

PUBLIC HEARING

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN THAT THE HEARING PREVIOUSLY SCHEDULED FOR 10:00 AM ON THURSDAY, OCTOBER 31st, 2024, IS **RESCHEDULED** FOR 10:00 AM ON THURSDAY, NOVEMBER 7th, 2024, 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.

PROPOSAL NO. 2024-002 - ANNEXATION TO Clackamas County Service District No. 1 ("District") of territory located at SE Wallace Rd (frontage road) and SE Allan Rd (Nearest Cross Street); the territory being 0.35 acres on tax lot 22E07BD-09200, in Clackamas County, OR.

The property owners desire sewer service and surface water management to serve this one tax lot, which is a part of an approved 13-lot residential subdivision. The territory is in unincorporated Clackamas County.

The decision on 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).

The hearing materials and participation virtually using the Zoom platform are available at: www.clackamas.us/meetings/bcc/business. Email comments (including your name and street address) can be sent for inclusion in the hearing to: BCC@clackamas.us.

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 Hong N Huynh at hhuynh@clackamas.us or at (503) 742-5398.

October 29, 2024

TOOTIE SMITH, CHAIR



Jane E. Vetto
County Counsel

October 31, 2024

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

Scott C. Ciecko
Amanda Keller
Shawn Lillegren
Jeffrey D. Munns
Andrew R. Naylor
Andrew Narus
Sarah Foreman
Hong Huynh
Caleb Huegel
Angela Hajihashemi

Approval of a Boundary Change Proposal No. 2024-002-CCSD1
No County General Funds are involved.

Assistants

Previous Board Action/Review	None		
Performance Clackamas	1. Build public trust through good government 2. Build a strong infrastructure		
Counsel Review	Yes; HH	Procurement Review	N/A
Contact Person	Hong Huynh	Contact Phone	(503)742-5398

EXECUTIVE SUMMARY:

The owner of a parcel of land, tax lot no. 22E07BD-09200 (“SUBJECT PROPERTY”), petitioned this Board to be annexed into the Clackamas County Service District No. 1 (the “District”) in order to receive sanitary sewer and stormwater services. The Board’s approval of this proposed annexation will result in a boundary change of the District’s service area.

Currently, the SUBJECT PROPERTY, as territory to be annexed, is one tax lot in unincorporated Clackamas County with a current tax assessed value of \$84,174. It runs along SE Wallace Road, and SE Allan Road is the nearest cross street in the Oak Grove community. It is an open lot that has been approved to be a part of a 13-lot residential subdivision.

Currently, it is within Oak Lodge Water Services Authority (“Oak Lodge”) for water, sanitary sewer, and stormwater services. Due to the topography of the area, and the availability of existing infrastructure, the District is in a better position to provide sanitary sewer and stormwater services. Elevation on the west side of the SUBJECT PROPERTY prevents Oak Lodge from providing sanitary and stormwater services efficiently and cost-effectively. On the other hand, the District has a sanitary sewer mainline east of the SUBJECT PROPERTY that can be extended to serve the SUBJECT PROPERTY. Furthermore, the District will be providing services to the other lots of the approved residential development.

For Filing Use Only

If the Board approves this proposed annexation, the District will provide only sanitary sewer and stormwater services to the SUBJECT PROPERTY; the SUBJECT PROPERTY will remain with Oak Lodge for water services.

Oak Lodge and the District have cooperated with each other, and have both approved, or otherwise do not oppose, the proposed annexation.

Under Oregon law, as the county's governing body, this Board is charged in deciding this proposed boundary change pursuant to ORS Chapters 198 and Metro Code 3.09. In determining whether to approve the annexation petition, the Board must consider the local comprehensive plan for the area and any service agreements with local governments as required by ORS 198.857, and also consider whether the annexation petition met the criteria laid out in Metro Code 3.09.

A Staff Report, dated October 9, 2024, addresses factors and criteria mandated in ORS 198 and Metro Code 3.09. The report makes the required analysis and findings and concludes that the proposed boundary change of the District complies with applicable statutory and Metro Code requirements.

RECOMMENDATION: Staff recommends approval of Boundary Change Proposal No. 2024-002-CCSD1.

