




MEMORANDUM

**Stephen L. Madkour**  
County Counsel

TO: Clackamas County Board of County Commissioners, and Gary Schmidt, County Administrator

FROM: Jeffrey D. Munns, Assistant County Counsel 

DATE: February 22, 2022

RE: The process to form a joint water and sanitary authority under ORS Chapter 450.

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

Purpose:

This memo is a summary of the process to form a joint water and sanitary authority as discussed during the February 16, 2022 policy session with representatives of Oak Lodge Water Services District (Oak Lodge). The discussion below is limited to joint water and sanitary authority formation under ORS Chapter 450 (Authority). A flowchart is included to demonstrate this process, and the flowchart is labeled to correspond to the descriptions below.

This memo also summarizes the review process that would be applied to a decision of the County Board of Commissioners (BCC) if an Authority is formed, and it provides a description of how that process differs from the review processes that have been in place in the past.

Initiation:

An Authority can be initiated in two ways:

**A)** By the adoption of an Order by the BCC stating the intention of the county board to initiate the formation and initiating the process under ORS 198.835. This is the process Oak Lodge requested during the two policy sessions with the BCC.

**B)** By citizen petition pursuant to ORS 450.600 and ORS 198.800. A valid citizen petition must be brought by signatures of 15% of electors in the proposed Authority. For the proposed Authority, approximately 3,100 signatures would be needed for citizens to

bring a petition before the BCC. Oak Lodge cannot participate in the process of gathering signatures for a citizen petition. Oak Lodge cannot solicit signatures for the petition, nor use any of Oak Lodge staff or resources in promoting the petition.

**The Initial County Order:**

If the process is initiated (under **(A)** or **(B)**, above), the statutes require the BCC to then hold a first hearing.

**1A)** If initiation occurs by Order of the BCC, that Order would set the first public hearing.

**1B)** If initiation occurs by a citizen petition (i.e., a citizen petition is received by the County Clerk with the requisite number of signatures in proper form), then the BCC must issue an Order setting a first public hearing.

Under both of these scenarios, the initial BCC Order sets the first public hearing within 30 to 50 days from either the date of its initiating Order under option **1A** or from the date of receipt of the citizen petition under option **1B**.<sup>1</sup>

**The First Public Hearing:**

At this point, the two processes follow the same track.

**2A) and 2B)** The first public hearing is held to consider whether the area within the proposed Authority territory would benefit from inclusion using the criteria in ORS 199.462.<sup>2</sup>

On or before the date set for the first public hearing, any person interested in the proposed formation of the Authority may appear and present written statements for or against granting of the petition.

At the end of the first public hearing, if the BCC finds the statutory criteria are met, it would adopt a preliminary Order. Depending on which process is followed, this preliminary Order serves the following purpose:

**2A)** If initiation occurred by Order of the BCC, the preliminary order would serve to restate the BCC's intention to proceed with formation.

**2B)** If initiation occurred by citizen petition, the preliminary order would approve or modify the citizen petition to form an Authority.

Under both scenarios, the preliminary Order would set the time for a final public hearing.<sup>3</sup>

---

<sup>1</sup> See, ORS 198.800; ORS 198.840.

<sup>2</sup> See, ORS 198.805. The criteria include consideration of the local comprehensive planning for the area, economic, demographic and sociological trends and projections pertinent to the proposal, past and prospective physical development of land that would directly or indirectly be affected by the proposed district and the statewide goals.

### **The Final Public Hearing:**

The final public hearing occurs 20 to 50 days from the preliminary Order that resulted from either **2A** or **2B** above. This is another point where the two processes are on the same track:

**3A and 3B)** the final public hearing is held to provide an opportunity for the public to request an election and for the BCC to make a final decision depending on the number of requests it receives. At the end of the final public hearing:

**4A)** If the BCC receives fewer than 100 requests for an election, then no election may be held, and the BCC adopts a final Order to form the Authority and hold an election for Authority board members at the next practicable election date.

**4B)** If the BCC receives 100 or more requests for an election from electors within the proposed Authority, the BCC adopts an Order approving a ballot measure on the question of forming the Authority, together with an election of board members to serve if the Authority is formed.

### **The Election:**

An election may only be held if 100 or more electors within the territory of the proposed Authority request an election during the final public hearing. The BCC cannot refer the matter to the ballot without the 100 requests by the electors.

**5A)** If the BCC has already formed the Authority by final Order under **4A**, an election would only be held to elect the new board members for the new Authority.

**5B)** If 100 or more electors have requested an election, then the voters will decide both whether to form the Authority and who will serve as board members of the new Authority.

### **Post-Election Procedures:**

If the election is to vote for the new Authority board members only (under **5A**), the BCC has no further role in formation. If the election is for both the formation and election under **5B**, then either 6A) or 6B) would follow:

**6A)** If the ballot measure to form the Authority passes, the BCC would adopt a final Order to form the Authority.

---

<sup>3</sup> ORS 198.810(2).

**6B)** If the ballot measure to form the Authority fails, the BCC would adopt a final Order to vacate the preliminary Order to form the Authority.

**Review of Final Order:**

The process for reviewing a final BCC Order like those described above is typically through a *writ of review* process. A *writ of review* is a statutory mechanism whereby a party to any process or proceeding before the County may have the decision or determination reviewed for errors.<sup>4</sup> This is accomplished by the filing of a petition, which is essentially a civil suit in the Circuit Court.

The basis for a review is limited to whether the BCC (a) exceeded its jurisdiction; (b) failed to follow the applicable procedures; (c) made a finding or order not supported by substantial evidence in the whole record; (d) improperly construed the applicable law; or (e) rendered a decision that is unconstitutional. These reviews are typically “on the record” and new issues or facts that were not before the BCC when it made its decision cannot be presented to the court.

During the most recent policy session, BCC members inquired about prior reviews of attempts to form an Authority. Because they have personal experience with these processes, we asked the attorneys for Oak Lodge about those prior reviews, and they provided the following summary:

1 – Sunrise Water Authority. Sunrise Water Authority was formed in the 1990’s by the City of Happy Valley and the Mt. Scott Water District. That formation followed the statutory process for initiation by County Order, and we are not aware of any challenge to that proceeding, so there was no review of the County’s order.

2 – In the 2000’s, the former Oak Lodge Sanitary District considered the formation of an Authority by joining with Clackamas Water Environmental Services (CCSD#1 and Tri Cities). The boards of those districts decided not to pursue the Authority. No County action was taken and, therefore, no reviews took place of any County action. Around the same time, Oak Lodge Water District considered the formation of an Authority with Clackamas River Water. Again, the boards of those districts decided not to pursue the issue, no County action was taken, and no reviews resulted.

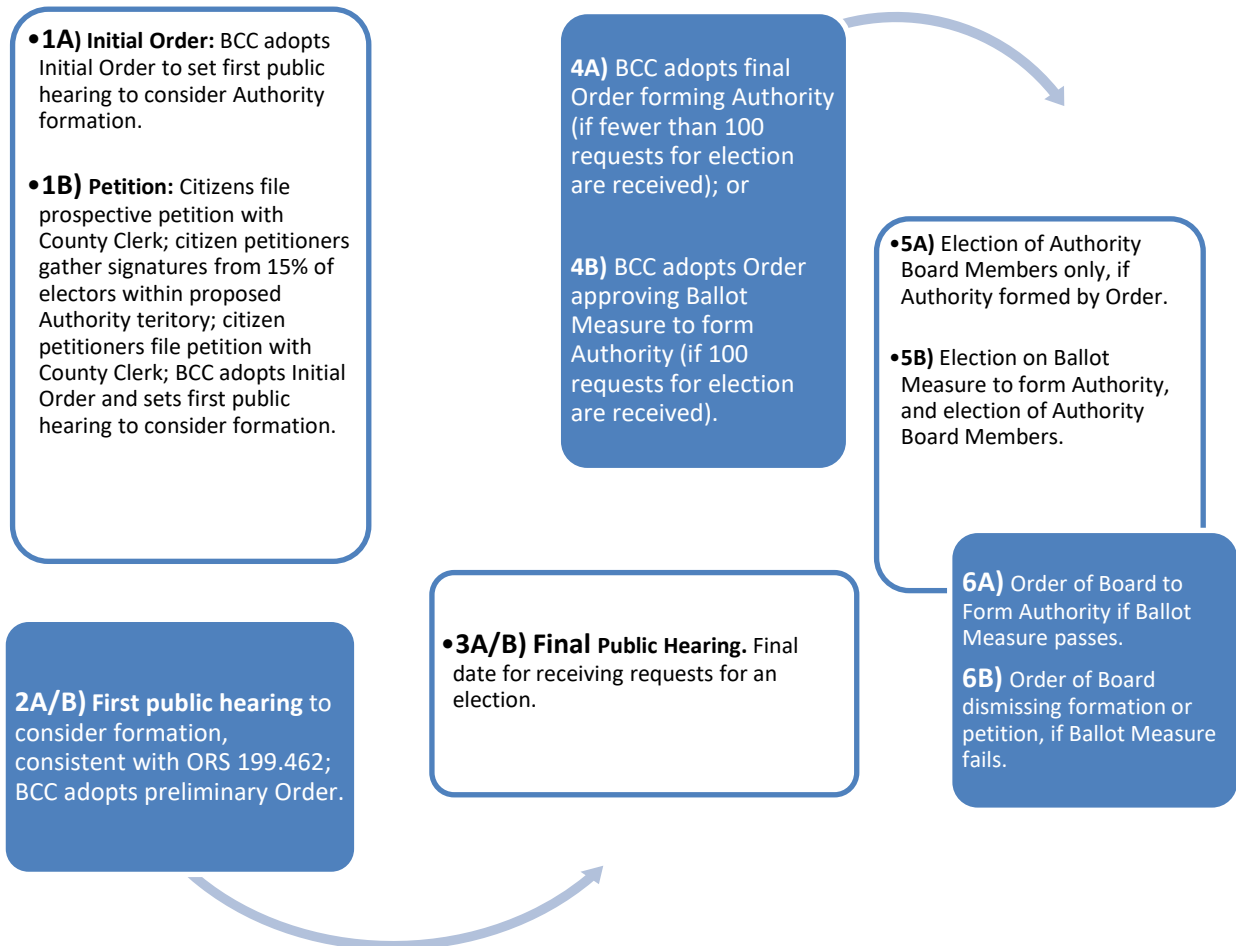
3 – In 2005, Clackamas River Water sought formation of a new Authority. The BCC approved that request through a final Order. At that time, Metro played a substantive role in the review of boundary changes, which included Authority formation. The City of

---

<sup>4</sup> See ORS 34.020.



