



July 18, 2019

Board of County Commissioners  
Clackamas County

Members of the Board:

**Stephen L. Madkour**  
County Counsel

**Kathleen Rastetter**  
**Scott C. Ciecko**  
**Amanda Keller**  
**Nathan K. Boderman**  
**Shawn Lillegren**  
**Jeffrey D. Munns**  
**Andrew R. Naylor**  
**Andrew Narus**  
**Sarah Foreman**  
Assistants

**Approval of a Board Order for Boundary Change Proposal CL 18-012  
Annexation to Clackamas County Service District No. 1**

<b>Purpose/Outcomes</b>	<i>Conduct Public Hearing/Approve Order</i>
<b>Dollar Amount and Fiscal Impact</b>	<i>None</i>
<b>Funding Source</b>	<i>Not Applicable</i>
<b>Duration</b>	<i>Permanent</i>
<b>Previous Board Action</b>	<i>None</i>
<b>Strategic Plan Alignment</b>	<i>Build Public Trust Through Good Government, hold transparent and clear public processes regarding jurisdictional boundaries</i>
<b>Contact Person</b>	<i>Ken Martin, Boundary Change Consultant - 503 222-0955 Nate Boderman, Assistant County Counsel</i>
<b>Contract No.</b>	<i>Not Applicable</i>

**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 18-012 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) 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. 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 198.857, 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 central part of the District. The territory contains 2.17 acres, one single family dwelling and is valued at \$331,727.

### **REASON FOR ANNEXATION**

The property owners desire sewer service for a planned 7-lot planned unit development which has been approved for the site by the City of Happy Valley.

### **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 party<sup>1</sup>; 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.

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<sup>1</sup> 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-18-012, annexation to Clackamas County Service District No. 1.

Respectfully submitted,

Nate Boderman  
Assistant County Counsel

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

In the Matter of Approving  
Boundary Change Proposal  
No CL 18-012



Order No. \_\_\_\_\_

**Whereas**, this matter coming before the Board at this time, and it appearing that the owner of all the land in the territory to be annexed has 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 Chapters 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 July 18, 2019 and that a decision of approval was made July 18, 2019;

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Boundary Change Proposal No. CL 18-012 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 July 18, 2019.

ADOPTED this 18<sup>th</sup> day of July, 2019.

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

## FINDINGS

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

1. The territory to be annexed contains 2.17 acres, one single family dwelling and is valued at \$331,727.
2. The property owners desire sewer service for a 7-lot planned unit development which has been approved for the site by the City of Happy Valley.
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. 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.

4. 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 party<sup>1</sup>; 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:

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

- (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 Findings 7 & 8. No concept plans cover this area.

5. 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.
6. 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 ORS 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.

7. 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.

8. The territory is inside the City of Happy Valley and has zoning designations of R-20/R-10.
9. 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.
10. WES, as the service provider for the District, has sewer lines in SE 152<sup>nd</sup> Avenue on the east and in SE Spyglass on the south.
11. The territory is within the Sunrise Water Authority which has water lines available to serve the site.
12. The area receives police service from the City of Happy Valley which contracts with the Clackamas County Sheriff's Department for service.
13. 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.



14. The area to be annexed receives parks and recreation service from either the City of Happy Valley or North Clackamas Parks and 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 4 & 9 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 plan 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 service 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 Comprehensive Plan and the Happy Valley Comprehensive Plan) and concludes this proposal complies with them. All other necessary urban services can be made available.
4. The Board considered the timing & phasing of public facilities to this area, the quantity and quality of services available and the potential for duplication of services. The District, through Water Environment Services, has service available to the area to be annexed as noted in Finding No. 10. 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**



**ADDRESS:**

8787 SE 152<sup>nd</sup> Ave, Happy Valley, OR 97086

**LEGAL DESCRIPTION:**

A portion of Section 25, Township 1 South, Range 2 East, of the Willamette Meridian, in the City of Happy Valley, County of Clackamas and State of Oregon, more particularly described as follows:

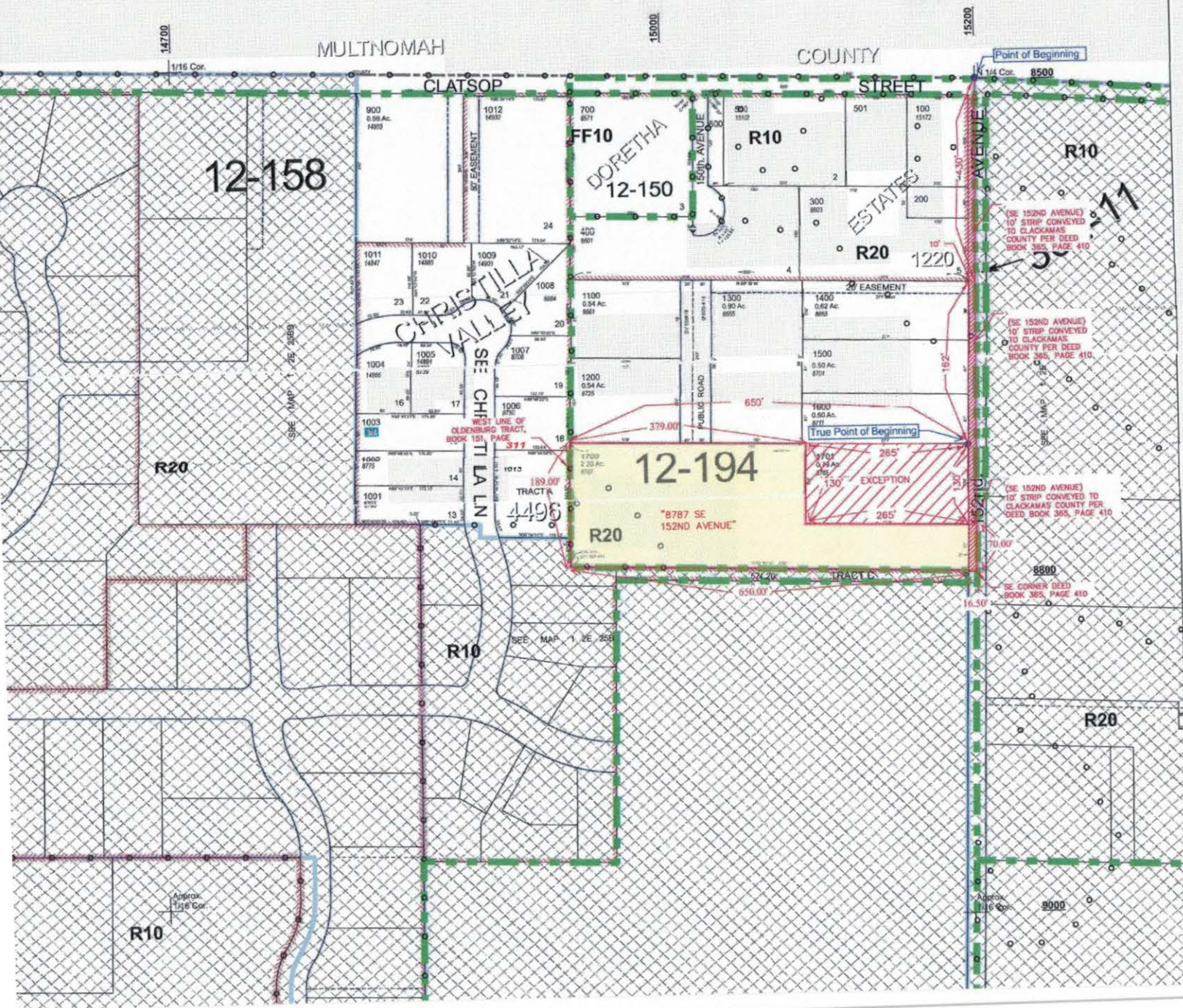
Beginning at the one-quarter section corner on the North line of said Section 25, which point is the Northeast corner of the Christian Deardorff and wife Donation Land Claim, as described in US Patent recorded in Deed Book 30, Page 31, said county; thence South along the East line of the Northwest one-quarter of said Section, a distance of 430 feet; thence West 10 feet to a point on the West line of a roadway now known as S.E. 152nd Avenue, said West line also being the West line of that 10 foot strip of land conveyed to Clackamas County for road purposes by Deed recorded in Deed Book 365, Page 410, said County; thence South along the West line of said 10 foot strip 162 feet to a point which is the true point of beginning of the lands hereby conveyed; thence West parallel to the North line of said Section 650 feet, more or less, to a point in the West line of the Oldenburg tract described in Deed recorded December 12, 1918 in Book 151, Page 311, said Deed Records; thence South along the West line of said Oldenburg tract to the Southwest corner thereof; thence East along the South line of said Oldenburg tract to a point 10 feet West of the Southeast corner thereof, which is also the Southwest corner of said 10 foot strip conveyed to said County; thence North along the West line of said 10 foot strip to the true point of beginning.

**EXCEPTING THEREFROM the following:**

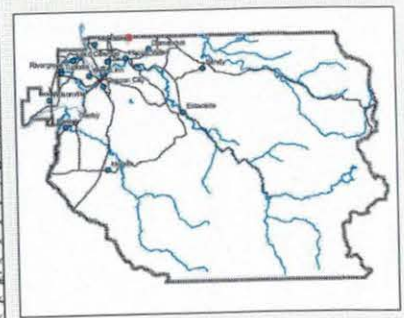
Beginning at the one-quarter section corner on the North line of said Section 25, which point is the Northeast corner of the Christian Deardorff and wife Donation Land Claim as described in US Patent recorded in Deed Book 30, Page 31, said County; thence South along the East line of the Northwest one-quarter of said Section, a distance of 430 feet; thence West 10 feet to a point on the West line of a roadway now known as S.E. 152nd Avenue, said West line also being the West line of that 10 foot wide strip of land conveyed to Clackamas County for road purposes by Deed recorded in Deed Book 365 Page 410, said County; thence South along the West line of said 10 foot wide strip 162 feet to a point, which is the true point of beginning of the lands hereby conveyed; thence West parallel to the North line of said section, 265 feet; thence South parallel with the West line of said 10 foot wide strip 130 feet; thence East parallel with the said North line of Section 25, 265 feet to the West line of said 10 foot wide strip; thence North along said West line of said 10 foot wide strip to the true point of beginning.

# EXHIBIT C

Cancelled Taxlots  
1000  
800



- Parcel Boundary
- - - Private Road ROW
- - - Historical Boundary
- - - Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING  
2051 KAEN ROAD OREGON CITY, OR 97045

July 18, 2019

Board of County Commissioners  
Clackamas County

Members of the Board:

**Stephen L. Madkour**  
County Counsel

**Kathleen Rastetter**  
**Scott C. Ciecko**  
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**Nathan K. Boderman**  
**Shawn Lillegren**  
**Jeffrey D. Munns**  
**Andrew R. Naylor**  
**Andrew Narus**  
**Sarah Foreman**  
Assistants

**Approval of a Board Order for Boundary Change Proposal CL 19-003**  
**Annexation to Tri-City County Service District**

<b>Purpose/Outcomes</b>	<i>Conduct Public Hearing/Approve Order</i>
<b>Dollar Amount and Fiscal Impact</b>	<i>None</i>
<b>Funding Source</b>	<i>Not Applicable</i>
<b>Duration</b>	<i>Permanent</i>
<b>Previous Board Action</b>	<i>None</i>
<b>Strategic Plan Alignment</b>	<i>Build Public Trust Through Good Government, hold transparent and clear public processes regarding jurisdictional boundaries</i>
<b>Contact Person</b>	<i>Ken Martin, Boundary Change Consultant - 503 222-0955</i> <i>Nate Boderman, Assistant County Counsel</i>
<b>Contract No.</b>	<i>Not Applicable</i>

**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 Tri-City County Service District is such a district.

Proposal No. CL 19-003 is a proposed annexation to Tri-City County Service District ("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) Published notice twice in the West Linn Tidings; 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. Also as required by statute (ORS 198.720(1)) the City of West Linn 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 198.857, 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 3.75 acres, 1 single family dwelling and is valued at \$441,499.

