

Final Documents

For

Annexation to the  
Clackamas County Service District #1

CL3100  
DOR 3-1502-2001  
Ordinance #2001-51

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

Signature:

 \_\_\_\_\_

Date of  
Mailing: 3/30/01

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

Signature:

 \_\_\_\_\_

Date of  
Mailing: 6/18/01

|                | <u>Sent</u>  | <u>Received</u>   |
|----------------|--------------|-------------------|
| CL1301         |              |                   |
| DOR:           | 3/30/01      | 4/10/01           |
| Sec. State:    | 6/18/01      |                   |
| Assessor:      | 6/18/01      |                   |
| Elections:     | 6/18/01      |                   |
| Mapped:        | Yes          |                   |
| Posted to Web: |              |                   |
| Addresses:     | 12E29AA00400 | 8110 SE Luther Rd |

# Notice to Taxing Districts

ORS 308.225



Cartographic 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**  
**April 10, 2001**  
**As Per ORS 308.225**

Description     Map received from: METRO  
On: 3/31/01

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

ANNEX TO THE CLACKAMAS COUNTY SERVICE DIST. #1

ORDER #2001-51

has been:     Approved        4/10/01  
                   Disapproved

Notes:

Department of Revenue File Number: 3-1502-2001

Prepared by: Jennifer Dudley, 503-945-8666

Boundary:     Change     Proposed Change  
The change is for:

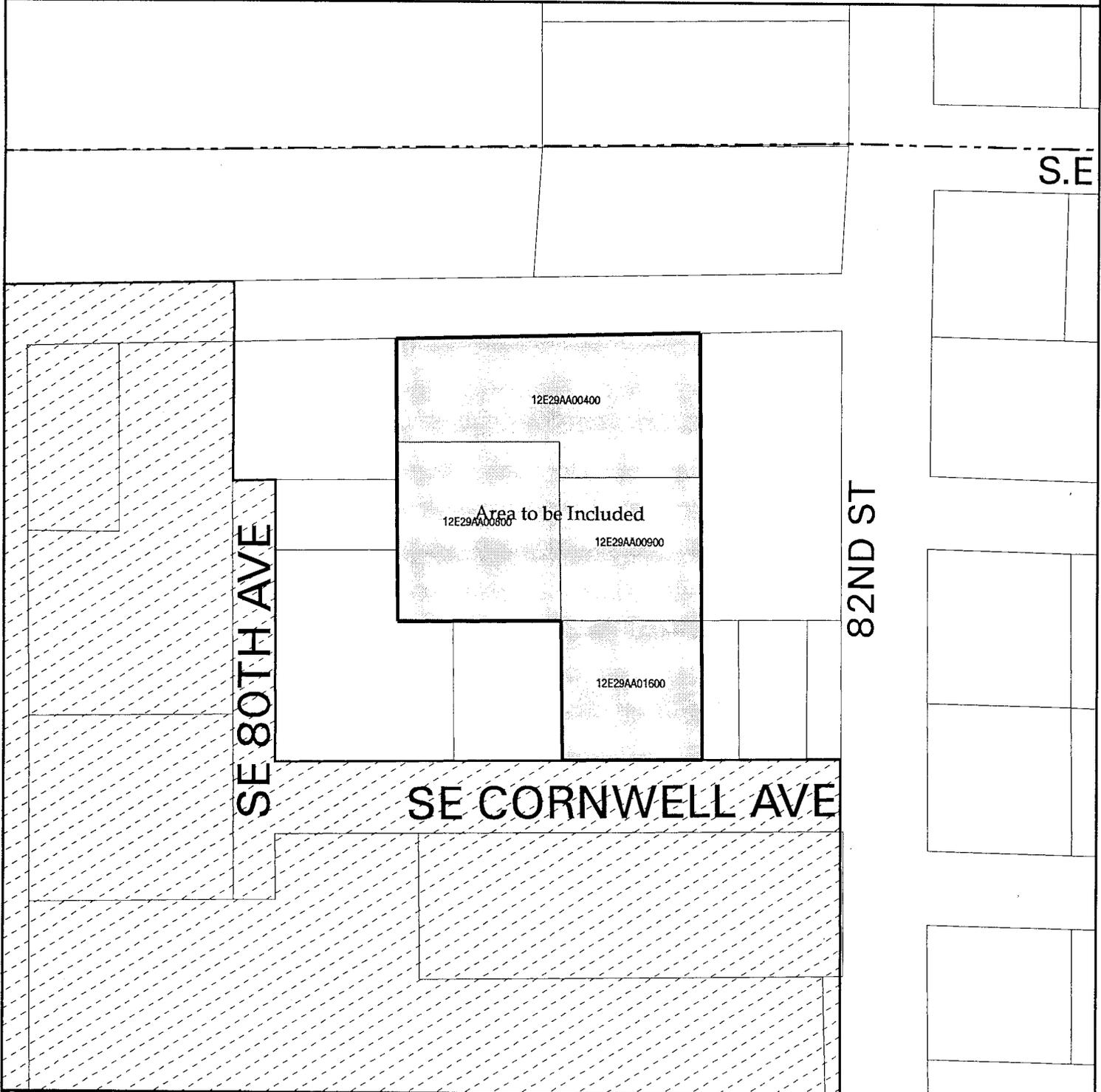
- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge

# Proposal No. CL3100

1S2E29AA

Annexation to the Clackamas Co. Service Dist. #1

Clackamas Co.