Oregon City opposed the new Authority and appealed the decision to Metro. At that time, Metro had a “Metro Boundary Appeal Commission.” That Metro Commission overturned the decision based on “lack of substantial evidence in the record” relating to some of the approval criteria for forming new entities. That Metro decision was reviewed by the Land Use Board of Appeals (LUBA). LUBA likely had jurisdiction to do so because, at that time, several land-use related criteria were relevant to the Metro decision. Of note, Metro no longer has a Metro Boundary Appeal Commission, and it no longer plays a substantive role in Authority formation. The only role Metro has in this process is ministerial. A similar review by Metro would therefore not occur today.



**CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS**

**Policy Session Worksheet**

**Presentation Date:** February 16, 2022 **Approx. Start Time:** 11 am **Approx. Length:** 30 min.

**Presentation Title:** Consideration of Adoption of Order Initiating Formation of a Joint Water and Sanitary Authority

**Department:** Office of County Counsel

**Presenters:** Representatives from the Oak Lodge Water Services District

**Other Invitees:** N/A

**WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?**

The Oak Lodge Water Services District (“OLWS”) Board of Directors requests that the County Board of Commissioners (“Board”) adopt an Order initiating the proceedings for consideration of forming a joint water and sanitary authority, using the procedures prescribed in ORS Chapter 198. The Order is proposed for consideration at the Board’s March 3, 2022 Business Meeting. OLWS has consulted with the Office of County Counsel in preparing the materials for this policy session.

**EXECUTIVE SUMMARY:**

This item comes by request of the OLWS Board of Directors (“OLWS Board”). The OLWS Board asks the Board to initiate proceedings to consider the formation of a joint water and sanitary authority pursuant to ORS 450.600 and ORS Chapter 198. The request also includes a proposal to dissolve the existing Oak Lodge Water Services District, once the joint water and sanitary authority has been formed, which would have the effect of transforming the existing district to a joint water and sanitary authority. The proposed Order and accompanying materials meet the requirements of ORS 198.835; if adopted, the Order would establish the Board’s intent to initiate formation of the joint water and sanitary authority and begin the formation procedure. The next step in the formation procedure under ORS Chapter 198 would be for the Board to hold a public hearing and make an initial determination on formation. Following that determination, the Board would conduct a final hearing and make a final decision.

OLWS previously came to a policy session of the Board on October 12, 2021 with this request. At that time, the Board discussed the proposal and requested that OLWS continue undertaking public outreach before the Board considered adopting the Order. OLWS has provided a summary of its public outreach efforts and the outcome of those efforts in a document that accompanies this policy session coversheet, along with further information in a request letter to the Board, which also accompanies this policy session coversheet. Representatives from the OLWS Board will be present at the policy session to present their proposal and answer questions from the Board.

**FINANCIAL IMPLICATIONS (current year and ongoing):**

Is this item in your current budget? N/A       YES       NO

What is the cost? \$ None      What is the funding source? N/A

**STRATEGIC PLAN ALIGNMENT:**

- How does this item align with your Department’s Strategic Business Plan goals? N/A
- How does this item align with the County’s Performance Clackamas goals? N/A

**LEGAL/POLICY REQUIREMENTS:**

The OLWS Board proposes formation of a joint water and sanitary authority to take place pursuant to ORS 450.600. The procedures for formation are prescribed in ORS Chapter 198. Because the new joint authority would be located within the jurisdiction of Metro, the Metro Code regarding major boundary changes is also applicable. The formation of a joint water and sanitary authority would be considered a “major boundary change” under the Metro Code.

**PUBLIC/GOVERNMENTAL PARTICIPATION:**

This request comes from OLWS. The territory of the new joint authority is proposed to be identical to the existing OLWS territory, which includes some properties that are located within Milwaukie and Gladstone. The city councils for the cities of Milwaukie and Gladstone have each adopted a resolution approving the proposed Order and consenting to formation of the proposed joint authority. The County has a substantive role in the formation of the new joint authority. Metro, the State Department of Revenue, and the Secretary of State each have administrative roles in the formation process.

**OPTIONS:**

1. The Board can consider the proposed Order Initiating Formation of a Joint Water and Sanitary Authority and calling a public hearing by placing this matter on the Business Meeting Agenda scheduled for March 3, 2022.
2. Alternatively, the Board can take no action.

**RECOMMENDATION:**

Staff recommends the Board consider the proposed Order Initiating Formation of a Joint Water and Sanitary Authority and calling a public hearing by placing this matter on the Business Meeting Agenda scheduled for March 3, 2022.

**ATTACHMENTS:**

- i. Staff Report
- ii. Letter of Request from the Oak Lodge Water Services District Board of Directors
- iii. Public Outreach Timeline
- iv. Public Outreach Summary Update
- v. Proposed Order Initiating Formation of a Joint Water and Sanitary Authority
- vi. Map of proposed boundaries for the new joint water and sanitary authority
- vii. Legal description of the proposed boundaries for the new joint water and sanitary authority
- viii. Resolution adopted by the City of Milwaukie City Council approving the proposed Order
- ix. Resolution adopted by the City of Gladstone City Council approving the proposed Order

**SUBMITTED BY:**

Division Director/Head Approval \_\_\_\_\_  
 Department Director/Head Approval \_\_\_\_\_  
 County Administrator Approval \_\_\_\_\_

For information on this issue or copies of attachments, please contact Jeffrey Munns at 503-742-5984



OFFICE OF COUNTY COUNSEL

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

**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

February 16, 2022

Board of County Commissioners  
Clackamas County

Members of the Board:

To schedule public hearing to consider Adoption of Order Initiating  
Formation of a Joint Water and Sanitary Authority

<b>Purpose/Outcomes</b>	To schedule public hearing to consider Adoption of an initial Order to hold a public hearing on the Formation of a Joint Water and Sanitary Authority.
<b>Dollar Amount and Fiscal Impact</b>	None
<b>Funding Source</b>	N/A
<b>Duration</b>	Permanent
<b>Previous Board Action</b>	Policy Session discussion on October 12, 2021
<b>Counsel Review</b>	2/9/2022 Jeffrey Munns
<b>Procurement Review</b>	No. This matter is a consideration of a request to reform as a joint water and sanitary authority from Oak Lodge Water Services.
<b>Strategic Plan Alignment</b>	1. Build public trust through good government. 2. Hold transparent and clear public process regarding jurisdictional boundaries.
<b>Contact Person</b>	Ken Martin, Boundary Change Consultant – 503-222-0955 Jeffrey Munns, Assistant County Counsel – 503-742-5984
<b>Contract No.</b>	N/A

**BACKGROUND:**

Proposed Order No. \_\_\_\_\_ is a request from the Oak Lodge Water Services District (“OLWS”), for the Board to consider an Order to initiate formation of a joint water and sanitary authority pursuant to ORS 450.600. The request also includes a proposal to dissolve OLWS upon formation of the new joint authority pursuant to ORS 450.722, which would have the effect of transforming the existing district to a joint water and sanitary authority. The procedure for formation is prescribed in ORS Chapter 198. The proposed Order and accompanying materials meet the requirements of ORS 198.835; if adopted, the Order would establish the Board’s intent to initiate formation of the joint water and sanitary authority and begin the formation procedure. The next step in the formation procedure under ORS Chapter 198 would be to hold a public hearing at an upcoming business

meeting. If the attached Order were adopted, the Board would conduct a final hearing and make a final decision.

The OLWS Board of Directors ("OLWS Board") seeks a change to the OLWS governance structure. The primary benefit of OLWS becoming a joint water and sanitary authority is that its boundaries become more fixed rather than being determined by annexation and incorporation procedures. The OLWS Board seeks to have more fixed boundaries because maintaining local control of the service area boundaries would contribute to reliability and stability of service and would generally be advantageous to customers. OLWS has provided additional information on its request in a letter to the Board which accompanies this staff report.

**RECOMMENDATION:**

Staff recommends the Board place this matter on the Business Meeting Agenda as a public hearing to consider the adoption of the proposed Order Initiating Formation of a Joint Water and Sanitary Authority.

Respectfully submitted,



Jeffrey Munns  
Assistant County Counsel



February 8, 2022

Clackamas County  
Attn: Board of County Commissioners  
2051 Kaen Road  
Oregon City, OR 97045

RE: Request for Clackamas County to Initiate Formation of a Joint Water and Sanitary Authority

Dear Honorable Clackamas County Board of Commissioners:

The mission of the Oak Lodge Water Services District ("District") is to maintain the long-term viability of the District's assets in order to continue providing cost-effective, reliable service. To that end, and as we discussed with you previously, the District's Board of Directors has been exploring the formation of a Joint Water and Sanitary Authority to better achieve that mission.