Respectfully submitted,

/s/ Hong N. Huynh
Assistant County Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of Approving a Boundary
Change Proposal No. 2024-002-(CCSD1)



Board Order No. _____

Page 1

Whereas, the Clackamas County Service District No. 1 (“DISTRICT”) is a county service district organized under ORS 451 that provides sanitation and stormwater services to certain cities and unincorporated urban areas of Clackamas County, and through a 2016 intergovernmental agreement, is administered by Water Environment Services; and

Whereas, Petitioner filed an annexation petition with the Board to request annexation of a parcel of land, described and mapped in Exhibit A, to the DISTRICT pursuant to procedures set forth in ORS 198.857 and Metro Code 3.09; and

Whereas, on May 30, 2024, the annexation petition was approved and endorsed by the DISTRICT, as required by ORS 198.857; and

Whereas, this Board is charged in deciding this proposal for a boundary change pursuant to ORS Chapters 198 and Metro Code 3.09; and

Whereas, a staff report that addresses factors and criteria mandated in ORS 198.857 and Metro Code 3.09 was made public at least 15 days prior to the Board hearing on the annexation petition. The staff report is attached hereto as Exhibit B.

Whereas, a public hearing is held before the Board on October 31, 2024, and that a decision of approval was made on October 31, 2024. In determining whether to approve the annexation petition, the Board considered the local comprehensive plan for the area and any service agreements with local governments as required by ORS 198.857, and also considered whether the annexation petition met the criteria laid out in Metro Code 3.09.

NOW THEREFORE, the Clackamas County Board of Commissioners do hereby order:

1. The Analysis, Findings, and Conclusions in the Staff Report attached as Exhibit B are adopted by the Board of County Commissioners and demonstrate that the criteria for annexation have been met.
2. The annexation petition is approved, and the property described and shown on the map in Exhibit A is annexed to Clackamas County Service District No. 1 for sanitary sewer and stormwater services; the property remains with Oak Lodge Water Services Authority for water services.
3. County staff is directed to file this document with the required parties and take all necessary steps to finalize the annexation.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of Approving a Boundary
Change Proposal No. 2024-002-(CCSD1)



Board Order No. _____

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DATED this _____ day of _____, 2024

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



AKS ENGINEERING & FORESTRY
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #9464

OFFICES IN: BEND, OR | KEIZER, OR | THE DALLES, OR | TUALATIN, OR | VANCOUVER, WA | WHITE SALMON, WA

EXHIBIT B

Annexation

A tract of land, located in the Southwest One-Quarter of Section 7, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Commencing at the most westerly corner of Lot 1 of the plat "Holly Hill No. 2", also being on the northeasterly right-of-way line of SE Wallace Road (30.00 feet from centerline); thence along said northeasterly right-of-way line, North 46°01'59" West 225.00 feet to the most westerly corner of Document Number 2004-090687, Clackamas County Deed Records, and the Point of Beginning; thence continuing along said northeasterly right-of-way line, North 46°01'59" West 162.28 feet to the most southerly corner of Document Number 98-058929, Clackamas County Deed Records; thence along the southeasterly line of said Deed, North 45°28'58" East 95.02 feet to the most westerly corner of Document Number 2022-062621, Clackamas County Deed Records, also being on the Clackamas County Service District No. 1 (CCSD#1) limits line; thence along the southwesterly line of said Deed and said CCSD#1 limits line, South 46°01'59" East 159.50 feet to the most northerly corner of said Document Number 2004-090687; thence leaving said CCSD#1 limits line along the northwesterly line of said Deed, South 43°48'13" West 94.99 feet to the Point of Beginning.

The above described tract of land contains 15,283 square feet, more or less.

Bearings for this description are based on Survey Number SN 2018-124, Clackamas County Survey Records.