## **REASON FOR ANNEXATION**

The property owners desire sewer service to facilitate possible eventual development with an assisted living facility.

## **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."

Tri-City County Service District and the City of West Linn do have an agreement calling for the District to be the provider sewage treatment and transmission for the City. The District has entered into an agreement with the Surface Water Management Agency of Clackamas County and Clackamas County Service District # 1 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 will receive sewerage treatment and transmission from WES under such agreement. Local sewerage collection will continue to be provided by 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 party<sup>1</sup>; 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.

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<sup>1</sup> 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 Plan 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 (major transmission and treatment) by Water Environment Services pursuant to that certain ORS 190 Partnership entered into by the District with Clackamas County Service District # 1 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-19-003, annexation to Tri-City County Service District.

Respectfully submitted,

Nate Boderman  
Assistant County Counsel

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

In the Matter of Approving  
Boundary Change Proposal  
No CL 19-003



Order No. \_\_\_\_\_

**Whereas**, this matter coming before the Board at this time, and it appearing that the owner of all the land in the territory to be annexed has petitioned to annex the territory to Tri-City County Service District;

**Whereas**, 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

**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 July 18, 2019 and that a decision of approval was made on July 18, 2019;

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Boundary Change Proposal No. CL 19-003 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 Tri-City County Service District as of July 18, 2019.

ADOPTED this 18<sup>th</sup> day of July, 2019.

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary



## FINDINGS

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

1. The territory to be annexed contains 3.75 acres, 1 single family dwelling and is valued at \$441,499.
2. The property owners desire sewer service to facilitate possible eventual development with an assisted living facility.
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.”

Tri-City County Service District and the City of West Linn do have an agreement calling for the District to be the provider sewage treatment and transmission for the City. The District has entered into an agreement with the Surface Water Management Agency of Clackamas County and Clackamas County Service District # 1 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 will receive sewerage treatment and transmission from WES under such agreement. Local sewerage collection will continue to be provided by the City.

4. 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 party<sup>1</sup>; 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.

5. To approve a boundary change, the reviewing entity [the County Board] must apply the following criteria:

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<sup>1</sup> 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 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;
  - (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 Plan as stated in Findings 7 and 8 below. 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.

6. 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 ORS 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.

7. The PUBLIC FACILITIES AND SERVICES Element of the County 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.

8. The territory is zoned R-3, Single-family and Multi-family Residential.

According to Section 1 of the Public Services and facilities Chapter of the West Linn Comprehensive Plan:

*The Water Environment Services Department of Clackamas County is responsible for providing wastewater treatment services for the cities of West Linn, Oregon City and Gladstone.*

9. 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.
10. The City has an 8-inch sewer line at the southwest corner of the property. WES, as the service provider for the District, will provide major transmission and treatment of the sewerage.
11. The City has an 8-inch water line in Weatherhill Road on the west and north edge of the territory to be annexed.
12. The area receives police service from the City of West Linn.

13. The City is provided fire protection by Tualatin Valley Fire & Rescue.
14. The area to be annexed receives parks and recreation service from the City of West Linn.

### **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 5 & 9 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 plan adopted pursuant to a statewide planning goal on public facilities and services." The Board notes the City and the District have agreed which entity will provide which aspects of sewer service to the area.
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 Comprehensive Plan and the West Linn Comprehensive Plan) and concludes this proposal complies with them. All other necessary urban services can be made available.
4. The Board considered the timing & phasing of public facilities to this area, the quantity and quality of services available and the potential for duplication of services. The District, through Water Environment Services, has service available to the area to be annexed as noted in Finding No. 10. 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



**SECTION 1: LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED**

A TRACT OF LAND SITUATED IN LOT 9, "BLAND ACRES", A PLAT OF RECORD IN CLACKAMAS COUNTY, OREGON, SAID TRACT BEING LOCATED IN THE NORTH 1/2 OF SECTION 35 AND THE SOUTH 1/2 OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF THE AFOREMENTIONED LOT 9, "BLAND ACRES" WITH THE EAST RIGHT OF WAY LINE OF WEATHERHILL ROAD (SAID BEGINNING POINT IS FURTHER DESCRIBED AS BEING LOCATED SOUTH 89°05'55" EAST 15.36 FEET FROM THE NORTHWEST CORNER OF SAID LOT 9); THENCE ALONG THE NORTH LINE OF SAID LOT 9 SOUTH 89°05'55" EAST 421.05 FEET TO THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO WILLIAM M. HARDY AND ETHEL N. HARDY, RECORDED AS DOCUMENT NUMBER 72-31847, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE EAST LINE OF SAID HARDY TRACT SOUTH 00°54'05" WEST 520.68 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF THE AFOREMENTIONED WEATHERHILL ROAD; THENCE ALONG SAID RIGHT OF WAY LINE (BEING PARALLEL WITH AND 15.00 FEET FROM THE CENTERLINE OF WEATHERHILL ROAD WHEN MEASURED IN A DIRECTION PERPENDICULAR THERETO) NORTH 62°01'43" WEST 388.25 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY LINE; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE NORTH 11°27'07" WEST 352.15 FEET TO THE POINT OF BEGINNING.