As you heard in your October 12, 2021 Policy Session, our proposal is for the County to create a Joint Water and Sanitary Authority that would have a boundary identical to the District's current boundary. As a Joint Water and Sanitary Authority, Oak Lodge Water Services will be able to continue serving all customers in our watershed and waste-shed, including our existing customers in Milwaukie and Gladstone.

When we initially presented that proposal to you last October, you asked us to continue our outreach and communications to better help the community understand the impact of our proposal. Specifically, you asked us to make sure that the community understands how the Joint Water and Sanitary Authority entity would differ from the current Oak Lodge governance structure. You also wanted the community to understand what benefits a change in entity might bring, including any opportunities for improved stormwater management.

We will be returning to you in a policy session scheduled for February 16<sup>th</sup>. During that presentation, we will share with you the results of our continued public outreach, some of which is included in the attached materials. As part of that discussion, we will be asking the Board of County Commissioners to initiate the formation process and begin a series of hearings that will result in the formation of a new Joint Water and Sanitary Authority. Even though this is a decision of the Board of County Commissioners, Oak Lodge Water Services remains committed to demonstrating the value of the new entity to the community, and to preparing all of the documents necessary to develop the background material and proposed orders that the

statutes require. We will also continue to have our District staff and legal counsel work with your County staff and legal counsel during each step of this process. We thank you for your consideration of our proposal.

Sincerely,

DocuSigned by:  
  
2079D01EF8844FF...

Susan Keil, President

On behalf of the Oak Lodge Water Services District Board of Directors





## OUTREACH AND PUBLIC INFORMATION COMPLETED

- 11.26.18 Clackamas Review article is published, entitled: "Oak Lodge consolidation saving \$711K a year," noting option to pursue converting the District's governmental structure from a district to an Authority.
- 01.21.20 Board of Directors Meeting – Board receives a public comment that includes a request for the Board to seek Authority formation.
- 02.18.20 Board of Directors Meeting – Authority discussion is prompted by public comment.
- 06.16.20 Board of Directors Meeting – Authority discussion is prompted by public comment.
- 12.02.20 Mark Knudson, Board Treasurer, presented a District update to the Oak Grove Community Council, which included information about the District becoming an Authority.
- 12.07.20 Board Members, Ginny Van Loo and Susan Keil, presented a District update at the North Clackamas Chamber of Commerce Public Policy meeting, which included information about the District becoming an Authority.
- 03.09.21 Mark Knudson, Board Treasurer, presented a District update at the Rotary Club of Milwaukie meeting, which included information about the District becoming an Authority.
- 05.18.21 Paul Gornick, Board President, included information on the District becoming an Authority in the Clackamas County Voter's Pamphlet.
- 08.03.21 Jason Rice, District Engineer; Paul Gornick, Board President; and Mark Knudson, Board Treasurer, introduced the topic of an Authority at the City of Milwaukie City Council Work Session.
- 08.17.21 Board of Directors Meeting – Authority discussion is prompted by public comment.
- 09.03.21 Mark Knudson, Board Treasurer; and Sarah Jo Chaplen, General Manager, met with Joseph Edge, Oak Grove Community Council President, to discuss the September 22, 2021 presentation on updates regarding forming an Authority.
- 09.07.21 The City of Milwaukie City Council adopted a resolution supporting Oak Lodge Water Services becoming a Joint Water & Sanitary Authority.
- 09.14.21 The City of Gladstone City Council adopted a resolution supporting Oak Lodge Water Services becoming a Joint Water & Sanitary Authority.
- 09.21.21 Board of Directors Meeting – Authority discussion is prompted by public comment.

- 09.22.21 Mark Knudson, Board Treasurer, presented at the Oak Grove Community Council meeting, which included an update about becoming an Authority.
- 09.28.21 Alexa Morris, Outreach and Communications Specialist, published Authority FAQ on the District's website.
- 09.28.21 Alexa Morris, Outreach and Communications Specialist, published the District's website link to Authority FAQ on the District's Facebook and Twitter accounts.
- 09.28.21 Alexa Morris, Outreach and Communications Specialist, made a submission with Authority information to the Citizen Informed and Aware eNewsletter, for publication in October.
- 09.29.21 Alexa Morris, Outreach and Communications Specialist, sent a special informational email to 5,209 customers.
- 10.01.21 The District's article regarding Authority information was published in the Citizen Informed and Aware eNewsletter.

**OUTREACH COMPLETED SINCE THE OCTOBER 12, 2021 COUNTY POLICY SESSION**

- 10.27.21 Mark Knudson, Board Treasurer, presented information on Authority formation at the Oak Grove Community Council meeting.
- 11.01.21 The District's November/December 2021 Customer Newsletter included information on Authority formation and was sent to about 9,100 customer accounts, along with the mailing of their bill.
- 11.17.21 The District's November/December 2021 Customer Newsletter included information on Authority formation and was emailed to 5,240 customers.
- 12.01.21 Mark Knudson, Board Treasurer; and Susan Keil, Board Director, presented information on Authority formation at the Oak Grove Community Council meeting.
- 12.07.21 Kevin Williams, Director, made an announcement regarding the District's pursuit of Authority formation at a Jennings Lodge Community Planning Organization meeting.
- 01.01.22 The District's January/February 2022 Customer Newsletter was mailed to about 9,100 customer accounts, along with the mailing of their bill and included a customer survey and invitation to attend Community Conversation Sessions regarding Authority formation.
- 01.03.22 Customer survey and Community Conversation invitation was mailed to 9,130 customer accounts.
- 01.03.22 Customer survey and Community Conversation invitation was emailed to 5,218 customer accounts.

- 01.03.22 The District emailed a Community Conversation invitation to community partners and Community Planning Organizations (CPO) point of contacts.
- 01.03.22 The District submitted an invitation to join a Community Conversation for publication in the Citizen Informed and Aware eNewsletter.
- 01.03.22 The customer survey and Community Conversation invitation was published on the District's website.
- 01.03.22 Information on the Community Conversation Sessions was sent to the Clackamas Review for publication.
- 01.04.22 Jennings Lodge Community Planning Organization shared the Community Conversation information in an eNewsletter.
- 01.05.22 The customer survey and Community Conversation invitation was published on the District's Facebook account.
- 01.05.22 The Community Conversation invitation was shared at the Milwaukie-Portland Elks #142 Members meeting.
- 01.05.22 The Community Conversation invitation was posted on the District's Twitter account.
- 01.05.22 The Community Conversation invitation was posted on the District's Facebook account.
- 01.06.22 The Oak Grove Community Council shared Community Conversation information in an eNewsletter.
- 01.06.22 The Community Conversation invitation was posted as a public notice at the Oak Lodge Library.
- 01.11.22 A reminder to attend a Community Conversation Session was posted on the District's Twitter account.
- 01.13.22 A reminder to attend a Community Conversation was posted on the District's Twitter account.
- 01.19.22 Clackamas Review Advertisement was published, with the Community Conversation invitation and a customer survey link.
- 01.26.22 Clackamas Review Advertisement was published, with the Community Conversation invitation and a customer survey link.
- 01.24.22 A reminder to attend a Community Conversation Session was posted on the District's Twitter account.
- 01.24.22 Community Conversation #1 was held at 6:00 pm on a Monday evening.

- 01.26.21 Community Conversation reminder for January 29 was posted on the District’s Twitter account.
- 01.27.21 Community Conversation reminder for January 29 was posted on the District’s Facebook account.
- 01.29.22 Community Conversation #2 was held at 1:00 pm on a Saturday afternoon.
- 01.31.22 A link to the recorded Community Conversation on YouTube was posted on the District’s Twitter account.
- 01.31.22 5,209 customer accounts were emailed the YouTube link to watch the recorded Community Conversations.
- 01.31.22 A link to the recorded Community Conversation on YouTube was posted on the District’s Facebook and Twitter accounts.
- 02.01.22 Citizen Informed and Aware eNewsletter shared the Community Conversation YouTube link.
- 02.04.22 There were 127 views of the Community Conversation video on YouTube as of Friday, February 4 at 9:00 am.
- 02.03.22 Oak Grove Community Council eNewsletter shared the Community Conversation YouTube link and an update on the Joint Water and Sanitary Authority process.
- 02.15.22 Sue Keil, Board President, presents on Authority formation at the Gladstone-Oak Grove Kiwanis Club.

**ONGOING OUTREACH**

The District is committed to keeping customers informed and up-to-date on opportunities to provide public input on Authority formation. Customers may continue to access and view the recordings of the Community Conversations on YouTube.

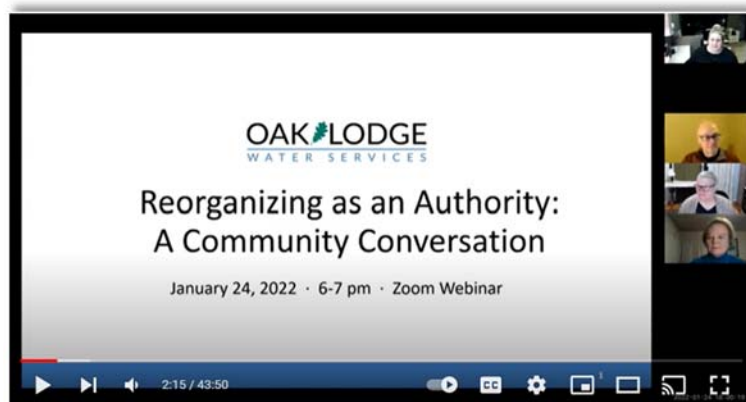
- 03.01.22 The March/April 2022 Customer Newsletter with an Authority Update will be sent to about 9,100 customer accounts, along with the mailing of their bill.
- 03.15.22 Board of Directors Virtual Meeting – The Board will hold two public comment opportunities.
- 03.22.22 Susan Keil, Board President; and Kevin Williams, Board Director, will present an update on Authority formation at the Jennings Lodge CPO meeting.