04/26/2024

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael S. Kalina

OREGON
JANUARY 12, 2018
MICHAEL S. KALINA
89558PLS

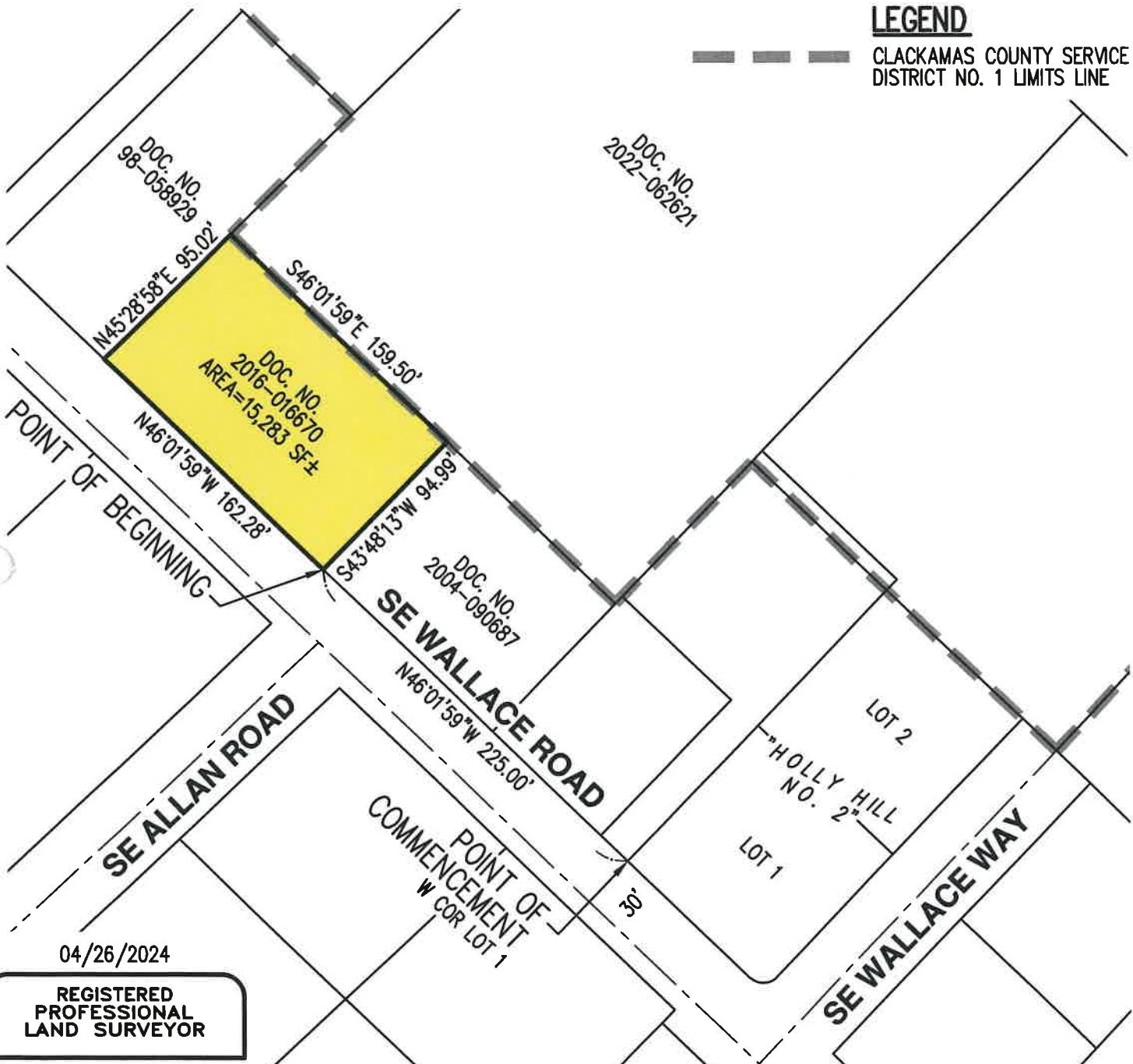
RENEWS: 6/30/25

EXHIBIT C

A TRACT OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 7,
TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN,
CLACKAMAS COUNTY, OREGON

LEGEND

 CLACKAMAS COUNTY SERVICE DISTRICT NO. 1 LIMITS LINE



04/26/2024

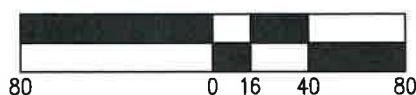
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael S. Kalina

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

RENEWS: 6/30/25

SCALE: 1" = 80 FEET



AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM



ANNEXATION

TL 22E07BD 09200	
DRWN: WCB	CHKD: MSK
AKS JOB:	EXHIBIT
9464	C



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING
2051 KAEN ROAD | OREGON CITY, OR 97045

Jane E. Vetto
County Counsel

Scott C. Ciecko
Amanda Keller
Shawn Lillegren
Jeffrey D. Munns
Andrew R. Naylor
Andrew Narus
Sarah Foreman
Hong Huynh
Caleb Huegel
Angela Hajihashemi
Assistants

TO: Clackamas County Board of County Commissioners (the “Board”)
FROM: Hong N Huynh, Assistant County Counsel
RE: Boundary Change Proposal No. 2024-002-CCSD1
DATE of REPORT: October 9, 2024
DATE of HEARING: October 31, 2024

STAFF REPORT

REQUEST: Approval of Boundary Change Proposal No. 2024-002-CCSD1, authorizing property of Vantage Homes, LLC (the “PETITIONER”), known as tax lot number 22E07BD-09200 and located in unincorporated Clackamas County, Oregon (the “SUBJECT PROPERTY”), into Clackamas County Service District No. 1 (the “DISTRICT”).

