



2051 KAEN ROAD | OREGON CITY, OR 97045

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Angela Hajihashemi Joseph Lucas

June 12, 2025

LACKAMAS county

BCC Agenda Date/Item:

Board of County Commissioners Clackamas County

> Proposal No. 2025-002: Annexation to Clackamas County Service District #1 of territory located at 14294 SE Big Timber Ct, Happy Valley, OR, for sanitary sewer and stormwater services.

 Previous Board Action/Review
 None

 Performance Clackamas
 1. Build public trust through good government 2. Build a strong infrastructure

 Counsel Review
 Yes; JM
 Procurement Review
 N/A

 Contact Person
 Jeffrey Munns
 Contact Phone
 (503)742-5984

EXECUTIVE SUMMARY:

The owner of a parcel of land, tax lot no. 23E06C 07100 ("SUBJECT PROPERTY"), petitioned this Board to annex into 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 Happy Valley with a current tax assessed value of \$268,859. It is at 14294 SE Big Timber Ct., Happy Valley, OR 97015. It is improved with a single-family home.

The CITY and the District have a long-term agreement for the District to serve such territory within the CITY's limits. The District is already providing services in the areas surrounding. There is a sewer line on SE 172nd Ave. for the SUBJECT PROPERTY to connect to. Upon connection, the use of the onsite septic must be discontinued. Therefore, there is efficiency in the District providing services to the subject property.

If the Board approves this proposed annexation, the District will provide only sanitary sewer and stormwater services to the SUBJECT PROPERTY.

The District has endorsed the proposed annexation.

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v.CCC-2025

ғ. 503.742.5397

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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 considered whether the annexation petition met the criteria laid out in Metro Code 3.09.

A Staff Report, dated June 4, 2025, 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. There is no cost to the County in the Board's approval of this proposed annexation.

RECOMMENDATION: Staff recommend approval of Boundary Change Proposal No. 2025 (002).

Respectfully submitted,

Jeffrey Munns 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. 2025-002 (CCSD1)

Board Order No.

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Whereas, the Clackamas County Service District No. 1 ("DISTRICT") is a county service district organized under ORS 451 that provides sanitary sewer 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 Exhibits B and C, to the DISTRICT pursuant to procedures set forth in ORS 198.857 and Metro Code 3.09; and

Whereas, on January 10, 2025, 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 boundary change of the DISTRICT, through the proposed annexation of the SUBJECT PROPERTY into the DISTRICT, 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 boundary change petition. The staff report is attached hereto as Exhibit A.

Whereas, a public hearing is held before the Board on June 12, 2025, and that a decision of approval was made on June 12, 2025. In determining whether to approve the boundary change 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 boundary change 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 A 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 in Exhibit B and shown Exhibit C is annexed to Clackamas County Service District No. 1 for sanitary sewer and stormwater services.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of Approving a Boundary Change Proposal No. 2025-002 (CCSD1)

Board Order No. _____

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3. County staff is directed to file this document with the required parties and take all necessary steps to finalize the annexation.

DATED this 12th day of June, 2025

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



OFFICE OF COUNTY COUNSEL

Public Services Building 2051 Kaen Road | Oregon City, OR 97045

> Jane E. Vetto County Counsel

TO:	Clackamas (County Board of County Commissioners	Scott C. Ciecko
FROM:	Jeffrey D. M	unns, Assistant County Counsel	Amanda Keller Shawn Lillegren Jeffrey D. Munns
RE:	Boundary Change Proposal No. 2025-002 (CCSD1)		Sarah Foreman Caleb Huegel Angela Hajihashemi
DATE of REPORT: DATE of HEARING:		June 4, 2025 June 12, 2025	Joseph Lucas Ryan Hammond Assistants

STAFF REPORT

REQUEST: Approval of Boundary Change Proposal No. 2025-002 (CCSD1), authorizing property of Martin and Ann Mazurik, Co-Trustees of the Mazurik Family Trust Dated October 22, 2020, (the "PETITIONER"), known as tax lot number 23E06C 07100 and located at 14294 SE Big Timber Ct., Happy Valley, OR 97015, Clackamas County, Oregon (the "SUBJECT PROPERTY"), into Clackamas County Service District No. 1 ("CCSD1" or the "DISTRICT"), an ORS 451 county service district.

REASON FOR ANNEXATION:

The PETITIONER is requesting annexation so that the SUBJECT PROPERTY can connect to and receive sewer services from the DISTRICT.

RECOMMENDATION: Based on the analysis and findings of this report, staff respectfully recommend the Board APPROVE Boundary Change Proposal No. 2025-002 (CCSD1).