*Updated Version sent to Clackamas County on February 8, 2022*

## CUSTOMER OUTREACH OVERVIEW

The District continues to use a variety of communication methods to raise awareness and provide information to customers about the process of becoming a Joint Water & Sanitary Authority. The District's recent outreach has been designed to proactively respond to common customer questions, including public interest in the big picture of why the Board of Directors is pursuing a reorganization, and why now.

In January, all District customers received an informational mailing and were invited to participate in one of two Community Conversations on Zoom, to learn more and provide input on this topic. During the Community Conversations, District staff used live polling to ask for feedback and make sure customers were getting the information they need. 61 people registered and 24 people attended the Community Conversations. At the end of the two Community Conversations, **83%** of attendees shared that they "got what they needed" and **86%** noted they "think it's a good idea" to become a Joint Water & Sanitary Authority.



## HIGHLIGHTS FROM COMMUNITY CONVERSATIONS

The Q&A themes and live polling centered around customers' interest in the potential changes or financial impacts that the District becoming an Authority might mean for customers. Questions were addressed by the Board of Directors, and in some instances followed up with individual responses from staff. Of the attendees:

- **70%** were residential customers
- **57%** have lived in the District for 10+ years
- **69%** selected "stability of long-term planning" as the most important outcome; the second most important outcome of becoming an Authority was "reduced borrowing costs"

The District continues to offer a variety of opportunities for customer information and input, such as at District Board meetings, community group presentations, and direct customer communication via phone and email.

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

In the Matter of the Initiation of  
Formation of a Joint Water and  
Sanitary Authority



PROPOSED

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

This matter coming regularly before the Board of County Commissioners, and it appearing that initiation of the formation of a joint water and sanitary authority is proper; and

**Whereas**, a county board may by order initiate the formation of a district to be located entirely within that county pursuant to ORS 450.600 and ORS 198.835; and

**Whereas**, the Clackamas County Board of Commissioners intends by this Order to initiate the formation of a joint water and sanitary authority, to be located entirely within Clackamas County; and

**Whereas**, the name of the proposed joint water and sanitary authority shall be the Oak Lodge Water Services Authority and the boundaries of the same shall be as set forth in this Order; and

**Whereas**, duly executed resolutions from the cities of Milwaukie and Gladstone accompany this Order as required by ORS 198.835; and

**Whereas**, a public hearing shall be held between 30 and 45 days from the date of this Order, pursuant to ORS 198.800(1)(b) and consistent with Metro Code 3.09.030; and

**Whereas**, it further appearing that it is in the best interest of the County to adopt this Order;

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

**1. Intent to initiate formation of a joint water and sanitary authority.**

Pursuant to ORS 450.600 and ORS 198.835, the Clackamas County Board of Commissioners hereby intends to form a new joint water and sanitary authority, to be



known as “**Oak Lodge Water Services Authority,**” with the boundaries as set forth in the attached “**Exhibit A**” and with duly adopted resolutions of the affected cities set forth in the attached “**Exhibit B,**” each such exhibit being incorporated herein by this reference. The principal act of the new joint water and sanitary authority shall be ORS 450.600.

**2. Call for public hearing.** A public hearing on the proposal is hereby called for **[DATE/TIME/PLACE].**

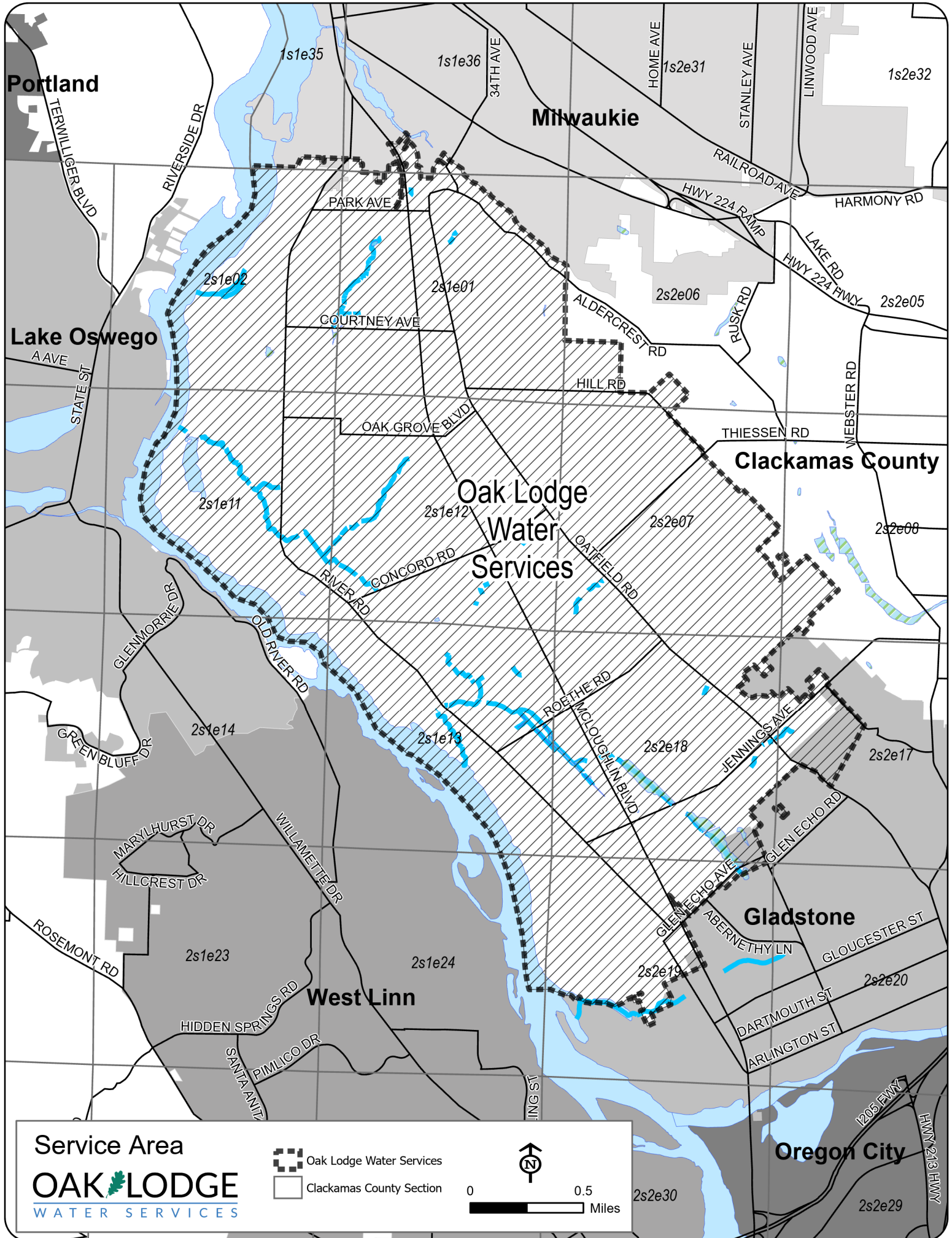
**DATED** this \_\_\_\_ day of \_\_\_\_\_, 2022

**BOARD OF COUNTY COMMISSIONERS**



\_\_\_\_\_  
Chair

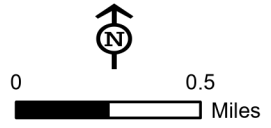
\_\_\_\_\_  
Recording Secretary

**EXHIBIT A**  
**Map and Legal Description**



Service Area  
**OAK LODGE**  
 WATER SERVICES

 Oak Lodge Water Services  
 Clackamas County Section



## Oak Lodge Water Services District Boundary

9-16-2021

Beginning at the Northwest corner of the Orin Kellogg Donation Land Corner (DLC) No. 55 and the Southeast corner of the Joseph Kellogg DLC No 47, said point is also a point on the range line between Range 1 East and Range 2 East of the Willamette Meridian (WM);

1. Thence North along said range line and the East line of said DLC No. 47, 1750 feet, more or less, to a point on the centerline of Kellogg Creek;
2. Thence Northwesterly along the center of Kellogg Creek, 3,450 feet, more or less, to the most Southerly corner of CEDARCROFT, Plat No. 2616, a duly recorded subdivision in Clackamas County, Oregon;
3. Thence North 57° 47' 48" West along the Southwesterly line of said CEDARCROFT, 261.07 feet to the most Westerly corner of Lot 5 of said CEDARCROFT and a point on the Easterly right-of-way line of SE Oatfield Road (County Road No. 34);
4. Thence Westerly across SE Oatfield Road, 60 feet, more or less, to the most Southerly corner of Tract "H", COGSWELLS FIRST ADDITION, Plat No. 154, a duly recorded subdivision in Clackamas County, Oregon;
5. Thence Northwesterly along the Southwesterly line of said Tract "H", 200 feet, more or less, to the most Westerly corner of said Tract "H", said point also being the most Northerly corner of a parcel of land conveyed to Erich P. Reich in Instrument No. 69-18486, Clackamas County Deed Records;
6. Thence South 29° 41' West along the Northwesterly line of said Reich Tract, 192.54 feet to the most Westerly corner of said Reich Tract;
7. Thence South 53° 08' East along the Southwesterly line of said Reich Tract, 182.0 feet to the Westerly right-of-way line of SE Oatfield Road;
8. Thence Southwesterly along said right-of-way line of SE Oatfield Road, 20.0 feet, more or less, to the most Northerly Northeast corner of Lot 13, FILBERT KNOLL, Plat No. 751, a duly recorded subdivision in Clackamas County, Oregon;
9. Thence North 52° 55' West along the Northerly line of said FILBERT KNOLL, 180.67 feet to the most Northerly corner of said FILBERT KNOLL;
10. Thence South 28° 13' West along the Northwesterly line of said FILBERT KNOLL, 233.02 feet to an angle point in the Westerly line of said FILBERT KNOLL;
11. Thence South 1° 00' East along the Westerly line of said FILBERT KNOLL, 211.35 feet to the Northeast corner of that tract of land conveyed to H. Louise Pinney in Book 291, Page 595, Clackamas County Deed Records;