REASON FOR ANNEXATION:

The PETITIONER is requesting annexation so that the SUBJECT PROPERTY can connect to and receive sanitary sewer and stormwater services from the DISTRICT, as a part of an approved 13-lot residential subdivision.

RECOMMENDATION: Based on the analysis and findings of this report, staff respectfully recommends that the Board APPROVES the Boundary Change Proposal No. 2024-002-CCSD1.

EFFECTIVE DATE: The boundary change becomes effective upon the date of approval by the Board.

I. BACKGROUND

A. SUBJECT PROPERTY INFORMATION

PETITIONER:	Vantage Homes, LLC
PETITIONER Representative, if any:	AKS Engineering and Forestry
Tax Lot Nos.	22E07BD09200
Address, if any:	No Situs; SE Wallace Road (frontage road) and SE Allan Rd (nearest cross street)
Legal Description	As fully described and mapped on Exhibit B and Exhibit C of Attachment 1 to this report.

B. PETITION UNDER ORS 198.857

By application submitted to the DISTRICT, dated April 6, 2024, PETITIONER initiated a consent annexation petition under ORS 198.857.

The petition meets the requirement for initiation of annexation proceedings set forth in ORS 198.857(2) and Metro Code 3.09.040(A) (lists Metro’s minimum requirements for petition). The petition was deemed complete on October 1, 2024.

The SUBJECT PROPERTY is currently vacant, but it is a part of an approved 13-lot residential subdivision. The services to be provided by the DISTRICT will support residential development on the SUBJECT PROPERTY.

C. ENDORSEMENTS BY INTERESTED PARTIES

As further discussed below in this report, the SUBJECT PROPERTY located in unincorporated Clackamas County and is currently within the Oak Lodge Water Services Authority (“OLWS”) jurisdiction for water, sanitary sewer, and stormwater services. However, due to the topography, the SUBJECT PROPERTY is better served by the DISTRICT for sanitary sewer and stormwater services.

OLWS and the DISTRICT have cooperated and agreed to the proposed annexation. By letter dated May 30, 2024, the DISTRICT supports and endorses the proposed annexation. See, Attachment 1. The DISTRICT services are available to serve the SUBJECT PROPERTY. By letter, dated September 5, 2024, OLWS acknowledges that the SUBJECT PROPERTY will be served by the DISTRICT for sanitary sewer and stormwater services, while OLWS will provide potable water services.

D. CITIZEN PARTICIPATION

Notice of this hearing inviting testimony from interested parties was provided as required by statute and Metro Code.

Notice consisted of:

1. Posting notices near the SUBJECT PROPERTY, at the Clackamas County Courthouse, and outside the Commissioner’s Hearing room at least 20 days prior to the hearing;
2. Publishing notice three times in the Lake Oswego Review; and
3. Mailing notices to all affected local governments and adjacent property owners.

At the time this report was written, no comments were received.

II. APPLICABLE CRITERIA

For a proposed boundary change of a special district through annexation, as the county's governing body, the Board must review and approve the proposed annexation based on several factors and criteria established by state and local law.

A. STATE STATUTE

Oregon Revised Statute Chapter 198 provides that, when determining whether to approve an annexation petition, the county board shall *"consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."* ORS 198.857(4).

B. METRO CODE

For a proposed boundary change within the boundaries of Metro or within urban reserves designated by Metro, Metro code also specifies criteria that a reviewing entity must apply in reviewing and approving an boundary change.

First, Metro Code 3.09.050(B) requires a report, to be made available to the public, that addresses the following:

- "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."*

Second, Metro code requires the review and approval of a proposed boundary change to be consistent with certain service agreements, land use plans, and service quality standards. To approve a boundary change, the reviewing entity (e.g., the Board in this case) 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;*
 - (E) Any applicable comprehensive plan; and*
 - (F) Any applicable concept plan.*
- (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."*

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

See, Metro Code 3.09.045(D) and 3.09.050(D).

Finally, Metro Code Section 3.09.090 prohibits the extension of any district “water or sewer service from inside a UGB to territory that lies outside the UGB.”

C. COMPREHENSIVE PLANING

1. Regional Planning

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 ORS 195.” ORS 268.354(2)(d). Metro regional framework plan is “the regional framework plan required by the 1992 Metro Charter or its separate components.” ORS 197.015.