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 14, 1978  
DON DEVLAEINCK  
1634

DATE OF SIGNATURE: 9/19/18  
EXPIRES 12/31/2019

EXHIBIT C

POINT OF BEGINNING  
INTERSECTION OF NORTH LINE  
OF LOT 9, "BLAND ACRES" WITH  
THE EAST RIGHT OF WAY LINE  
OF WEATHERHILL ROAD

TAX LOT 1002  
MAP 2-1E-26D

LOT 5, "BLAND ACRES"

NORTHEAST CORNER OF TRACT  
DESCRIBED IN DEED TO WILLIAM M.  
HARDY AND ETHEL N. HARDY BY DEED  
RECORDED AS DOCUMENT NO. 72-31847

NORTHWEST  
CORNER OF LOT 9,  
"BLAND ACRES"

S89°05'55"E  
15.36'

S89°05'55"E 421.05'

NORTH LINE OF LOT 9,  
"BLAND ACRES"

N112°17'07"W 352.15'

TAX LOT 101  
MAP 2-1E-35B  
DOCUMENT NO. 2013-068372

S00°54'05"W 520.68'

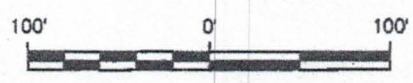
TAX LOT 100  
MAP 2-1E-35B

EAST LINE OF TRACT DESCRIBED IN  
DEED TO WILLIAM M. HARDY AND  
ETHEL N. HARDY BY DEED RECORDED  
AS DOCUMENT NO. 72-31847



N62°01'43"W 388.25'

WEATHERHILL ROAD  
(FORMERLY BLAND CIRCLE)  
(CO. RD. NO. 1637)



Scale: 1" = 100'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 14, 1978  
DON DEVLAEINCK  
1634

DATE OF SIGNATURE: 9/19/18  
EXPIRES 12/31/2019

ANNEXATION EXHIBIT MAP

8118 Exh.dwg

**COMPASS** Land Surveyors  
4107 SE International Way, Suite 705  
Milwaukie, Oregon 97222 503-653-9093

LOCATED IN THE NORTH 1/2 OF SECTION 35  
AND THE SOUTH 1/2 OF SECTION 26, T.2S.,  
R.1E., W.M., CLACKAMAS COUNTY, OREGON



# Clackamas County Sheriff's Office

CRAIG ROBERTS, Sheriff

July 18, 2019

Board of County Commissioners  
Clackamas County

Members of the Board:

**First Reading of Ordinance Number \_\_\_\_\_ Amending  
Chapter 8 (Business Regulation), Section 8.07, Alarm Systems**

<b>Purpose/Outcome</b>	To update the Alarm Ordinance to reduce false alarms, improve compliance, and to incorporate best practice enforcement standards
<b>Dollar Amount and Fiscal Impact</b>	Effective July 1, 2019, revised Alarm Program fees and fines went into effect. Please refer to the attachments for detailed amounts
<b>Funding Source</b>	Alarm permit fees and fines
<b>Safety Impact</b>	Amended language provides clarity for law enforcement response and obligations
<b>Duration</b>	Indefinite
<b>Previous Board Action/Review</b>	During a policy session on April 30, 2019 the Board of County Commissioners approved the proposed ordinance to be brought forward to a business meeting for a first reading
<b>Strategic Plan Alignment</b>	Furtheres the County's focus to keep our residents safe, healthy and secure
<b>Counsel Review</b>	County Counsel reviewed and edited prior drafts of the proposed amendments. The amended version of the ordinance brought before the Board has been fully vetted with County Counsel
<b>Contact Person</b>	Julie Rush, Alarm Program Coordinator, Sheriff's Office, (503) 785-5183 Scott Ciecko, Senior Legal Counsel, County Counsel (503) 742-5390
<b>Contract No.</b>	None

**BACKGROUND:**

Proposed revisions and additions were needed to account for enforcement limitations of the existing alarm ordinance, non-compliance of alarm users and new alarm technology. The proposed revisions and additions also encourage the accountability of alarm businesses to adopt best practices to assist with false alarm reduction.

**RECOMMENDATION:**

Staff respectfully requests that the Board accept the proposed ordinance as presented and permit that it be moved forward for a second reading.

Respectfully submitted,

*Craig Roberts*  
Craig Roberts,  
Sheriff

Attachments: 1) Current Ordinance; 2) Revised Ordinance; and 3) Alarm Program Fees and Fines Effective on 7/1/19

*"Working Together to Make a Difference"*

2223 Kaen Road, Oregon City, OR 97045 • Tel 503-785-5000 • Fax 503-785-5190 • [www.clackamas.us/sheriff](http://www.clackamas.us/sheriff)

[Chapter 8.07, Burglar Alarm Ordinance, codified by Ord. 05-2000, Amended by Ord. 05-2003, 3/13/03 is hereby repealed and replaced by Chapter 8.07 Alarm Permit, adopted by Ord. 01-2010, 1/28/10]

## **Chapter 8.07**

### **8.07 ALARM PERMIT**

#### **8.07.010 Purpose**

- A. The purpose of this chapter is to protect the efficient use of Clackamas County Sheriff emergency law enforcement services and to protect the public from unreasonable alarm noise and disturbance.
- B. The provisions of this chapter shall be administered by the Clackamas County Sheriff and shall apply only to Alarm Systems operated in unincorporated Clackamas County, unless otherwise permitted by law.

[Adopted by Ord. 01-2010, 1/28/10]

#### **8.07.020 Definitions**

- A. ALARM BUSINESS means a business by any individual, partnership, corporation or other entity, that sells, leases, maintains, services, repairs, alters, replaces, moves or installs, any Alarm System in or on any building, structure, dwelling or facility.
- B. ALARM SYSTEM means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an entry to a building, structure, dwelling or facility or other activity requiring urgent attention and to which emergency services are expected to respond.
- C. ALARM USER means the person(s), firm, partnership, association, corporation, company, organization of any kind, or public entity in control of any building, structure, dwelling or facility wherein an Alarm System is maintained.
- D. AUTOMATIC DIALING DEVICE means a device, which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or chapter signal an emergency message indicating a need for emergency response.
- E. FALSE ALARM means an alarm signal eliciting a response by emergency services when a situation requiring a response does not in fact exist. False Alarm does not include an alarm signal caused by uncontrollable conditions of nature or other extraordinary circumstances not reasonably subject to control by the Alarm Business or Alarm User.
- F. SHERIFF means the Clackamas County Sheriff or designee.

