



**OFFICE OF COUNTY COUNSEL**

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

September 20, 2018

Board of County Commissioners  
 Clackamas County

Members of the Board:

Approval of a Board Order for Boundary Change Proposal CL 18-003,  
Annexation to Clackamas River Water

**Stephen L. Madkour**  
 County Counsel

**Kathleen Rastetter**  
**Scott C. Ciecko**  
**Alexander Gordon**  
**Amanda Keller**  
**Nathan K. Boderman**  
**Shawn Lillegren**  
**Jeffrey D. Munns**  
**Andrew R. Naylor**  
**Jeff Heinrich**  
 Assistants

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

**BACKGROUND:**

The County Board is charged with making boundary change decisions (annexations, withdrawals, etc.) for many types of special districts (water, sanitary sewer, rural fire protection, etc.) within the County. One type of special district over which the Board has jurisdiction is a domestic water supply district, and Clackamas River Water is such a district.

Proposal No. CL 18-003 is a proposed annexation to Clackamas River Water ("District").

State statute requires the Board to hold a public hearing on the proposed annexation. Notice of this hearing invited testimony from any interested party. Notice consisted of: 1) Posting three notices near the territory and one notice near the County hearing room 20 days prior to the hearing; 2) Published notice twice in the Clackamas County Review; 3) Mailed notice sent to affected local governments and all property owners within 500 feet of the area to be annexed.

As required by statute the Board of the District has endorsed the proposed annexation.

This proposal was initiated by a consent petition of property owners. The petition meets the requirement for initiation set forth in ORS 198.857 and ORS 198.750 (section of statute which

specifies contents of petition). If the Board approves the proposal, the boundary change will become effective immediately.

The territory to be annexed is located generally in the south part of the District. The territory contains 7.63 acres, 1 single family dwelling, and a population of 4, and is valued at \$244,463.

**REASON FOR ANNEXATION:**

The property owners desire water service for the existing single family dwelling.

**CRITERIA:**

Oregon Revised Statute 198 directs the Board to “consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.” The proposal is consistent with the Comprehensive Plan as stated in the findings attached in the proposed order.

Service availability is covered in the findings attached to the proposed order.

**RECOMMENDATION:**

Based on the attached Order and Findings, staff recommends approval of Proposal No. CL-18-003, annexation to Clackamas River Water.

Respectfully submitted,



Nate Bodenman  
Assistant County Counsel

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

In the Matter of Approving  
Boundary Change Proposal No.  
CL-18-003



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

**Whereas**, this matter coming before the Board at this time, and it appearing that more than half the electors and owners of more than half the land in the territory to be annexed have petitioned to annex the territory to Clackamas River Water; and

**Whereas**, it further appearing that this Board is charged with deciding this proposal for a boundary change pursuant to ORS Chapters 198; and

**Whereas**, it further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report; and

**Whereas**, it further appearing that this matter came before the Board for a public hearing on September 20, 2018 and that a decision of approval was made on September 20, 2018;

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Boundary Change Proposal No. CL-18-003 is approved for the reasons stated in attached Exhibit A and the territory described in Exhibit B and depicted on Exhibit C is annexed to Clackamas River Water.

**ADOPTED** this 20<sup>th</sup> day September, 2018

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

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

## FINDINGS

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

1. The territory to be annexed contains 7.63 acres, 1 single family dwelling, a population of 4 and is valued at \$244,463.
2. The property owners desire water service for the existing single family dwelling.
3. Oregon Revised Statute 198 directs the Board to “consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.”

Service availability is covered in the section below.

4. The territory is outside the jurisdictional boundary of Metro and outside the regional Urban Growth Boundary.
5. The territory is designated Agriculture on the Clackamas County Non-urban Area Land Use Plan Map (IV-7). The territory is zoned EFU, Exclusive Farm Use.

The following policies from the Public Facilities and Services element of the County's plan are applicable:

### Water

\* \* \*

- 12.0 Require all public water purveyors to design the extension of water facilities at levels consistent with the land use element of the Comprehensive Plan.

\* \* \*

- 15.0 Require water service purveyors to provide water services for nonurban areas at levels which are appropriate for nonurban use.

There are no service agreements between a local government and the District which affect the territory to be annexed.

6. There is no public sewer service in this area.
7. The District has a 10-inch water line in S. Mountain Meadow Road which can serve the site.
8. The area receives police service at a rural level from the Clackamas County Sheriff's Department.

9. The territory is within the Clackamas County R.F.P.D. #1. This service will not be affected by annexation to the water district.

### **CONCLUSION AND REASON FOR DECISION**

Based on the Findings, the Board determined:

1. ORS 198 requires the Board to consider the applicable local comprehensive plan and any service agreements affecting the area. The local comprehensive plan was considered and no conflicts with the Plan were discovered. As noted in Finding No. 5 above the Plan contains no clear restrictions on expansion of water districts in lands designated as Agricultural. No directly applicable service agreements were found to exist.
2. The District has a water line which can provide adequate service to the site.

