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PUBLIC SERVICES BUILDING
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December 16, 2021

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of 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 Jeff Munns, 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 21-006 is a proposed annexation to Clackamas County Service District No. 1 ("District").

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) Notice posted online (<https://www.clackamas.us/meetings/bcc/business/2021-12-16>); 3) Published notice twice in the Clackamas County Review; 4) 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. 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. The petition meets the requirement for initiation set forth in ORS 198.855, 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. The territory contains 16.14 acres, is vacant and is valued at \$3,150,769.

REASON FOR ANNEXATION

The property owner (Sunrise Water Authority) desires sewer and stormwater services from the Service District to serve a planned administrative and operations facility for the Water Authority (TL 700) and for future development (TL 701).

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. The District has entered into an agreement with the Surface Water Management Agency of Clackamas County and the Tri-City Service District to create Water Environment Services, an ORS 190 partnership ("WES") as a collective service provider for all three districts. If annexed into the District, the property would be served by WES under such agreement.

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 proposed findings. 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.

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

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;
 - (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 proposal is consistent with the Comprehensive Plans as stated in the findings attached in the proposed order. No concept plans cover this area.

Staff has reviewed both the ORS 198 criteria and the Metro Code requirements, and found that the subject property is eligible for annexation to the District. A draft order with proposed findings is attached hereto for the Board's consideration. The territory, if annexed into the District, will be served by Water Environment Services pursuant to that certain ORS 190 Partnership entered into by the District with the Tri-City Service District and the Surface Water Management Agency of Clackamas County, as amended from time to time.

RECOMMENDATION

Based on the attached Order and Findings, Staff recommends approval of Proposal No. CL-21-006, annexation to Clackamas County Service District No. 1.

PUBLIC HEARING

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN THAT AT 10:00 AM ON THURSDAY, DECEMBER 16, 2021, IN THE COMMISSIONER'S HEARING ROOM, 2051 KAEN ROAD, OREGON CITY, OREGON THERE SHALL BE A PUBLIC HEARING BY AND BEFORE THE CLACKAMAS COUNTY BOARD OF COMMISSIONERS ON THE BOUNDARY CHANGE PROPOSAL LISTED BELOW. INTERESTED PERSONS MAY APPEAR AND WILL BE GIVEN A REASONABLE OPPORTUNITY TO BE HEARD. OPTIONALLY, DUE TO CONCERNS FOR SOCIAL DISTANCING DURING THE CORONAVIRUS PANDEMIC, PARTICIPATION IN THIS PUBLIC HEARING WILL BE AVAILABLE VIRTUALLY USING THE ZOOM PLATFORM. ONE WEEK PRIOR TO THE HEARING, A ZOOM LINK TO THE PUBLIC HEARING AND DETAILS ON HOW TO OBSERVE AND TESTIFY ONLINE OR BY TELEPHONE WILL BE AVAILABLE ON THE COUNTY WEBSITE: www.clackamas.us/meetings/bcc/business. USING THAT ZOOM LINK YOU WILL HAVE THE OPTION OF PROVIDING YOUR COMMENTS TO THE BOARD LIVE DURING THE HEARING. ALTERNATIVELY, ANYONE CAN SEND IN A COMMENT BY EMAIL TO BE READ DURING THE HEARING. TO PARTICIPATE IN THIS WAY, PLEASE SEND YOUR COMMENTS TO BCC@clackamas.us, AND BE SURE TO INCLUDE YOUR NAME AND WHERE YOU LIVE.

PROPOSAL NO. CL-21-006 – ANNEXATION TO CLACKAMAS COUNTY SERVICE DISTRICT NO. 1 of territory located on the east edge of the District on the east edge of SE 172nd Ave. north of SE Armstrong Circle, more particularly: Tax Lots 700 & 701 NE ¼ Sec. 7, T2S R3E, W.M., Clackamas Co., OR.

The property owners desire sewer and stormwater services from the District to serve a planned administrative and operations facility for the Sunrise Water Authority within the City of Happy Valley.

The decision on the annexation to the District does not authorize or prevent any specific use of land. Current City zoning and planning designations will not be affected by this proposed change.

Applicable criteria may be found in the Metro Code 3.09.050 and ORS 198.850 (2).

Failure to raise an issue in the hearing, orally or in writing, with specificity and clarity sufficient to allow the Commission or any participant to address and respond to such issue may preclude appeal to the Oregon Land Use Board of Appeals of the Board's resolution of that issue.

