

Final Documents

For

Annexation to the
Sunrise Water Authority

CL2406

ORD. 2006-397

DOR 3-1754-2006

Sec State SD 2006-0121



October 23, 2006

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 October 23, 2006, the following records annexing territory to the following:

Ordinance/Resolution Number(s)		Our File Number
5672	(City of Hillsboro)	AN 2006-0296
2006-12	(City of Forest Grove)	AN 2006-0297
2006-050	(City of Sherwood)	AN 2006-0298
5656	(City of Hillsboro)	AN 2006-0299
2006-397	(Sunrise Water Authority)	SD 2006-0121

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
Official Public Documents

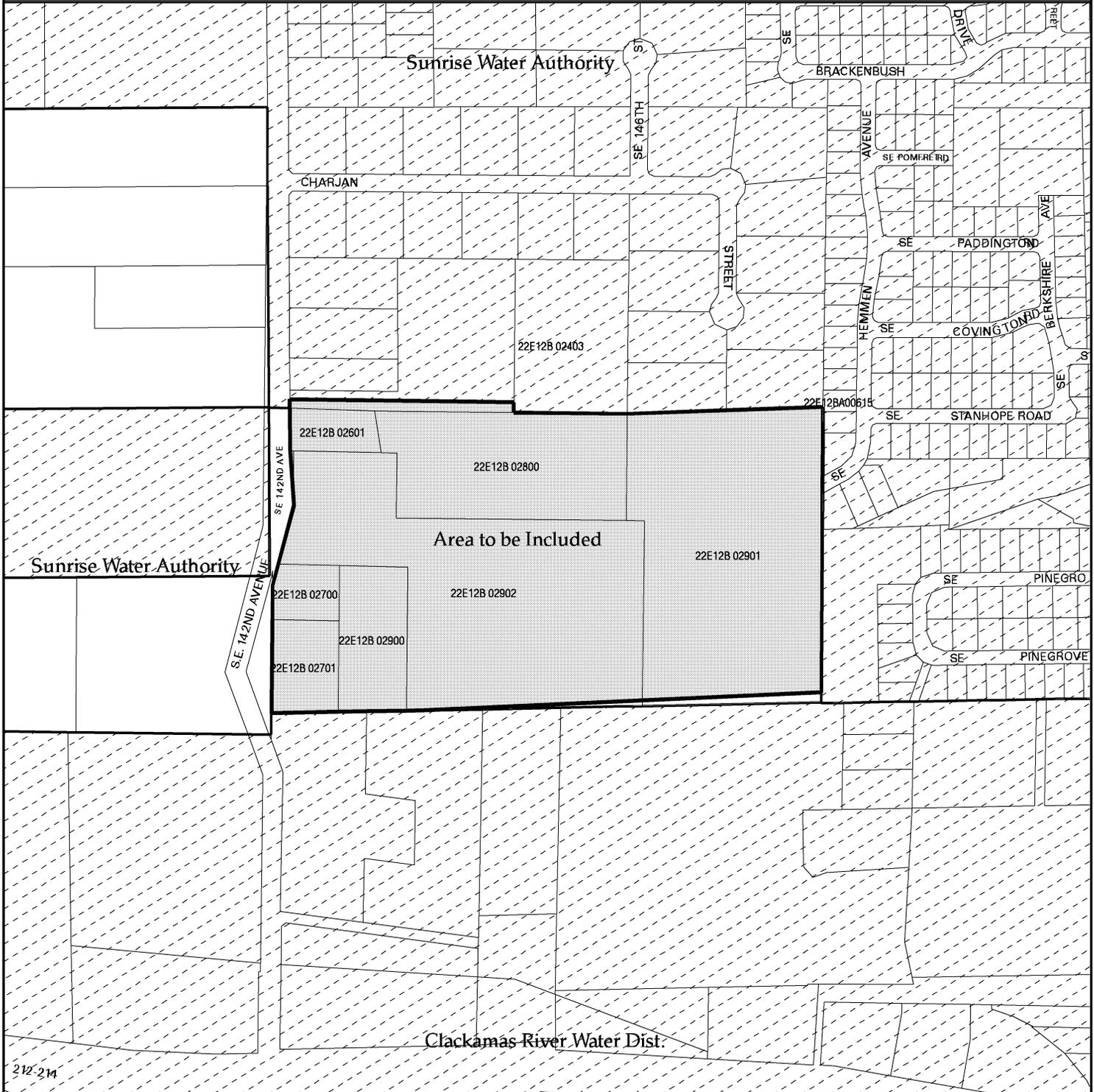
cc: County Clerk(s)
Department of Revenue
ODOT
Population Research Center

