

Final Documents  
For  
Annexation to the  
**Clackamas County Service District #1**

CL2601  
DOR 3-1533-2002  
Ordinance #01-309

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

Signature:

 \_\_\_\_\_

Date of  
Mailing: 12/27/01

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

Signature:

 \_\_\_\_\_

Date of  
Mailing: 1/24/02

CL2601

Sent

Received

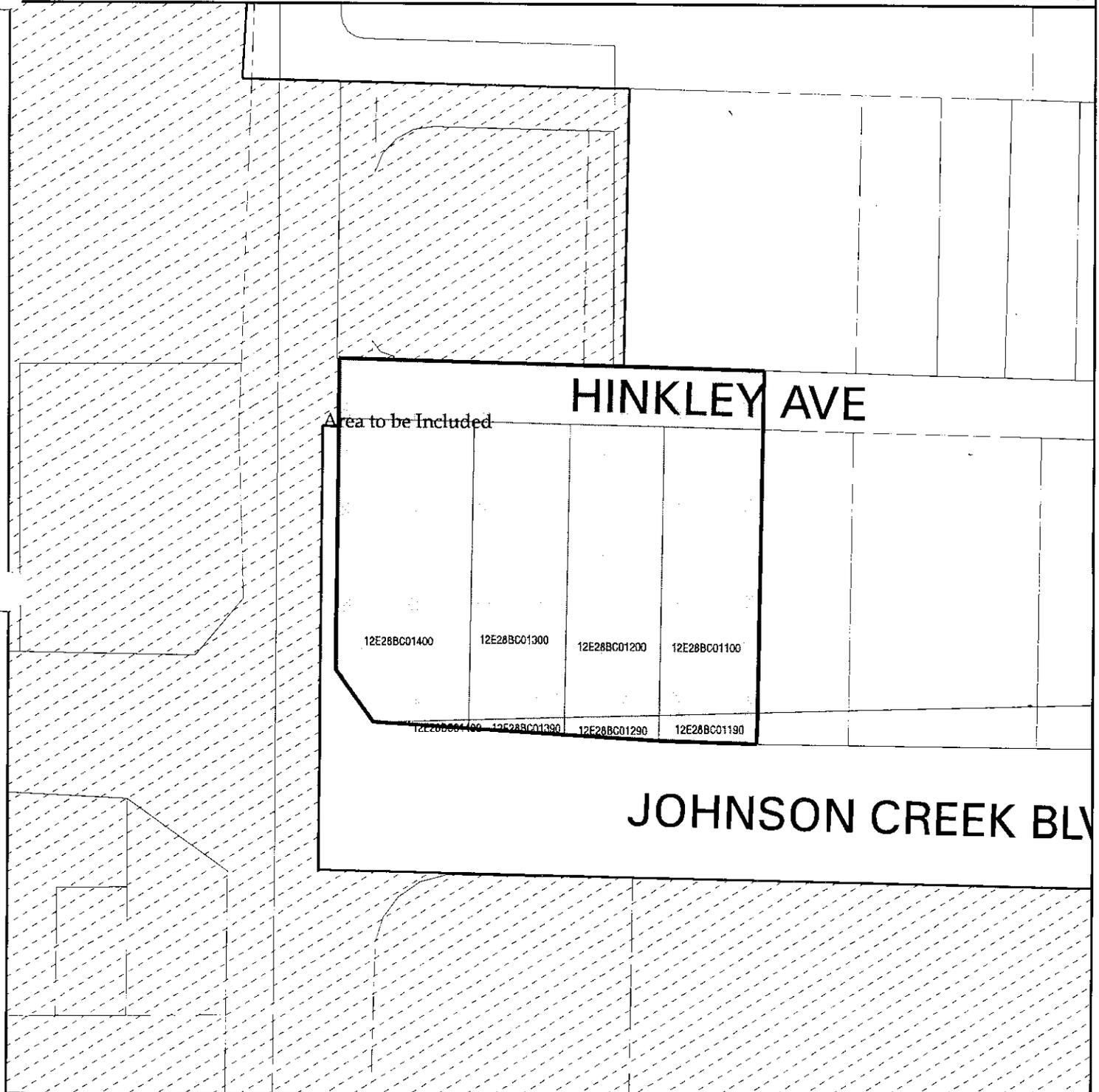
DOR:	12/27/01	1/15/02
Sec. State:	1/24/02	Not Applicable
Assessor:	1/24/02	
Elections:	1/24/02	
Mapped:	Yes	
Posted to Web:	2/11/02	
Addresses:	12E28BC01400	9106 SE 82 <sup>nd</sup> Ave
	12E28BC01300	8300 SE Hinkley Ave
	12E28BC01200	8320 SE Hinkley Ave
	12E28BC01100	8340 SE Hinkley Ave
	12E28BC01490	No Site Address
	12E28BC01390	No Site Address
	12E28BC01290	No Site Address
	12E28BC01190	No Site Address

# Proposal No. CL2601

S2E28BC

Annexation to the Clackamas Co. Service Dist. #1

Clackamas Co.