# EXHIBIT B

## Repetto & Associates, Inc. Land Surveyors

12730 SE Stark St.  
Plaza 125, Building G  
Portland, OR 97233

Phone: 503-408-1507  
www.reppetosurveying.com

Winston & May Chang  
21323 S. Mountain Meadow Rd.  
Beavercreek, OR 97004

### Property Legal Description

A tract of land situated in the NW 1/4 and SW 1/4 of Section 24, Township 3 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, being all that land conveyed to Winston Chang and May Ota Chang, trustees of the Winston and May Ota Chang 2013 trust, as described by deed recorded as document no. 2014-026974, Clackamas County Deed Records, being more particularly described as follows:

Beginning at the northwest corner of said Chang tract, also being the southwest corner of Lot 1, Harmon's Crest, Clackamas County Plat Records; thence, along the north line of said Chang tract and the south line of said Lot 1, South 89°25'09" East, 443.30 feet to a point on the west right of way line of S. Mountain Meadow Road; thence, along said west right of way line, South 00°03'02" East, 740.96 feet to the southeast corner of said Chang tract; thence, along the south line of said Chang tract, North 89°38'02" West, 452.65 feet to the southwest corner thereof; thence, along the west line of said Chang tract, North 00°40'19" East, 742.61 feet to the point of beginning.

Containing 7.63 acres, more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Steven P. Buckles*

OREGON  
JULY 17, 1986  
STEVEN P. BUCKLES  
2231

RENEWS: 12/31/19

## EXHIBIT B

**LEGAL DESCRIPTION**  
**RIGHT-OF-WAY CONNECTION**  
**FOR CLACKAMAS RIVER WATER DISTRICT**  
**WINSTON CHANG**

**JOB NO. 7944**  
**09/11/17 MAR**

A STRIP OF LAND (VARIABLE WIDTH) LOCATED IN THE NORTHWEST ONE-QUARTER AND THE SOUTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, SAID STRIP BEING A PORTION OF KILLDEER ROAD AND MOUNTAIN MEADOW ROAD (PRIVATE), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST ONE-QUARTER CORNER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, THENCE ALONG THE CENTERLINE OF KILLDEER ROAD (50.00 FEET WIDE, THE NORTH RIGHT-OF-WAY LINE BEING 30.00 FEET FROM CENTERLINE AND SOUTH RIGHT-OF-WAY LINE BEING 20.00 FEET FROM CENTERLINE) S.89°38'02"E., 1298.23 FEET TO THE CENTERLINE OF MOUNTAIN MEADOW ROAD; THENCE ALONG THE CENTERLINE OF MOUNTAIN MEADOW ROAD (PRIVATE) (54.00 FEET WIDE, THE WEST RIGHT-OF-WAY LINE BEING 34.00 FEET FROM CENTERLINE AND THE EAST RIGHT-OF-WAY LINE BEING 20.00 FEET FROM CENTERLINE) N.00°03'02"W., 1402.79 FEET TO A POINT ON THE SOUTH LINE OF LOT 1, "HARMON'S CREST", RECORDED IN PLAT BOOK 134 PAGE 010, CLACKAMAS COUNTY PLAT RECORDS, WHICH BEARS NORTH 89°25'03" WEST, FROM THE SOUTHEAST CORNER OF SAID LOT 1 AND THE TERMINUS OF SAID VARIABLE WIDTH STRIP, THE SIDELINES OF SAID STRIP TO BE LENGTHENED OR SHORTENED TO CREATE A CONTINUOUS STRIP. -20'