12. Thence South  $88^{\circ} 39'$  West along the North line of said Pinney tract, 295.1 feet to a point on the Easterly line of Lot 3, Block 58, MILWAUKIE HEIGHTS, Plat No. 111, a duly recorded subdivision in Clackamas County, Oregon;
13. Thence North  $1^{\circ} 00'$  West along the Easterly line of said MILWAUKIE HEIGHTS, 260.0 feet, more or less, to the Northeast corner of Lot 2, Block 58 of said MILWAUKIE HEIGHTS;
14. Thence North  $73^{\circ} 14'$  West along the Northerly line of said Lot 2 and the extension thereof, 81.0 feet, more or less, to the Southeast corner of Lot 15, Block 55 of said MILWAUKIE HEIGHTS and a point on the Westerly line of Whitcomb Drive;
15. Thence Northerly along the Easterly line of said Block 55 and the Westerly line of said Whitcomb Drive, 621.60 feet to the most Northerly corner of Lot 1 in said Block 55;
16. Thence Southwesterly along the Northwesterly line of said Block 55, 200.0 feet to the most Westerly corner of Lot 2 of said Block 55;
17. Thence Northwesterly across Short Street (AKA 26<sup>th</sup> Avenue), 60.0 feet to the most Southerly corner of Lot 22, Block 56 in said MILWAUKIE HEIGHTS;
18. Thence Northeasterly along the Southeasterly line of said Block 56, 330.0 feet, more or less, to the most Easterly corner of said Block 56;
19. Thence Northwesterly along the Northeasterly line of said Block 56, 150.0 feet to the most Northerly corner of Lot 20 of said Block 56;
20. Thence Southwesterly along the Northwesterly line of said Lot 20, 330.0 feet, more or less, to the most Westerly corner of said Lot 20 and a point on the Northeasterly right-of-way line of Lakewood Drive;
21. Thence Westerly across SE McLoughlin Blvd (US 99E), 200.0 feet, more or less, to the intersection of the centerline of SE Sparrow Street (formerly 5<sup>th</sup> Street) and the Easterly right-of-way line of the abandoned Portland Traction Company Railroad;
22. Thence Southerly along the Easterly right-of-way line of said Portland Traction Company Railroad, 1,640 feet, more or less, to the North right-of-way line of SE Park Avenue;
23. Thence Westerly along the North right-of-way line of SE Park Avenue, 50 feet, more or less, to the Westerly right-of-way line of said Portland Traction Company Railroad;
24. Thence Northerly along the Westerly line of said Portland Traction Company Railroad, 1,190 feet, more or less, to the Easterly right-of-way line of SE 27<sup>th</sup> Avenue (formerly 11<sup>th</sup> Avenue);

25. Thence South along the Easterly right-of-way line of SE 27<sup>th</sup> Avenue, 70.0 feet, more or less, to a point that is East, 60.0 feet from a point on the Westerly right-of-way line of SE 27<sup>th</sup> Avenue that is 12.5 feet South from the Northeast corner of Lot 3, Block 47 of said MILWAUKIE HEIGHTS;
26. Thence West, 60.0 feet to a point on the Westerly right-of-way line of SE 27<sup>th</sup> Avenue, said point also being on the Easterly line of said Lot 3 and 12.5 feet South of the Northeast corner of said Lot 3;
27. Thence South along the Easterly line of said Block 47, 62.5 feet to a point on the Easterly line of Lot 5 of said Block 47 that is 25.0 feet South of the Northeast corner of said Lot 5;
28. Thence West parallel with and 25.0 feet South of the North line of said Lot 5, 100.0 feet to a point on the West line of said Lot 5 that is 25.0 feet South of the Northwest corner of said Lot 5;
29. Thence South along the West line of Lots 5, 7, and 9, of said Block 47, 125.0 feet to the Southwest corner of said Lot 9, which is also the Northeast corner of Lot 12 of said Block 47;
30. Thence West along the North line of said Lot 12, 100 feet to the Northwest corner of said Lot 12 and a point on the Easterly right-of-way line of SE 26<sup>th</sup> Avenue (formerly 10<sup>th</sup> Avenue);
31. Thence South along the Easterly right-of-way line of SE 26<sup>th</sup> Avenue, 260.0 feet to the Southwest corner of Lot 6, Block 46 of said MILWAUKIE HEIGHTS;
32. Thence West, 60.0 feet to the Northeast corner of Lot 7, Block 45 of said MILWAUKIE HEIGHTS, and a point on the Westerly right-of-way line of SE 26<sup>th</sup> Avenue;
33. Thence West along the North line of said Lot 7, 100.0 feet to the Northwest corner thereof, which point is also the Southeast corner of Lot 6 of said Block 45;
34. Thence North along the East line of Lots 6, 4, and 2 of said Block 45 and the Northerly extension thereof, 210.0 feet to the Southeast corner of Lot 12, Block 44 of said MILWAUKIE HEIGHTS and a point on the Northerly right-of-way line of SE Dove Street (formerly 7<sup>th</sup> Street);
35. Thence West along the Northerly right-of-way line of SE Dove Street, 370.0 feet to the Northeast corner of the intersection of SE Dove Street and SE 24<sup>th</sup> Avenue (formerly 8<sup>th</sup> Avenue);
36. Thence North along the Easterly right-of-way of SE 24<sup>th</sup> Avenue, 150.0 feet to an angle point in said right-of-way line;
37. Thence East, 10.0 feet to the Southwest corner of Lot 6, Block 37 of said MILWAUKIE HEIGHTS;



38. Thence North along the West line of said Lot 6, 50.0 feet to the Northwest corner of thereof;
39. Thence West 30.0 feet to the centerline of said 24<sup>th</sup> Avenue;
40. Thence North along the centerline of said 24<sup>th</sup> Avenue (now vacated under City of Milwaukie Ordinance 77-780, Instrument No. 77-20890, Clackamas County Deed Records), 100.0 feet to a point on the Southerly right-of-way line of SE Lark Street (formerly 6<sup>th</sup> Street);
41. Thence West along the Southerly right-of-way line of SE Lark Street, 875.0 feet, more or less, to Northeast corner of that tract of land conveyed to Ernest Aebi in Book 329, Page 232, Clackamas County Deed Records;
42. Thence South along the Easterly line of said Aebi tract, 100.0 feet to the Southeast corner thereof;
43. Thence West along the Southerly line of said Aebi tract, 100.0 feet to the Southwest corner thereof and the most Westerly Northwest corner of that tract of land conveyed to Donald Bumpus and Faye Bumpus in Instrument No. 93-94056, Clackamas County Deed Records;
44. Thence North along the Westerly line of said Aebi tract, 100.0 feet to the Northwest corner thereof and a point on the South right-of-way line of the aforementioned SE Lark Street;
45. Thence West along the South right-of-way line of said SE Lark Street and its Westerly extension across the Southern Pacific Railroad right-of-way, 430 feet, more or less, to the Westerly right-of-way line of said railroad;
46. Thence Southerly along the Westerly right-of-way line of said railroad, 274 feet, more or less, to the Southeast corner of a tract of land conveyed to Eric A. Schilling and Marie J. Hoskins in Instrument No. 2007-098527, Clackamas County Deed Records;
47. Thence West along the Southerly line of said Schilling and Hoskins tract, 412 feet, more or less, to the low water line of the Willamette River;
48. Thence Southerly along the low water line of the Willamette River, 25,000 feet, more or less, to the most Southerly corner of Tract "A" of RIVERCOVE, Plat No. 801, a duly recorded subdivision in Clackamas County, Oregon;
49. Thence South 43° 23' West along the Southwesterly extension of the Southeasterly line of said Tract "A", 20.0 feet, more or less, to the most Westerly corner of that tract of land described as Parcel 2 in that tract of land conveyed to Cornell V. Saftencu in Instrument No. 2005-050728, Clackamas County Deed Records;