[Adopted by Ord. 01-2010, 1/28/10]

#### **8.07.030 Fines and Fees**

- A. Fines and fees associated with this chapter shall be set by resolution of the Board of County Commissioners.
  - B. Fees must be paid upon demand and fines must be paid within 14 days of the date
-



of notice that a fine is due or the fine will double.  
[Adopted by Ord. 01-2010, 1/28/10]

**8.07.040 Alarm Permit Requirements; Violation; Suspension of Sheriff Emergency Services**

- A. No Alarm System shall be operated without an alarm permit issued by the Sheriff. Application for an alarm permit shall be made with the Sheriff and the applicant shall be the responsible party for purposes of enforcing this chapter.
  - B. A permit shall be issued to the property address of the Alarm System and bear the signature of the Sheriff. The permit shall be valid for one-year from the date issued unless suspended pursuant to this chapter.
  - C. An alarm permit shall be kept physically upon the premises using the Alarm System and shall be available for inspection by the Sheriff upon request.
  - D. An alarm permit fee is not required upon proof that a residential applicant is over 65 and is a primary resident unless a commercial business is conducted in or on the premises.
  - E. An alarm permit fee is not required when the Alarm User is a public entity and the permit issued shall not be subject to suspension.
  - F. It shall be a violation of this chapter to operate an Alarm System without a permit except as provided by this chapter. Within 14 days of a Notice of Violation an Alarm User must submit a permit application, and applicable fees and fines to the Sheriff. Failure to comply may suspend further Sheriff emergency law enforcement services to the subject address without further notice.
- [Adopted by Ord. 01-2010, 1/28/10]

**8.07.050 Automatic Dialing Device: Certain Interconnections Prohibited**

- A. It is a violation of this chapter for any person to program an Automatic Dialing Device to select a telephone line assigned to the County.
  - B. It is a violation of this chapter to fail to disconnect or to reprogram an Automatic Dialing Device which is programmed to select a telephone line assigned to the County within twelve (12) hours of notice that it is so programmed.
- [Adopted by Ord. 01-2010, 1/28/10]

**8.07.060 False Alarms and Permit Suspension**

- A. It shall be a violation of this chapter for an Alarm User to incur a False Alarm at the permit address during the alarm permit year. The fourth False Alarm in a permit year shall be cause to suspend the alarm permit for one year from the date of the last False Alarm
  - B. Following a fourth False Alarm within the permit year, the Sheriff will mail the permit applicant a Notice of Suspension which unless appealed in accordance with this chapter will be effective and final on the date of mailing without further notice.
  - C. The Sheriff may suspend law enforcement emergency response to an alarm at the permit address for the period of suspension or until a new permit is issued.
  - D. An alarm permit suspended under this chapter will prohibit reapplication at the
-

permit address for the term of the suspension period and until all fines have been paid, except upon new application and proof of transfer of ownership of the property.

[Adopted by Ord. 01-2010, 1/28/10]

#### **8.07.070 Appeal of Notice of Suspension**

- A. An appeal of Notice of Suspension of an alarm permit may be made by a permit applicant and must be received by the Sheriff within 14 days from the date of mailing of the notice. It must set forth an explanation why the permit should not be suspended, an explanation if any for the False Alarms to include supporting or mitigating information, and describe actions taken to eliminate a future False Alarm.
- B. The Sheriff will review a timely appeal and issue a written final determination setting forth reasons supporting the determination within 14 days from the date of receipt of the appeal. The final determination will be effective on the date issued and shall include information on the right of appeal.
- C. Appeal of a final determination may be taken exclusively by writ of review in the manner set forth in ORS 34.010 to ORS 34.100.

[Adopted by Ord. 01-2010, 1/28/10]

#### **8.07.080 Continuous Alarm as Public Nuisance; Disconnection Of Alarm**

Any bell, horn, or siren used in conjunction with an Alarm System which can be heard outside a building, structure, dwelling or facility for more than fifteen (15) minutes continuously or intermittently and the Alarm User is not readily available or able to silence the device, is a public nuisance and may be disconnected or otherwise silenced by responding law enforcement personnel. Disconnection may be made by such means as is reasonably necessary to silence the alarm. The Alarm User shall be solely responsible for property damage associated with disconnecting or silencing the alarm, and costs of reconnection. [Adopted by Ord. 01-2010, 1/28/10]

#### **8.07.090 Allocation Of Revenues And Expenses**

All fees and fines collected pursuant to this chapter shall be set aside solely for the administration of this chapter. The Sheriff shall maintain records sufficient to identify the sources and amounts of that revenue. [Adopted by Ord. 01-2010, 1/28/10]

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# CHAPTER 8.07: ALARM SYSTEMS

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## 8.07.010 Purpose and Scope

A. The purpose of this chapter is to reduce the number of false alarms from private alarm systems by requiring alarm users and alarm businesses to retain responsibility for maintaining the mechanical reliability and the proper use of alarm systems to prevent unnecessary emergency response to false alarms and thereby protect emergency response capabilities of Clackamas County from misuse.

B. This chapter governs systems intended to summon a public safety response, authorizes fees and fines, establishes a system of administration, sets conditions for the suspension of public safety response and establishes a public education and training program.

C. The provisions of this chapter shall be administered by the Clackamas County Sheriff and shall apply only to alarm systems operated in unincorporated Clackamas County, unless otherwise permitted by law. [Adopted by Ord. 01-2010, 1/28/10]

## 8.07.020 Definitions

**ALARM ADMINISTRATOR** means the person or persons designated by the Sheriff's Office to administer the provisions of this chapter.

**ALARM BUSINESS** means the business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system in or on any building, structure or facility. Alarm businesses also include any person, business, or organization that monitors security alarm systems and initiates alarm dispatch requests.

