

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

CL2901  
DOR 3-1534-2002  
Ordinance #01-310

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

Signature:

 \_\_\_\_\_

Date of  
Mailing: 12/27/01

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

Signature:

 \_\_\_\_\_

Date of  
Mailing: 1/24/02

CL2901

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:	22E02D 00704	14400 SE 139 <sup>th</sup> Ave



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

In the Matter of Approving  
Boundary Change Proposal  
No. CL-2901

ORDER NO. CL-310

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

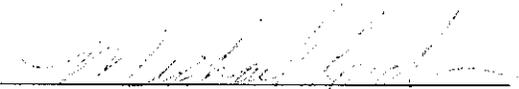
It further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report which complies with the requirements of Metro Code 3.09.050(b); and

It further appearing that this matter came before the Board for public hearing on December 20, 2001 and that a decision of approval was made on December 20, 2001;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-2901 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 15.48 acres, one single family dwelling and has an assessed value of \$480,580.
2. The property owners have no immediate plans for the lower 10 acres of their property where they currently have their one single family dwelling. The northern 5 acres is being partitioned and sold to the North Clackamas Park and Recreation District. The District plans to land bank this parcel for future development as a park. Annexation to the District is a condition of the partition.
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 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

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).

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. County zoning is FU-10, Future Urbanizable, 10 acre minimum lot size. The County has categorized lands within urban growth boundaries as "immediate urban" and "future urbanizable." Lands that are serviced by sanitary sewers or are within the boundary of a sewer provider and lands that are developed to urban density are designated immediate urban. All other lands are designated future urbanizable.

Urbanization policy 5 provides that lands are converted from future urbanizable to immediate urban when they are annexed to an entity that provides sewer service and policy 6 provides criteria for making that conversion decision:

- 5.0 Convert land from Future Urbanizable to Immediate Urban when land is annexed to either a city or special district capable of providing public sewer. Zoning will be applied, compatible with the Plan when land becomes immediate urban.

- 6.0 Use the following guidelines for annexations having the effect of converting Future Urbanizable to Immediate Urban land:
- a. Capital improvement programs, sewer and water master plans, and regional public facility plans should be reviewed to insure that orderly, economic provision of public facilities and services can be provided.
  - b. Sufficient vacant Immediate Urban land should be permitted to insure choices in the market place.
  - c. Sufficient infilling of Immediate Urban areas should be shown to demonstrate the need for conversion of Future Urbanizable areas.
  - d. Policies adopted in this Plan for Urban Growth Management Areas and provisions in signed Urban Growth Management Agreements should be met.

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

### 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. The statute was enacted in 1993 but no urban service agreements have yet been adopted in this area of Clackamas County.
  7. Clackamas County Service District # 1 has a sanitary sewer lines to the northeast which can serve the north part of the area. The south part of the lot is not easily serviceable

at the present time but ultimately the District would be the entity which would provide sewer service to the area. The property owners choose to annex their entire lot (both the portion where their house lies and the portion being sold to the Park District) so that they would not have to go through the cost and bother of processing a second annexation in the future.

The criteria to be considered when reviewing an annexation proposal of this type does not require a showing that service is immediately available. Rather, the requirement is that the annexation will either "promote" or at least "not interfere with the timely, orderly and economic provision" of sewer service to the area. It can be logically argued that annexing this property now will save time and money later when service is actually desired and that this criteria is therefore met.

8. This property is within the Sunrise Water Authority which can serve the site.
9. 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.
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 Park & Recreation District. This service will not be affected by annexation to the County Service District for sanitary sewers. A 5 acre portion of the site is being partitioned for sale to the District. The District will develop the property in the future probably with an active park including ball fields, a playground and restroom. The District will be seeking a zone change on the property to allow for a park as an outright use.
12. 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. 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 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 because annexing this property now will save time and money in the future when service is actually needed, that the proposal promotes the timely orderly and economic provision of this service.

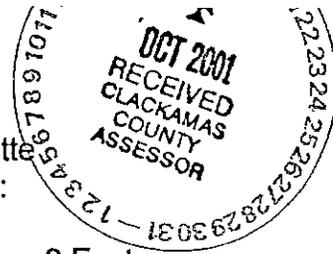
# EXHIBIT B

Proposal No. CL-2901

## LEGAL DESCRIPTION

A parcel of land in the S.E. ¼ of Section 2, T.2S., R.2E., of the Willamette Meridian, Clackamas County, Oregon, and further described as follows:

Beginning at the southeast corner of Section 2, Township 2 South, Range 2 East, W.M., Clackamas County, Oregon; thence along the South Line of said Section 2, north 89°46'31" west a distance of 659.83 feet more or less, said point being the TRUE POINT OF BEGINNING; thence north 00°04'17" east a distance of 1,321 feet more or less; thence north 89°36'24" west a distance of 329.82 feet more or less; thence south 00°04'34" west a distance of 660.98 feet more or less; thence north 89°41'28" west a distance of 329.87 feet more or less; thence south 00°04'50" west a distance of 661.47 feet more or less; thence south 89°46'31" east a distance of 659.84 feet more or less to a point, said point being the TRUE POINT OF BEGINNING.



# Proposal No. CL2901



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Voice 503 797-1742  
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Annexation to the Clackamas Co. Service Dist. #1  
Clackamas Co.  
Map 2S2E02D

## EXHIBIT C

Proposal No. CL-2901