*Michael A. Bademacher*

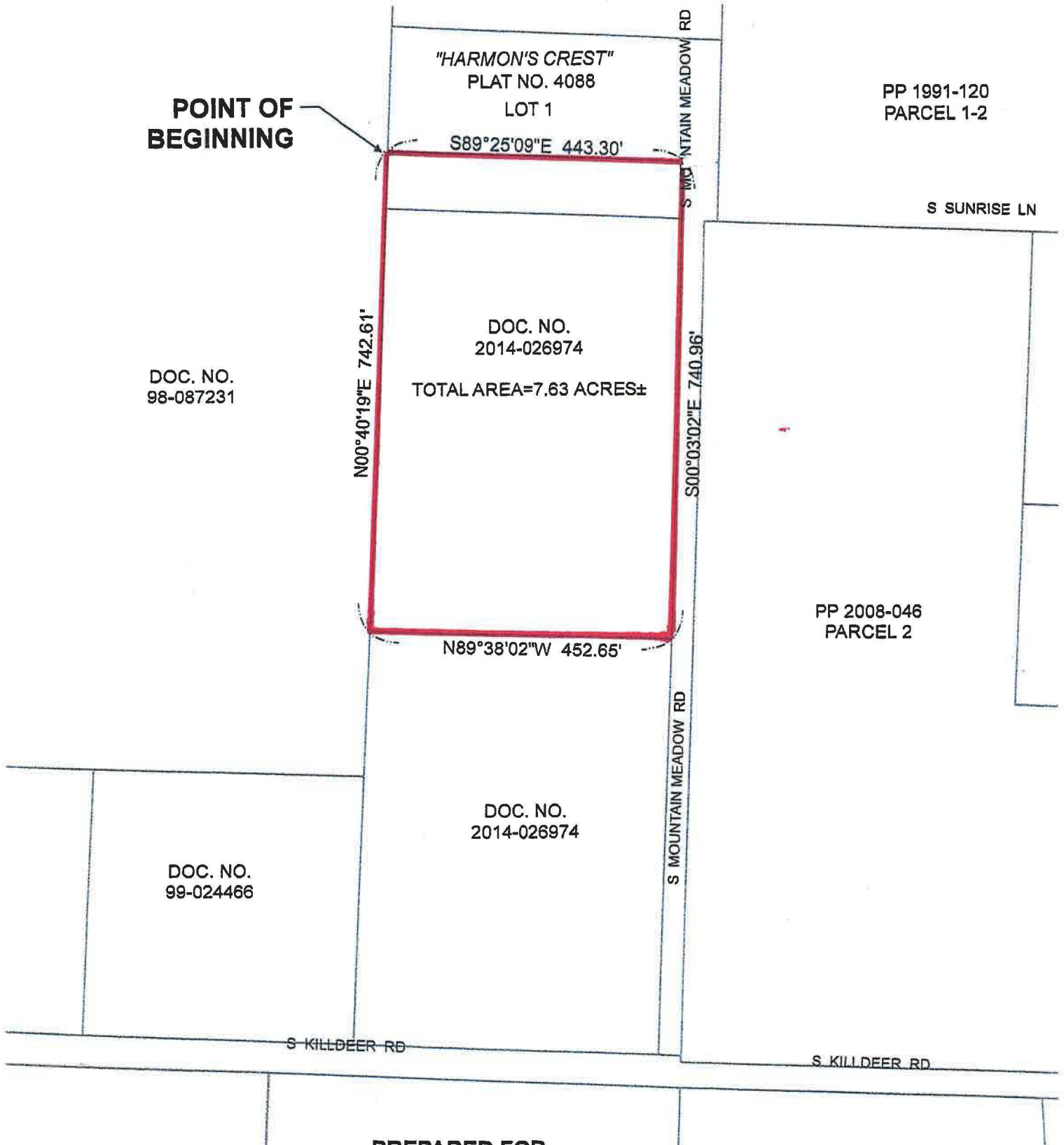


DATE OF SIGNATURE: 9-12-17  
 EXPIRES: 12/31/2018



# EXHIBIT C

A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON



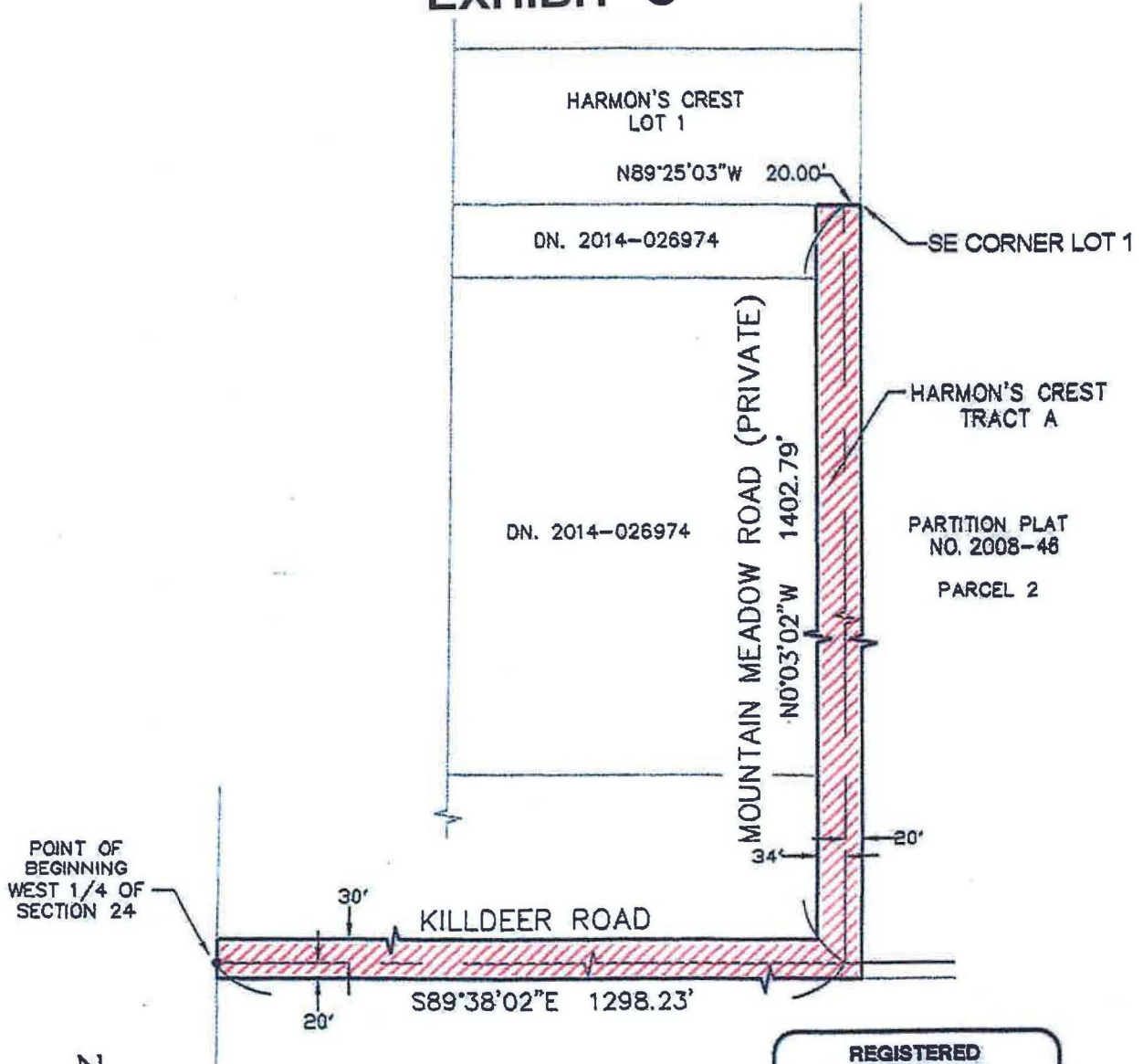
**Legend**  
 District Boundary

**PREPARED FOR**  
WINSTON & MAY OTA CHANG  
10935 SE HAPPY VALLEY DR  
HAPPY VALLEY, OR 97086

**SCALE: 1"=200 FEET**  
2 of 4



# EXHIBIT C



Scale: 1" = 200'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Michael A. Rademacher*