R L I S  
REGIONAL LAND INFORMATION SYSTEM



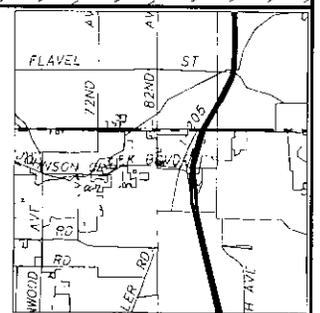
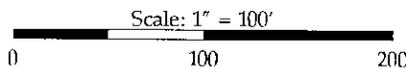
600 NE Grand Ave.  
Portland, OR 97232-2736  
Voice 503 797-1742  
FAX 503 797-1909  
Email drc@metro-region.org

**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. CL2601  
CLACKAMAS CO. SERVICE DIST. #1  
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**  
**January 15, 2002**  
**As Per ORS 308.225**

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

Description     Map received from: METRO  
 On: 1/2/02

This is to notify you that your boundary change in Clackamas County for  
 ANNEX TO THE CLACKAMAS COUNTY SERVICE DIST. #1

ORDER #01-309

has been:     Approved            1/15/02  
                    Disapproved

Notes:

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Department of Revenue File Number: 3-1533-2002

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-2601

} ORDER NO. 01-309

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

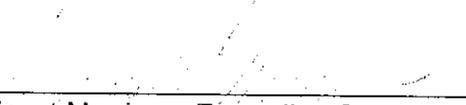
It further appearing that this matter came before the Board for public hearing on November 1, 2001 and that a decision of approval was made on November 1, 2001;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-2601 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 20th day of December, 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 1.5 acres, one single family dwelling, two commercial structures and has an assessed value of \$417,284.
2. The property owner desires sewer service so he can redevelop the site with a new office, sales facility and detailing facility for recreational vehicles.
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 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.

4. The territory slopes gently to the northwest. It lies in the Johnson Creek drainage basin but outside the floodplain.
5. 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 speak 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.

6. The Clackamas County Comprehensive Plan designates the area as General Commercial. County zoning is G-3, General Commercial.

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

- Provision of sanitary facilities must be coordinated with other essential facilities and services.

Specifically with regard to sewer the Plan says:

- 12.0 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.

7. The territory is within the City of Milwaukie Area of Interest as designated on the City/County Urban Growth Management Agreement. Annexation to the City is not required by the Agreement in this part of the City's area of interest. The Agreement does require notice of actions such as annexations to be provided to the City and that notice was given.
8. 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 in this area of Clackamas County.
9. This property is within the Clackamas River Water District and is served from the District's 12 inch waterline in Johnson Creek Blvd.
10. Clackamas County Service District # 1 has a 8-inch sanitary sewer line in SE Hinkley Ave. which can serve these properties.
11. The Clackamas County Sheriff serves this area with a ratio of sworn officers per thousand population of approximately .5. The area to be annexed is within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to urban unincorporated and some urban incorporated areas of the county. Annexation to the service district for sanitary sewers will have no effect on the law enforcement district.
12. 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.
13. The area to be annexed is within the North Clackamas County Park & Recreation District. This service will not be affected by annexation to the County Service District for sanitary sewers.
14. The area to be annexed is within Clackamas County Service District #5 for streetlights. This service will not be affected by annexation to the County Service District for sanitary sewers.

## 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. 8 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 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 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 Clackamas County Service District # 1 can directly provide the service it controls to the site immediately in adequate quantity and quality. Other services are already available from other service providers.

## EXHIBIT B

Proposal No. CL-2601

### LEGAL DESCRIPTION

TAX LOTS 1100,1190,1200,1290,1300,1390,1400,1490 AND ADJOINING HINCKLEY AVENUE, 1 2E 28BC  
CLACKAMAS COUNTY  
JULY 24, 2001  
2001-4869  
DWD

A PARCEL OF LAND SITUATED IN THE NORTHWEST 1/4 OF SECTION 28, T.1S., R. 2E., W.M., CLACKAMAS COUNTY, OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 3, "BEVERLY PARK", A PLAT OF RECORD IN CLACKAMAS COUNTY, OREGON; THENCE ALONG THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 3, NORTH 00°16' EAST 40.00 FEET TO THE NORTH RIGHT OF WAY LINE OF HINCKLEY AVENUE (SPOONER ROAD); THENCE ALONG SAID RIGHT OF WAY LINE NORTH 89°01' WEST 289 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY EXTENSION OF THE EAST LINE OF PARCEL 1, EXHIBIT "A", AS DESCRIBED IN STIPULATED FINAL JUDGMENT RECORDED AS DOCUMENT NUMBER 90-57767, CLACKAMAS COUNTY DEED RECORDS; THENCE SOUTHERLY, ALONG THE EAST LINE OF SAID PARCEL 1, A DISTANCE OF 159 FEET, MORE OR LESS, TO A POINT OPPOSITE ENGINEER'S STATION "82nd" 347+20 ON THE CENTERLINE OF RELOCATED S.E. 82nd AVENUE (AS SAID CENTERLINE IS DESCRIBED IN THE AFOREMENTIONED JUDGMENT RECORDED AS DOCUMENT NUMBER 90-57767, CLACKAMAS COUNTY DEED RECORDS); THENCE SOUTHEASTERLY AND CONTINUING ALONG THE EAST LINE OF SAID PARCEL 1, A DISTANCE OF 61 FEET, MORE OR LESS, TO A POINT OPPOSITE AND 50 FEET NORTHERLY OF ENGINEER'S STATION "LA" 10+80 ON THE CENTERLINE OF RELOCATED JOHNSON CREEK BOULEVARD (AS SAID CENTERLINE IS DESCRIBED IN THE AFOREMENTIONED JUDGMENT RECORDED AS DOCUMENT NUMBER 90-57767, CLACKAMAS COUNTY DEED RECORDS); THENCE SOUTHEASTERLY, PARALLEL WITH AND 50 FEET NORTHERLY OF SAID CENTERLINE OF RELOCATED JOHNSON CREEK BOULEVARD, 248 FEET, MORE OR LESS, TO THE EAST LINE OF LOT 3, "BEVERLY PARK"; THENCE ALONG SAID EAST LINE, NORTH 00°16' EAST 180 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

# Proposal No. CL2601



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

Annexation to the Clackamas Co. Service Dist. #1  
Clackamas Co.  
Map 1S2E28BC

## EXHIBIT C

Proposal No. CL-2601