2. County Planning

The applicable comprehensive plan for areas in unincorporated Clackamas County is the Clackamas County Comprehensive Plan (the “Comp Plan”).

Chapter 7 of the Comp Plan discusses public facilities and services. It addresses, in part, the Oregon Land Use Goal 11 that requires planning for sanitary sewerage treatment, water, storm drainage and transportation, stating as follows: “[a]dequate levels of those public facilities and services must be available before urban levels of development can be built in a manner consistent with the land use designations in this Plan.” (Comp Plan p. 7-1).

An applicable public facilities goal in the Comp Plan is to “[r]equire adequate storm drainage, public sanitary sewer and public water service concurrent with development in areas that require these services.” (Comp Plan at p.7-6).

With respect to policies for sanitary sewer treatment, the Comp Plan specifies the following:

“7.A.8 Prohibit new on-site sewage disposal systems within Urban Growth Boundaries except for:

7.A.8.1 A lot of record outside of a sewage service district, legally recorded prior to January 31, 1980; or

7.A.8.2 Parcels of ten acres or larger in Future Urban areas inside the Metro Urban Growth Boundary (UGB); or

7.A.8.3 Outside the Metro UGB on lots that conform to the minimum lot size of the zone; or

7.A.8.4 Parcels inside a sewage service district having unique topographic or other natural features that make sewer extension impractical as determined on a case by case basis by the sewer service provider.”

(Comp Plan p.7-7)

With respect to policies on stormwater drainage, the Comp. Plan specifies the following:

“7.C.4 Require runoff from impervious surfaces to be collected and treated, as required by the appropriate service provider, prior to discharge to a natural drainage way capable of accepting the discharge.

7.C.8 Coordinate the review of development applications with the appropriate storm drainage service provider to ensure that approval is not granted in the absence of adequate storm drainage facilities or a mechanism to provide them concurrently with development.”

(Comp Plan p. 7-9).

III. ANALYSIS AND FINDINGS

Collectively, review and approval criteria for a boundary change under state law and Metro Code generally fall into three categories: urban service and other facility service agreements, land use planning, and the quality and timing of the service provisioning resulted from the boundary change. Based on the application submitted by PETITIONER, and staff’s research, staff reaches the following analysis and findings.

A. TERRITORY TO BE ANNEXED

Staff reaches the following findings with respect to the territory to be annexed:

1. The SUBJECT PROPERTY, as territory to be annexed, is one tax lot, no. 22E07BD-09200, with a current tax assessed value of \$84,174.
2. The SUBJECT PROPERTY is in unincorporated Clackamas County and is considered a part of the Oak Grove community.
3. The SUBJECT PROPERTY is within Metro's jurisdictional boundary and the regional UGB.
4. The SUBJECT PROPERTY is currently located within OLWS service district for water, sanitary sewer, and stormwater.
5. The SUBJECT PROPERTY is currently unimproved, but it has received approval to be developed as a part of a 13-lot residential subdivision.
6. Due to the topography of the area, and a future 13-lot residential development in the area, the DISTRICT can provide sanitary sewer and stormwater services to the SUBJECT PROPERTY in a more efficient and cost-effective manner. Based on information received by OLWS and the DISTRICT, the elevation of the approved subdivision on the east side of the SUBJECT PROPERTY decreases to where the elevation of the sanitary sewer mainline of OLWS on the westside is not able to serve the new single-family home. OLWS does not have sanitary sewer service east of the site to extend to be able to serve the SUBJECT PROPERTY. The DISTRICT, however, has a sanitary sewer mainline east of the SUBJECT PROPERTY to extend to serve the SUBJECT PROPERTY. There will not be a duplication of services.

7. Accordingly, the PETITIONER is seeking sanitary sewer and stormwater services from the DISTRICT. The DISTRICT has endorsed the proposed annexation into the DISTRICT.

B. URBAN AND OTHER FACILITY SERVICES

As referenced in Section II of this report, state law and the Metro Code require a review for consistency with urban and other service agreements. (See, ORS 198.857(4) and 268.354(2)(d); Metro 3.09.050(B)(1), and 3.09.050(D)(1)(A)). 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. ORS 195.065(2)(b). These agreements specify which governmental entity will provide which service to an area in the long term. The counties are responsible for facilitating the creation of these agreements.

