

Final Documents

For

Annexation to the
Clackamas County Service District #1

CL2205
Ordinance No. 2005-380
DOR 3-1706-2005
Sec. State: SD-2005-0131

Final to DOR: _____

Signature:

 _____

Date of

Mailing: 11/17/05

Final to Secretary of State _____

Signature:

 _____

Date of

Mailing: 12/2/05

CL2205

Sent

Received

DOR: 11/17/05 11/25/05

Sec. State: 12/2/05

Assessor: 12/2/05

Elections: 12/2/05

Mapped: Yes

Posted to Web:

Assessor Information:

22E02AC02900

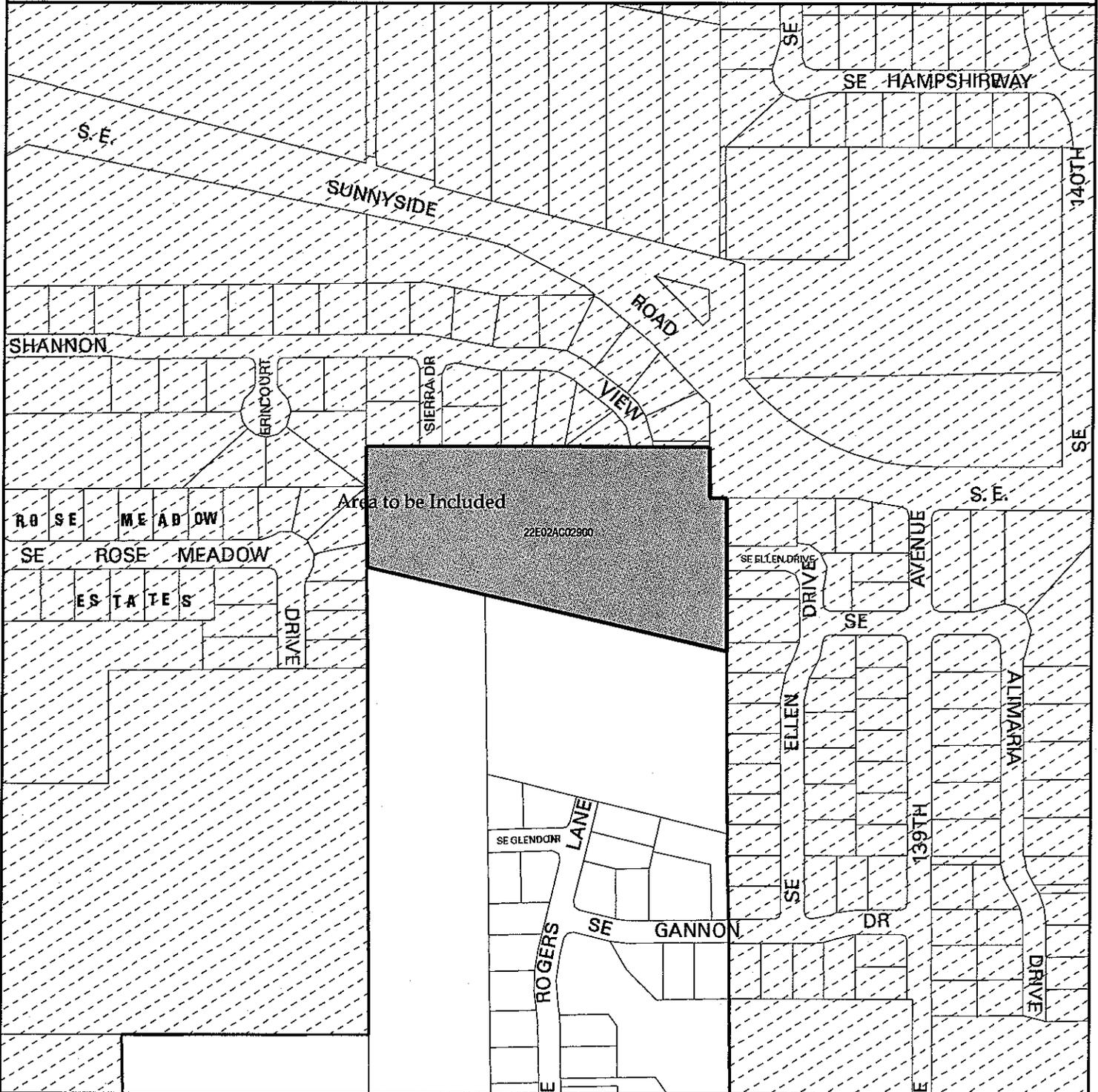
13535 SE Mountain View Ln

Proposal No. CL2205

2S2E02AC

Annexation to the Clackamas Co. Service Dist. #1

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

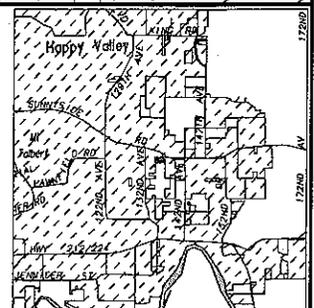
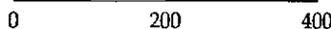
METRO

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. CL2205
CLACKAMAS CO. SERVICE DIST. #1
Figure 1

Scale: 1" = 250'





December 6, 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 December 6, 2005, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
2005-367 (CC Service District #5)	SD 2005-0130
2005-380 (CC Service District #1)	SD 2005-0131
2005-378 (CC Service District #1)	SD 2005-0132
2005-381 (CC Service District #1)	SD 2005-0133
2431 (City of Lake Oswego)	AN 2005-0270

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

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

Clackamas Co. Serv. Dist. 1
Budget Officer
9101 SE Sunnybrook, Suite 441
Clackamas, OR 97015

**Description and Map Approved
November 25, 2005
As Per ORS 308.225**

Description Map received from: METRO
On: 11/21/2005

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

ANNEX TO CLACKAMAS COUNTY SERVICE DISTRICT #1

ORDER #2005-380 (CL-2205)

has been: Approved 11/25/2005
 Disapproved

Notes:

Department of Revenue File Number: 3-1706-2005

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-2205

} ORDER NO. **2005-380**

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

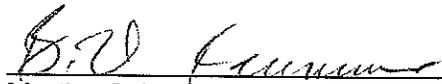
It further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report which complies with the requirements of Metro Code 3.09.050(b); and

It further appearing that this matter came before the Board for public hearing on November 10, 2005 and that a decision of approval was made on November 10, 2005;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-2205 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 10th day of November, 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 4.01 acres, 1 single family dwelling, a population of 1 and has an assessed value of \$254,650.
2. The property owner desires sewer service to serve the existing house on the property.
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 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. 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 Clackamas County Comprehensive Plan designates the area as Low Density Residential and the zoning is FU-10. A zone change to R-7is in process. Also being processed is a 17-lot subdivision application.

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

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.

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 an 8-inch sewer line in SE Ellen Drive adjacent to the property on the east.
8. The territory is within Sunrise Water Authority which has water service available on three sides of the property.
9. The area receives police service from Clackamas County and the Clackamas County Enhanced Law Enforcement County Service District.
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 is within the North Clackamas County Service District for Parks & Recreation.

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 directly applicable provisions in any urban service provider agreements. As noted in Finding No. 6 there are no urban service provider 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 County's Comprehensive Plan and concludes this proposal complies with it. All other urban services necessary for development are available.
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 Plan or any functional plan."

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 criterion 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 will allow for development in conformance with the planning and zoning designations. Since the surrounding properties are already in the district, extending service to the property will be economical and efficient. The Board therefore concludes that annexation promotes the timely, orderly and economic provision of this service.
6. Metro Code 3.09.050 (d) (6) establishes as a major criterion whether the affected territory lies within the Urban Growth Boundary. The territory in this proposed annexation does lie within the Urban Growth Boundary.

