



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

January 26, 2023

BCC Agenda Date/Item: _____

Board of County Commissioners
Sitting/Acting as Service District No. 5
Clackamas County

Approval of a Board Order Forming Assessment Area #49-17 (Heirloom 300-Unit Apartment and Mixed Use) Within Clackamas County Service District No. 5. Current value for the estimated 1,103 lineal feet of frontage is \$1,280 a year. Funding through ratepayers. No County General Funds are involved.

Previous Board Action/Review	Briefed at Issues – January 24, 2023		
Performance Clackamas	Promotes a safe, healthy and secure community through the enhanced nighttime visibility created with new street lighting.		
Counsel Review	Yes	Procurement Review	No
Contact Person	Wendi Coryell, Service District Specialist - DTD Engineering 503-742-4657 (Phone) wendicor@clackamas.us		

EXECUTIVE SUMMARY:

Street lighting is a condition of approval for new developments within Clackamas County Service District No. 5 (CCSD5). As such, it has been included as a condition of approval for this development. Commercial/multi-family assessment areas may be comprised of few tax lots, but they frequently encompass significant stretches of road frontage in areas that will benefit significantly from street lighting.

Notice of the time and place of this hearing was mailed by first class mail to the current addresses as listed by the Clackamas County Assessment office. The notice specifically noted that a public hearing was scheduled for January 26, 2023, to hear objections or to file a remonstrance against the approval of the new assessment area. Pursuant to statute, a minimum of 50% of the affected property owners must remonstrate to deny the formation of the new assessment area.

RECOMMENDATION:

If remonstrance’s from more than 50% of the property owners in the proposed assessment area for street lighting **are not** received by the end of the public hearing, it is recommended that the Board of County Commissioners, acting in the capacity of governing board for CCSD5, approve this Order which will allow CCSD5 to proceed with the formation of a new assessment area for street lighting.

Respectfully submitted,

Dan Johnson

Dan Johnson, Director
Department of Transportation and Development

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

In the Matter of an Order Forming
Assessment Area 49-17 (Heirloom
300-Unit Apartment and Mixed
Use) Within Clackamas County
Service District No. 5, Clackamas
County, Oregon



Board Order No. _____

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Whereas, this matter coming before the Board of County Commissioners, acting as the governing body of Clackamas County Service District No. 5, and it appearing to the Board the properties within Assessment Area 49-17, Heirloom 300-Unit Apartment and Mixed Use, 7900 SE Luther Rd. have requested street light service, and that the formation of new assessment areas within the District is necessary for the installation of street lights; and

Whereas, it further appearing to the Board that the method of financing construction, operation, and maintenance of service facilities is to be assessments against property benefited by street light facilities; and

Whereas, it further appearing to the Board that rates for street lighting as established by Order No. 2022-46 and subsequent rate change Orders shall be applied to Assessment Area 49-17, Heirloom 300-Unit Apartment and Mixed Use, with fractional year assessments pro-rated from the date of installation and in accordance with Ordinance Number 94-1368 pursuant to ORS 451.495 as follows:

Rate Schedule D: \$1.16 per frontage foot per tax lot each year, applied to commercial, industrial and multi-family properties; and

Whereas, it further appearing to the Board that the lots in the rate schedules receive an equal benefit for street lighting services; and

Whereas, it further appearing to the Board that the Department of Transportation and Development has given notice of public hearing as required by Order Number 94-1368 and ORS 451.495, and that said public hearing was duly held on the 26th day of January, 2023, and that the District did not receive written objections prior to the conclusion of the hearing from more than 50% of the property owners representing more than 50% of the affected property.

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

In the Matter of an Order Forming
an Assessment Area 49-17
(Heirloom 300-Unit Apartment and
Mixed Use) Within Clackamas
County Service District No. 5,
Clackamas County, Oregon



Board Order No. _____

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NOW THEREFORE, the Clackamas County Board of County Commissioners, acting as the governing body of Clackamas County Service District No. 5, orders as follows:

1. The properties in the Assessment Area as described below be subject to an assessment for street lighting:

Assessment Area 49-17 All lots in the Heirloom 300-Unit Apartment and Mixed Use, 12E29AB03500 & 03600, 12E29AA03100, 3200, 3500, 3600, 3700, 3800, 3900, 4000, 4400, 4500, 4600; and
2. That an assessment roll be prepared by the Department of Transportation and Development for Clackamas County showing the amount of each yearly assessment, the property against which it has been assessed, the owner thereof, and such additional information as is required to keep a complete and permanent record of the assessment;
3. That the Department of Transportation and Development proceed to construct the street lighting facilities in accordance with District rules and guidelines.

DATED this _____ day of January, 2023.

BOARD OF COUNTY COMMISSIONERS
Acting as the Governing Body of
Clackamas County Service District No. 5

Chair

Recording Secretary