**ALARM USER** means any person who has contracted for monitoring, repair, installation or maintenance service for an alarm system from an alarm installation company or monitoring company, or an individual or business who purchases, installs (see DIY), or self-monitors (see MIY) an alarm system which is not professionally monitored, maintained or repaired under agreement with an alarm business.

**ALARM USER AWARENESS CLASS** means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

**ALARM SITE** means a structure or portion thereof served by a single security alarm system. In a multi-tenant building or complex, each portion of the structure or complex having its own security alarm system is considered a separate alarm site.

**ALARM SYSTEM** means a device or series of devices, which emit or transmit an audible or remote visual or electronic alarm signal, arranged to identify the occurrence of an illegal entry or other activity intended to summon public safety response. The term includes hardwired systems, surveillance cameras and systems interconnected with a radio frequency method such as cellular or private radio signals, and includes local alarm systems. This does not include an alarm installed in a motor vehicle or a system which will not emit a signal, either audible or visible, from the outside of the building, residence or beyond, but is designed solely to alert the occupants of a building or residence.

**AUTOMATIC DIALING DEVICE** means a device connected to a telephone line or internet connection programmed to select a predetermined telephone number or internet location (URL address) and transmit by voice message or code signal an emergency message indicating a need for emergency response.

**DIY SYSTEM** (Do it yourself) means an alarm system installed by an alarm user.

**ENHANCED CALL CONFIRMATION (ECC)** means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user and/or the alarm user's designated representatives by telephone and/or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting a burglar alarm dispatch, in an attempt to avoid an unnecessary alarm dispatch request.

**FALSE ALARM** means an alarm signal, eliciting a response by law enforcement when a situation requiring a response by law enforcement does not in fact exist. An alarm is not considered false if there are signs of forced or attempted entry, is caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.

**FALSE ALARM RESPONSE** means response to an alarm dispatch request by law enforcement where, in the opinion of responding law enforcement, no evidence of criminal activity or attempted forced entry is present that can be reasonably attributed to the alarm activation. Additionally, when law enforcement is unable to determine if evidence of a criminal offense or attempted criminal offense is present because of inaccessibility of the alarm site, the response is presumed to be a false alarm, and is subject to false alarm fines.

**MIY SYSTEM** (monitor it yourself) means the monitoring of an alarm system by the alarm user.

**MONITORING** means the process an alarm business uses to keep watch on alarm systems; to receive alarm activation signals from alarm systems; to verify alarm activations; to relay alarm dispatch requests to the emergency dispatch center for the purpose of summoning law enforcement response to an alarm site; and to cancel alarm dispatch requests.

**PERMIT YEAR** means a 12-month period beginning on the day and month on which an alarm permit is issued.

**PRIMARY RESIDENT** means [owner of a residential property as identified by the Clackamas County Assessor's office](#) [an alarm user who lawfully occupies an alarm site as an owner, tenant, or holder of other right to occupy the property.](#)

**REVOKED OR REVOCATION** means the cancellation of a permit because the alarm user has failed to renew their permit and/or has unpaid fees or fines. Revocation will result in non-response to alarm calls by law enforcement for up to one year from the date of revocation.

**REINSTATEMENT** means the alarm user has obtained or renewed the required alarm permit, has paid all associated fees and fines and/or has prevailed on an appeal.

**RUNAWAY ALARM** means an alarm system that produces repeated alarm signals from the same zone that do not appear to be caused by separate human action.

**SUSPENSION** means the termination of public safety response to alarms at a specified alarm site as a result of violations of this ordinance.

**UNMONITORED ALARM SYSTEM** means an alarm system that is not actively monitored by an alarm business and whose function is to evoke law enforcement response by means of a generally audible or visible signal, or the alarm user.

**VERIFY** with reference to the monitoring of an alarm system, means an attempt by the alarm company, or its representative, to contact the alarm site and responsible party (parties) by telephonic or other electronic means, whether or not actual contact with a person(s) is made, before requesting law enforcement response, in an attempt to avoid false alarms.

**VIDEO VERIFICATION** An electronic picture, pictures or images viewing an area of the protected premises from which an alarm signal has been received which permits monitoring business personnel or an alarm user to view the area which has an alarm to verify an emergency condition exists or alternately that no emergency appears to exist.

### **8.07.030 Alarm Sites Must be Registered**

A. Law enforcement response to private security alarm sites in unincorporated Clackamas County without corroboration of the need for law enforcement services is a privilege available only to those alarm users who have alarm systems registered with the Clackamas County Sheriff's Office and have obtained the required permit. In order to ensure sufficient law enforcement resources remain available to properly respond to all calls for service, the Clackamas County Sheriff's Office will respond to alarm calls that are not verified only at alarm sites where valid permits have been issued.

B. It shall be a violation of this chapter to operate an alarm system without a permit. The alarm user shall be the responsible party for purposes of enforcing this chapter. Within fourteen (14) days of a Notice of Violation an alarm user must submit a permit application, and applicable fees and fines to the Sheriff.

Failure to comply-obtain or maintain a valid permit may will also result in the Sheriff's Office suspending further Sheriff emergency-law enforcement services-responses to unverified alarm calls at the alarm site. -subject address.

### **8.07.040 Permit Terms and Fees**

A. Alarm permits are valid for one year from the date of issuance.

B. Alarm permits are issued to a person or persons (alarm user) having ownership or control of an alarm site (e.g., home owner, business owner, ~~renter~~tenant, leaseholder, etc.).

C. Alarm permits are issued to a specific alarm user and alarm site until a change of ownership or control of the alarm site occurs.

D. Alarm permits are non-transferable. A new alarm permit must be obtained whenever there is a change of ownership or ~~control~~occupancy of an alarm site.

E. An alarm permit fee is not required upon proof that a residential applicant is over 65 and is a primary resident unless a commercial business is conducted in or on the premises.