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

A copy of the staff report will be available for inspection at no cost 15 days before the hearing and will be provided at reasonable cost.

To review the information in the application or staff report, acquire copies of these items or for other general information contact Ken Martin at 503 222-0955.

November 9, 2021

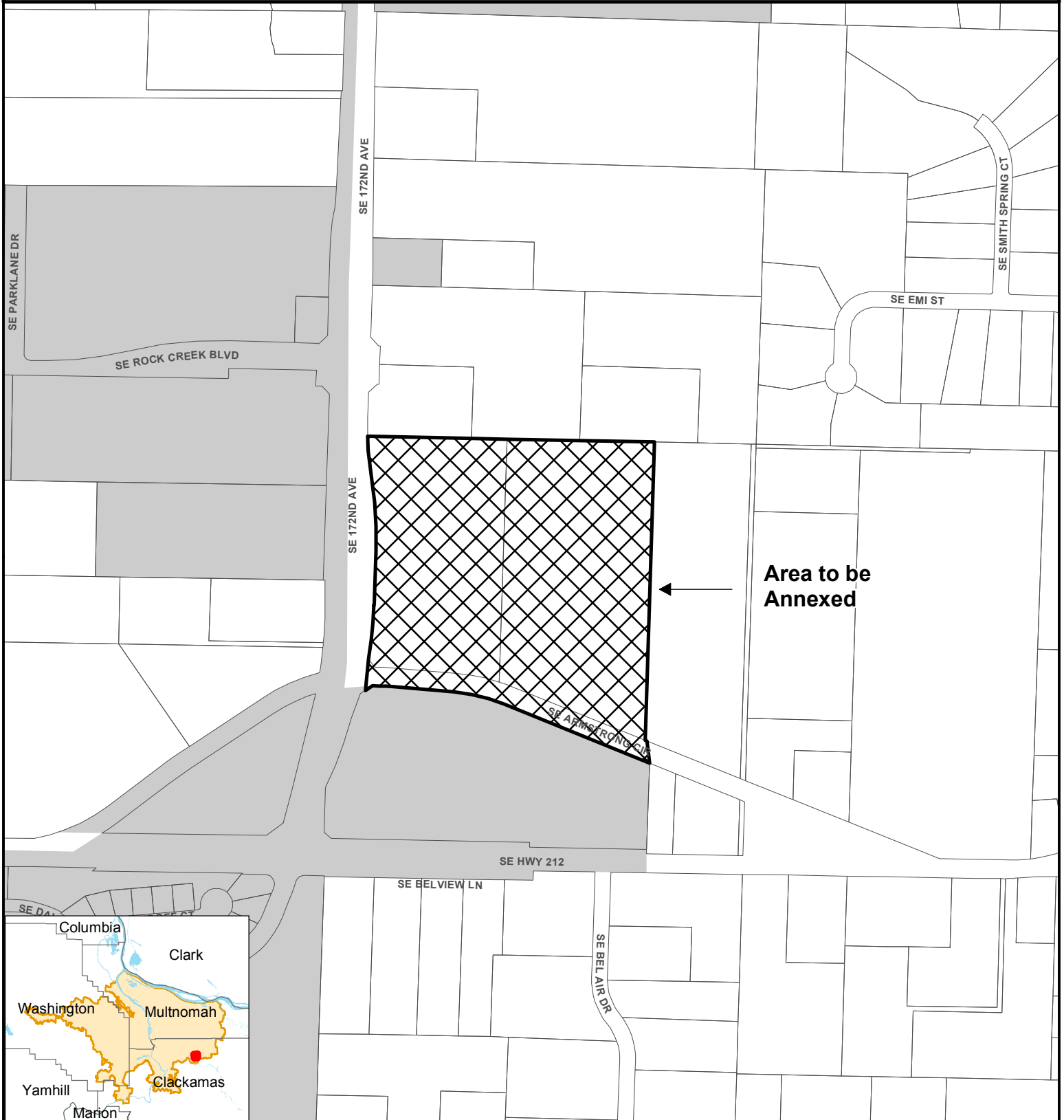
TOOTIE SMITH, CHAIR

Proposal No. CL-21-006

2S3E07

Annexation to Clackamas County Service District #1




Clackamas County



Area to be Annexed



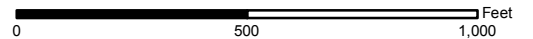
Research Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
<http://www.oregonmetro.gov/drc>

-  Area to be annexed
-  Taxlots
-  Clackamas County Service District #1

Proposal No. CL-21-006



1:5,000



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.