

Final Documents

For

Annexation to the
Clackamas Co. Service District #1

CL2604
Ord.# 2004-204
DOR 3-1646-2004
Sec. State: SD-2004-0093

Final to DOR: _____

Signature:

 _____

Date of

Mailing: 10/7/04

Final to Secretary of State: _____

Signature:

 _____

Date of

Mailing: 10/13/04

CL2604

Sent

Received

DOR:

10/7/04

10/13/04

Sec. State:

10/13/04

10/21/04

Assessor:

10/13/04

Elections:

10/13/04

Mapped:

Yes

Properties:

22E12AB05600

14880 SE 152nd DR

22E12AB06090

15369 SE Ranger DR

Notice to Taxing Districts

ORS 308.225



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

Description and Map Approved
October 12, 2004
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: 10/11/2004

This is to notify you that your boundary change in Clackamas County for
 ANNEXATION TO CLACKAMAS COUNTY SERVICE DISTRICT #1
 ORDER #2004-204 (CL-2604)

has been: Approved 10/12/2004
 Disapproved

Notes:

Department of Revenue File Number: 3-1646-2004

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-2604

} ORDER NO. 2004-204

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 September 30, 2004 and that a decision of approval was made on September 30, 2004;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-2604 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 30th day of September, 2004.

BOARD OF COUNTY COMMISSIONERS



Bill Kennemer, Chair



Mary Raethke, Recording Secretary

2004-204

Exhibit A
Proposal No. CL-2604

FINDINGS

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

1. The territory to be annexed contains 1.13 acres, 1 vacant single family dwelling and has an assessed value of \$234,283.
2. The property owners desire sewer service to facilitate development of a 5-lot subdivision.
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 covers this area. The site has a plan designation of Low Density Residential. Zoning is FU-10, Future Urban, 10 acre minimum lot size. The applicant is requesting a zone change to R-8.5 to facilitate the residential development.

The LAND USE Element of the Comprehensive Plan contains the following Policy:

Develop all subdivisions in urban areas with public sewer, public water, curbs, drainage controls, pedestrian/bikeway facilities and underground utilities. Street lighting and street trees may be required.

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. This property will be served by an existing District sewer line in an easement along the east property line of the territory to be annexed.
8. The territory is within the Sunrise Water Authority which has an 18-inch waterline in SE 152nd adjacent to 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. 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 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 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." Annexation is necessary to make this critical service available to avoid future potential health problems. 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 criteria 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-2604

Description:

A tract of land situated in Northwest ¼ of the Northeast ¼ of Section 12, T2S, R2E, W.M. Clackamas County Oregon and more particularly described as follows:

Beginning at the most northeasterly corner of Clackamas County Recorded Plat ARBOR VALLEY COMMONS, Record No. 3538; thence South 33°58'10" West a distance of 19.17 feet more or less to a point on the west line of said PLAT, and the point also being the TRUE POINT OF BEGINNING; thence North 33°58'10" East a distance of 175 feet more or less; thence South 89°37'20" West a distance of 386.15 feet more or less to a point on the East Line of Clackamas County Road 152nd Avenue; thence southerly along the East Line of 152nd Avenue a distance of 143 feet more or less; thence East a distance of 280 feet more or less to the TRUE POINT OF BEGINNING.

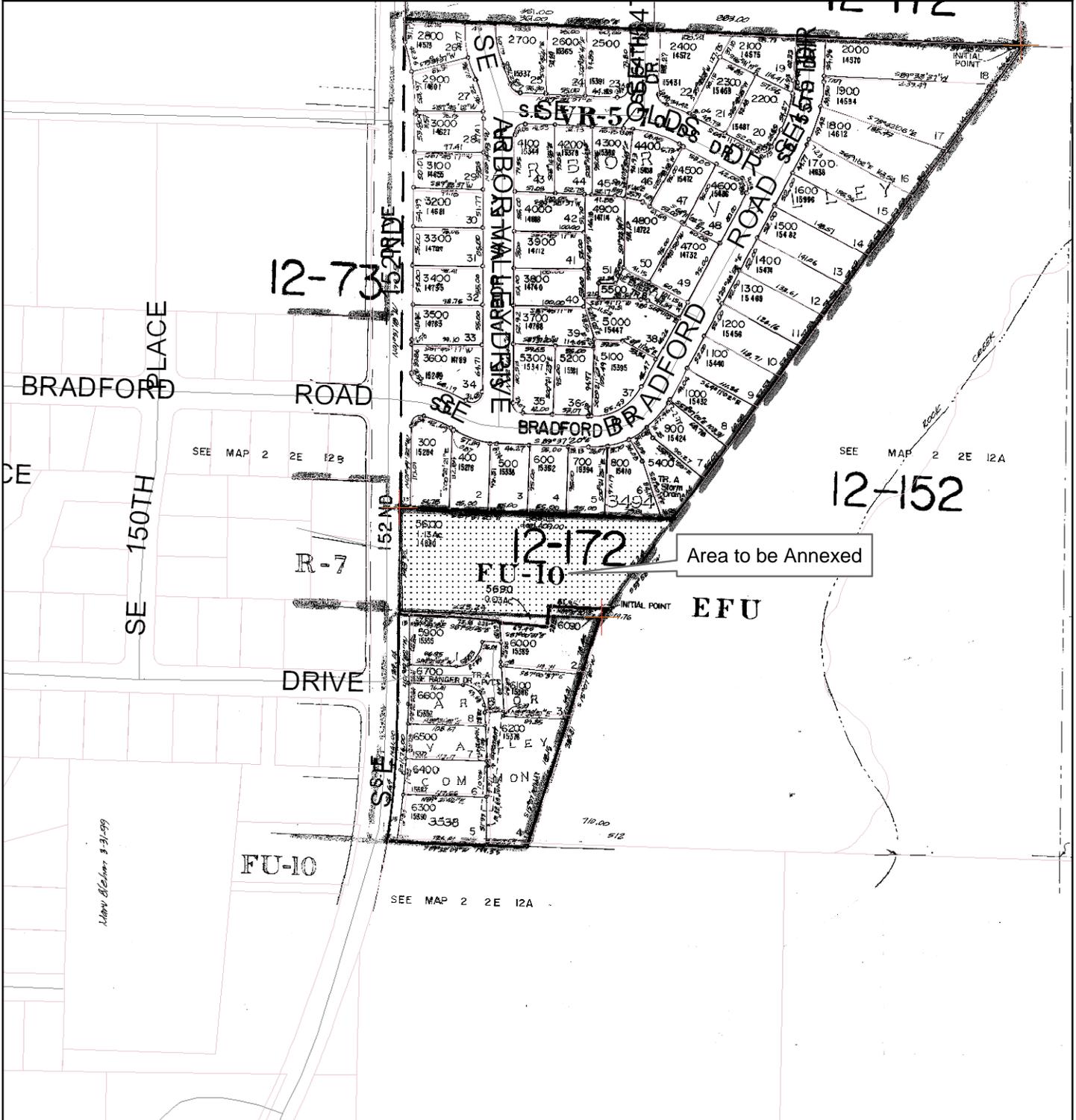


Proposal No. CL2604



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

Annexation to Clackamas Co Service Dist. #1
Clackamas County
2S2E12AB



1 inch equals 200 feet

PROPOSAL No. CL2604
Clackamas Co. Service Dist. #1
Figure 2