Proposal No. CL2406

2S2E12B

Annexation to the Sunrise Water Authority

Clackamas Co.



R L I S
REGIONAL LAND INFORMATION SYSTEM



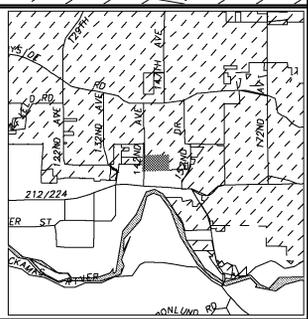
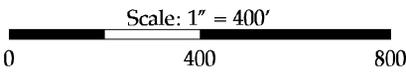
600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

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
-  Urban Growth Boundary

Proposal No. CL2406
SUNRISE WATER AUTHORITY
Figure 1



Notice to Taxing Districts

ORS 308.225



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

Sunrise Water Authority
 10602 SE 129th Avenue
 Portland, OR 97236-6218

Description and Map Approved
September 27, 2006
As Per ORS 308.225

Description Map received from: METRO
 On: 9/21/2006

This is to notify you that your boundary change in Clackamas County for
 ANNEX TO SUNRISE WATER AUTHORITY

ORD. #2006-397 (CL-2406)

has been: Approved 9/27/2006
 Disapproved

Notes:

Department of Revenue File Number: 3-1754-2006

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-2406



ORDER NO. 2006-397

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 Sunrise Water Authority;

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

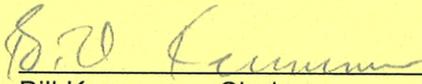
It further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report which complies with the requirements of Metro Code 3.09.050(b); and

It further appearing that this matter came before the Board for public hearing on August 31, 2006 and that a decision of approval was made on August 31, 2006;

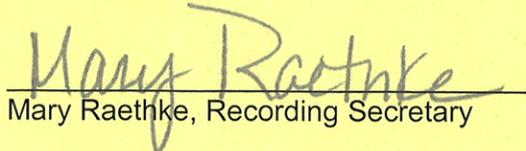
NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-2406 is approved for the reasons stated in attached Exhibit A and the territory described in Exhibit B and depicted on Exhibit C is annexed to Sunrise Water Authority.

ADOPTED this 31st day of August, 2006.

BOARD OF COUNTY COMMISSIONERS



Bill Kennemer, Chair



Mary Raethke, Recording Secretary

FINDINGS

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

1. The territory to be annexed contains 29.55 acres, 2 single family dwellings, a population of 3 and is valued at \$1,305,886.
2. The property owners desire water service to facilitate development. In conjunction with an additional lot which is already in the Authority, the territory will be developed with a 76 home planned unit development (PUD). The PUD has received preliminary approval from the County.
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. The Metro 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. No necessary party is contesting the annexation at this time.

4. The area to be annexed is mostly flat with a number of trees. A small drainage way runs northeast to southwest.
5. This territory to be annexed is included in Metro's jurisdictional boundary and is inside the regional Urban Growth Boundary (UGB).

The law which dictates that Metro 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 free standing construct which is now an element of the Framework Plan is the 2040 Growth Concept.

Metro is authorized to adopt functional plans which are limited purpose plans addressing designated areas and activities of metropolitan concern. Metro has adopted two such plans, 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 water authorities.

The Regional Framework Plan contains chapters on citizen involvement, on policies, on transportation, parks, housing, etc. However, 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 territory to be annexed is identified as LDR - Low Density on the Clackamas County North Urban Area Land Use Plan Map (Map IV-6). Current zoning is R-8.5.