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

I. BACKGROUND

A. SUBJECT PROPERTY INFORMATION

PETITIONER:	Martin and Ann Mazurik, Co-Trustees of the
	Mazurik Family Trust Dated October 22, 2020
PETITIONER Representative, if	
any:	

Exhibit A

Tax Lot Nos.	23E06C 07100
Address, if any:	14294 SE Big Timber Ct., Happy Valley, OR 97015
Legal Description	Exhibit B of Board Order

B. PETITION UNDER ORS 198.857

By application submitted to the DISTRICT, dated December 17, 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 May 6, 2025.

The SUBJECT PROPERTY is currently developed. The services to be provided by the DISTRICT will support existing development on the SUBJECT PROPERTY.

C. ENDORSEMENTS BY INTERESTED PARTIES

As further discussed below in this report, the SUBJECT PROPERTY is located in the City of Happy Valley and is currently within DISTRICT jurisdiction for water, sanitary sewer, and stormwater services. Due to the topography, the SUBJECT PROPERTY can be served by the DISTRICT for sewer services.

By letter dated January 10, 2025, the DISTRICT supports and endorses the proposed annexation. See, Attachment 1.

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 a 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;

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

(B) Affect the quality and quantity of urban services; and(C) Eliminate or avoid unnecessary duplication of facilities and services."

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)

3. City Planning

The SUBJECT PROPERTY is within the City of Happy Valley, whose comprehensive land use plan applies.

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 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 1.88 acres, tax lot no. 23E06C 07100 with a current tax assessed value of \$268,859.00
- 2. The SUBJECT PROPERTY is in the City of Happy Valley.
- 3. The SUBJECT PROPERTY is within Metro's jurisdictional boundary and the regional UGB.
- 4. The SUBJECT PROPERTY is currently located adjacent to SE 172nd Ave. which contains a sewer line to serve the property.
- 5. The SUBJECT PROPERTY is currently developed.
- 6. The DISTRICT can provide sewer services to the SUBJECT PROPERTY in a more efficient and cost-effective manner.
- 7. Accordingly, the PETITIONER is seeking sewer 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 to an area within a UGB that has a population of greater than 2,500 persons. 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 urban and other ORS 195.065 agreements applicable to this area of Clackamas County.

The SUBJECT PROPERTY is in the City of Happy Valley. It currently has, or will be receiving, various services in the following manner:

- 1. Water. The SUBJECT PROPERTY will be served by Sunrise Water Authority for water services.
- 2. Sewer. The SUBJECT PROPERTY is currently seeking to annex to CCSD1 for this service.
- Storm Drainage. The SUBJECT PROPERTY is currently seeking to annex to SWM 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 to be served by the City of Happy Valley 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 the 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 the City of Happy Valley, 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 sewer services to the SUBJECT PROPERTY is consistent, or not in conflict, with Chapter 7 of the Comp Plan.

3. City Comprehensive Land Use Plan

Based on the information provided by the DISTRICT and PETITIONER, the proposed annexation is compatible with the City of Happy Valley's comprehensive land use plan.

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

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

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 the timely, orderly and economic provision of public facilities and services;
- Improve 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 single-family residence. The DISTRICT is in a more advantageous technical position to provide sewer services to the SUBJECT PROPERTY due to having a sewer line in the right-of-way along the northern boundary of the property.

The SUBJECT PROPERTY will remain in the Sunrise Water Authority District for water services. Therefore, there is no duplication in the provisioning of the requested services, nor would there be a withdrawal of the SUBJECT PROPERY from Sunrise Water Authority's 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 urban 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 conclude that the proposed annexation complies with all applicable state statutes and Metro Code requirements. Staff recommend approval of Boundary Change No. 2025-002 (CCSD1) for the DISTRICT to provide sewer services to the SUBJECT PROPERTY.

Respectfully Submitted,

Jeffrey D. Munns Assistant County Counsel

Attachments: District Approval of Annexation



GREGORY L. GEIST | DIRECTOR

Water Quality Protection Surface Water Management Wastewater Collection & Treatment

1/10/25

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.

20:36 PST)

Greg Geist, Director Water Environment Services

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

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

Attachment 1



EXHIBIT B CLACKAMAS COUNTY SERVICE DISTRICT NO. 1 (CCSD1) ANNEXATION

12-17-2024

REVISED - APRIL 22, 2025

JOB NO. 500-1565

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 3 EAST, OF THE WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL 1 OF PARTITION PLAT NO. 2011-075, CLACKAMAS COUNTY PLAT RECORDS, SAID CORNER BEING ON THE EASTERLY RIGHT OF WAY LINE OF SE BIG TIMBER COURT (WIDTH VARIES):

