

Final Documents

For

Annexation to the  
**Tri-City Service Dist. #4**

CL1801  
DOR 3-1536-2001  
Ordinance #01-175

Final to DOR: \_\_\_\_\_

Signature:

 \_\_\_\_\_

Date of  
Mailing: 2/14/02

Final to Secretary of State: \_\_\_\_\_

Signature:

 \_\_\_\_\_

Date of  
Mailing: 3/4/02

CL1801

Sent

Received

DOR:

2/14/02

2/27/02

Sec. State:

3/4/02

Assessor:

3/4/02

Elections:

3/4/02

Mapped:

Yes

Posted to Web:

Addresses:

21E23BC01100

19651 S Suncrest Dr

# Proposal No. CL1801

2S1E23BC

Annexation to the Tri-City Service Dist. #4

Clackamas Co.



Area to be Included  
21E23B001100

R L I S  
REGIONAL LAND INFORMATION SYSTEM



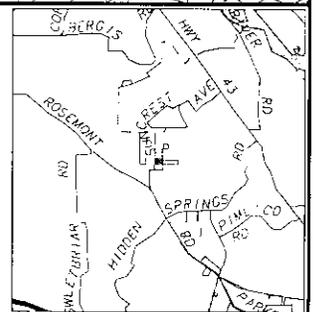
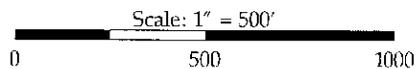
600 NE Grand Ave.  
Portland, OR 97232-2736  
Voice 503 797-1742  
FAX 503 797-1909  
Email drc@metro-region.org

**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. CL1801  
TRI-CITY SERVICE DIST. #4  
Figure 1



# Notice to Taxing Districts

ORS 308.225



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

**Description and Map Approved**  
**February 27, 2002**  
**As Per ORS 308.225**

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

Description     Map received from: METRO  
 On: 2/21/02

This is to notify you that your boundary change in Clackamas County for  
 ANNEX TO THE TRI-CITY COUNTY SERVICE DIST. #4

ORDER #01-175

has been:     Approved            2/27/02  
                    Disapproved

Notes:

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Department of Revenue File Number: 3-1536-2002

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

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

In the Matter of Approving  
Boundary Change Proposal  
No. CL-1801

ORDER NO. 01-175

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

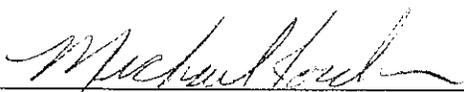
It further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report which complies with the requirements of Metro Code 3.09.050(b); and

It further appearing that this matter came before the Board for public hearing on June 28, 2001 and that a decision of approval was made on June 28, 2001;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-1801 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 28<sup>th</sup> day of June, 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 2.0 acres, 1 single family dwelling and is valued at \$275,710.
2. The applicant desires sewer service to facilitate development of 8 single family residences.
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.
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. 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). 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.
5. The territory to be annexed is within the City of West Linn. The subject property is designated Low Density Residential in the City.
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. The only such service agreement that Clackamas County has adopted is with Happy Valley.
7. 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.

Prior to January 1, 1999 state statute (ORS 199) provided that when territory was annexed to a city that was wholly within a district, the territory was automatically annexed to the district as well. That statute is no longer applicable in this area. Therefore each annexation to West Linn needs to be followed by a separate annexation of the territory to the Tri-City Service District and that is what is being accomplished with the current proposal.

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. An 8 inch collector sewer line is available in Suncrest adjacent to the property.

8. City water service is available in Suncrest Drive which the property abuts.
9. The City of West Linn serves this area with police protection.
10. 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.
11. The City provides parks and recreation service.

12. The City provides street lights, storm drains and other services to the area containing the property to be annexed.

## 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 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.

LEGAL DESCRIPTION  
JOB NO. 4541  
4/14/00 BDG

A TRACT OF LAND LOCATED IN SECTION 23, T2S., R.1E., WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE NORTHEASTERLY CORNER OF CLACKAMAS COUNTY PLAT NO. 3104, "GALLERY PLACE"; THENCE ALONG THE NORTHERLY LINE OF SAID PLAT, N.89°45'04"W., A DISTANCE OF 339.85 FEET TO A POINT; THENCE N.00°00'00"E., A DISTANCE OF 260.69 FEET TO A POINT; THENCE S.88°14'00"E., A DISTANCE OF 339.83 FEET TO THE WESTERLY RIGHT-OF-WAY OF SUNCREST AVENUE; THENCE S.00°00'00"E. ALONG SAID RIGHT-OF-WAY, 251.71 FEET, MORE OR LESS, TO THE POINT-OF-BEGINNING.

2000-1000-1000



THIS SPACE RESERVED FOR RECORDING USE

2137 After recording return to:  
Mr. and Mrs. Philip Gentemann  
21000 Macintosh Court  
West Linn, OR 97068

2137 Until a change is requested all tax statements  
shall be sent to the following address:  
Mr. and Mrs. Philip Gentemann  
21000 Macintosh Court  
West Linn, OR 97068

Escrow No. 99080684  
Title No. 877400

**STATUTORY WARRANTY DEED**

Robert L. Daoust and Jan M. Daoust, Grantor, conveys and warrants to Philip M. Gentemann and Patti Gentemann, husband and wife, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

As per exhibit "A" attached hereto and by this reference made a part hereof...

This property is free of liens and encumbrances, EXCEPT:  
Easements, Covenants, Conditions and Restrictions of record, if any.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS, BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$320,000.00 (this complies with the requirements of ORS 91.000)

Dated this 24th day of May, 1999.

Robert L. Daoust  
Robert L. Daoust

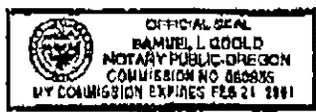
Jan M. Daoust  
Jan M. Daoust

STATE OF OREGON }  
County of Clatsop } ss.

