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PUBLIC SERVICES BUILDING
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October 6, 2016

Board of County Commissioners
 Clackamas County

Members of the Board:

Board Order for Boundary Change Proposal No. CL 16-008 for
Annexation to Clackamas County Service District No. 1

Purpose/Outcomes	Conduct public hearing/approve order
Dollar Amount and Fiscal Impact	None
Funding Source	Not applicable
Duration	Permanent
Previous Board Action	None
Strategic Plan Alignment	Build Public Trust Through Good Government: Hold transparent and clear public processes regarding jurisdictional boundaries
Contact Person	Ken Martin, Boundary Change Consultant – 503-222-0955 Chris Storey, Assistant County Counsel
Contract No.	Not applicable

BACKGROUND:

The County Board is charged with making boundary change decisions (annexations, withdrawals, etc.) for many types of special districts (water, sanitary sewer, rural fire protection, etc.) within the County. One type of special district over which the Board has jurisdiction is a county service district and Clackamas County Service District No. 1 is such a district.

Proposal No. CL 16-008 is a proposed annexation to Clackamas County Service District No.1.

State statute and the Metro Code require the Board to hold a public hearing on the proposed annexation. Notice of this hearing invited testimony from any interested party. Notice consisted of: 1) Posting three notices near the territory and one notice near the County hearing room 20 days prior to the hearing; 2) Published notice twice in the Clackamas County Review; 3) Mailed notice sent to affected local governments and all property owners within 100 feet of the area to be annexed.

As required by statute the Board of the District has endorsed the proposed annexation, via delegation to CCSD#1 staff. Also as required by statute (ORS 198.720(1)), the City of Happy Valley has approved this petition.

This proposal was initiated by a consent petition of property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 198.855(3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040(a) (lists Metro's minimum requirements for petition). If the Board approves the proposal the boundary change will become effective immediately.

The territory to be annexed is located generally in the eastern part of the District within the City of Happy Valley. The territory contains 4.08 acres, one vacant single family dwelling and is valued at \$466,441.

REASON FOR ANNEXATION

The property owners desire annexation to provide sewer service for development of 12 lots of a larger 24 lot subdivision.

CRITERIA

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."

Clackamas County Service District No. 1 and the City of Happy Valley do have an agreement calling for the District to be the provider of sewers inside the City.

Additional criteria can be found in the Metro Code. The code requires a report which addresses the criteria listed below and which includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;
2. Whether the proposed boundary change will result in the withdrawal of territory from the legal boundary of any necessary party¹; and
3. The proposed effective date of the boundary change.

Service availability is covered in the section below. Staff has examined the statutes and determined that approval of this annexation will not cause the withdrawal of the affected territory from the boundary of any necessary party. The proposed effective date (immediately upon adoption) was noted above.

To approve a boundary change, the reviewing entity (the County Board) must apply the following criteria:

To approve a boundary change, the County must:

1. Find that the change is consistent with expressly applicable provisions in:
 - (A) Any applicable urban service agreement adopted pursuant to ORS 195.205;

¹ A "necessary party" is another governmental entity which includes the same area or provides an urban service to the area.

- (B) Any applicable annexation plan adopted pursuant to ORS 195.205;
- (C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;
- (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and
- (E) Any applicable comprehensive plan;
- (F) Any applicable concept plan; and

2. Consider whether the boundary change would:

- (A) Promote the timely, orderly and economic provision of public facilities and services;
- (B) Affect the quality and quantity of urban services; and
- (C) Eliminate or avoid unnecessary duplication of facilities and services.

Attached is a proposed Board Order applying the above criteria to this particular annexation, including proposed findings as an exhibit thereto.

RECOMMENDATION

Based on the attached Order and Findings, Staff recommends approval of Proposal No. CL-16-008, annexation to Clackamas County Service District No. 1.

Respectfully submitted,

Chris Storey
Assistant County Counsel

In the Matter of Approving
Boundary Change Proposal
No. CL-16-008

Order No.