OREGON  
JULY 16, 1987  
MICHAEL A. RADEMACHER  
2303

DATE OF SIGNATURE: 9-12-17  
EXPIRES: 12/31/2018

## EXHIBIT "B"

7944-EXH.dwg

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

LOCATED IN THE NW1/4 AND THE SW1/4  
OF SECTION 24, TOWNSHIP 3 SOUTH,  
RANGE 2 EAST, WILLAMETTE MERIDIAN,  
CLACKAMAS COUNTY, OREGON



**OFFICE OF COUNTY COUNSEL**

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

September 20, 2018

Board of County Commissioners  
 Clackamas County

Members of the Board:

Approval of a Board Order for Boundary Change Proposal CL 18-007  
Annexation to Clackamas County Service District No. 1

**Stephen L. Madkour**  
 County Counsel

**Kathleen Rastetter**  
**Scott C. Ciecko**  
**Alexander Gordon**  
**Amanda Keller**  
**Nathan K. Boderman**  
**Shawn Lillegren**  
**Jeffrey D. Munns**  
**Andrew R. Naylor**  
**Jeff Heinrich**  
 Assistants

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

**BACKGROUND:**

The County Board is charged with making boundary change decisions (annexations, withdrawals, etc.) for many types of special districts (water, sanitary sewer, rural fire protection, etc.) within the County. One type of special district over which the Board has jurisdiction is a county service district, and Clackamas County Service District No. 1 is such a district.

Proposal No. CL 18-007 is a proposed annexation to Clackamas County Service District No. 1 ("District").

State statute and the Metro Code require the Board to hold a public hearing on the proposed annexation. Notice of this hearing invited testimony from any interested party. Notice consisted of: 1) Posting three notices near the territory and one notice near the County hearing room 20 days prior to the hearing; 2) Published notice twice in the Clackamas County Review; 3) Mailed notice sent to affected local governments and all property owners within 100 feet of the area to be annexed.

As required by statute the Board of the District has endorsed the proposed annexation. Also as required by statute (ORS 198.720(1)), the City of Happy Valley has approved this petition.

This proposal was initiated by a consent petition of property owners. The petition meets the requirement for initiation set forth in ORS 198.857, ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040(a) (lists Metro's minimum requirements for petition). If the Board approves the proposal, the boundary change will become effective immediately.

The territory to be annexed is located generally in the eastern part of the District. The territory contains 129.5 acres, is vacant, and is valued at \$323,526.

**REASON FOR ANNEXATION:**

The property owners (North Clackamas School District) desire sewer service to serve an elementary school to be constructed on the site.

**CRITERIA:**

Oregon Revised Statute 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."

Additional criteria can be found in the Metro Code. The code requires a report which addresses the criteria listed below and which includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;
2. Whether the proposed boundary change will result in the withdrawal of territory from the legal boundary of any necessary party<sup>1</sup>; and
3. The proposed effective date of the boundary change.

Service availability is covered in the proposed findings. Staff has examined the statutes and determined that approval of this annexation will not cause the withdrawal of the affected territory from the boundary of any necessary party. The proposed effective date (immediately upon adoption) was noted above.

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

To approve a boundary change the County must:

- (1) Find that the change is consistent with expressly applicable provisions in:
  - (A) Any applicable urban service agreement adopted pursuant to ORS 195.205;
  - (B) Any applicable annexation plan adopted pursuant to ORS 195.205;

---

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

- (C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;
  - (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and
  - (E) Any applicable comprehensive plan;
  - (F) Any applicable concept plan; and
- (2) Consider whether the boundary change would:
- (A) Promote the timely, orderly and economic provision of public facilities and services;
  - (B) Affect the quality and quantity of urban services; and
  - (C) Eliminate or avoid unnecessary duplication of facilities and services.

There are no cooperative agreements, urban service agreements, or annexation plans specifically adopted pursuant to ORS 195 in effect in this area. The proposal is consistent with the Comprehensive Plan as stated in the findings attached in the proposed order. No concept plans cover this area.

Staff has reviewed both the ORS 198 criteria and the Metro Code requirements, and found that the subject property is eligible for annexation to the District. A draft order with proposed findings is attached hereto for the Board's consideration. The territory, if annexed into the District, will be served by Water Environment Services pursuant to that certain ORS 190 Partnership entered into by the District with the Tri-City Service District and the Surface Water Management Agency of Clackamas County, as amended from time to time.

**RECOMMENDATION:**

Based on the attached Order and Findings, Staff recommends approval of Proposal No. CL-18-007, annexation to Clackamas County Service District No. 1.

Respectfully submitted,



Nate Boderman  
Assistant County Counsel

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

In the Matter of Approving  
Boundary Change Proposal No.  
CL 18-007



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

**Whereas**, this matter coming before the Board at this time, and it appearing that the owner of all the land in the territory to be annexed has petitioned to annex the territory to Clackamas County Service District No. 1; and

**Whereas**, it further appearing that this Board is charged with deciding this proposal for a boundary change pursuant to ORS Chapters 198 and Metro Code 3.09; and

**Whereas**, it further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report which complies with the requirements of Metro Code 3.09.050(b); and

**Whereas**, it further appearing that this matter came before the Board for public hearing on September 20, 2018 and that a decision of approval was made on September 20, 2018;

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Boundary Change Proposal No. CL 18-007 is approved for the reasons stated in attached Exhibit A and the territory described in Exhibit B and depicted on Exhibit C is annexed to Clackamas County Service District No. 1 as of September 20, 2018.

