Final Documents

For

Annexation to the
Tri-City Service Dist. #4

CL1701
DOR 3-1520-2001
Ordinance #01-182

Final to DOR: _____

Signature:

_____

Date of
Mailing: 07/31/01

Final to Secretary of State: _____

Signature:

_____

Date of
Mailing: 08/07/01

CL1701	Sent	Received	
DOR:	7/31/01	8/6/01	
Sec. State:	8/7/01		
Assessor:	7/31/01		
Elections:	7/31/01		
Mapped:	Yes		
Posted to Web:			
Addresses:	21E35A 01301		No Site Address

DOR 3-1520-2001

Notice to Taxing Districts

ORS 308.225

OREGON DEPARTMENT OF REVENUE
Cartographic Unit
PO Box 14380
Salem, OR 97309-5075
(503) 945-8297, fax 945-8737

Tri-City Service District 4
Budget Officer
9101 SE Sunnybrook
Clackamas, OR 97015

Description and Map Approved
August 6, 2001
As Per ORS 308.225

☒ Description ☒ Map received from: METRO
On: 8/1/01

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

ANNEX TO TRI-CITY SERVICE DIST. #4

ORDER #01-182

has been: ☒ Approved 8/6/01
☐ Disapproved

Notes:

Department of Revenue File Number: 3-1520-2001

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. CL1701

:S1E35AC | Annexation to the Tri-City Service Dist. #4 | 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

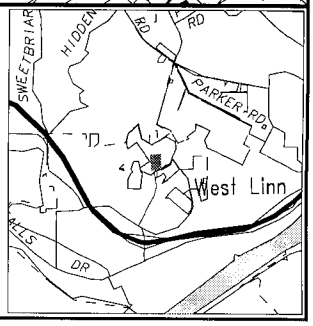
Annexation boundary

District

Proposal No. CL1701
TRI-CITY SERVICE DIST. #4
Figure 1

Scale: 1" = 250'

0 200 400



/bdyadmin/plots/plotjur/begin.aml, plot date: May 08, 2001

Please recycle with colored office grade paper

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

In the Matter of Approving Boundary Change Proposal No. CL-1701	ORDER NO. 01-182

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 Tri-City County Service District;

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 21, 2001 and that a decision of approval was made on June 21, 2001;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-1701 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 Tri-City County Service District.

ADOPTED this 28th day of June, 2001.

BOARD OF COUNTY COMMISSIONERS

Michael Jordan, Chair

Millicent Morrison, Recording Secretary

01-182

Exhibit A
Proposal No. CL-1701

FINDINGS

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

1. The territory to be annexed contains 3.17 acres, is vacant and is valued at $182,930.

2. The applicant desires sewer service to facilitate future development of the property. Prior to January 1, 1999 annexation to the District would have been automatic upon annexation to the City. Currently applicable statutes, however, require a separate annexation to the District.

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."

4. 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.

    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 the 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.

5. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB). Neither the Regional Framework Plan nor the Regional Growth Management Functional Plan nor the Regional Transportation Functional Plan contains criteria for deciding boundary changes for sanitary sewer districts.

6. The territory to be annexed is within the City of West Linn. The subject property is designated Low Density Residential in the City.

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 only such service agreement that Clackamas County has adopted is with Happy Valley.

8. The Tri-City County Service District provides sewage transmission and treatment services to the cities of Oregon City, West Linn and Gladstone. The three cities are in the District and with one exception the District does not serve territories outside of the three cities as provided in the intergovernmental agreement between the District and the cities.

   The Tri-City Service District plant is located along Interstate 205 in Oregon City just east of the junction of the Willamette and the Clackamas Rivers. The plant was designed to serve a population of 66,500 in the year 2001.

   The City of West Linn provides collector sewer service. Collector sewer lines are available in Crestview Drive and Sunbreak Lane both of which are stubbed to the subject property.

9. City water service is available in Bland Circle which the property abuts.

10. The City of West Linn serves this area with police protection.

11. West Linn provides fire protection through a contract with Tualatin Valley Fire & Rescue. This will not be affected by annexation to the County Service District for sanitary sewers.

12. The City provides parks and recreation service.

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 consideration of any directly applicable standards or criteria to be found in urban planning area agreements or other agreements which are not associated with ORS 195. There can be no urban planning area agreements between the annexing entity and a necessary party because urban planning area agreements can only be between cities and counties and the annexing entity is a county service district. There is an agreement between the Tri-City District and the City of West Linn in which the District agrees not to provide service outside the City and this proposal is in accord with that 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 West Linn 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 Tri-City County Service District can directly provide the service it controls to the site immediately in adequate quantity and quality. Other services are already available from the City of West Linn.