The Public Facilities and Services Element of the Comprehensive Plan contains the following Goals:

- Provide for the location and development of drinking water facilities to

support existing and future land development.

- Coordinate the location and size of drinking water facilities with appropriate water purveyors.

Specifically with regard to *water*, the Plan says:

- 12.0 Require all public water purveyors to design the extension of water facilities at levels consistent with the land use element of the Comprehensive Plan.

...

- 13.0 In urban areas, require water purveyors to coordinate the extension of water services with other key facilities, i.e., transportation, sanitary sewers, and storm drainage facilities, which are necessary to serve additional lands.

- 14.0 Encourage development in urban areas where adequate urban water facilities already exist.

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 relative to this area of Clackamas County.
8. The Sunrise Water Authority has a 12 inch line in SE 142nd Avenue adjacent to the territory to be annexed on the west. Extensions from this line can serve the property.
9. There are 8 inch sewer lines in SE 142nd on the west [REDACTED] of the territory.
10. The Clackamas County Sheriff serves the area with a ratio of sworn officers per thousand population of approximately .5. The territory is served by Clackamas County Service District for Enhanced Law Enforcement in addition to the service received generally from the County Sheriff.
11. The area is within Clackamas R.F.P.D. # 1. This service will not be affected by annexation to the Water Authority.

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 therefore 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 (Sunrise Water Authority) 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 and concludes this proposal complies with it. Specifically the Plan calls for providing water to "support existing and future development" as noted in Finding No. 6. 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 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 is necessary to make this critical service available to an area which will ultimately develop with urban densities. The Water Authority has water service available to serve this area. The Board therefore concludes that annexation promotes the timely, orderly and economic provision of this service.

EXHIBIT B

Proposal No. CL-2406

LEGAL DESCRIPTION FOR ANNEXATION TO WATER DISTRICT

LEGAL DESCRIPTION FOR THE ANNEXATION OF THE PLAT OF WENZEL PARK AND THE REMAINDER OF PARCEL 2 OF PARTITION PLAT NO. 2002-021, CLACKAMAS COUNTY SURVEY RECORDS, IN THE NORTHWEST ONE QUARTER OF SECTION 12, T2S, R2E, W.M. THE BOUNDARY OF THE SAID ANNEXATION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE AT THE SOUTHWEST CORNER OF LOT 13, BLOCK 3, CHARJAN WOODS NO. 2, THENCE ALONG THE NORTH LINE OF PARCEL 2 OF PARTITION PLAT NUMBER 2002-021, N87°27'50"E 558.31 FEET TO AN IRON BAR AT THE NORTHWEST CORNER OF THE SAID PLAT IN THE WEST LINE OF ADDINGTON PLACE NO. 2; THENCE ALONG THE WEST LINE OF ADDINGTON PLACE NO. 2 AND THE WEST LINE OF TRACT A, SEDONA PARK, S00°15'30"E 829.70 FEET MORE OR LESS TO AN IRON PIPE AT THE SOUTHEAST CORNER OF SAID PARCEL 2 OF PARTITION PLAT NO. 2002-021; THENCE ALONG THE SOUTH LINE OF THE SAID PLAT S88°10'56"W 509.28 TO THE SOUTHEAST CORNER OF THE PROPOSED PLAT OF WENZEL PARK; THENCE CONTINUING S88°10'56"W 455.06 FEET ALONG THE SAID LINE AND THE NORTH LINE OF FEE NO. 98-79440, CLACKAMAS COUNTY DEED RECORDS AND THE NORTH LINE OF THAT TRACT DESCRIBED BY DEED RECORDED AS FEE NO. 2004-81667, CLACKAMAS COUNTY DEED RECORDS TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP MARKED "GAYLORD LAND SURVEYING, INC.", AT THE NORTHWEST CORNER OF THAT TRACT OF LAND RECORDED AS DOCUMENT NUMBER 2004-81667, CLACKAMAS COUNTY DEED RECORDS; THENCE S 88°24'01" W 602.57 FEET ALONG THE NORTH LINE OF THOSE TRACTS DESCRIBED BY DEEDS RECORDED AS FEE NO. 76-09317 AND FEE NO. 2004-05227, CLACKAMAS COUNTY DEED RECORDS TO A 3/4 INCH IRON PIPE WITH PINCHED TOP, WHICH BEARS N 88°24'01" E 0.13 FEET FROM A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "LOVE 747" BEARS N 81°50'41"W 0.54 FEET FROM THE NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN FEE NUMBER 2004-05227, CLACKAMAS COUNTY DEED RECORDS; THENCE N 00°02'51" W 400.64 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP MARKED "GAYLORD LAND SURVEYING, INC." IN THE SOUTHEAST RIGHT OF WAY LINE OF COUNTY ROAD NUMBER 723; THENCE ALONG THE SAID SOUTHEAST RIGHT OF WAY LINE OF COUNTY ROAD NUMBER 723, N 14°23'21" E 192.11 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP MARKED "GAYLORD LAND SURVEYING, INC."; THENCE CONTINUING ALONG THE EAST RIGHT OF WAY LINE OF COUNTY ROAD NUMBER 723, N 00°56'39" W 295.11 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP MARKED "GAYLORD