**DATED** this 20<sup>th</sup> day of September, 2018

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

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

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

1. Proposal No. CL 18-007 is a proposed annexation to Clackamas County Service District No. 1 ("District").
2. If the Board approves the proposal the boundary change will become effective immediately.
3. The territory to be annexed contains 12.95 acres, 1 single family dwelling, is vacant and is valued at \$323,526.
4. The property owners desire sewer service for an elementary school to be constructed on the site.
5. Oregon Revised Statute 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."

Clackamas County Service District No. 1 and the City of Happy Valley do have an agreement calling for the District to be the provider of sewers inside the City. The District has entered into an agreement with the Surface Water Management Agency of Clackamas County and the Tri-City Service District to create Water Environment Services, an ORS 190 partnership ("WES") as a collective service provider for all three districts. If annexed into the District, the property would be served by WES under such agreement.

Additional criteria can be found in the Metro Code. The code requires a report which addresses the criteria listed below and which includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;
2. Whether the proposed boundary change will result in the withdrawal of territory from the legal boundary of any necessary party<sup>1</sup>; and
3. The proposed effective date of the boundary change.

Service availability is covered in the findings below. Staff has examined the statutes and determined that approval of this annexation will not cause the withdrawal of the affected territory from the boundary of any necessary party. The proposed effective date (immediately upon adoption) was noted in Finding 2.

---

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

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

To approve a boundary change the County must:

- (1) Find that the change is consistent with expressly applicable provisions in:
  - (A) Any applicable urban service agreement adopted pursuant to ORS 195.205;
  - (B) Any applicable annexation plan adopted pursuant to ORS 195.205;
  - (C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;
  - (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and
  - (E) Any applicable comprehensive plan;
  - (F) Any applicable concept plan; and
- (2) Consider whether the boundary change would:
  - (A) Promote the timely, orderly and economic provision of public facilities and services;
  - (B) Affect the quality and quantity of urban services; and
  - (C) Eliminate or avoid unnecessary duplication of facilities and services.

There are no cooperative agreements, urban service agreements or annexation plans specifically adopted pursuant to ORS 195 in effect in this area. The proposal is consistent with the Comprehensive Plan as stated in Findings 7 and 8. No concept plans cover this area.

Staff has reviewed both the ORS 198 criteria and the Metro Code requirements, and found that the subject property is eligible for annexation to the District.

6. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

The law that requires Metro to adopt criteria for boundary changes specifically states that Metro shall “. . . ensure that a boundary change is in compliance with the Metro regional framework plan as defined in ORS 197.015 and cooperative agreements and urban service agreements adopted pursuant to ORS chapter 195.” ORS 197.015 says “Metro regional framework plan means the regional framework plan required by the 1992 Metro Charter or its separate components.” The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan, which were examined and found not to contain any directly applicable standards and criteria for boundary changes.

7. The PUBLIC FACILITIES AND SERVICES Element of the Comprehensive Plan contains the following Goal:

POLICIES

Sanitary Sewage Disposal

\* \* \*

- 6.0 Require sanitary sewerage service agencies to coordinate extension of sanitary services with other key facilities, i.e., water, transportation, and storm drainage systems, which are necessary to serve additional lands.
8. The territory is inside the City of Happy Valley and has a zoning designation of Low Density Residential. The property has received a conditional use permit and design review approval from the City.
9. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. There are no urban service agreements under ORS 195 relative to sewer service in this area of Clackamas County.
10. WES, as the service provider for the District, has a sewer line in SE 172<sup>nd</sup> Avenue adjacent to the property.
11. The territory is within the Sunrise Water Authority and is already served by that the



Authority.

12. The area receives police service from the City of Happy Valley which contracts with the Clackamas County Sheriff's Department for service.
13. The territory is within the Clackamas County R.F.P.D. #1. This service will not be affected by annexation to the County Service District for sanitary sewers.
14. The area to be annexed receives parks and recreation service from the City of Happy Valley.

### **CONCLUSIONS AND REASONS FOR DECISION**

Based on the Findings, the Board determined:

1. The Metro Code requires the boundary change decision to be consistent with expressly applicable provisions in any urban service provider agreements, cooperative agreements and annexation plans adopted pursuant to ORS 195. As noted in Findings 5 & 9 there are no such agreements or plans in place in this area. The Board concludes that its decision is not inconsistent with any such agreements and plans.
2. The Metro Code calls for consistency between the Board decision and any "applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services." The Board notes the original public facility plan for this area does call for sewer service by the District.
3. ORS 198 requires consideration of the comprehensive plan and any service agreements affecting the area. The Board has reviewed the applicable comprehensive plans (Clackamas County Comprehensive Plan and the Happy Valley Comprehensive Plan) and concludes this proposal complies with them. All other necessary urban services can be made available.
4. The Board considered the timing & phasing of public facilities to this area, the quantity and quality of services available and the potential for duplication of services. The District, through Water Environment Services, has service available to the area to be annexed as noted in Finding No. 10. The Board concludes this annexation is timely, the District has an adequate quantity and quality of services available and that the services are not duplicative.
5. The Metro Code at 3.09.050 (B) (2) requires a determination of whether the boundary change will cause withdrawal of the territory from the boundary of any necessary party. An examination of this issue found that no such withdrawals would be caused by approval of this annexation.