EXHIBIT B

Proposal No. CL-1701

That portion of Lot 28, BLAND ACRES, Clackamas County, Oregon, described as follows:

Beginning at the Northeast corner of said Lot 28; thence South 84 degrees 56' West along the North line of said Lot 215.0 feet; thence Southeasterly 700.0 feet more or less, to a point that bears S86 degrees 07' West a distance of 189.82 feet from the Southeast corner of said Lot 28; thence North 86 degrees 07' East a distance of 189.82 feet to the Southeast corner of said Lot; thence North 18 degrees 29' West along the East line of said Lot 704.50 feet to the point of the beginning.

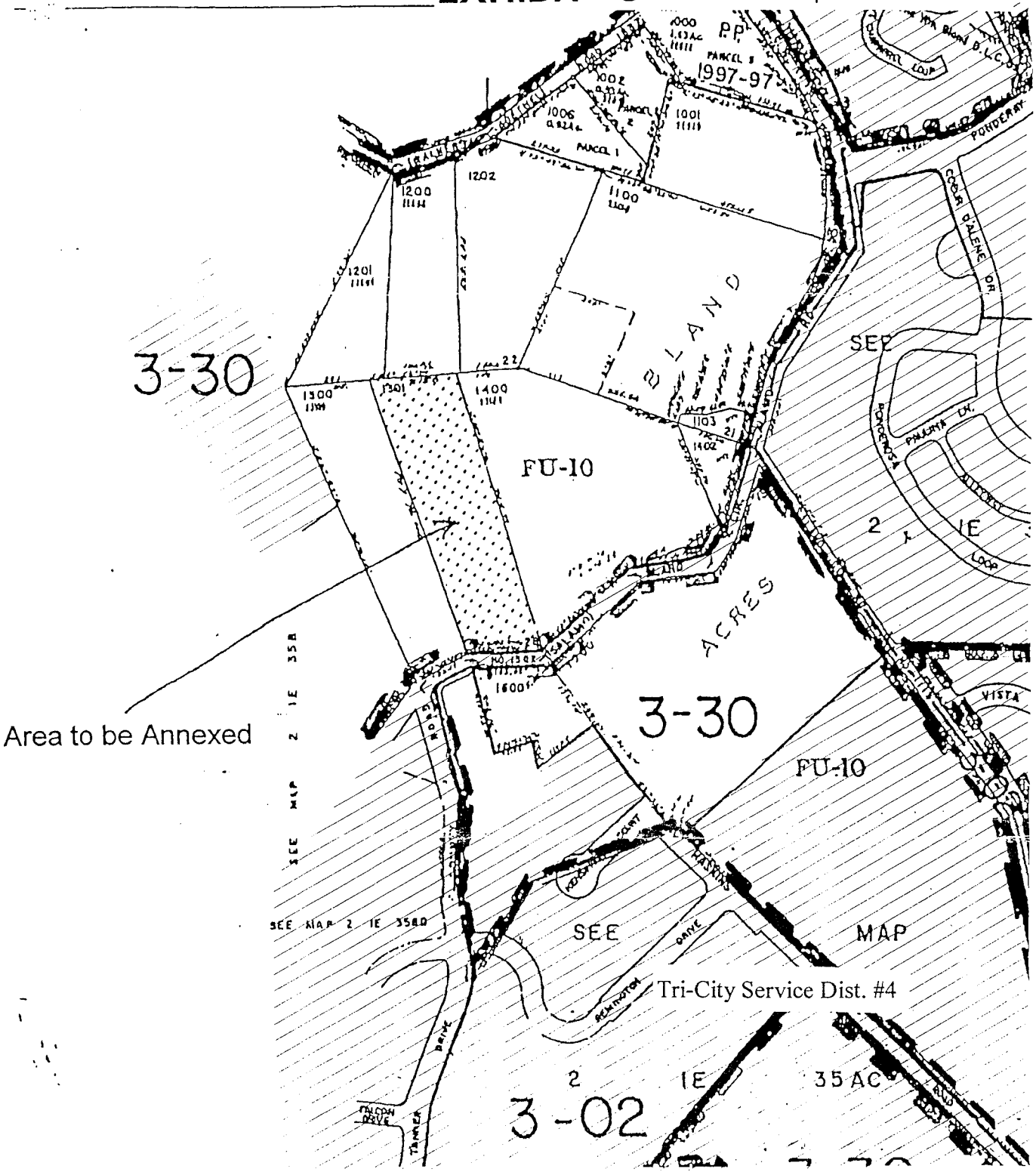
Proposal No. CL1701

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