This instrument was acknowledged before me on this 25 day of May, 1999  
by Robert L. Daoust and Jan M. Daoust.

Samuel L. Gould  
Notary Public for Oregon

My commission expires: 02/21/2001 99-055067



Recorded by  
First American Title Insurance Company of Oregon  
877800-1000

Order No. 877808

EXHIBIT "A"

A tract of land situated in the William Armstrong Donation Land Claim in Section 33, Township 2 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at the Southwest corner of a tract of land conveyed to Hawklin Au by deed recorded in Book 676, page 82, Deed Records; thence East along the South line of said Au Tract 240.00 feet, more or less, to the Southeast corner of said Au Tract and its point of intersection with the West line of that certain tract of land conveyed to Clackamas County by deed recorded in Book 523, page 572, Deed Records; thence South along the West line of the said Clackamas County tract 279.00 feet, more or less, to the Northeast corner of a tract conveyed to Myra A. Blech by deed recorded in Book 676, page 326, Deed Records; thence West tracing the North line of the said Blech tract 340.00 feet, more or less, to the Northwest corner thereof; thence North along the West line of tract conveyed to John L. Trapp, et ux, by deed recorded in Book 514, page 223, Deed Records, 279.00 feet, more or less, to the point of beginning.

STATE OF OREGON 88-055067  
CLACKAMAS COUNTY  
Received and placed in the public  
records of Clackamas County  
RECEIPTS AND FEE: 23480 \$40.00  
DATE AND TIME: 05/28/99 04:04 PM  
JOHN KAUFFMAN, COUNTY CLERK

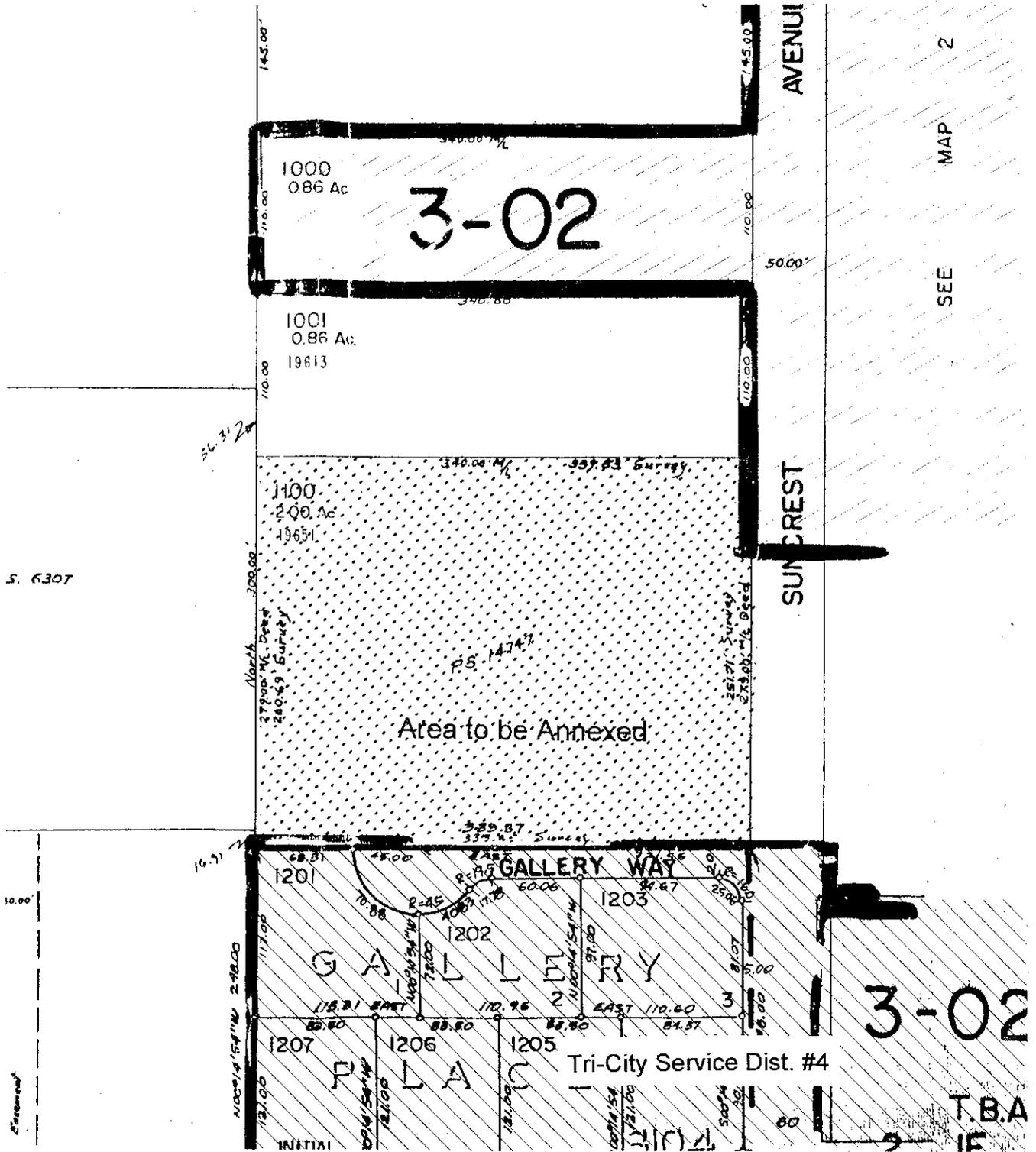
2

# Proposal No. CL1801



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 2S1E23BC



PROPOSAL NO. CL1801  
 TRI-CITY SERVICE DIST. #4  
 Figure 2