50. Thence South 26° 00' East along the Southwesterly line of said Saftencu tract, 106.84 feet to the most Southerly corner thereof, which point is also the most Westerly corner of Lot 40, ROBINWOOD RIVIERE, Plat No. 1943, a duly recorded subdivision in Clackamas County, Oregon;
51. Thence South 69° 20' 11" East along the Southerly line of said Lot 40, 83.56 feet to an angle point;
52. Thence South 82° 42' 56" East continuing along the Southerly line of said Lot 40, 80.00 feet to another angle point;
53. Thence South 74° 43' 26" East continuing along the Southerly line of said Lot 40, 90.00 feet to another angle point;
54. Thence North 57° 04' 19" East continuing along the Southerly line of said Lot 40, 80.00 feet to another angle point;
55. Thence South 84° 15' 56" East continuing along the Southerly line of said Lot 40, 280.00 feet to another angle point;
56. Thence South 70° 11' 56" East continuing along the Southerly line of said Lot 40, 185.00 feet to a point on the division line of Peter M. Rinearson DLC;
57. Thence North 63° 34' 19" East along said division line and the Southeasterly boundary of said Lot 40, 220.0 feet, more or less, to the most Southerly corner of a tract of land conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division in Instrument No. 74-6136, Clackamas County Deed Records and then to the City of Gladstone in Instrument No. 92-30263, Clackamas County Deed Records;
58. Thence North 43° 26' East along said Southeasterly boundary of said Lot 40 and the Northwesterly line of said City of Gladstone tract, 103.16 feet, more or less, to the most Southwesterly corner of a tract of land conveyed as a Triangular Lot to Nancy Jo Towle and Carl E. Poston, an undivided one-third (1/3<sup>rd</sup>) interest in Instrument No. 2002-30122, Clackamas County Deed Records, said point also being an angle point in the Northwesterly line of said City of Gladstone tract;
59. Thence North 64° East along the Northwesterly line of said City of Gladstone tract, 390.0 feet, more or less, to the most Northerly corner thereof, said point also being on the Southwesterly boundary of MELDRUM ACRES, Plat No. 504, a duly recorded subdivision in Clackamas County, Oregon;
60. Thence South 46° 40' East along the Southwesterly line of said MELDRUM ACRES, 37.0 feet, more or less, to the most Easterly corner of said City of Gladstone tract and a point on the division line of Peter M. Rinearson DLC No. 41, said point also being the most Southerly corner of said MELDRUM ACRES;

61. Thence South  $64^{\circ}$  West along the Southeasterly line of said City of Gladstone tract and said Division Line of Peter M. Rinearson DLC, 126.12 feet to a 5/8 inch iron rod marking a point on said Division Line that bears North  $64^{\circ} 00' 00''$  East, 1214 feet from the Southwest end of said Division Line;
62. Thence South  $26^{\circ} 11' 00''$  East, 15.00 feet to the most Northerly corner of that tract described as the "Rectangular Lot" conveyed to Nancy Jo Towle and Carl E. Poston in Instrument No. 2002-80122, Clackamas County Deed Records;
63. Thence South  $64^{\circ}$  West along the Northwesterly line of said Towle and Poston tract, 130.00 feet to the most Westerly corner thereof;
64. Thence Southeasterly along the Southwesterly line of said Towle and Poston tract, 100.0 feet to the most Southerly corner thereof;
65. Thence Northeasterly along the Southeasterly line of said Towle and Poston tract, 130.0 feet to the most Easterly corner thereof, and a point on the Southwesterly line of Lot 3, RINEARSON CREEK, Plat No. 4163, a duly recorded subdivision in Clackamas County, Oregon;
66. Thence South  $26^{\circ} 00' 00''$  East along the Southwesterly line of said RINEARSON CREEK, 230.42 feet to the Southwest corner of Lot 9 of said RINEARSON CREEK;
67. Thence South  $64^{\circ} 00' 00''$  West along the Northwesterly line of Tract "B" of said RINEARSON CREEK, 67.25 feet to the most Westerly corner thereof;
68. Thence South  $26^{\circ} 00' 00''$  East along the Southwesterly line of said Tract "B", 390.91 feet to the most Southerly corner thereof;
69. Thence North  $63^{\circ} 50' 10''$  East along the Southeasterly line of said Tract "B", 210.58 feet to the most Easterly corner thereof;
70. Thence North  $25^{\circ} 54' 44''$  West along the Northeasterly line of said Tract "B", 222.80 feet to the most Southerly corner of that tract of land described as Parcel I in Instrument No. 2013-001526, a corrected legal description in Clackamas County Deed Records, said point also being the most Westerly corner of that tract of land conveyed to Janet Kent Trust in Instrument No. 92-51378, Clackamas County Deed Records;
71. Thence Northeasterly along the Northwesterly line of said Kent Trust tract, 496.07 feet to the Southeast corner of Tract "A" of RINEARSON ESTATES, Plat No. 4126, a duly recorded subdivision in Clackamas County, Oregon;
72. Thence North  $26^{\circ} 12' 16''$  West along the Easterly line of said Tract "A", 35.65 feet to an angle point in said Easterly line of Tract "A";
73. Thence North  $09^{\circ} 40' 15''$  East along said Easterly line of Tract "A" and the Easterly line of Lot 8 of said RINEARSON ESTATES, 129.90 feet to an angle point in the Easterly line of said Lot 8;

74. Thence North 28° 37' 45" West along the Easterly line of said RINEARSON ESTATES, 349.27 feet to the most Northerly corner thereof;
75. Thence continuing North 28° 37' 45" West along the extension of the Easterly line of said RINEARSON ESTATES, 15.0 feet, more or less, to the Southeasterly line of the aforementioned MELDRUM ACRES;
76. Thence Northeasterly along said Southeasterly line of said MELDRUM ACRES, 470.0 feet, more or less, to the most Easterly corner thereof;
77. Thence Northeasterly across SE River Road, 62-feet, more or less, to the most Southerly corner of Partition Plat 2016-045, Clackamas County Plat Records and a point on the division line of the Peter N. Rinearson and wife Donation Land Claim (DLC);
78. Thence North 64°17' 28" East along the Southeasterly line of said Partition Plat 2016-045 and said division line of the Peter N. Rinearson and wife DLC, 510.0 feet, more or less, to the Easterly right-of-way line of SE McLoughlin Blvd (US99E);
79. Thence Northwesterly along the Easterly right-of-way line of said SE McLoughlin Blvd., 1,785.0 feet, more or less, to the Southwesterly right-of-way line of SE Mildred Street;
80. Thence Southeasterly along the Southwesterly right-of-way line of said SE Mildred Street, 627.0 feet to the centerline of SE Glen Echo Avenue;
81. Thence North 43° 23' East along the centerline of said SE Glen Echo Avenue, 1,078.0 feet, more or less, to the intersection with the Northeasterly right-of-way line of SE Addie Street;
82. Thence South 46° 37' East along the Northeasterly right-of-way of SE Addie Street, 125.0 feet to the most Southerly corner of that tract of land conveyed to Alice M. Freeman in Instrument No. 94-42206, Clackamas County Deed Records;
83. Thence Northeasterly parallel with and 100.0 feet distant from the Southeasterly right-of-way line of SE Glen Echo Avenue, 490.0 feet, more or less, to the most Easterly corner of that tract of land conveyed to Don J. Cozart and Marilyn J. Cozart in Book 581, Page 119, Clackamas County Deed Records and a point on the Northeasterly line of Block 10, MELDRUM, Plat No. 228, a duly recorded subdivision in Clackamas County, Oregon, said point also being on the Southwesterly right-of-way line of a 50.0 foot wide unnamed and unimproved street;
84. Thence Southeasterly along the Westerly right of way line of said 50 foot wide unnamed street, 52 feet, more or less, to a point on the Westerly extension of the Southerly line of MASON ESTATES, Plat No. 3567, a duly recorded subdivision in Clackamas County, Oregon;

85. Thence North 62° 08' 46" East across said unnamed street, 52.0 feet, more or less, to the most Southerly corner of Tract A, of said MASON ESTATES;
86. Thence North 62° 08' 36" East along the Southerly line of said MASON ESTATES and its Northeasterly extension thereof, 612 feet to the Northeasterly right-of-way line of SE Portland Avenue;
87. Thence Northwesterly along said Northeasterly right-of-way line of Portland Avenue, 760.0 feet, more or less, to the most westerly corner of the access strip to Lot 2 LYNNE ESTATES, Plat No. 3122, a duly recorded subdivision on Clackamas County, Oregon, said point also being the most Southerly corner of the access strip to Lot 1;
88. Thence North 44° 58' 39" East along the most Southeasterly line of said Lot 1 access strip and its Northeasterly extension, 208.90 feet to the Northeasterly line of Lot 2 and a point on the Southwesterly line of Lot 5, Block 3, MAYWOOD, Plat No. 164, a duly recorded subdivision in Clackamas County, Oregon;
89. Thence Northwesterly along the Southwesterly line of said Lot 5, 418.35 feet to a point on the centerline of SE Hull Avenue;
90. Thence Northeasterly along the centerline of said SE Hull Avenue, 1,630.0 feet, more or less, to a point on the centerline of SE Oatfield Road
91. Thence Southeasterly along said centerline of SE Oatfield Road, 940.0 feet, more or less, to a point on the Southwesterly extension of the Southeasterly line of OAKRIDGE NO. 1, Plat No. 1889, a duly recorded subdivision in Clackamas County, Oregon;
92. Thence North 26° 16' 40" East along said extension and said Southeasterly line of said OAKRIDGE NO. 1 and the Southeasterly line of OAKRIDGE NO. 2, Plat No. 2028, a duly recorded subdivision in Clackamas County, Oregon and the Southeasterly line of Partition Plat No. 1996-81, a duly recorded plat in Clackamas County, Oregon, 1,633.75 feet, more or less, to a point on the Northeasterly right-of-way line of SE Valley View Road, County Road No. 2258;
93. Thence Northwesterly along said Northeasterly right-of-way of SE Valley View Road, 1,302.45 feet, more or less, to a point on the centerline of SE Jennings Avenue, County Road No. 1778;
94. Thence Northeasterly along said centerline of said SE Jennings Avenue, 106.0 feet, more or less, to a point on the Southeasterly extension of the Southwesterly line of Lot 1, Block 2, SHERWOOD FOREST, Plat No. 1380, a duly recorded subdivision in Clackamas County, Oregon;
95. Thence North 44° 23' 50" West along said extension and the Southwesterly lines of Lots 1, 2, 3, and 4 of said Block 2, 398.70 feet, more or less, to the most Westerly corner of said Lot 4, said point also being the most Easterly corner of Lot 7 of said Block 2;