Annexation to the Tri-City Service Dist. #4
Clackamas Co.
Map 2S1E35AC

EXHIBIT C

Proposal No. CL-1701



PROPOSAL NO. CL1701
TRI-CITY SERVICE DIST. #4
Figure 2

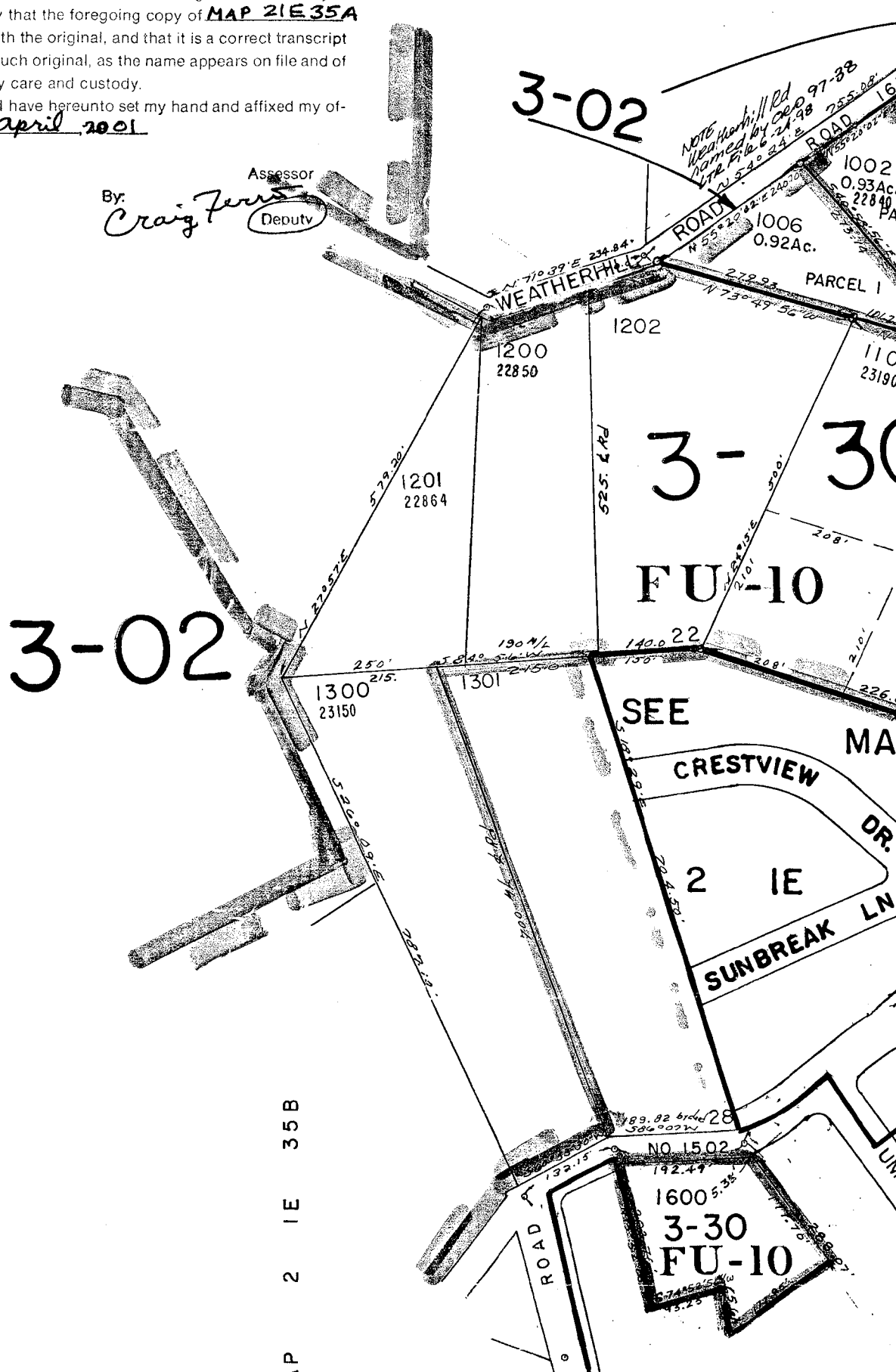
This map was prepared for assessment purpose only.

2500

STATE OF OREGON
COUNTY OF CLACKAMAS } ss.

I, [illegible] County Assessor of the State of Oregon for the County of Clackamas, do hereby certify that the foregoing copy of MAP 21E35A has been by me compared with the original, and that it is a correct transcript therefrom, and the whole of such original, as the name appears on file and of record in my office and in my care and custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal this 5 day of April, 2001

Assessor

By: Craig Ferris Deputy