F. An alarm permit fee is not required when the alarm user is a public entity (e.g., public schools, US Postal Service, City or County offices, law enforcement and fire agencies) and the permit issued shall not be subject to suspension.

G. On receipt of the permit application and applicable fees, the alarm administrator (or designee) shall issue an alarm permit.

H. An alarm permit shall be posted at the alarm location and must be visible to responding law enforcement.

I. Alarm permits may be renewed under the following conditions:

1. The alarm site has no unpaid fines;

2. The permit is not suspended for excessive false alarms;
3. The permit is not revoked; and
4. The alarm user updates the registration information, or verifies that the existing information is current.

### **8.07.050 Duties of the Alarm User**

A. An alarm user shall maintain the alarm site and the alarm system in good operating condition and free of false alarms. In addition, the alarm user shall ensure that all persons with access to the premises have an adequate understanding of the alarm system to prevent an unintended activation.

B. An alarm user shall make every reasonable effort to arrive at (or arrange for a designated, responsible person to arrive at) the alarm system's location within thirty (30) minutes after being requested by the monitoring company or law enforcement to:

1. Deactivate the alarm system;
2. Provide access to the alarm site; and/or
3. Provide alternative security for the alarm site.

C. An alarm user shall provide updated names and contact phone numbers to the alarm monitoring company of at least two (2) individuals who are able and have agreed to:

1. Receive notification of an alarm system activation at any time;
2. Respond to the alarm site at any time; and
3. Provide access to the alarm site and deactivate the alarm if necessary.

D. An alarm user must report their assigned permit number to their monitoring company.

E. An alarm user may not activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.

F. An alarm user may not use automatic voice dialers.

G. An alarm user must notify the monitoring company of the alarm site of any suspension of law enforcement response (as provided under this chapter) and request that the monitoring company not make a burglar alarm dispatch request.

H. An alarm user is responsible for obtaining and annually renewing the alarm permit.

I. An alarm user is financially responsible for paying fees and fines as outlined in this ordinance.

### **8.07.060 Duties of Alarm Installation and Monitoring Companies**

A. An alarm business shall take reasonable measures to prevent the occurrence of false alarms, and will take corrective action following a third (3<sup>rd</sup>) false alarm activation (in a permit year) with the alarm user.

B. The alarm installation company shall provide written and oral instructions to each of its alarm users regarding the proper use and operation of their alarm system, specifically to include all instructions necessary to arm and disarm, and how to cancel an unintended alarm activation.

C. Alarm installation companies shall not install or issue a device to activate a hold up alarm, which is single action, non-recessed button.

D. An alarm installer or monitoring company must not use automatic voice dialers.

E. Each alarm installing company and alarm monitoring company shall designate one individual who has the knowledge and authority to address false alarm issues and respond to requests from the alarm administrator. The name, phone number and email address of this individual must be provided to the alarm administrator and be annually updated.

F. A monitoring company shall:

1. Not make an alarm dispatch request of a law enforcement agency in response to a burglary alarm signal, excluding panic, duress and hold up signals, during the first seven (7) days following an alarm system installation.
2. Attempt to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Verification shall require, as a minimum, that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, EXCEPT in the case of a panic, duress, hold up or robbery, or in cases where a crime-in-progress has been verified.
3. When requesting law enforcement response to an alarm site, provide information which may include, but is not limited to, the following information:
  - a. The alarm site permit number;
  - b. The location of the alarm activation to include all additional address identifiers (suite number, apartment number, unit number, etc.); and/or
  - c. The type of alarm activation (burglary, panic, motion, etc.) and the identification of the alarm signal (north, south, front door, back slider, etc.).

G. Transmitted video images should show obvious criminal event-in-progress prior to dispatching law enforcement resources. A person merely seen on video does not establish criminal intent or activity. If transmitted images do not show an obvious criminal event-in-progress the standard verification process of calling the premises and authorized key holders must be undertaken.

H. A monitoring company shall fully inform and caution the Clackamas County Department of Communications (CCOM) dispatcher at the time the initial request is made, of known precautions responding law enforcement personnel must take to avoid incurring injury.

I. A monitoring company, after receiving notice from the alarm administrator that an alarm user's registration status is that of non-registered, shall not make a burglar alarm dispatch request from that alarm user until the required permit has been issued and the alarm user has provided the permit number to the company.

### **8.07.070 False Alarms**

It shall be a violation of this chapter for an alarm user to incur a false alarm at the permit address during the alarm permit year. The fourth (4<sup>th</sup>) false alarm in a permit year shall be cause to suspend the alarm permit for one year from the date of the last false alarm.

### **8.07.080 Fees and Fines**

A. Fines and fees associated with this chapter shall be set by resolution of the Board of County Commissioners.

B. A late charge may be imposed if fines and fees are not paid within thirty (30) days after the invoice is mailed.

C. The alarm administrator may assess the alarm user a fine for a false alarm occurring at the alarm user's alarm site.

D. The alarm location may be suspended from law enforcement response if the alarm user has failed to make a timely payment of a fee or fine assessed under Section 8.07.100 (A)(3) of this chapter.

E. Additional fines may be imposed to the person(s) operating an unregistered alarm system that results in a dispatch request to an alarm activation.

F. If cancellation of law enforcement response occurs prior to their arrival at the alarm site *within 10 minutes of the initial request*, the response is not considered a false alarm and no false alarm fine will be assessed.

G. The alarm installation company shall be assessed a fine if responding law enforcement determines that an on-site employee of the alarm installation company directly caused the false alarm. In this situation, the false alarm will not be counted against the alarm user.

H. The monitoring company shall be assessed a fine for failure to verify alarm system signals as specified in Section 8.07.060 (F) (2) of this chapter.

I. A fine shall be assessed if an alarm business makes a false statement concerning the inspection of an alarm site, the performance of an alarm system, or a call confirmation log.

J. A fine shall be assessed if a monitoring company continues to request law enforcement response to a runaway alarm at an alarm site that has received four (4) or more alarm signals in a permit year from a singular zone where the alarm site has been suspended for excessive false alarms.

