



DAN JOHNSON
DIRECTOR

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

November 7, 2024

BCC Agenda Date/Item: _____

Board of County Commissioners, Acting as
the Governing Body of Service District No. 5
Clackamas County

**Approval of a Board Order Forming New Assessment Areas within
Clackamas County Service District No. 5. Current Value from the addition of
the six assessment areas is \$4,401/year. Funding through rate payers. No
County General Funds are involved.**

Previous Board Action/Review	Scheduled Hearing for new lighting assessment area(s).		
Performance Clackamas	Promotes a safe, healthy and secure community through the enhanced nighttime visibility created with new street lighting.		
Counsel Review	Yes – HH 10-14-2024	Procurement Review	No
Contact Person	Wendi Coryell, Service District Specialist - DTD Engineering 503-742-4657 (Phone) wendicor@clackamas.us		

EXECUTIVE SUMMARY: As allowed under District Rule 4.010, and required by County ZDO 1006.02, street lighting is a condition of approval for new developments within Clackamas County Service District No. 5 (CCSD5). As such, it has been included as a condition of approval for the developments listed in **Exhibit A - New Service District No. 5 (CCSD5) Assessment Areas** of the attached proposed Board Order.

Notice of the time and place of this hearing was mailed by first class mail to the current addresses as listed by the Clackamas County Assessment office. The notice specifically noted that a public hearing was scheduled for November 7, 2024, to hear objections or to file a remonstrance against the approval of the new assessment area. Pursuant to statute, a minimum of 50% of the affected property owners in a proposed assessment area must remonstrate to deny the formation of the new assessment area.

RECOMMENDATION: If remonstrance's from more than 50% of the property owners in a proposed assessment area for street lighting are received by the end of this public hearing, it is recommended that the Board of County Commissioners, acting in the capacity of the governing body of CCSD5, note the remonstrated assessment area(s) in Section 1 of the Board Order (thereby removing that assessment area from the formations), which will allow CCSD5 to proceed with the formation of the remaining assessment areas for street lighting.

Respectfully submitted,

Dan Johnson

Dan Johnson, Director
Department of Transportation and Development

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BEFORE THE BOARD OF COUNTY COMMISSIONERS,
ACTING AS
THE GOVERNING BODY OF CLACKAMAS COUNTY SERVICE DISTRICT NO. 5,
STATE OF OREGON

In the Matter of an Order Forming
New Assessment Areas Within
Clackamas County Service District
No. 5, Clackamas County, Oregon



Board Order No. _____

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Whereas, this matter coming before the Board of County Commissioners, acting as the governing body of Clackamas County Service District No. 5 (DISTRICT), a street and highway lighting service district organized under ORS Chapter 451 and formed pursuant to Ordinance No. 70-1078 (Dec. 11, 1970);

Whereas, under ORS 451.490 and 451.495, the DISTRICT may finance the construction, operation or maintenance of the service facilities through several means, including assessments against the property in the DISTRICT that is directly benefited by the service; and

Whereas, it appearing to the Board that under District Rule 4.010 and County ZDO 1006.02, street lighting is a condition of approval for new development within the DISTRICT, particularly those identified in the attached **Exhibit A - New Service District No. 5 (CCSD5) Assessment Areas**, and the formation of new assessment areas within the DISTRICT is necessary to finance the installation and illumination of street lights in these new areas; and

Whereas, it further appearing to the Board that the method of financing the operation and maintenance of service facilities is to be assessments against the properties benefited by street light facilities as authorized by ORS 451.495; and

Whereas, it further appearing to the Board that it adopts certain assessment rates each year that reflects the cost of providing lighting services, and has done so most recently by Resolution No. 2022-46, as shown in the attached **Exhibit B – Service District No. 5 (CCSD5) Rate Schedules**, and as amended; and

Whereas, it further appearing to the Board that the Board’s adopted rate schedules **Exhibit B – Service District No. 5 (CCSD5) Rate Schedules**, as updated and amended, may be applied to each new assessment area, including those listed in **Exhibit A - New Service District No. 5 (CCSD5) Assessment Areas**, at a schedule commensurate with street lighting services each area receives and at a fractional year assessment pro-rated from the date of installation; and