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 No. 1;

WHEREAS, it further appearing that this Board is charged with deciding this proposal for a boundary change pursuant to ORS Chapter 198 and Metro Code 3.09; and

WHEREAS, 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

WHEREAS, it further appearing that this matter came before the Board for public hearing on October 6, 2016 and that a decision of approval was made on October 6, 2016;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL 16-008 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 No. 1 as of October 6, 2016.

DATED this 6th day of October, 2016.

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chair

Recording Secretary

FINDINGS

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

1. The territory to be annexed contains 4.08 acres, one vacant single family dwelling and is valued at \$466,441.
2. The property owners desire annexation to provide sewer service for development of 12 lots of a 24 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.”

Clackamas County Service District No. 1 and the City of Happy Valley do have an agreement calling for the District to be the provider of sewers inside the City.

Additional criteria can be found in the Metro Code. The code requires a report which addresses the criteria listed below and which includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extraterritorial extension of service;
2. Whether the proposed boundary change will result in the withdrawal of territory from the legal boundary of any necessary party¹; and
3. The proposed effective date of the boundary change.

Service availability is covered in the findings below. Staff has examined the statutes and determined that approval of this annexation will not cause the withdrawal of the affected territory from the boundary of any necessary party. The proposed effective date is immediately upon adoption.

To approve a boundary change, the reviewing entity (the County Board) must apply the following criteria:

To approve a boundary change, the County must:

1. Find that the change is consistent with expressly applicable provisions in:
 - (A) Any applicable urban service agreement adopted pursuant to ORS 195.205;
 - (B) Any applicable annexation plan adopted pursuant to ORS 195.205;

¹ A “necessary party” is another governmental entity which includes the same area or provides an urban service to the area.

- (C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;
 - (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and
 - (E) Any applicable comprehensive plan;
 - (F) Any applicable concept plan; and
2. Consider whether the boundary change would:
- (A) Promote the timely, orderly and economic provision of public facilities and services;
 - (B) Affect the quality and quantity of urban services; and
 - (C) Eliminate or avoid unnecessary duplication of facilities and services.

There are no cooperative agreements, urban service agreements or annexation plans specifically adopted pursuant to ORS 195 in effect in this area. The original public facility plan for this area does call for service by the District. The proposal is consistent with the Comprehensive Plan as stated in the section below. No concept plans cover this area.

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 Metro shall ". . . ensure that a boundary change is in compliance with the Metro regional framework plan as defined in ORS 197.015 and cooperative agreements and urban service agreements adopted pursuant to DRS chapter 195." ORS 197.015 says, "Metro regional framework plan means the regional framework plan required by the 1992 Metro Charter or its separate components." The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan, which were examined and found not to contain any directly applicable standards and criteria for boundary changes.

5. 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. The City of Happy Valley Comprehensive Plan identifies the area as R-10, Residential.
 7. 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 under ORS 195 relative to sewer service in this area of Clackamas County.
 8. The District has sewer lines which can serve the property available adjacent to the west edge of the lot.
 9. The territory to be annexed is within the Sunrise Water Authority which can serve the site.
 10. The area receives police service from the City of Happy Valley which contracts with the Clackamas County Sheriff's Department.
 11. 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 services.
 12. The area to be annexed is within the North Clackamas County Parks & Recreation District.