AKS ENGINEERING & FORESTRY, LLC  
 12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
 P: (503) 563-6151 F: (503) 563-6152

AKS Job #5839

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

## EXHIBIT B

### Annexation Description

A tract of land, and a portion of right-of-way, located in the Northeast One-Quarter of Section 6, Township 2 South, Range 3 East, Willamette Meridian, City of Happy Valley, Clackamas County, Oregon, and being more particularly described as follows:

Commencing at the northeast corner of said Section 6; thence along the east line of said Section 6, South 00°39'18" West 1307.78 feet to the northerly right-of-way line of SE Vogel Road (20.00 feet from centerline); thence along said northerly right-of-way line, North 89°08'10" West 378.60 feet to the southwesterly corner of Document Number 2012-067663, Clackamas County Deed Records and the Point of Beginning; thence leaving said northerly right-of-way line along the southerly extension of the westerly line of said deed, South 00°35'59" West 40.00 feet to the southerly right-of-way line of SE Vogel Road (variable width from centerline); thence along said southerly right-of-way line, Westerly 2250 feet, more or less, to the easterly right-of-way line of SE 172nd Avenue (30.00 feet from centerline) and the Clackamas County Service District No. 1 (CCSD#1) limits line; thence along said easterly right-of-way line and said CCSD#1 limits line, Northerly 70 feet, more or less, to the northerly right-of-way line of SE Vogel Road (variable width from centerline); thence along said northerly right-of-way line, Easterly 1975 feet, more or less, to the southeasterly corner of Document Number 2017-084461, Clackamas County Deed Records; thence along the easterly line of said deed, North 00°34'01" East 503.45 feet to the northeasterly corner thereof; thence along the northerly line of said deed, North 89°05'02" West 220.00 feet to the northwesterly corner thereof, also being on the easterly line of Document Number 2017-064511, Clackamas County Deed Records; thence along said easterly line, North 00°34'01" East 475.20 feet to the northwesterly corner of Document Number 2017-084462, Clackamas County Deed Records; thence along the northerly line said deed, South 89°05'02" East 625.57 feet to the northeasterly corner thereof; thence along the easterly line of said deed, South 00°36'40" West 560.00 feet; thence continuing along said easterly line, North 89°06'37" West 124.98 feet; thence continuing along said easterly line, South 00°35'59" West 418.34 feet to the Point of Beginning.

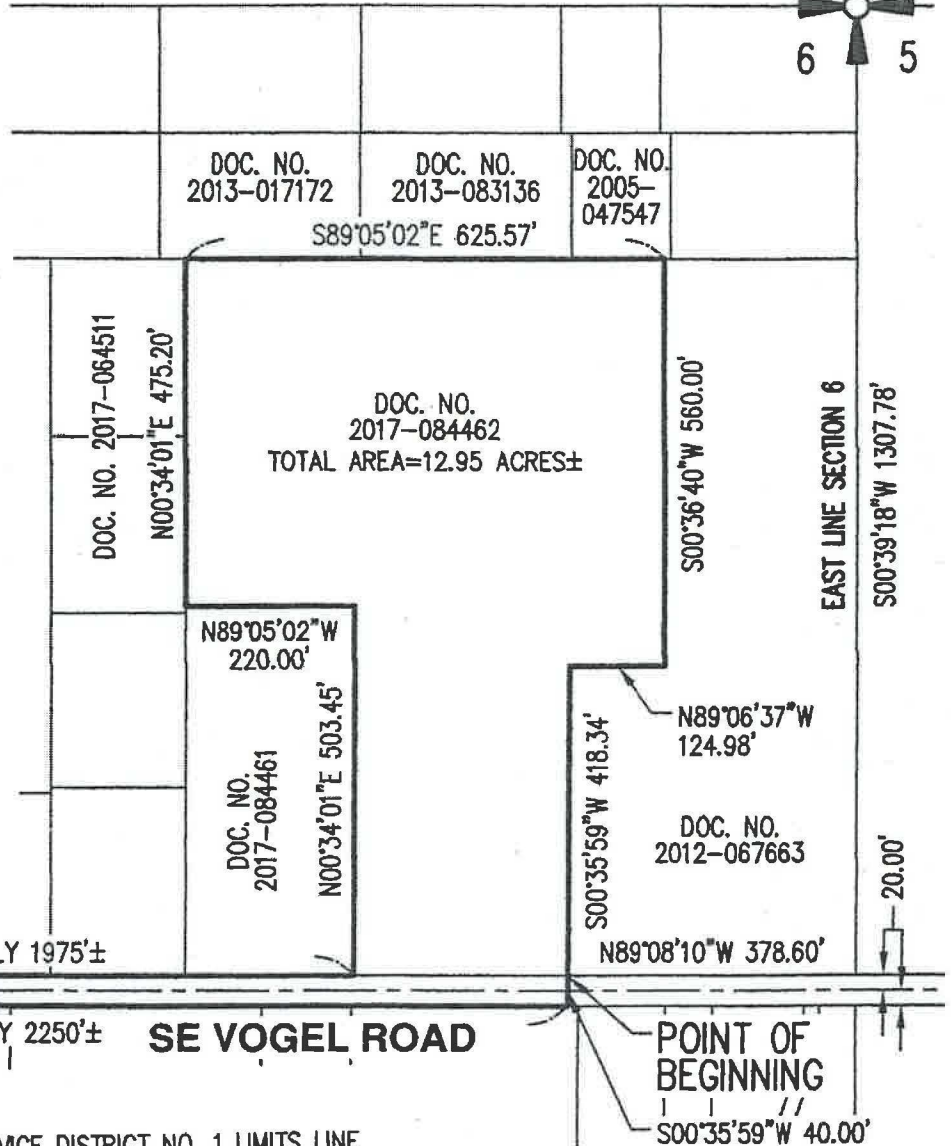
The above described tract of land contains 12.95 acres, more or less.

