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April 7, 2022

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of Annexation CL 21-009 to Clackamas River Water

Purpose/Outcomes	Conduct Public Hearing/Approve Order
Dollar Amount and Fiscal Impact	None
Funding Source	Not Applicable
Duration	Permanent
Previous Board Action	None
Strategic Plan Alignment	Build Public Trust Through Good Government, hold transparent and clear public processes regarding jurisdictional boundaries
Counsel Review	JM 3/16/2022
Procurement Review	No, matter is an annexation not subject to procurement review
Contact Person	Ken Martin, Boundary Change Consultant – 503-222-0955 Jeff Munns, Assistant County Counsel – 503-742-5984
Contract No.	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 21-009 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) Notice posted online (<https://www.clackamas.us/meetings/bcc/business/2022-4-07>); 3) Published notice twice in the Clackamas County Review; 4) Mailed notice sent to affected local governments and all property owners within 250 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 central part of the District. The territory contains 2.01 acres, 1 single family unit, a population of 1 and is valued at \$513,410.

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-21-009, annexation to Clackamas River Water.

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

In the Matter of Approving a
Boundary Change Proposal No.
CL 21-009



Order No. _____

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;

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

It further appearing that staff retained by the County have reviewed the proposed boundary change and issued a report; and

It further appearing that this matter came before the Board for a public hearing on April 7, 2022 and that a decision of approval was made on April 7, 2022;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-21-009 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 7th day of April, 2022.

BOARD OF COUNTY COMMISSIONERS

Tootie Smith, Chair

Chanin Bays, Recording Secretary

FINDINGS

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

1. The territory to be contains 2.01 acres, 1 single family unit, a population of 1 and is valued at \$513,410.
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.”

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 is immediately upon adoption.

Staff has reviewed the ORS 198 criteria and found that the subject property is eligible for annexation to the District.

Service availability is covered in the Findings 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).
6. 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.

7. There are no service agreements between a local government and the District which

affect the territory to be annexed.

8. There is no public sewer service in this area.
9. The District has a 6-inch water line in Loder Road which can serve the site.
10. The area receives police service at a rural level from the Clackamas County Sheriff's Department.
11. 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. 6 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

Clackamas River Water District Annexation

WARRANTY DEED - STATUTORY FORM (INDIVIDUAL or CORPORATION)