K. Notice of the right of appeal under this chapter will be included with notice of any fine.

L. The alarm administrator may offer a one-time waiver for the false alarm fine for the first chargeable false alarm during the alarm user's 1-year registration period, pending the successful completion of the online alarm user awareness class available through the alarm administrator. In order to have the fine waived, the alarm user shall have successfully completed the class within 30 days of the fine notice. Alarm users without online access may request the online school and test be mailed to them. Reasonable additional time to complete the alarm user awareness class shall be allowed for mail delivery.

M. In the event that fines and fees assessed are not paid in full per the guidelines set forth in this chapter, Clackamas County reserves the right to assign the debt for collection.

### **8.07.090 Audible Alarms; Restrictions, Abatement of Malfunctioning Alarm**

A. Any bell, horn, or siren used in conjunction with an alarm system which can be heard outside a building, structure, dwelling or facility for more than fifteen (15) minutes continuously or intermittently and the alarm user is not readily available or able to silence the device, is a public nuisance and may be disconnected or otherwise silenced by responding law enforcement personnel. Disconnection may be made by such means as is reasonably necessary to silence the alarm. The alarm user shall be solely responsible for property damage associated with disconnecting or silencing the alarm, as well as, the costs of reconnection. The County, its employees or agents shall not be responsible or liable for damage resulting from such a disconnection.



## 8.07.100 Suspension of Response

A. The alarm administrator may suspend law enforcement response to [unverified alarm calls at](#) an alarm site if it is determined that:

1. The alarm user has four (4) or more false alarms during a permit year;
2. There is a statement of a material fact known to be false in the alarm permit application.
3. The alarm user has failed to make timely payment of a fee or fine assessed under Section 8.07.080 of this chapter; or
4. An appeal request has been denied for failure to provide adequate documentation as to the cause of the violation and the corrective action taken.

B. Unless there is separate indication that there is a verified crime in progress, law enforcement may refuse response to an alarm dispatch request at an alarm site for which the alarm permit is revoked or suspended.

C. The alarm administrator may again suspend law enforcement response to a reinstated alarm site by again revoking or suspending the alarm registration if it is determined that two (2) false alarms have occurred within sixty (60) days after the reinstatement date.

## 8.07.110 Appeals

A. If the alarm administrator assesses a fee or fine, suspends an alarm registration or denies the issuance, renewal or reinstatement of an alarm permit, the alarm administrator shall send notice of the action and a statement of the right to appeal to the affected alarm user or alarm business.

B. The alarm user or alarm business may appeal any action described above to the Sheriff, or their designee(s), within twenty-one (21) days from the date of the notice. Failure to deliver the appeal within that time period is a waiver of the right to appeal.

C. The procedure for an appeal to the Sheriff, or their designee(s), is as follows:

1. The alarm user or alarm business submits a written request and provides supporting and mitigating information for appeal as outlined in the appeal guidelines provided in the Notice of Right to Appeal.
2. The Sheriff, or designee(s) will review the appeal within thirty (30) days after receipt of the request and will consider the evidence submitted by the appealing party. The Sheriff, or designee(s), will base its review of the decision by a preponderance of evidence and will render a decision within fifteen (15) days after the date of the review. The decision shall affirm or reverse the decision or action taken by the alarm administrator. The decision of the Sheriff, or designee(s), shall be the final determination [of the County](#) in the matter.
3. Filing of an appeal stays the payment for a fee or fine until the appeals process has been exhausted. Any false alarms accrued following the suspension date will be added to the total count at the maximum fine rate.
4. Appeal of a final determination of the County may be taken exclusively by writ of review in the manner set forth in ORS 34.010 to ORS 34.100.

D. The alarm administrator or designee(s), may adjust the count of false alarms or assessed fees based upon:

1. Evidence that a false alarm was caused by action of a communications services provider (i.e., telephone, cellular, cable company);
2. Evidence that a false alarm was caused by a power outage of more than 4 hours or severe weather such as a tornado, earthquake, or excessive winds where a high wind warning has been issued and measured by a local, recognized weather monitoring station (sustained winds of 40 mph or greater).
3. Evidence that an alarm dispatch request was not a false alarm.

E. The alarm administrator may waive all or part of a false alarm fine due to extenuating circumstances or to encourage corrective action with supervisor approval.

### **8.07.120 Reinstatement**

A. A person whose alarm permit has been revoked or suspended may, at the discretion of the Sheriff's Office, have the alarm permit reinstated by the alarm administrator if the alarm user has:

1. Paid a reinstatement fee;
2. Paid or has otherwise resolved, all outstanding fees and fines; or
3. Had an appeal approved and has paid any outstanding fees and/or fines.

### **8.07.130 Confidentiality**

[Clackamas County will strive to ensure confidentiality of information submitted by permit applicants and holders and will disclose such information only to the extent required by law.](#)

### **8.07.140 Allocation of Revenues and Expenses**

All fees and fines collected pursuant to this chapter shall first be set aside solely for the administration of this chapter. Funds collected beyond the requirement of the administration of the alarm chapter shall be used to reimburse the Clackamas County Sheriff's Office Patrol Division as a means of cost recovery for public safety response. The Sheriff shall maintain records sufficient to identify the sources and amounts of that revenue.

### **8.07.150 No Duty to Respond**

Alarm registration is not intended to, and does not create a contract, duty, obligation or relationship, between the Clackamas County Sheriff or Clackamas County and the alarm user or alarm business, ~~to~~ [nor does it guarantee law enforcement response](#) ~~response~~ to any alarm [call when there is no other indication of the existence of an actual emergency.](#) Any and all liability and consequential damage resulting from failure to respond to an alarm dispatch request is hereby disclaimed and immunity as provided by law is retained. By applying for an alarm permit, the alarm user acknowledges that alarm response may be influenced by the availability of law enforcement [resources](#), priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

### **8.07.160 Severability**

The provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.