96. Thence South 45° 00' 31" West along the most Westerly Southeasterly line of said Block 2, 375.09 feet, more or less, to the most Westerly corner of Lot 1, McFEE'S ADDITION, Plat No. 2483, a duly recorded subdivision in Clackamas County, Oregon;
97. Thence Southeasterly along the Southwesterly line of said McFEE'S ADDITION, 183.00 feet, more or less, to the most Easterly corner of that tract of land conveyed to Housing Authority of the County of Clackamas in Instrument No. 81-12986, Clackamas County Deed Records;
98. Thence South 40° 48' 02" West along the Southeasterly line of said Housing Authority tract, 136.29 feet, more or less, to the most Southerly corner thereof, said point also being the most Westerly corner of that tract of land conveyed to Mari L. and William T. Davis III in Instrument No. 2001-054701, Clackamas County Deed Records;
99. Thence Southeasterly along the Southwesterly line of said Davis III tract 157.06 feet, more or less, to a point on the Northwesterly right-of-way line of the aforementioned SE Jennings Avenue;
100. Thence Southwesterly along the Northwesterly right-of-way line of said SE Jennings Avenue, 123.03 feet, more or less, to the most Southerly corner of Lot 1, SHADOW GREEN, Plat No. 1720, a duly recorded subdivision in Clackamas County, Oregon;
101. Thence North 44° 55' 11" West along the Southwesterly line of said Lot 1, 127.00 feet, to the most Westerly corner thereof, said point also being on the Southeasterly line of Lot 2 in said SHADOW GREEN;
102. Thence South 45° 30' 30" West along the Southeasterly line of said Lot 2 and the Northern most Southeasterly line of Lot 3 in said SHADOW GREEN, 87.00 feet to an angle point in said Southeasterly line;
103. Thence South 44° 55' 11" East along the Southern most Northeasterly line of said Lot 3, 32.00 feet, more or less, to the most Southerly Northeast corner of said Lot 3;
104. Thence South 45° 30' 30" West along the Southeasterly line of said Lot 3, 100.00 feet to the most Southerly corner of said Lot 3 and a point on the Northeasterly line of PAGODA PARK #1, Plat No. 1088, a duly recorded subdivision in Clackamas County, Oregon;
105. Thence North 44° 42' West along the Northeasterly line of said PAGODA PARK #1, 410.0 feet to the most Northerly corner thereof and a point on the Southeasterly line of Lot 17, Block 2, SHERWOOD FOREST NO. 2, Plat No. 1477, a duly recorded subdivision in Clackamas County, Oregon;
106. Thence South 45° 18' West along the Northwesterly line of said PAGODA PARK #1 and the Southeasterly line of said SHERWOOD FOREST NO. 2, 329.70 feet to the most Southerly corner thereof;

107. Thence North 45° 00' West along the Southwesterly line of said SHERWOOD FOREST NO. 2, 90.00 feet to an angle point;
108. Thence South 45° 01' West, 5.00 feet to a point;
109. Thence North 45° 00' West along the Southwesterly line of said SHERWOOD FOREST NO. 2 and the Northwesterly extension thereof, 123.91 feet to the most Northerly corner of a tract of land conveyed to Claudia Beth Ringler and Earl Dennis Ringler in Instrument No. 2013-020298, Clackamas County Deed Records as Parcel III, said point being 8.0 feet Northwesterly from the Southeasterly line of Lot 26, SHERWOOD FOREST NO. 3, Plat No. 1871, a duly recorded subdivision in Clackamas County, Oregon, when measured at right angles thereto;
110. Thence South 45° 00' 31" West parallel with the Southeasterly line of said SHERWOOD FOREST NO. 3, 157.83 feet to a point on the Southerly line of Lot 25 of said SHERWOOD FOREST NO. 3;
111. Thence Westerly along the Southerly line of said SHERWOOD FOREST NO. 3, 768.45 feet, more or less, to the most Westerly corner of Lot 18 of said SHERWOOD FOREST NO. 3;
112. Thence North 52° 36' 55" East along the Northwesterly lines of Lots 18, 17, and 16 of said SHERWOOD FOREST NO. 3, 262.52 feet to the most Northerly corner of said Lot 16;
113. Thence North 37° 32' 09" West along the Southwesterly lines of Lot 8 and 7 of said SHERWOOD FOREST NO. 3, 199.71 feet to the most Westerly corner of said Lot 7;
114. Thence North 52° 29' 14" East along the Northwesterly line of Lots 7, 6, and 5 of said SHERWOOD FOREST NO. 3, 330.46 feet to the most Northerly corner of said Lot 5;
115. Thence South 45° 35' 50" East along the Northeasterly line of said SHERWOOD FOREST NO. 3, 349.41 feet to the most Westerly corner of Lot 1, Block 7, SHERWOOD FOREST NO. 2;
116. Thence North 45° 01' 32" East along the Northwesterly lines of Lot 1, 2, and 3 of said Block 7, 242.00 feet to the most Southerly corner of Lot 5 of said Block 7;
117. Thence North 45° 35' 50" West along the Southwesterly lines of Lots 5, 6, and 7 of said Block 7, 270.00 feet to the most Westerly corner of said Lot 7 and a point on the Southeasterly line of McNARY MEADOWS, Plat No. 3751, a duly recorded subdivision in Clackamas County, Oregon;



118. Thence North 45° 01' 32" East along the Northwesterly line of said SHERWOOD FOREST NO. 2 and the Southeasterly lines of said McNARY MEADOWS, McCABE ESTATES, Plat No. 2954 and BREWSTER PARK, Plat No. 2902, all duly recorded subdivisions in Clackamas County, Oregon, 892.91 feet to the most Northerly corner of said SHERWOOD FOREST NO. 2, said point also being the most Westerly corner of Partition Plat No. 1995-56, a duly recorded plat in Clackamas County, Oregon;
119. Thence North 45° 04' 40" East along the Northwesterly line of said Partition Plat No. 1995-56, 184.93 feet to the most Northerly corner thereof;
120. Thence South 45° 35' 59" East along the Northeasterly line of said Partition Plat No. 1995-56, 180 feet to the most Southerly corner of that tract of land conveyed to Tony L. Sullivan and Brenda M. Sullivan in Instrument No. 95-14984, Clackamas County Deed Records;
121. Thence Northeasterly along the Southeasterly line of said Sullivan tract, 330.0 feet, more or less, to the most Easterly corner thereof;
122. Thence North 44° 55' West along the Northeasterly line of said Sullivan tract, 149.31 feet to the most Northerly corner thereof, said point also being the most Easterly corner of McNARY PREMIER ESTATES, Plat No. 3381, and the most Southerly corner of McNARY HEIGHTS, Plat No. 2936, both duly recorded subdivisions in Clackamas County, Oregon;
123. Thence North 45° 12' 06" East along the Southeasterly line of said McNARY HEIGHTS, 985.72 feet to the most Easterly corner thereof and a point on the Northeasterly line of the James McNary DLC No. 38;
124. Thence North 45° 00' 00" West along said Northeasterly line of the James McNary DLC, 1,095.05 feet, more or less, to the most Northerly corner of Partition Plat No. 1990-102, a duly recorded plat in Clackamas County, Oregon;
125. Thence South 46° 06' 19" West along the Northwesterly line of said Partition Plat No. 1990-102 and its Southwesterly extension on the centerline of SE Brownlee Road, 830.21 feet to a point on the Southeasterly extension of the Southwesterly line of that tract of land conveyed to Harvey J. Meyer and Sharylin A. Meyer in Instrument No. 72-26229, Clackamas County Deed Records;
126. Thence Northwesterly along said extension and the Southwesterly line of said Meyer tract, 110.45 feet to an angle point in said line;
127. Thence continuing Northwesterly along said Southwesterly line, 96.65 feet to the most Westerly corner thereof;
128. Thence Northeasterly along the Northwesterly line of said Meyer tract, 72.00 feet to the most Northerly corner thereof and a point on the Southwesterly line of Partition Plat No. 2006-101, a duly recorded plat in Clackamas County, Oregon;



