

Final Documents

For

Annexation to the
Clackamas Co. Service District #1

CL3104
Ord.# 2004-209
DOR 3-1651-2004
Sec. State: SD-2004-0098

Final to DOR: _____

Signature:

 _____

Date of

Mailing: 10/7/04

Final to Secretary of State: _____

Signature:

 _____

Date of

Mailing: 10/13/04

CL3104

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:

12E29AD04400

No site address

Proposal No. CL3104

12E29AD

Annexation to the Clackamas Co. Service Dist. #1

Clackamas Co.



R E G I O N A L L A N D I N F O R M A T I O N S Y S T E M



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

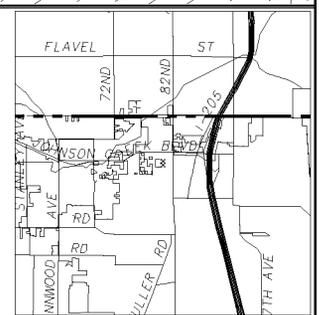
METRO

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. CL3104
CLACKAMAS CO. SERVICE DIST. #1
Figure 1

Scale: 1" = 250'



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 SERVICES DISTRICT #1
 ORDER #2004-209 (CL-3104)

has been: Approved 10/12/2004
 Disapproved

Notes:

Department of Revenue File Number: 3-1651-2004

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-3104

}

ORDER NO. 2004-209

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;

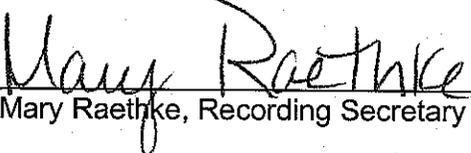
NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-3104 is approved for the reasons stated in attached Exhibit A and the territory described in Exhibit B and depicted on Exhibit C is annexed to Clackamas County Service District # 1.

ADOPTED this 30th day of September, 2004.

BOARD OF COUNTY COMMISSIONERS



Bill Kennemer, Chair



Mary Raethke, Recording Secretary

FINDINGS

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

1. The territory to be annexed contains .76 acres, 7 RV homes, a population of 14 and has an assessed value of \$90,117.
2. The property owners desire sewer service to facilitate development of a shopping center on this lot in conjunction with other lots [already in the District] to the north, east and south.
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's Clackamas Regional Center Area Design Plan covers this area. The site has a plan and zoning designation of Corridor Commercial.

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 via S.E. 80th Street north to a District sewer line in SE Johnson Creek Blvd..
 8. The territory is within Clackamas River Water which can serve 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 allow for development in conformance with the planning and zoning designations. 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-3104

Legal Description

Reference: Clackamas County Tax Assessor's Map 12E29AD, Taxlot 12E29AD04400.
Clackamas County Plat "OREGON HOMES", Clackamas County Plat No. 176.

The property is located in Township 1 South, Range 2 East, of the Willamette Meridian, in the southeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of Section 29, within Clackamas County and the State of Oregon, more particularly described as:

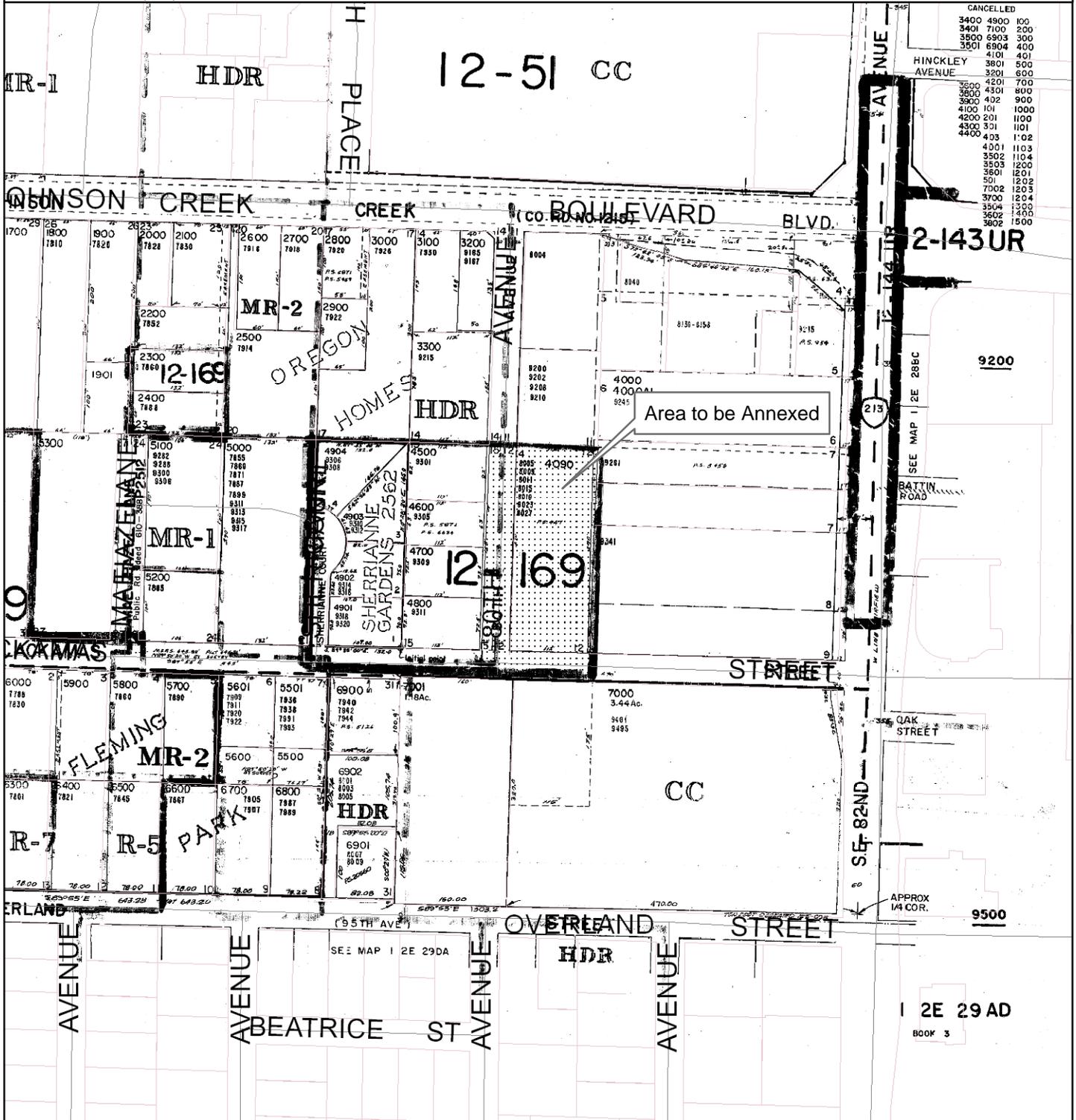
Beginning at the northeast corner of Lot 12 in OREGON HOMES, a Clackamas County Plat Record No. 176 and said corner being the TRUE POINT OF BEGINNING; thence westerly along the north line of said lot 152 feet more or less to a point on of intersection with the extension of said north line and the west line of SE 80th Avenue; thence southerly along the west line of SE 80th Avenue 330 feet more or less to a point of intersection with the extension of west line of SE 80th Avenue and the south line of Clackamas Street; thence easterly along the south line of Clackamas Street a distance of 152 feet more or less; thence north 01°01' east 330 feet more or less along the extension of the east line of Lot 12 in OREGON HOMES to the northeast corner of said lot being the TRUE POINT OF BEGINGING.

Proposal No. CL3104

K M C

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

Annexation to Clackamas Co Service Dist. #1
 Clackamas County
 1S2E29AD



1 inch equals 200 feet

PROPOSAL No. CL3104
 Clackamas Co. Service Dist. #1
 Figure 2