Whereas, it further appearing to the Board that Clackamas County through adopted District Rules and Regulations, has given notice of public hearing as required by Order Number 94-1368 and ORS 451.495, and that said public hearing was duly held on the 7th day of November, 2024, as noticed.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS,
ACTING AS
THE GOVERNING BODY OF CLACKAMAS COUNTY SERVICE DISTRICT NO. 5,
STATE OF OREGON**

In the Matter of an Order Forming
New Assessment Areas Within
Clackamas County Service District
No. 5, Clackamas County, Oregon



Board Order No. _____

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

1. The DISTRICT received written objections prior to the conclusion of the hearing from more than 50% of the of the property owners representing more than 50% of the affected property in assessment area(s): _____, therefore, that assessment area(s) is not approved. (If this line is blank none of the assessment areas are subject to a remonstrance.)
2. All properties in the Assessment Areas described in **Exhibit A - New Service District No. 5 (CCSD5) Assessment Areas** that are not subject to a remonstrance are hereby subject to an assessment for street lighting.
3. That an assessment roll be prepared by the County showing the amount of each yearly assessment, the property against which it has been assessed, the owner thereof, and such additional information as is required to keep a complete and permanent record of the assessment.
4. That the Department of Transportation and Development proceed to facilitate the installation of the street lighting in accordance with DISTRICT rules and guidelines.

DATED this _____ day of November, 2024.

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

Chair

Recording Secretary

Exhibit A - New Service District No. 5 (CCSD5) Assessment Areas

DISTRICT NUMBER	PROJECT	RATE SCHEDULE	SITE ADDRESS	CITY	STATE	ZIP CODE	MAP NUMBER
23-21	Busch Estates 10-Lot Subdivision	B	13822 SE Oatfield Rd.	Milwaukie	OR	97222	21E01DB06100
12-22	2-Lot Partition	B	6434 SE Jennings Ave.	Milwaukie	OR	97267	22E17BC01001, 1000
21-23	Prologis Park Phase 1	D	10500 SE Jennifer St.	Happy Valley	OR	97015	22E15B 00200, 300, 390, 400, 460, 500, 600, 700, 800, 900
35-23	Briggs Cottage Cluster	B	13506 SE Briggs St.	Milwaukie	OR	97222	21E01DB03500
05-24	Medical Office Building	D	6536 SE Lake Rd.	Milwaukie	OR	97222	22E05B 01601
08-24	Bryson Heights 5-Lot Subdivision	B	5212 SE Thiessen Rd.	Milwaukie	OR	97267	22E07AC00300

Exhibit B - Service District No. 5 (CCSD5) Rate Schedules

Rate schedules were established by Commissioners' Resolution No. 2022-46, to reflect the cost of providing street lighting service in the District, effective fiscal year 2022-2023 as follows:

RATE SCHEDULES

Schedule A	District owned residential lights and poles \$34.00 per tax lot each year
Schedule B	PGE owned lights on existing distribution poles (Cobra lights on existing wood poles) \$47.00 per tax lot each year
Schedule C	PGE owned lights and poles with underground service (Cobra lights on gray fiberglass poles or Town and Country lights and poles) \$65.00 per tax lot each year
Schedule D	PGE and District owned lights and poles for commercial, multifamily and/or industrial areas (all types not on McLoughlin Blvd.) \$1.16 per frontage foot tax lot each year
Schedule E	PGE owned lights and poles for condominiums (all types) \$8.00 per tax lot each year
Schedule F	PGE owned lights and painted steel poles (formerly Southwood Park Highway Lighting District) \$58.00 per tax lot each year
Schedule H	PGE owned lights and poles for service in the City of Happy Valley (Shoebox lights w/ poles) \$86.00 per tax lot each year
Schedule J	PGE owned lights and poles, ornamental Acorn light with fluted fiberglass poles (may substitute fluted aluminum pole) \$113.00 per tax lot each year
Schedule K	PGE owned lights and poles for service in the City of Happy Valley for high density residential development (Techtra lights w/ Shepherd's Crook poles) \$79.00 per tax lot each year
Schedule M	PGE owned lights poles for commercial, multi-family and/or industrial uses on urban highways. (cobra LED lights with wood and aluminum poles) \$1.67 per tax lot each year
Schedule R	PGE owned lights and poles for service in the City of Happy Valley (Techtra lights w/ Shepherd's Crook poles) \$243.00 per tax lot each year
Schedule W	PGE owned lights and poles for service in the City of Happy Valley (Aurora Pendant lights (previously Westbrook) with decorative aluminum poles) \$227.00 per tax lot each year