R L I S  
REGIONAL LAND INFORMATION SYSTEM



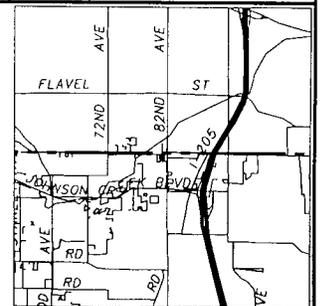
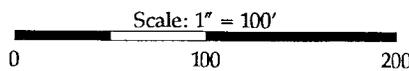
600 NE Grand Ave.  
Portland, OR 97232-2736  
Voice 503 797-1742  
FAX 503 797-1909  
Email [drc@metro-region.org](mailto:drc@metro-region.org)

**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. CL3100  
CLACKAMAS CO. SERVICE DIST. #1  
Figure 1



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

In the Matter of Approving  
Boundary Change Proposal  
No. CL-3100

ORDER NO. 2001-51

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 October 12, 2000 and that a decision of approval was  
made on October 12, 2000;

NOW, THEREFORE, IT IS HEREBY ORDERED that  
Boundary Change Proposal No. CL-3100 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 29th day of March, 2001.

BOARD OF COUNTY COMMISSIONERS

  
Michael Jordah, Chair

  
Mitlicent Morrison, Recording Secretary

## FINDINGS

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

1. The territory contains 1.21 acres, one single family dwelling and has an assessed value of \$368,410.
2. The property owners desire to annex to obtain sanitary sewer service to facilitate development. A branch office of the Castparts Employee's Federal Credit Union will be constructed on the site.
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.
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 the 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 is basically flat but not in a flood plain. Commercial uses predominate on the surrounding parcels.
5. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB). Neither the Regional Framework Plan nor the Regional Growth Management Functional Plan contains criteria for deciding boundary changes for sanitary sewer districts.

6. The Clackamas County Comprehensive Plan designates the area as General Commercial. This land use planning category is described in the Clackamas County Comprehensive Plan Summary as:

Lands for a wide range of goods and services with a large service area, accessible by major arterials. Multifamily uses permitted.

The County has categorized lands within urban growth boundaries as "immediate urban" and "future urbanizable." Lands that were serviced by sanitary sewers or were within the boundary of a sewer provider and lands that were developed to urban density were designated immediate urban. All other lands were designated future urbanizable. The territory to be annexed is designated "immediate urban."

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

#### POLICIES

- Clackamas County adopts as supporting documents to this Plan the public facilities plans title, "Transportation Element," "Sanitary Sewerage Services," "Water Systems," and "Storm Drainage Element," including the public facility project titles contained therein. The public facility projects' locations or service areas are shown on maps contained within the above reports.

#### 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.

7. The territory is within the Urban Growth Management Area of the City of Milwaukie as identified on the map attached to the City-County Urban Growth Management Agreement. That Agreement requires notice of any land use actions be given to the City. Notice of this proposal was provided to the City Manager and Planning Director.
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 only service agreement that Clackamas County has adopted is with Happy Valley.
9. Clackamas County Service District No. 1 has an 8-inch sanitary sewer main 285 feet to the west in Luther Road. This line will be extended by the property owner across the full frontage of the territory.

10. This property is within the Clackamas Water District and already receiving service from the District.
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 consideration of any directly applicable standards or criteria to be found in urban planning area agreements. The annexation does not conflict with any City / County Urban Growth Management Agreement. The only applicable requirement of the Milwaukie-Clackamas County UGMA (notice to the City) has been met.
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 only adopted functional plan, the Urban Growth

Management Functional Plan. This Plan requires that cities and counties amend their plans to include minimum density standards, etc. but these mandates do not relate to annexation to a sewer district. All other elements of the Regional Framework Plan were examined and found not to contain any directly applicable standards and criteria for 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-3100

## LEGAL DESCRIPTION:

Taxlot Numbers for Reference Only: 12E29AA00400, 12E29AA00800,  
12E29AA00900, 12E29AA01600.

Plat: PLEASANT LITTLE HOMES No. 3, Clackamas County Plat No. 34.

Parcels of land situated in the northeast corner of Section 29, Township 1.South, Range.2.East, of the Willamette Meridian County of Clackamas and State of Oregon, more particularly described as:

Lots 3, 4, 5, 6, 7,Block 1, of Clackamas County Plat No. 34, PLEASANT LITTLE HOMES No. 3, EXCEPT the westerly 35.10 feet of said Lot 7, and the portions of said lots lying within public roads, TOGETHER WITH that portion of vacated First Avenue adjoining that attached thereto by Commissioners Journal 24, page 392.