Staff finds that there are no ORS 195.065 agreements applicable to this area of Clackamas County. The Subject Property is in unincorporated Clackamas County. It currently has, or will be receiving, various services in the following manner:

1. Water. The SUBJECT PROPERTY will be served by OLWS for water services.
2. Sewer. The SUBJECT PROPERTY is currently within OLWS for this service. However, the PETITIONER is requesting annexation into the DISTRICT to receive these services due to the topography of the area surrounding the SUBJECT PROPERTY, and the SUBJECT PROPERTY is a part of a residential development to which the DISTRICT will be providing said services.
3. Storm Drainage. The SUBJECT PROPERTY is currently within OLWS for this service. However, the PETITIONER is requesting annexation into the DISTRICT to receive these services due to the topography of the area surrounding the SUBJECT PROPERTY, and the SUBJECT PROPERTY is a part of a residential development to which the DISTRICT will be providing said services.
4. Parks and Recreation. The SUBJECT PROPERTY is be served by North Clackamas Parks and Recreation District for park and recreational services.
5. Fire. The SUBJECT PROPERTY is served by Clackamas Fire District No. 1 for fire services.
6. Police. The SUBJECT PROPERTY is served by Clackamas County Sheriff for police services.

C. LAND USE PLANNING

As referenced in Section II of this report, state law and the Metro Code require a review for consistency with various regional and local land use plans. The following analyzes and reaches findings related to regional and local plans that may be applicable to the proposed annexation of the SUBJECT PROPERTY into the DISTRICT.

1. Regional Plans

The SUBJECT PROPERTY is in unincorporated Clackamas County, and inside Metro's jurisdictional boundary and the regional UGB. As such, a boundary change approval must be consistent with the

applicable Metro regional framework plan. (See, ORS 268.354(2)(d)). Metro has adopted a Regional Framework Plan, and two regional functional plans--the Urban Growth Management Functional Plan (2023) and the Regional Transportation Plan (2012).

Staff has reviewed these plans and finds that these plans have no applicable standards and criteria for boundary changes. Therefore, the proposed boundary change by the DISTRICT through annexation of the SUBJECT PROPERTY is consistent, or not in conflict, with any Metro regional plans.

2. Clackamas County Comp Plan

The SUBJECT PROPERTY is in unincorporated Clackamas County. Chapter 7 of the Comp Plan was reviewed. Staff finds that the DISTRICT's proposed provisioning of sanitary sewers and stormwater services to the SUBJECT PROPERTY is consistent, or not in conflict, with Chapter 7 of the Comp Plan. The SUBJECT PROPERTY is part of a 13-lot residential development to which the DISTRICT will also be providing said services.

3. Public Facility, Concept, and Annexation Plans and Cooperative Planning Agreements

Staff finds no facility, concept, or annexation plans applicable to the area.

However, as a result of a merger of territories into OLWS, the SUBJECT PROPERTY is located within OLWS jurisdiction. Due to the topography, the DISTRICT is in a better position to provide some services. OLWS and DISTRICT are currently cooperating informally to serve these overlapping areas, and both have agreed to future discussions regarding formal cooperative agreements.

D. QUALITY, QUANTITY, AND TIMING OF SERVICE

Metro Code requires the Board to consider various factors that address the quality, quantity, and timing of the services being sought by the proposed annexation.

Staff finds that the proposed annexation of the SUBJECT PROPERTY into the DISTRICT is consistent with the Metro's service quality standard under Section 3.09.045(D)(2), 3.09.050(B), and 3.09.090:

- Promote of the timely, orderly and economic provision of public facilities and services;
- Improve of the quality and quantity of urban services; and
- Eliminate or avoid unnecessary duplication of facilities and services.
- The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;
- Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party;
- The proposed effective date of the boundary change; and
- No extension of service from inside a UGB to territory that lies outside the UGB.

The SUBJECT PROPERTY is a part of an approved 13-lot residential development. The DISTRICT is in a more advantageous technical position to provide the requested sanitary sewer and stormwater services to the SUBJECT PROPERTY due to the topography and the fact that the new residential development will also be served by the DISTRICT.

The SUBJECT PROPERTY will remain within OLWS jurisdiction for water services. Therefore, there is no duplication in the provisioning of the requested services, nor would there be a withdrawal of the SUBJECT PROPERTY from OLWS' jurisdiction.

Finally, because the SUBJECT PROPERTY is inside the UGB, the proposed annexation of the SUBJECT PROPERTY into the DISTRICT does not result in an extension of the DISTRICT's sewer service from inside a UGB to territory that lies outside the UGB.