LAND SURVEYING, INC." AT THE SOUTHWEST CORNER OF PARTITION PLAT NUMBER 2002-103; THENCE ALONG THE SOUTH LINE OF THE SAID PARTITION PLAT S 89°59'35" E 625.40 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP MARKED "COMPASS ENGINEERING" AT THE SOUTHEAST CORNER OF PARTITION PLAT NUMBER 2002-103, AND IN THE WEST LINE OF A TRACT OF LAND RECORDED AS FEE NUMBER 90-13255, CLACKAMAS COUNTY DEED RECORDS; THENCE S 00°01'30" W 29.17 FEET ALONG THE SAID WEST TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "GAYLORD LAND SURVEYING, INC."; THENCE ALONG THE SOUTH LINE OF THE SAID FEE NUMBER, N 89°58'30" W 336.75 FEET TO THE INITIAL POINT. CONTAINING 12.02 ACRES MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Patrick M. Gaylord
OREGON
JULY 10, 1996
PATRICK M. GAYLORD
2767

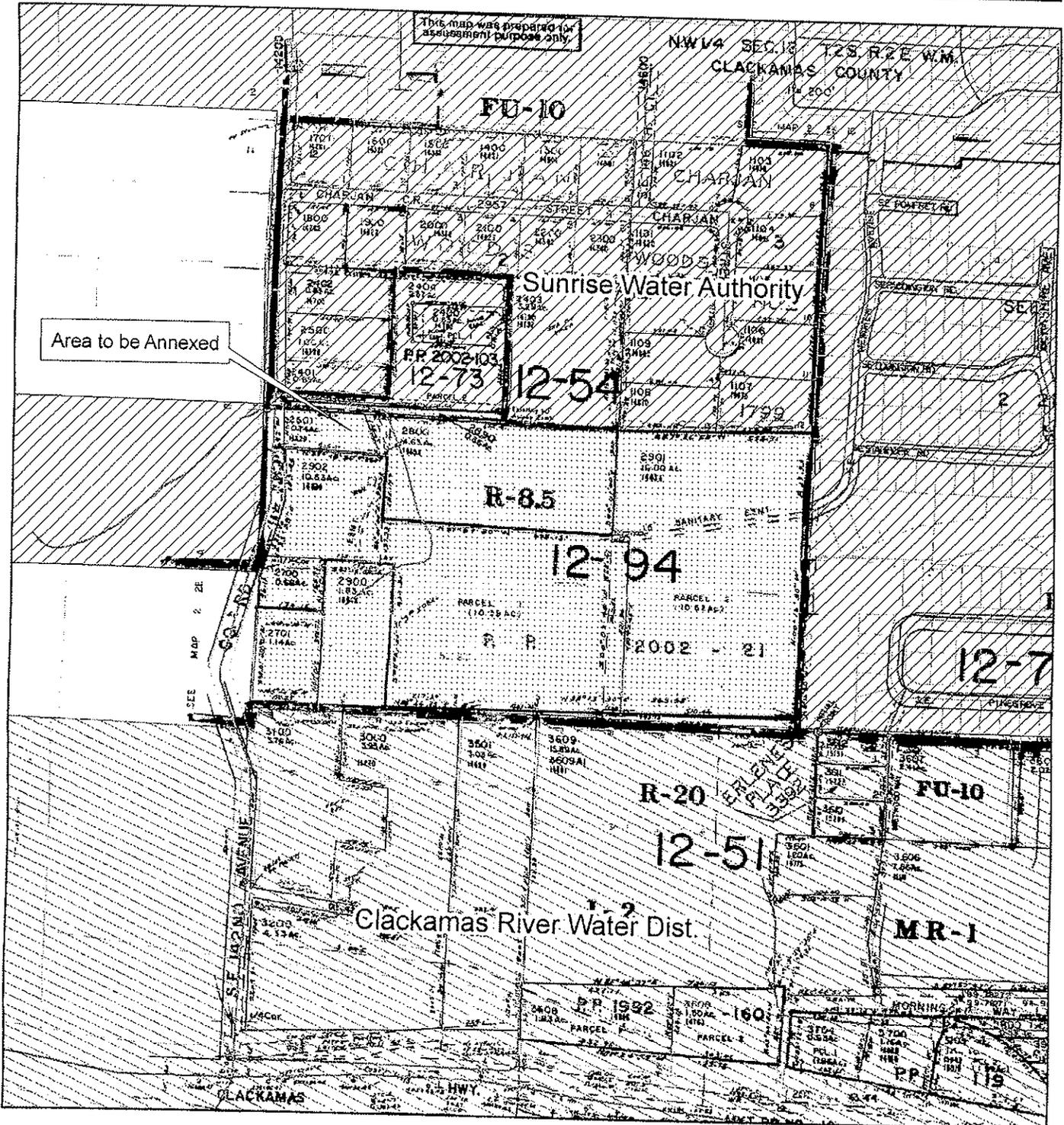
EXHIBIT C

Proposal No. CL-2406

Proposal No. CL2406

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

Annexation to the Sunrise Water Authority
 Clackamas County
 2S2E12B



1 inch equals 400.00 feet

PROPOSAL No. CL2406
 Sunrise Water Authority
 Figure 2

