



DAN JOHNSON
DIRECTOR

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

February 2, 2023

BCC Agenda Date/Item: _____

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

Approval of a Board Order Forming Assessment Area 46-19 (2-Lot Partition) within Clackamas County Service District No. 5. Current combined value for the 2-Lot Partition is \$94 a year. Funding through ratepayers. No County General Funds are involved.

| | | | |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------|---------------------------|----|
| Previous Board Action/Review | Briefed at Issues – January 31, 2023 | | |
| Performance Clackamas | Promotes a safe, healthy and secure community through the enhanced nighttime visibility created with new street lighting. | | |
| Counsel Review | Yes | Procurement Review | No |
| Contact Person | Wendi Coryell, Service District Specialist - DTD Engineering 503-742-4657 (Phone) wendicor@clackamas.us | | |

EXECUTIVE SUMMARY:

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

Notice of the time and place of this hearing was mailed by first class mail to the current addresses as listed by the Clackamas County Assessment office. The notice specifically noted that a public hearing was scheduled for today (February 2, 2023), to hear objections or to file a remonstrance against the approval of the new assessment area. Pursuant to statute, a minimum of 50% of the affected property owners must remonstrate to deny the formation of the new assessment area.

RECOMMENDATION:

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

Respectfully submitted,

Dan Johnson

Dan Johnson, Director
Department of Transportation and Development

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

In the Matter of an Order Forming
Assessment Area 46-19 (2-Lot
Partition) Within Clackamas County
Service District No. 5, Clackamas
County, Oregon



Board Order No. _____

Page 1 of 2

Whereas, this matter coming before the Board of County Commissioners, acting as the governing body of Clackamas County Service District No. 5, and it appearing to the Board the properties within Assessment Area 46-19, 2-Lot Partition, 19315 SE River Rd. have requested street light service, and that the formation of new assessment areas within the District is necessary for the installation of street lights; and

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

Whereas, it further appearing to the Board that rates for street lighting as established by Order No. 2022-46 and subsequent rate change Orders shall be applied to Assessment Area 46-19, 2-Lot Partition, with fractional year assessments pro-rated from the date of installation and in accordance with Ordinance Number 94-1368 pursuant to ORS 451.495 as follows:

Rate Schedule B: \$47.00 per tax lot each year, applied to residential properties; and

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

Whereas, it further appearing to the Board that the Department of Transportation and Development has given notice of public hearing as required by Order Number 94-1368 and ORS 451.495, and that said public hearing was duly held on the 2nd day of February, 2023, and that the District did not receive written objections prior to the conclusion of the hearing from more than 50% of the affected property owners.

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Page 2 of 2

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

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

Assessment Area 46-19 All lots in the 2-Lot Partition, 22E19AC04300; and
2. That an assessment roll be prepared by the Department of Transportation and Development for Clackamas County showing the amount of each yearly assessment, the property against which it has been assessed, the owner thereof, and such additional information as is required to keep a complete and permanent record of the assessment;
3. That the Department of Transportation and Development proceed to authorize construction the street lighting facilities in accordance with District rules and guidelines.

DATED this _____ day of February, 2023.

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

Chair

Recording Secretary