- 1. THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE, SOUTH 89°40'20" EAST, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 227.15 FEET TO A POINT OF CURVATURE;
- THENCE SOUTHEASTERLY ALONG THE ARC OF A 10.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°05'23" (THE LONG CHORD BEARS SOUTH 45°06'36" EAST, 14.15 FEET), A DISTANCE OF 15.72 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SE 172ND AVENUE (COUNTY ROAD NO. 25) (WIDTH VARIES);
- 3. THENCE SOUTH 00°56'40" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 305.93 FEET TO A POINT OF CURVATURE;
- 4. THENCE SOUTHWESTERLY ALONG THE ARC OF A 122.50 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 02°08'37", (CHORD BEARS SOUTH 33°54'43" WEST, 4.58 FEET) A DISTANCE OF 4.58 FEET;
- 5. THENCE SOUTH 89°41'42" EAST, NON-TANGENT TO THE PREVIOUS COURSE, A DISTANCE OF 2.49 FEET;
- 6. THENCE SOUTH 00°56'40" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 99.95 FEET TO THE CENTERLINE OF SE BIG TIMBER COURT;
- 7. THENCE NORTH 88°58'38" WEST ALONG SAID CENTERLINE, A DISTANCE OF 68.83 FEET TO A POINT OF CURVATURE;
- 8. THENCE NORTHWESTERLY ALONG THE ARC OF A 200.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°06'45" (THE LONG CHORD BEARS NORTH 43°55'30" WEST, 283.12 FEET), A DISTANCE OF 314.55 FEET TO A POINT OF TANGENT;
- 9. THENCE NORTH 00°52'26" EAST ALONG SAID CENTERLINE, A DISTANCE OF 215.99 FEET;
- 10. THENCE SOUTH 89°40'20" EAST, A DISTANCE OF 31.50 FEET TO THE POINT OF BEGINNING.

20330 SE Highway 212 * Damascus, OR 97089 [T] 503.850.4672 * [F] 503.850.4590

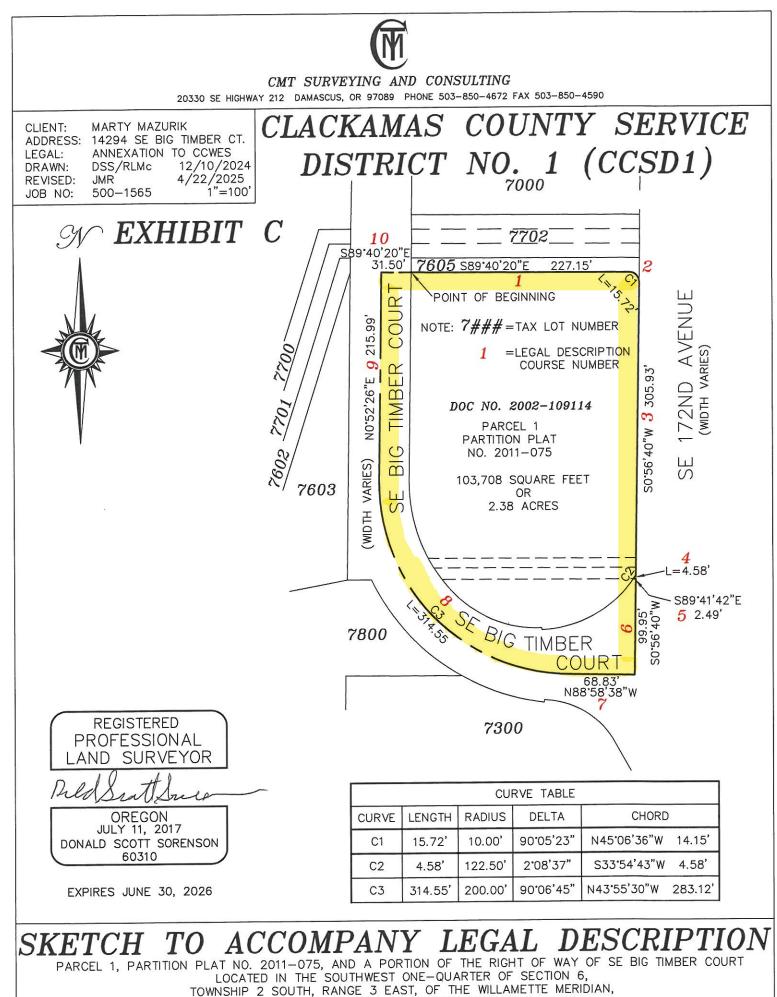
Y:\500-1565\Planning\To CC - WES\Legal - WES Annexation - Per DOR.docx

CONTAINING 103,708 SQUARE FEET OR 2.38 ACRES MORE OR LESS.

REGISTERED PROFESSIONAL LAND SURVEYOR ella OREGON JULY 11, 2017 DONALD SCOTT SORENSON 60310

EXPIRES JUNE 30, 2026

Construction & Mapping Team



CITY OF HAPPY VALLEY, CLACKAMAS COUNTY, OREGON