Lots 5, 6, 7, 8, 9, 10, 11, 12 and 13, Block 2, of Clackamas County Plat No. 34, PLEASANT LITTLE HOMES No. 34, EXCEPT the westerly 10.0 feet of said Lot 13.

Lots 25, 26, 27, and 28 of Block 2, of Clackamas County Plat No. 34, PLEASANT LITTLE HOMES No. 34.

# Proposal No. CL3100



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

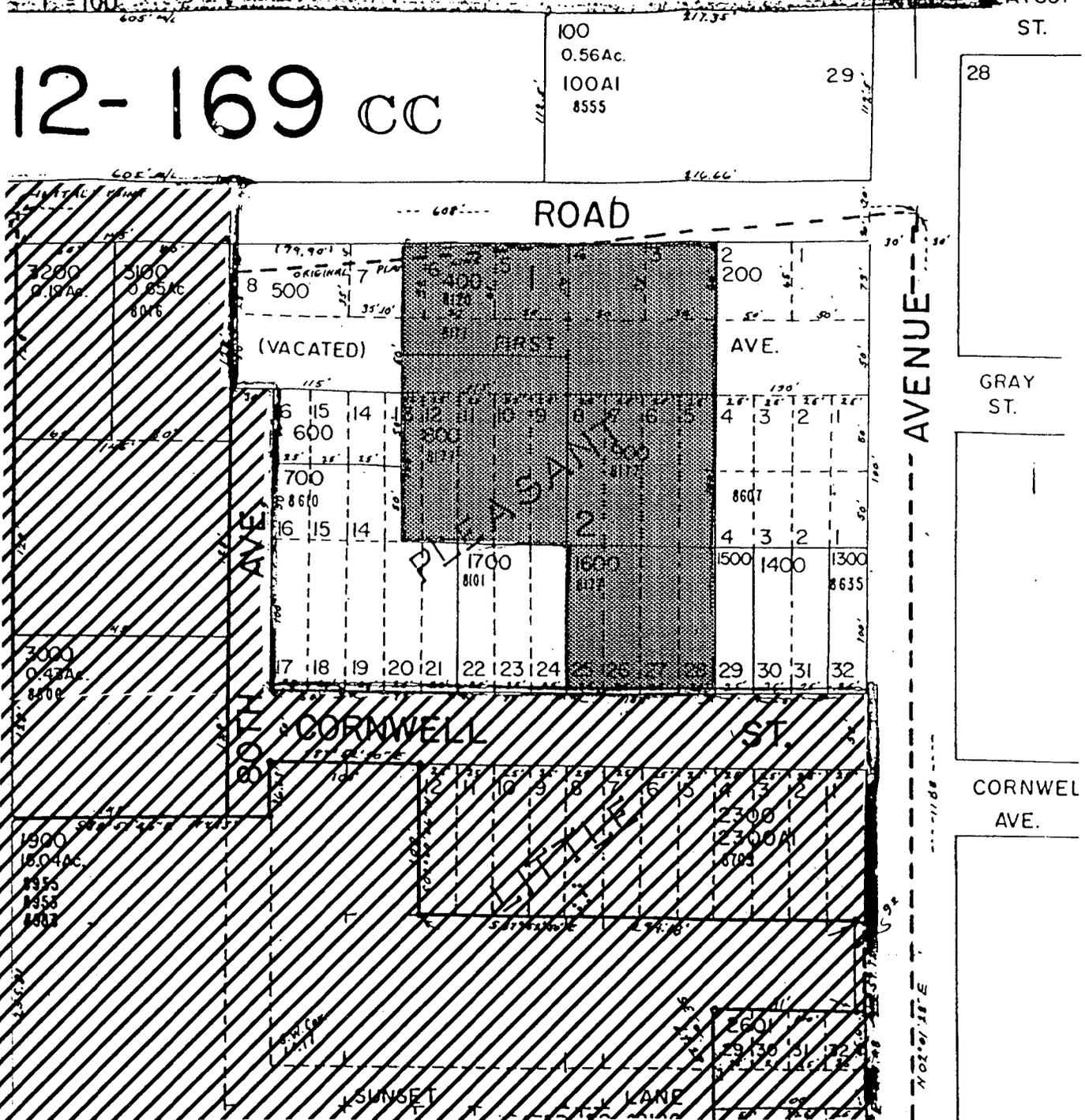
Annexation to the Clackamas Co. Service Dist. #1  
Clackamas Co.  
Section 1S2E29AA

## EXHIBIT C

Proposal No. CL-3100

SEC. 29 T. 15. R. 2E. W.M.  
CLACKAMAS COUNTY

COUNTY



PROPOSAL NO. CL3100  
CLACKAMAS CO. SERVICE DIST. #1  
Figure 2