129. Thence North  $44^{\circ} 12' 21''$  West along the Southwesterly line of said Partition Plat No. 2006-101, 223.38 feet to the most Westerly corner thereof;
130. Thence North  $46^{\circ} 02' 19''$  East along the Northwesterly line of said Partition Plat No. 2006-101, 33.56 feet to the most Easterly corner of that tract of land conveyed to Richard M. Jones and Joan F. Jones, co-Trustees of the Richard and Joan Jones Family Trust in Instrument No. 2008-65371, Clackamas County Deed Records;
131. Thence Northwesterly along the Northeasterly line of said Jones tract and its Northwesterly extension, 438.45 feet to a point on the Southeasterly boundary line of PREMIER ESTATES, Plat No. 3709, a duly recorded subdivision in Clackamas County, Oregon, said point also being on the Northwesterly line of the James McNary DLC;
132. Thence North  $45^{\circ} 32' 00''$  East along said James McNary DLC line, 707.25 feet, more or less, to the most Northerly corner of said James McNary DLC, said point also being the most Easterly corner of that tract of land conveyed to Mitchell Watson and Mary Watson in Instrument No. 2012-22213, Clackamas County Deed Records and the most Southerly corner of MAJESTIC WOODS NORTH, Plat No. 4142, a duly recorded subdivision in Clackamas County, Oregon;
133. Thence North  $44^{\circ} 19' 41''$  West along the Northeasterly line of said Watson tract and the Northeasterly line of Lots 19 and 20 of PREMIER ESTATES NO. 2, Plat No. 3909, a duly recorded subdivision in Clackamas County, Oregon and the Southwesterly line of said MAJESTIC WOODS NORTH and the Southwesterly right-of-way line of SE Minerva Road (County Road No. 2177) and the Northwesterly extension thereof, 1,295.52 feet, more or less, to a point on the centerline of SE Oetkin Road;
134. Thence South  $43^{\circ} 39'$  West along said centerline, 100.0 feet, more or less, to a point on the Southeasterly extension of the Southwesterly line of HICKORY HILL, Plat No. 2648, a duly recorded subdivision in Clackamas County, Oregon;
135. Thence North  $46^{\circ} 20' 00''$  West along said extension and the Southwesterly line of said HICKORY HILL and the Northwesterly extension thereof, 1,199.4 feet to the a point on the centerline of SE Thiessen Road (County Road No. 275);
136. Thence North  $45^{\circ} 20'$  East along said centerline, 60.0 feet, more or less, to the centerline of SE Hill Road (County Road No. 1936);
137. Thence North  $45^{\circ} 12' 30''$  West along said centerline, 1,262.80 feet, more or less, to a point on the Southwesterly extension of the Northwesterly line of Lot 10, Block 1, ALDER CREST ACRES, Plat No. 374, a duly recorded subdivision in Clackamas County, Oregon;

138. Thence North 44° 46' 30" East along said extension and the Northwesterly line of said Lot 10 and the Northwesterly line of Lot 11 of said Block 1, ALDER CREST ACRES, 660.0 feet, more or less, to a point on the centerline of SE Vista Lane (County Road No. 2139);
139. Thence North 45° 14' 30" West along said centerline, 660.0 feet, more or less, to the most Westerly corner of ALDER CREST ACRES at the Northwest end of Block 2, ALDER CREST ACRES and a point on the Southeasterly line of VIEW ACRES, Plat No. 324, a duly recorded subdivision in Clackamas County, Oregon;
140. Thence South 45° 00' West along the Southeasterly line of said VIEW ACRES, 660.0 feet, more or less, to a point on the centerline of the aforementioned SE Hill Road;
141. Thence Westerly along the centerline of said SE Hill Road, 690.0 feet, more or less, to the Southwest corner of Block D of said VIEW ACRES;
142. Thence North 0° 26' 48" East along the Westerly boundary of said Block D and Block B of said VIEW ACRES, 1153.67 feet, more or less, to the Northwest corner of said Block B, said corner also being on the North line of the Orin Kellogg DLC No. 55;
143. Thence Westerly along said North line of the Orin Kellogg DLC, 1,320.0 feet to the Point of Beginning.

**ALSO – 2-2E-17CC – Supplemental – 7500**

A portion of Lot 4, Block 3, MAYWOOD, Plat No. 164, a duly recorded subdivision in Clackamas County, Oregon, described as follows: Beginning at the Southwest corner of that tract of land conveyed to Francis S. Harris, et ux, by deed recorded July 5, 1950, in Book 433, page 179, Clackamas County Deed Records; thence Northeasterly along the centerline of Caldwell Road, 140 feet; thence Northwesterly parallel with the Northeasterly line of said Lot 4, 309.027 feet; thence Southwesterly parallel with the centerline of said Caldwell Road, 140 feet; thence Southeasterly parallel with the Northeasterly line of said Lot 4, a distance of 309.027 feet to the point of beginning.

EXCEPT THEREFROM that portion lying within Caldwell Road.

**EXHIBIT B**  
**City Resolutions**

## **COUNCIL RESOLUTION No. 46-2021**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE FORMATION OF A JOINT WATER AND SANITARY AUTHORITY IN OAK LODGE THAT WOULD INCLUDE TERRITORY WITHIN THE CITY OF MILWAUKIE.**

**WHEREAS**, portions of the territory within the City of Milwaukie (“City”) lie within the boundaries of the Oak Lodge Water Services District (OLSWD) and receive water and sanitary sewer services from the OLWSD; and

**WHEREAS**, the City also provides water and sanitary sewer services outside of the City’s boundaries to some areas within the boundaries of the OLWSD; and

**WHEREAS**, the formation of a joint water and sanitary authority (“Authority”) is being proposed as provided by Oregon Revised Statute (ORS) 450.600, which Authority would provide water, sanitary sewer, and other services authorized by statute to those portions of the City currently within OLWSD’s territory; and

**WHEREAS**, the Clackamas County (“County”) Board of Commissioners may initiate formation of the Authority by adopting an order pursuant to ORS 198.835, or the citizens of the County may initiate formation of the Authority by petition pursuant to ORS 198.705 to 198.955; and

**WHEREAS**, the order or petition initiating formation of the proposed Authority must receive approval of the governing body of a city if the Authority will include any territory within that city; and

**WHEREAS**, the City Council finds the continuity and stability of water and sanitary sewer services to be in the best interests of the residents of the City and that such continuity will be achieved by having the City and the new Authority provide water and sanitary sewer services in the same manner as the City and the OLWSD currently provide services in their adjacent and overlapping boundaries; and

**WHEREAS**, the City Council finds it in the best interests of the City to approve the petition or order for formation of an Authority that would provide water, sanitary sewer, and other services authorized by statute to those portions of the City currently within OLWSD’s territory.

**Now, Therefore, be it Resolved** that:

Section 1. The City of Milwaukie hereby consents to the inclusion of all, or any portion of, the territory within the City that lies within the boundaries of the Oak Lodge Water Services District to become part of a joint water and sanitary authority, whether the formation of the joint water and sanitary authority is by citizen petition or by county order; and

Section 2. The City of Milwaukie approves of a county order that sets forth:

A. The intent of the Clackamas County Board of Commissioners to initiate formation of a joint water and sanitary authority pursuant to ORS 450.600;

B. The name and boundaries of the joint water and sanitary authority; and

C. The date, time, and place of a public hearing on the proposal.

Introduced and adopted by the City Council on **September 7, 2021**.

This resolution is effective immediately.

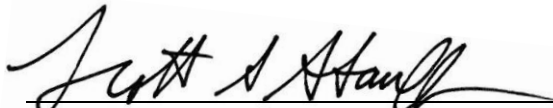


---

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:



---

Scott S. Stauffer, City Recorder



---

Justin D. Gericke, City Attorney

**RESOLUTION NO. 1201**  
**CITY OF GLADSTONE, OREGON**

***A RESOLUTION APPROVING THE FORMATION OF A JOINT WATER AND  
SANITARY AUTHORITY TO INCLUDE TERRITORY WITHIN THE CITY***

**WHEREAS**, portions of the territory within the City of Gladstone (“City”) lie within the boundaries of the Oak Lodge Water Services District and receive water and sanitary sewer services from the Oak Lodge Water Services District; and

**WHEREAS**, the City also provides water and sanitary sewer services outside of the City’s boundaries to some areas within the boundaries of the Oak Lodge Water Services District; and

**WHEREAS**, the formation of a joint water and sanitary authority (“Authority”) is being proposed as provided by ORS 450.600, which Authority would provide water, sanitary sewer, and other services authorized by statute to those portions of the City currently within Oak Lodge Water Services District’s territory; and

**WHEREAS**, the Clackamas County (“County”) Board of Commissioners may initiate formation of the Authority by adopting an order pursuant to ORS 198.835, or the citizens of the County may initiate formation of the Authority by petition pursuant to ORS 198.705 to 198.955; and

**WHEREAS**, the order or petition initiating formation of the proposed Authority must receive approval of the governing body of a city if the Authority will include any territory within that city; and

**WHEREAS**, the City Council finds the continuity and stability of water and sanitary sewer services to be in the best interests of the residents of the City and that such continuity will be achieved by having the City and the new Authority provide water and sanitary sewer services in the same manner as the City and the Oak Lodge Water Services District currently provide services in their adjacent and overlapping boundaries; and

**WHEREAS**, the City Council finds it in the best interests of the City to approve the petition or order for formation of an Authority that would provide water, sanitary sewer, and other services authorized by statute to those portions of the City currently within Oak Lodge Water Services District’s territory;

**NOW, THEREFORE, THE CITY OF GLADSTONE RESOLVES AS FOLLOWS:**

**SECTION 1.** The City of Gladstone hereby consents to the inclusion of all, or any portion of, the territory within the City that lies within the boundaries of the Oak Lodge Water Services District to become part of a joint water and sanitary authority, whether the formation of the joint water and sanitary authority is by citizen petition or by county order; and

**SECTION 2.** The City of Gladstone approves of a county order that sets forth:

- A. The intent of the Clackamas County Board of Commissioners to initiate formation of a joint water and sanitary authority pursuant to ORS 450.600;
- B. The name and boundaries of the joint water and sanitary authority; and
- C. The date, time, and place of a public hearing on the proposal.

**THIS RESOLUTION IS ADOPTED BY THE GLADSTONE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 14<sup>TH</sup> DAY OF SEPTEMBER, 2021, AND SHALL BE EFFECTIVE IMMEDIATELY.**

ATTEST:

  
Tamara Stempel, Mayor

9/14/21  
Date

  
Tami Bannick, City Recorder