CONCLUSIONS AND REASONS FOR DECISION

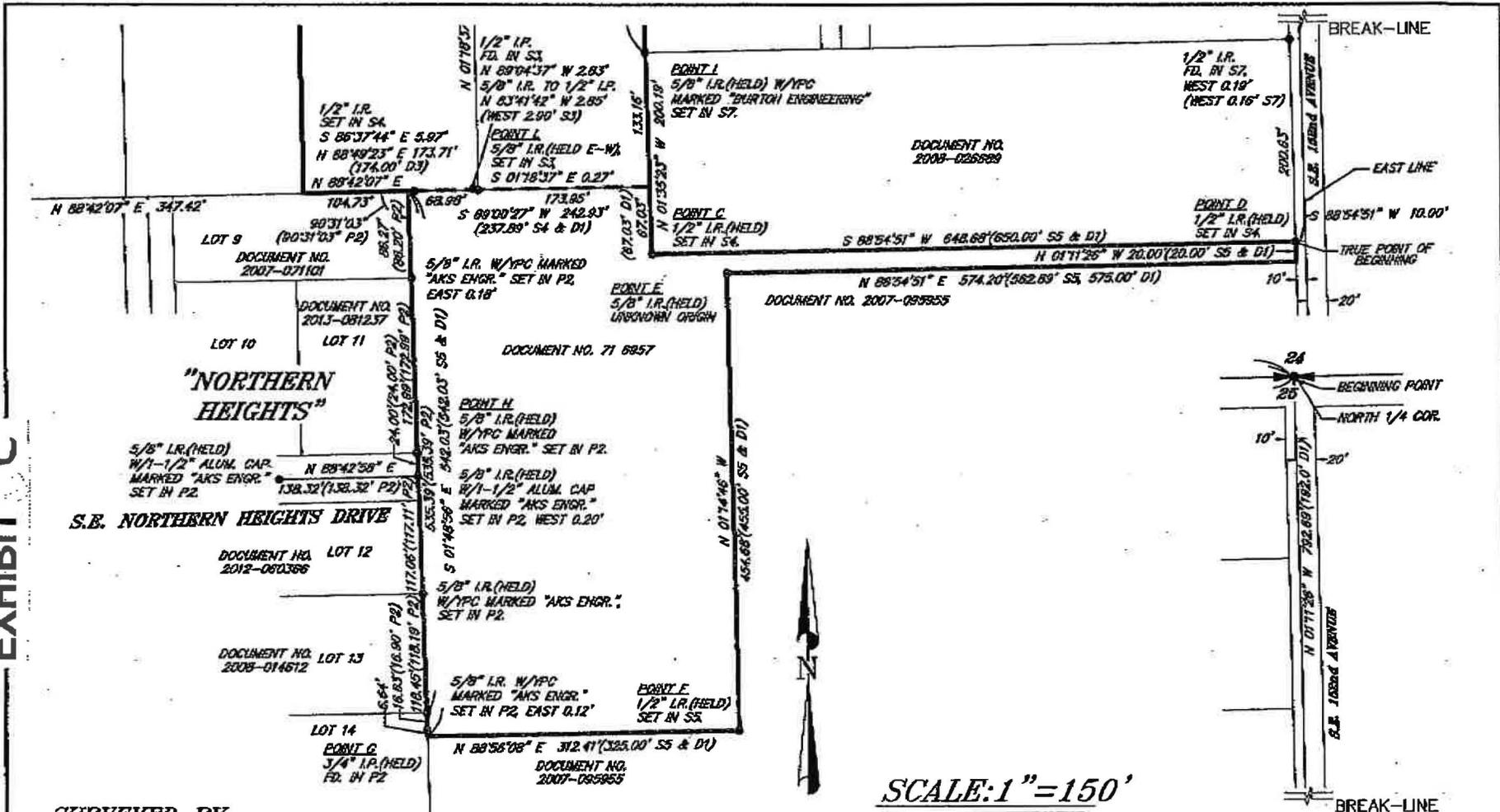
Based on the Findings, the Board determined:

1. The Metro code requires the boundary change decision to be consistent with expressly applicable provisions in any urban service provider agreements, cooperative agreements and annexation plans adopted pursuant to ORS 195. As noted in Findings 3 & 7, there are no such agreements or plans in place in this area. The Board concludes that its decision is not inconsistent with any such agreements and plans.
2. The Metro Code calls for consistency between the Board decision and any “applicable public facility plans adopted pursuant to a statewide planning goal on public facilities and services.” The Board notes the original public facility plan for this area does call for sewer services by the District.
3. ORS 198 requires consideration of the comprehensive plan and any service agreements affecting the area. The Board has reviewed the applicable comprehensive plans (Clackamas County’s Comprehensive Plan and Happy Valley’s Comprehensive Plan) and concludes this proposal complies with them. All other necessary urban services can be made available.
4. The Board considered the timing and phasing of public facilities to this area, the quantity and quality of services available and the potential for duplication of services. The District has service available to the area to be annexed as noted in Finding No. 8. The Board concludes this annexation is timely, the District has an adequate quantity and quality of services available and that the services are not duplicative.
5. The Metro Code at 3.09.050(B)(2) requires a determination of whether the boundary change will cause withdrawal of the territory from the boundary of any necessary party. An examination of this issue found that no such withdrawals would be caused by approval of this annexation.

EXHIBIT B
Annexation Description

A parcel of land situated within the northwest quarter of Section 25 of Township 1 South, Range 2 East of the Willamette Meridian and conveyed to George R. Lanners and Alice M. Lanners in Clackamas County Deed Record 71-6957 and further described as follows:

Beginning at a point in the East line of the Northwest quarter of said Section 25, which point is 792.69 feet (792.0 via deed) South of the quarter section corner of the North line of said section; thence South $88^{\circ}54'51''$ West 10.0 feet to the true place of beginning and being the most easterly northeast corner of said Lanners parcel, said corner is marked by a 1/2" iron rod; thence South $88^{\circ}54'51''$ West, along a northerly line of said Lanners parcel, 648.68 feet (650 feet via deed) to a 1/2" iron rod at a corner of the Lanners parcel; thence North $01^{\circ}35'23''$ West, along a easterly boundary of said Lanners parcel, 67.03 feet to the most northerly northeast corner of said Lanners parcel; thence South $89^{\circ}00'27''$ West 242.93 feet (237.89 feet via deed), along the northerly boundary of said Lanners' parcel to a 7" x 10" stone with "X" and being the northwesterly corner of said Lanners Parcel; thence South $01^{\circ}48'56''$ East 542.03 feet to a 5/8" iron rod w/YPC marked "SWLS 503-665-7777" and being the southwest corner of said Lanners parcel; thence North $88^{\circ}56'08''$ East 312.41 feet (325.0 feet via deed) to a 1/2 inch iron rod and being the most southerly southeast corner of Lanners parcel; thence North $01^{\circ}14'46''$ West 454.68 feet (455 feet via deed) to a 5/8 inch iron rod and being a corner on said Lanners parcel; thence North $88^{\circ}54'51''$ East 574.20 feet (575 feet via deed) to a 5/8" iron rod w/YPC marked "SWLS 503-665-7777" and being the most easterly southeast corner of said Lanners parcel; thence North $01^{\circ}11'26''$ West 20.00 feet to the true point of beginning.



SURVEYED BY
STATEWIDE LAND SURVEYING, INC.
RECORD OF SURVEY WITH
CLACKAMAS COUNTY SURVEYOR'S OFFICE
SN2015-122

EXHIBIT 'B'
MAP OF ANNEXATION

A PARCEL OF LAND SITUATED WITHIN THE NORTHWEST 1/4
OF SECTION 25 OF TOWNSHIP 1 SOUTH, RANGE 2 EAST OF
THE WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON

DATE	APRIL 2016
SCALE	1"=150'
DRAWN	JVM
JOB	SCL 14-060

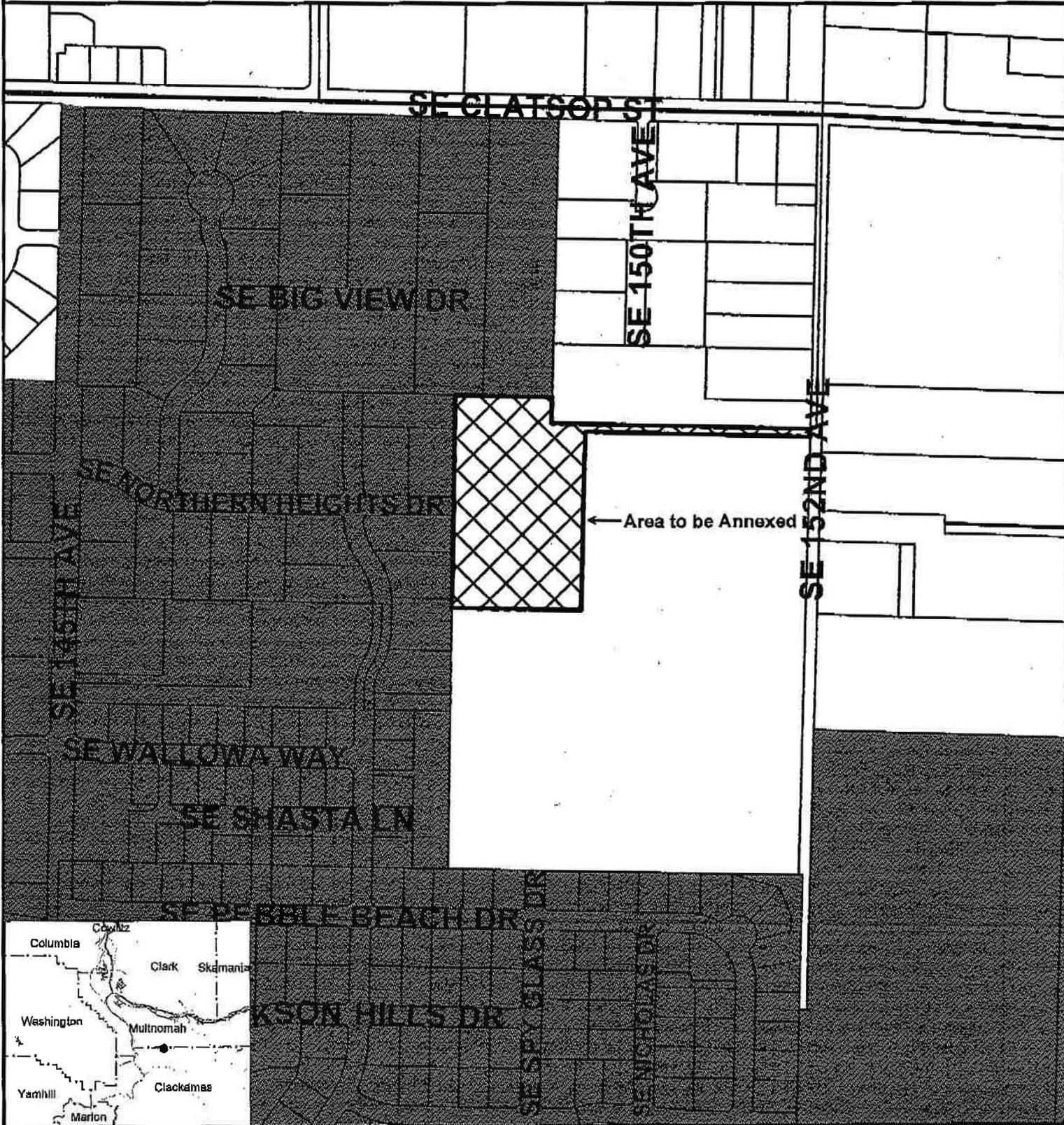
SISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 657-0188

Proposal No. CL16-008

1S2E25

Annexation to Clackamas County Service District #1

Clackamas County



Research Center
800 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
<http://www.oregonmetro.gov/drc>

Proposal No. CL16-008

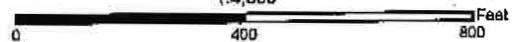


Area to be annexed

Clackamas County Service District #1



1:4,000



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.