EXHIBIT B

Proposal No. CL-2205

The property to be annexed is described as follows:

A tract of land in Section 2, T. 2 S., R. 2 E. of the W.M., in the County of Clackamas and State of Oregon, described as follows:

Beginning at the East one-quarter corner of said Section 2; thence North $89^{\circ}13'25''$ West along the East and West section center line, 1317.39 feet to an iron pipe at the angle point in County Road No. 186; thence South 30.00 feet to an iron rod on the South line of said road and the true point of beginning of the tract herein to be described; thence North $89^{\circ}19'25''$ West along the South line of said road, 30.00 feet to an angle point therein; thence North along the Westerly line of said road, 90.00 feet to an iron rod in the Southerly line of that tract sold by Contract to Eugene R. Bullington, et ux, recorded July 14, 1972 as Recorder's Fee No. 72-20725, Film Records; thence North $89^{\circ}19'25''$ West along the Southerly line of said Bullington tract, 609.86 feet to an iron rod in the Westerly line of that tract conveyed to Lucy Ott, recorded August 7, 1963, in Book 625, page 175, Deed Records; thence South along the Westerly line of said Ott tract, 198.84 feet to an iron rod at the most Northerly corner of Parcel 2 of that tract conveyed to Herman Hunze, et ux, recorded June 20, 1938, in Book 247, page 693, Deed Records; thence South $75^{\circ}46'50''$ East along the Northeasterly line of said Hunze tract, 660.04 feet to an iron rod at the Northeasterly corner thereof; thence North along the Easterly line of said Ott tract, 263.45 feet to the true point of beginning.