3/6/2018



# EXHIBIT C

A TRACT OF LAND, AND A PORTION OF RIGHT-OF-WAY,  
 LOCATED IN THE NORTHEAST 1/4 OF SECTION 6,  
 TOWNSHIP 2 SOUTH, RANGE 3 EAST, WILLAMETTE MERIDIAN,  
 CITY OF HAPPY VALLEY, CLACKAMAS COUNTY, OREGON



### LEGEND

CLACKAMAS COUNTY SERVICE DISTRICT NO. 1 LIMITS LINE

3/6/2018

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Nick White*

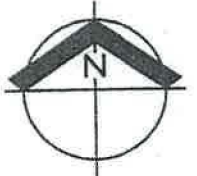
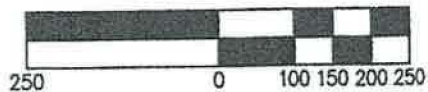
OREGON  
 JANUARY 9, 2007  
 NICK WHITE  
 70652LS

RENEWS: 6/30/18

### PREPARED FOR

HEERY INTERNATIONAL  
 TWO CENTERPOINTE DRIVE, SUITE 250  
 LAKE OSWEGO, OR 97035

SCALE: 1" = 250 FEET



### CLACKAMAS COUNTY SERVICE DISTRICT NO. 1 ANNEXATION MAP

AKS ENGINEERING & FORESTRY, LLC  
 12965 SW HERMAN RD, STE 100  
 TUALATIN, OR 97062  
 P: 503.563.6151 F: 503.563.6152 aks-eng.com



EXHIBIT  
**B**

DRWN: WCB  
 CHKD: NSW  
 AKS JOB:  
 5839



**DAN JOHNSON**  
DIRECTOR

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

September 20, 2018

Board of Commissioners  
Clackamas County

Members of the Board:

**Approval of a Board Order Accepting a Transfer of Jurisdiction from  
Clackamas County to the City of Canby for a Portion of  
South Fir Street (County Road #1288)**

<b>Purpose/Outcomes</b>	Jurisdictional transfer of a portion of South Fir Street to the City of Canby.
<b>Dollar Amount and Fiscal Impact</b>	Cost savings in the form of staff time and Maintenance monies used on a County maintained portion of road located entirely within the City of Canby. Initial cost of transfer is \$56,000, which represents the cost of a 2" asphalt overlay of that portion being transferred.
<b>Funding Source</b>	Road Fund
<b>Safety Impact</b>	Transferring jurisdiction to the City will allow future development on South Fir Street to be consistent throughout, and will alleviate confusion on the part of the public.
<b>Duration</b>	Upon execution; permanent
<b>Previous Board Action</b>	N/A
<b>Strategic Plan Alignment</b>	Build a strong infrastructure Build public trust through good government
<b>Contact Person</b>	Rick Maxwell, Engineering Tech; 503-742-4671

**BACKGROUND:**

There are certain County roads, such as South Fir Street in Canby, that are wholly, mostly, or partially within various Cities throughout Clackamas County. Fragmented jurisdiction over these roads often results in differing road maintenance activities and confusion by the public as to which agency is responsible for the operation and maintenance of the roads. Clackamas County and the City of Canby have agreed to the transfer of a portion of South Fir Street, currently under the jurisdiction of the County, to the City with the intent of eliminating confusion to the public and to improve the efficiencies of maintenance and public service.

The County and the City of Canby have an agreement to provide funds to the City of Canby in the amount of \$56,000, which is equal to the cost of a 2" asphalt overlay, in exchange for the City assuming exclusive jurisdiction over that portion of South Fir Street containing approximately 62,630 square feet of Right-of-Way. By accepting jurisdiction over the portion of

South Fir Street, the City becomes the "Road Authority" responsible for all maintenance, improvement, permitting and road standard activities.

This is 1 of 3 agreements relating to the transfer of South Fir Street to the City of Canby. This Board Order has been reviewed and approved by County Counsel.

**RECOMMENDATION:**

Staff respectfully requests that the Board approve this Board Order between Clackamas County and the City of Canby related to the transfer of jurisdiction of a portion of South Fir Street and the payment to the City in an amount equivalent to a 2" asphalt overlay of that portion being transferred.

Respectfully submitted,

Rick Maxwell,  
Engineering Technician  
Transportation and Development

Attachments:  
Board Order  
Map of proposed transfer area

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

In the matter of transferring to the City of Canby, jurisdiction over a portion of South Fir Street, County Road No. 1288, DTD No. 41003



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

Page 1 of 2

This matter coming before the Board of County Commissioners as a result of the County initiating action pursuant to ORS 373.270(5) to surrender jurisdiction of a county road within the boundary of the City of Canby, and the preceding negotiation between the City of Canby and Clackamas County Department of Transportation and Development to transfer portions of the following road:

<u>Road Name</u>	<u>Cnty #</u>	<u>DTD #</u>	<u>From</u>	<u>To</u>	<u>Square Feet</u>
South Fir Street	1288	41003	MP 0.00	MP 0.31	62,630 sf

It further appearing to the Board that said transfer of jurisdiction has been recommended by Dan Johnson, Director of the Department of Transportation and Development; and,

It further appearing to the Board that said transfer of jurisdiction is in the best interest of the citizens of Clackamas County; and,

It further appearing to the Board that pursuant to ORS 373.270, notice of the hearing on this matter was provided by publication in the Canby Herald on 08/19/2018, 08/26/2018, 09/02/2018 and 09/09/2018; now therefore,