Debra L. White Grantor, conveys and warrants to Sharon M. Emery

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

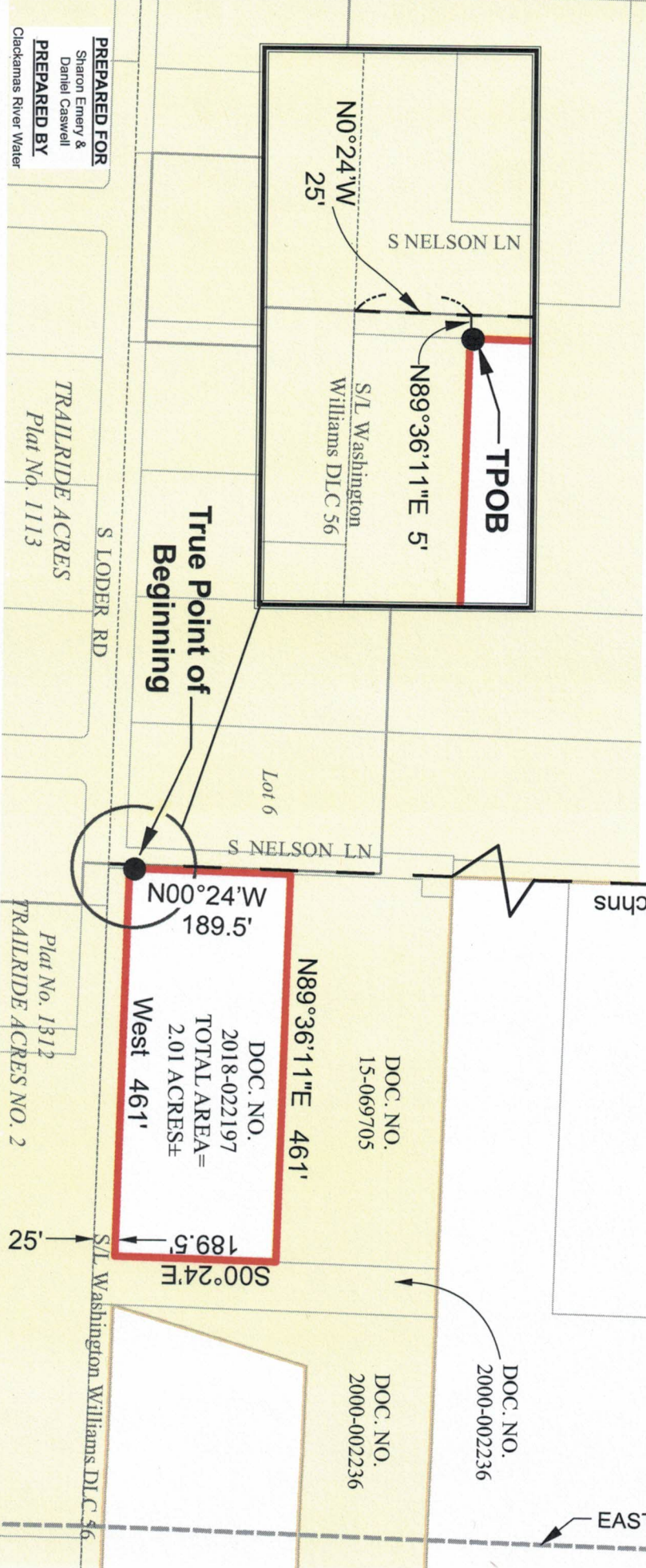
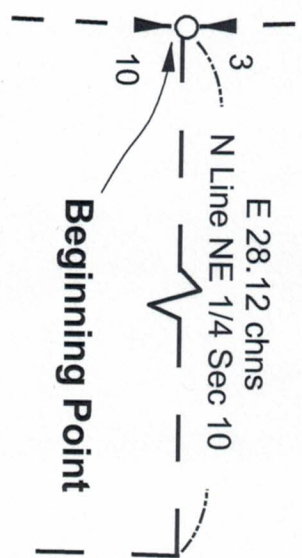
Part of the Washington Williams Donation Land Claim No. 56, in the Northeast one-quarter of Section 10, Township 3 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point at the Southeast corner of a tract of land conveyed to Clarence Porter, et ux, by Deed recorded in Book 49, Page 463, Clackamas County Deed Records, which point is on the East line marking the end of the deeded portion of J.W. Loder Road, and which point is East 28.12 chains and South 41 chains from the one-quarter section corner between Sections 3 and 10, said Township and Range; thence North 0°24' West, 25 feet and North 89°36'11" East, 5 feet to the true point of beginning; thence North 0°24' West, 189.5 feet; thence North 89°36'11" East, 461 feet; thence South 0°24' East, 189.5 feet, *more or less*, to a point which is 25 feet North of the Southerly line of the Washington Williams Donation Land Claim No. 56 In the aforesaid Township, Range and Section; thence West parallel to and 25 feet North of said Southerly Donation Land Claim line, 461 feet, *more or less*, to the true point of beginning.

EXHIBIT C

Res. No. 02-2022

CLACKAMAS RIVER WATER DISTRICT ANNEXATION
A TRACT OF LAND LOCATED IN THE NORTHEAST 1/4
OF SECTION 10, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN,
CLACKAMAS COUNTY, OREGON



Legend

- TL PLSS Section Line
- Donation Land Claims
- Parcel Boundary
- Subdivisions
- District Boundary

1 inch = 180 feet

PREPARED FOR Sharon Emery & Daniel Caswell
PREPARED BY Clackamas River Water

Clackamas River Water

REVISION: 2/4/22