EXHIBIT C

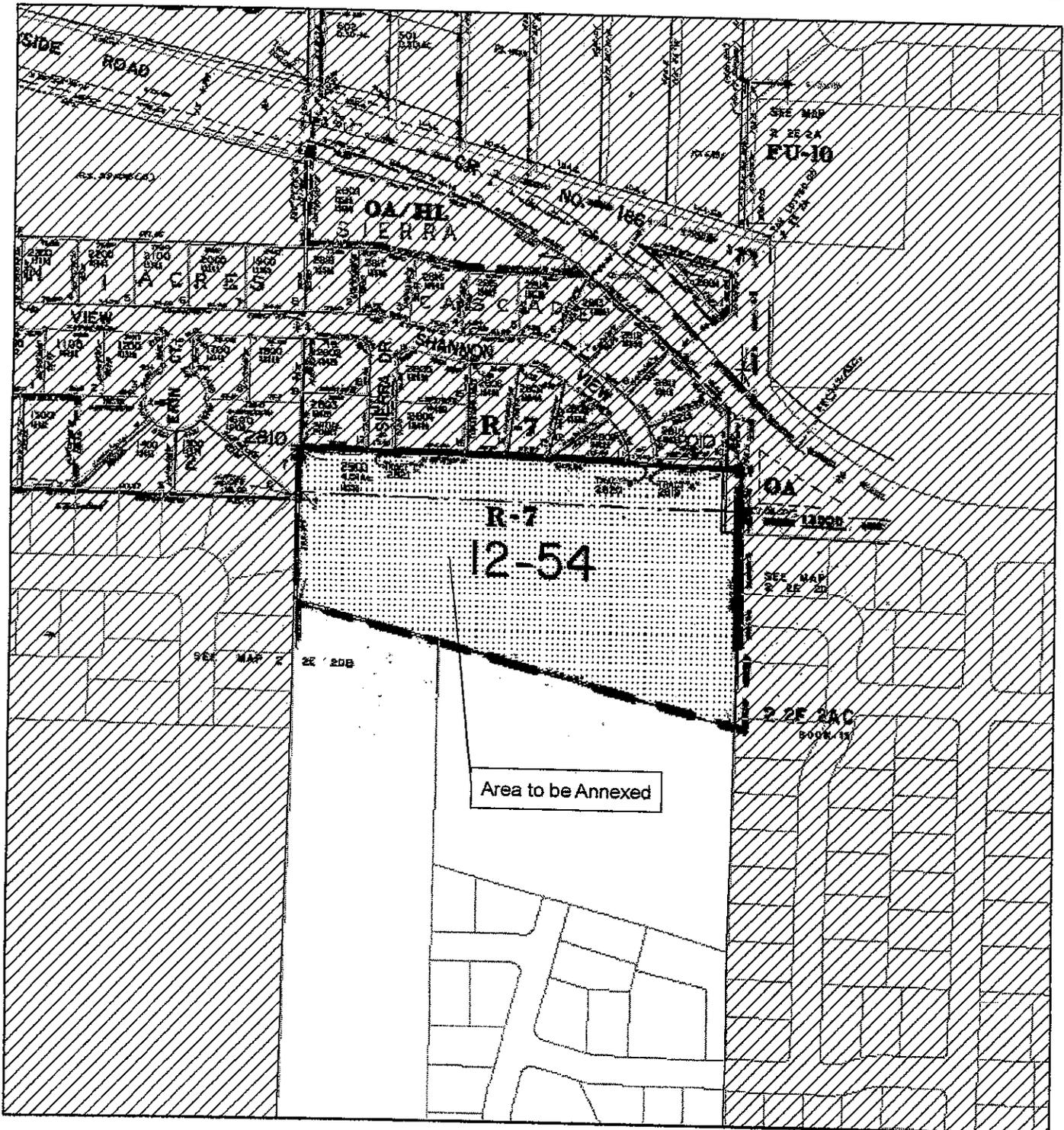
Proposal No. CL-2205

Proposal No. CL2205

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 County
1S2E02AC



1 inch equals 200.000000 feet

PROPOSAL No. CL2205
Clackamas Co. Service Dist. #1
Figure 2

PETITION OF OWNERS OF MAJORITY OF LAND
AND PETITION OF A MAJORITY OF REGISTERED VOTERS
FOR A DISTRICT ANNEXATION

TO: R. Kent Squires, Director, Water Environment Services

PETITION FOR ANNEXATION TO: Clackamas County Service District No. 1

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to Clackamas County Service District No 1.

We further request your approval for annexation, acting on behalf of the governing body of Clackamas County Service District No. 1.

We further request that this petition be forwarded to the Board of County Commissioners for their consideration as authorized by ORS 198.850.

The property to be annexed is described as follows:

A tract of land in Section 2, T. 2 S., R. 2 E. of the W.M., in the County of Clackamas and State of Oregon, described as follows:

Beginning at the East one-quarter corner of said Section 2; thence North 89°13'25" West along the East and West section center line, 1317.39 feet to an iron pipe at the angle point in County Road No. 186; thence South 30.00 feet to an iron rod on the South line of said road and the true point of beginning of the tract herein to be described; thence North 89°19'25" West along the South line of said road, 30.00 feet to an angle point therein; thence North along the Westerly line of said road, 90.00 feet to an iron rod in the Southerly line of that tract sold by Contract to Eugene R. Bullington, et ux, recorded July 14, 1972 as Recorder's Fee No. 72-20725, Film Records; thence North 89°19'25" West along the Southerly line of said Bullington tract, 609.86 feet to an iron rod in the Westerly line of that tract conveyed to Lucy Ott, recorded August 7, 1963, in Book 625, page 175, Deed Records; thence South along the Westerly line of said Ott tract, 198.84 feet to an iron rod at the most Northerly corner of Parcel 2 of that tract conveyed to Herman Hunze, et ux, recorded June 20, 1938, in Book 247, page 693, Deed Records; thence South 75°46'50" East along the Northeasterly line of said Hunze tract, 660.04 feet to an iron rod at the Northeasterly corner thereof; thence North along the Easterly line of said Ott tract, 263.45 feet to the true point of beginning.



SW 1/4 NE 1/4 SEC 2 T2S R2E W.M.
CLACKAMAS COUNTY

Exhibit "A"

SCALE 1" = 100'