The boundary change will become effective on the date of Board's approval.

IV. CONCLUSIONS

Staff concludes that the proposed annexation complies with all applicable state statutes and Metro Code requirements. Staff recommends the approval of Boundary Change No. 2024-002-CCSD1 for the DISTRICT to provide sanitary sewer and stormwater services to the SUBJECT PROPERTY; the SUBJECT PROPERTY will remain with OLWS for water services.

Respectfully Submitted,
Hong Huynh (pronouns: she/her)
Assistant Legal County Counsel
Attachments: Exhibit 1-Legal Description and MAP of SUBJECT PROPERTY

**ATTACHMENT 1
TO STAFF REPORT 2024-002

(DISTRICT ENDORSEMENT WITH
LEGAL DESCRIPTION AND MAP OF SUBJECT PROPERTY)**



CLACKAMAS

**WATER
ENVIRONMENT
SERVICES**

Exhibit B
Page 10 of 12

GREGORY L. GEIST | DIRECTOR

Water Quality Protection
Surface Water Management
Wastewater Collection & Treatment

May 30, 2024

Board of Commissioners
Clackamas County

Members of the Board:

**ENDORSEMENT OF ANNEXATION OF TERRITORY TO
CLACKAMAS COUNTY SERVICE DISTRICT NO. 1**

ORS 198.850 requires the governing body of CLACKAMAS COUNTY SERVICE DISTRICT NO. 1, (District) to endorse annexation proposals prior to a hearing by the Board of County Commissioners. In the interest of efficiency, the Board has delegated the authority and duties for endorsement of annexations of territory to the District to the Director of Water Environment Services.

I have reviewed the attached petition from property owners requesting the annexation of territory to CLACKAMAS COUNTY SERVICE DISTRICT NO. 1 and find the District has sufficient sanitary sewer collection and treatment system capacity to provide sanitary sewer service to the area proposed to be annexed. Service is subject to the construction of public sewer extensions as required by WES Rules and Regulations.

Therefore, by the authority granted to me by Order No. 99-329, I hereby endorse the annexation of all Tax Lots described on Exhibit "B" and shown as Exhibit "C" (attached) to CLACKAMAS COUNTY SERVICE DISTRICT NO. 1, as set forth on the attached petition.

Greg Geist

Digitally signed by Greg
Geist
Date: 2024.05.31
09:05:08 -07'00'

Greg Geist, Director
Water Environment Services

Serving Clackamas County, Gladstone, Happy Valley, Johnson City, Milwaukie, Oregon City, Rivergrove and West Linn

150 Beaver Creek Road #430, Oregon City, OR 97045 | 503-742-4567 | clackamas.us/wes



AKS ENGINEERING & FORESTRY
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #9464

OFFICES IN: BEND, OR | KEIZER, OR | THE DALLES, OR | TUALATIN, OR | VANCOUVER, WA | WHITE SALMON, WA

EXHIBIT B Annexation

A tract of land, located in the Southwest One-Quarter of Section 7, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Commencing at the most westerly corner of Lot 1 of the plat "Holly Hill No. 2", also being on the northeasterly right-of-way line of SE Wallace Road (30.00 feet from centerline); thence along said northeasterly right-of-way line, North 46°01'59" West 225.00 feet to the most westerly corner of Document Number 2004-090687, Clackamas County Deed Records, and the Point of Beginning; thence continuing along said northeasterly right-of-way line, North 46°01'59" West 162.28 feet to the most southerly corner of Document Number 98-058929, Clackamas County Deed Records; thence along the southeasterly line of said Deed, North 45°28'58" East 95.02 feet to the most westerly corner of Document Number 2022-062621, Clackamas County Deed Records, also being on the Clackamas County Service District No. 1 (CCSD#1) limits line; thence along the southwesterly line of said Deed and said CCSD#1 limits line, South 46°01'59" East 159.50 feet to the most northerly corner of said Document Number 2004-090687; thence leaving said CCSD#1 limits line along the northwesterly line of said Deed, South 43°48'13" West 94.99 feet to the Point of Beginning.

The above described tract of land contains 15,283 square feet, more or less.

Bearings for this description are based on Survey Number SN 2018-124, Clackamas County Survey Records.