**IT IS HEREBY ORDERED** that Clackamas County offer to surrender jurisdiction over a portion of South Fir Street to the City of Canby such that full and absolute jurisdiction of said portions of roadway for all purposes of repair, construction, improvement and the levying and collection of assessments therefor be transferred to the City of Canby and shall vest as of the date the City of Canby accepts, by appropriate municipal legislation, the County's offer to surrender jurisdiction; and,

**IT IS FURTHER ORDERED** that this offer shall be withdrawn unless it is accepted by the City of Canby within one year of the date of this order; and,

**IT IS FURTHER ORDERED** that, upon acceptance by the City of Canby the County's offer to surrender jurisdiction of the portion of the roadway described herein pursuant to ORS 273.270(5), 62,630 square feet, more or less, be removed from the County's Road Inventory; and,

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

In the matter of transferring to the  
City of Canby, jurisdiction over  
a portion of South Fir Street, County  
Road No. 1288, DTD No. 41003



Order No.  
Page 2 of 2

**IT IS FURTHER ORDERED** that  
copies of this Order be submitted to the Clackamas County Clerk's office for recording and that  
copies be subsequently sent without charge to the Clackamas County Surveyor, Tax Assessor,  
Finance/Fixed Asset Offices, and DTD Engineering.

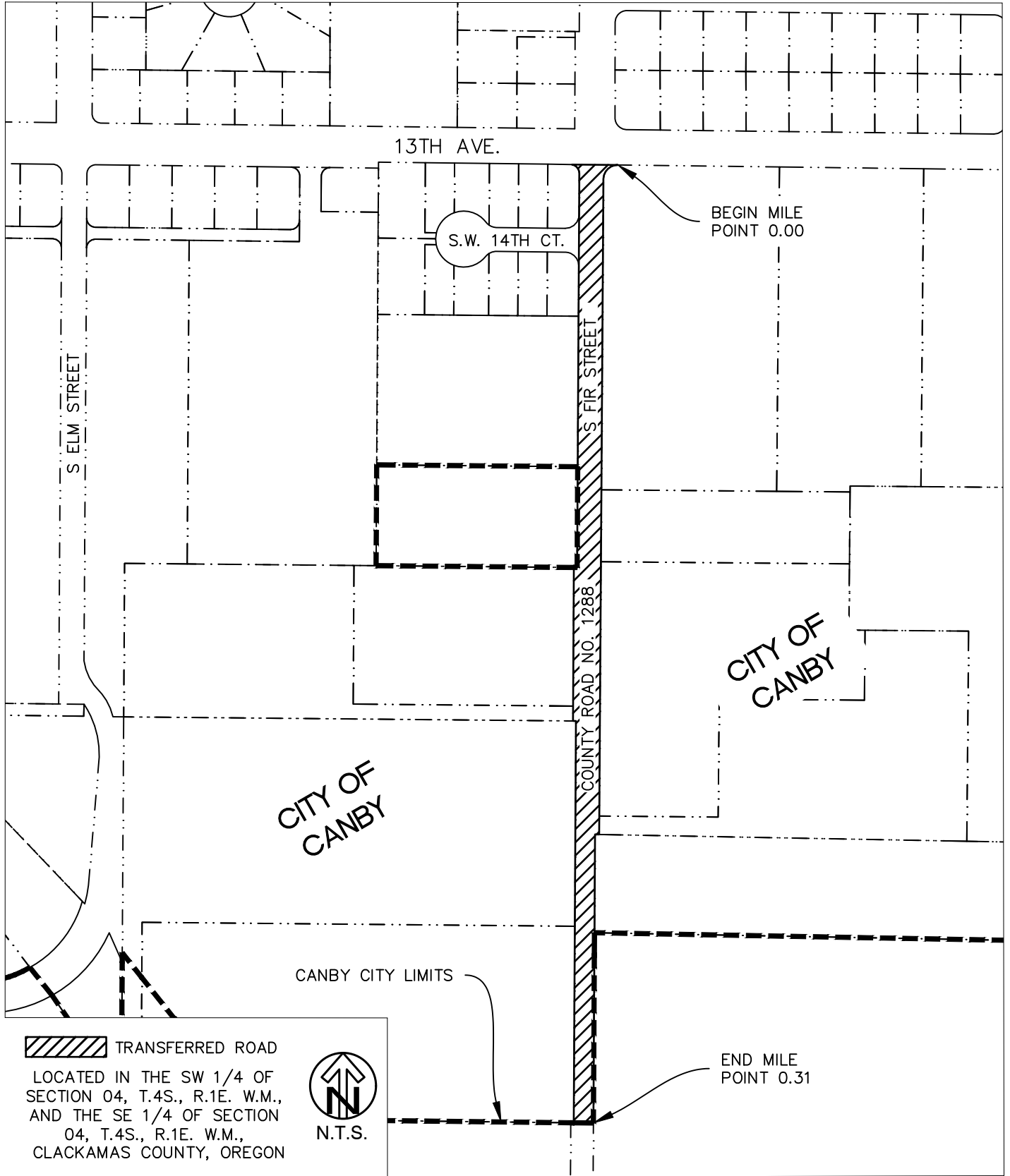
**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

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

# EXHIBIT "A"



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

150 BEAVERCREEK ROAD  
 OREGON CITY, OR 97045



BY: R. MAXWELL

DATE: 7/24/2018

JURISDICTIONAL TRANSFER  
 S FIR STREET  
 COUNTY ROAD NO. 1288

SHEET

1 OF 1