2 2E 2AC

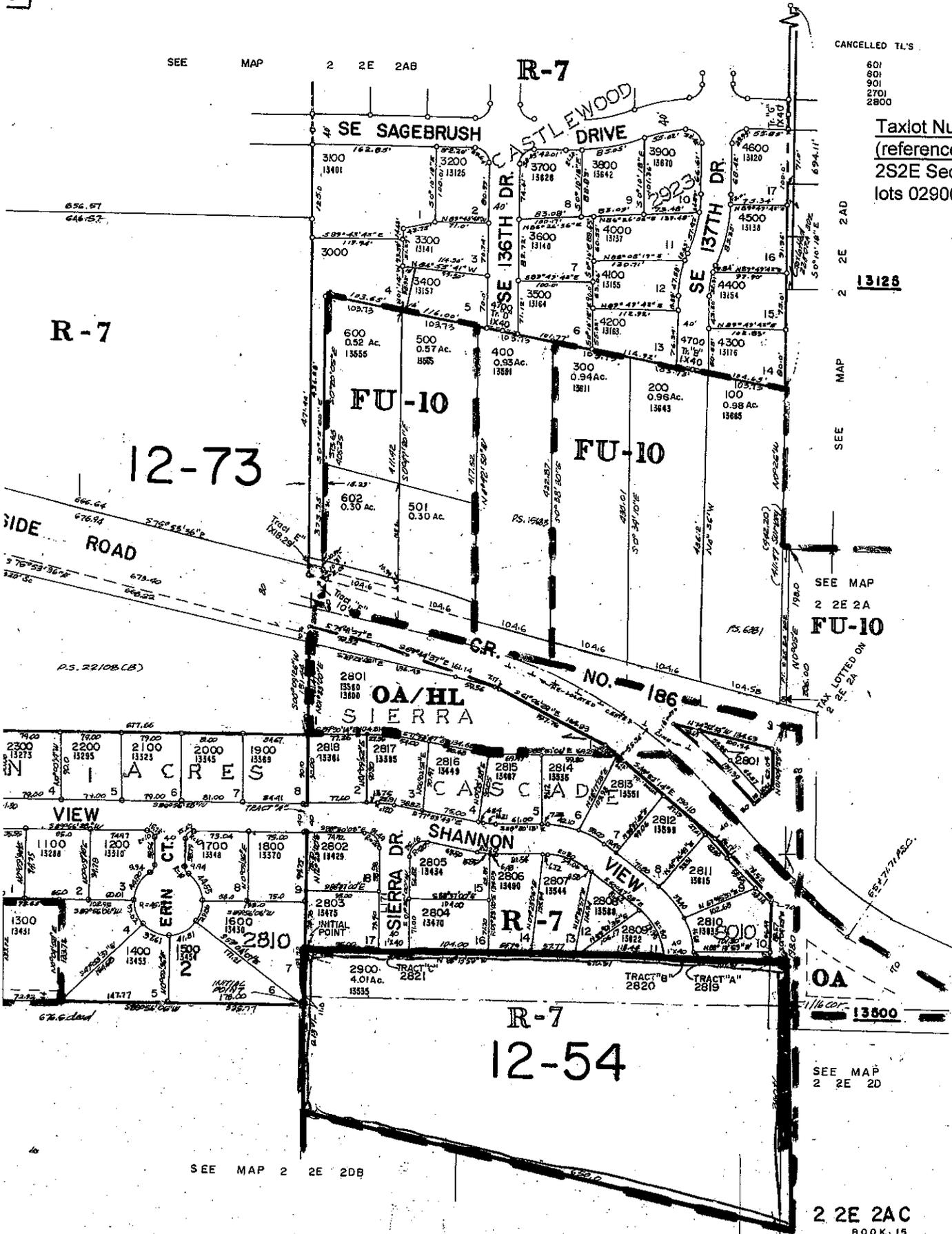
for
ly.

SEE MAP 2 2E 2AB

CANCELLED T.L.S.

601
801
901
2701
2800

Taxlot Numbers
(reference only)
2S2E Section 02AC
lots 02900.



SEE MAP 2 2E 2AD

SEE MAP 2 2E 2A

FU-10

TAX LOTTED ON 2 2E 2A

SEE MAP 2 2E 2D

OA 13500

SEE MAP 2 2E 2D

2 2E 2AC
BOOK 15

SEE MAP 2 2E 2DB

R-7
12-54

12-73

R-7

FU-10

FU-10

OA/HL
SIERRA

CASCADE

SHANNON

R-7

OA

13500

SEE MAP 2 2E 2D

2 2E 2AC
BOOK 15