04/26/2024

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael S. Kalina

OREGON
JANUARY 12, 2018
MICHAEL S. KALINA
89558PLS

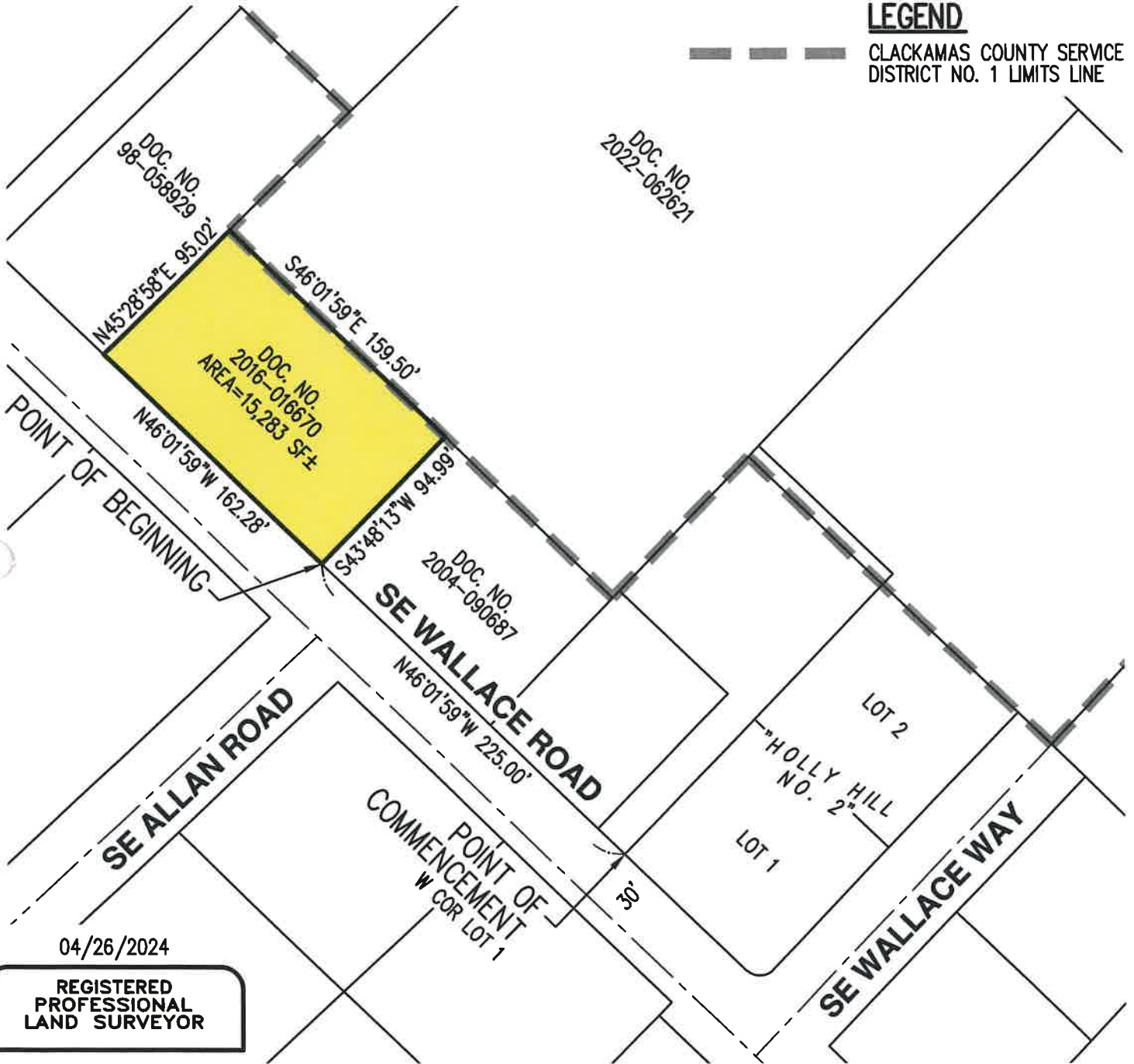
RENEWS: 6/30/25

EXHIBIT C

A TRACT OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 7,
TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN,
CLACKAMAS COUNTY, OREGON

LEGEND

 CLACKAMAS COUNTY SERVICE DISTRICT NO. 1 LIMITS LINE



04/26/2024

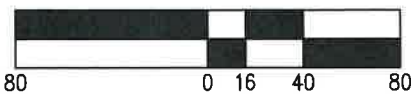
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael S. Kalina

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

RENEWS: 6/30/25

SCALE: 1" = 80 FEET



AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM



ANNEXATION

TL 22E07BD 09200	
DRWN: WCB	CHKD: MSK
AKS JOB: 9464	EXHIBIT C