provides water service to the area.

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 the Happy Valley 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." Happy Valley has chosen to have sewer service provided to the City area by CCSD #1. The District has plans to serve the territory to be annexed by the next calendar year (2004). Annexation is necessary to make this service available in the territory. The Board therefore concludes that annexation promotes the timely, orderly and economic provision of this service.

EXHIBIT B

Proposal No. CL-1603

Taxlot Numbers (reference only)

1S2E Section 25A lots 00400, 01100, 01200,
01400, 01500, 01590, 01700, 01800 & 01801

Clackamas County Tax Map (reference only)

1S2E Section 25A

Clackamas County Private Survey

PS-5886

PS-4635

Legal Description

THE PARCELS OF PROPERTY ARE LOCATED IN THE NORTHEAST ¼ OF SECTION 25, T1S, R2E, W.M., CITY OF HAPPY VALLEY, CLACKAMAS COUNTY AND THE STATE OF OREGON. THE PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

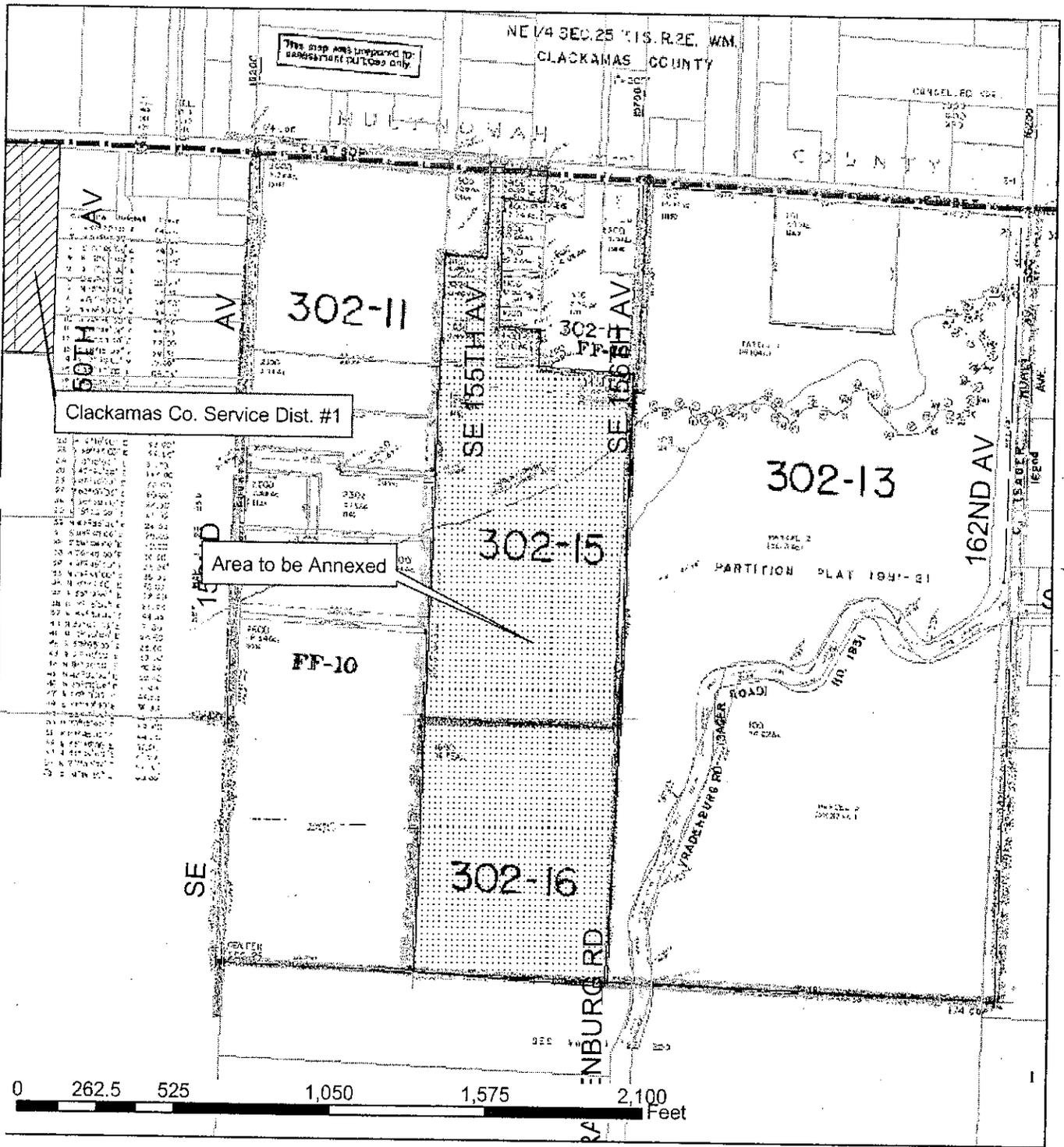
Beginning at the northeast corner of Section 25, T1S, R2E, WM in Clackamas County; thence west along the north line of Section 25 a distance of 1630.65 feet more or less to a point, and said point being the TRUE POINT OF BEGINNING; thence south 00°05'40" west a distance of 112.5 feet more or less; thence north 87°59'25" west a distance of 140 feet more or less; thence south 00°05'40" west a distance of 425 feet more or less; thence south 87°59'25" east a distance of 140 feet more or less; thence south 00°05'40" west a distance of 126.5 feet more or less; thence south 87°59'25" east a distance of 321.27 feet more or less; thence south 00°08'17" west a distance of 2002.99 feet more or less; thence north 89°17'49" west a distance of 647.90 feet more or less; thence north 00°03'06" east a distance of 2367.95 feet more or less; thence south 87°59'25" east a distance of 135.90 feet more or less; thence north 00°05'40" east a distance of 310 feet more or less to a point on the north line of Section 25; thence east along the north line a distance of 190 feet more or less to a point being the TRUE POINT OF BEGINNING.



Proposal No. CL1603

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

Annexation to the Clackamas Co. Service Dist. #1
 Clackamas Co.
 1S2E25



PROPOSAL No. CL1603
 Clackamas Co. Service Dist. #1
 Figure 2