**ANNEXATION BOUNDARY FOR SUNRIDGE CONSTRUCTION
IN THE NW 1/4 OF SECTION 12, T2S R2E, W.M.
CLACKAMAS COUNTY, OREGON**

SCALE: 1" = 150' DECEMBER 1, 2005

GAYLORD LAND SURVEYING, INC.
2910 S.E. OAK GROVE BLVD.
MILWAUKIE, OREGON 97267
(503)854-1492

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 14, 1994
PATRICK M. GAYLORD
2767
RENEWED THRU 06/30/07

PARTITION PLAT
NO. 2002-103
PARCEL 2
625.40'

SOUTH LINE OF PARTITION PLAT
NO. 2002-103 HELD FOR BASIS
OF REVERSE

N89°59'35"W

625.40'

FEE NO.
90-13255

S00°01'30"W

29.17'

S89°58'30"E

336.75'

POINT OF
BEGINNING

CHARJAN WOODS NO. 2
PLAT NO. 1788
LOT 13 BLOCK 3
558.31'

N87°27'50"E

558.31'

PARTITION PLAT NO. 2002-021 (UNSURVEYED)
REMAINDER PARCEL 2

TOTAL AREA
29.99 acres

WENZEL PARK (PENDING)

TRACT A
SEDONA PARK, PLAT NO. 3130
ADDINGTON PLACE NO. 2
PLAT NO. 3301

829.70'

S00°16'30"E

829.70'

509.28'

S84°34'

984.34'

S88°10'56"W

455.06'

602.57'

FEE NO.
76-09317

2004-05227

FEE NO.
2004-81667

2004-05227

FEE NO.
76-09317

2004-81667

FEE NO.
2004-05227

2004-81667

SCALE: 1" = 150'
PROJECT NO. 01088



(SIEBEN ROAD)
N 00°25'51" W 400.64'

N14°23'21"E 192.11'

S.E. 142ND AVENUE CO. RD. NO. 723