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April 14, 2022

Board of County Commissioners  
Clackamas County

Members of the Board:

Public hearing to consider a Preliminary Order to  
Form a Joint Water and Sanitary Authority

<b>Purpose/Outcomes</b>	A public hearing to consider a Preliminary Order to Form 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 and February 16, 2022, Issues discussion on February 22, 2022, Discussion Item and adoption of Board Order 2022-19 to Initiate Formation and set a public hearing on March 10, 2022.
<b>Counsel Review</b>	4/6/2022 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>	Jeffrey Munns, Assistant County Counsel – 503-742-5984
<b>Contract No.</b>	N/A

**BACKGROUND:**

Proposed Order No. \_\_\_\_\_ is a Preliminary Order to for a joint water and sanitary authority. The process began as 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. Order 2022-19 to initiate formation and set the first public hearing was adopted by the Board of County Commissioners (BCC) on March 10, 2022.

OLWS has prepared the attached Authority Formation Packet for your review and consideration. OLWS is also preparing an approximately 15-minute presentation, and

will have staff and Board members available to answer questions and respond to any concerns coming from the public during the hearing, or the County Commissioners in deliberation.

This 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. 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. 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. The first public hearing may be adjourned from time to time, but not exceeding four weeks in all unless additional notice is given.

At the end of the first public hearing, if the BCC finds the statutory criteria are met, it would adopt a preliminary Order. This preliminary Order serves the purpose to restate the BCC's intention to proceed with formation and set the time for a final public hearing.

#### **FINAL PUBLIC HEARING:**

The final public hearing occurs 20 to 50 days from the preliminary Order. 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:

- 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.
- 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.

#### **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.

- If the BCC has already formed the Authority by final Order an election would only be held to elect the new board members for the new Authority.
- 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 the BCC has no further role in formation. If the election is for both the formation and election then either of the following may occur:

- If the ballot measure to form the Authority passes, the BCC would adopt a final Order to form the Authority.
- 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.

**RECOMMENDATION:**

Staff recommends the Board conduct the public hearing to receive public comment on the attached Authority Formation Packet and proposed Preliminary Order to Form a Joint Water and Sanitary Authority. At the close of the public hearing the Board may adopt, modify, or reject the proposed Order to Form a Joint Water and Sanitary Authority using only the criteria set forth in ORS 198.805.

Respectfully submitted,

Jeffrey Munns  
Assistant County Counsel

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

In the Matter of Preliminary  
Approval of the Formation of a  
Joint Water and Sanitary Authority  
and Call for a Final Hearing on the  
Proposal



Order No. 2022-\_\_\_\_\_

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

**Whereas**, the Clackamas County Board of Commissioners (“County Board”) on March 10, 2022 adopted Order No. 2022-19, pursuant to ORS 450.600 to 450.989 and ORS 198.835, which initiated the formation of a joint water and sanitary authority to be located entirely within Clackamas County, which formation includes the dissolution of the Oak Lodge Water Services District; and

**Whereas**, the name of the proposed joint water and sanitary authority shall be the Oak Lodge Water Services Authority, to be governed by a five-member board of directors, and the boundaries of the same shall be as set forth in this Order; and

**Whereas**, an initial public hearing was held on April 14, 2022, wherein the County Board determined, in accordance with the criteria prescribed by ORS 199.462 and under the Metro Code 3.09, whether the area could be benefited by formation; and

**Whereas**, a report was published and made available to the public on March 30, 2022 as required by Metro Code 3.09.050;

**Whereas**, a final public hearing shall be held between 20 and 50 days from the date of this Order, pursuant to ORS 198.810(2); 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. Preliminary Approval of Findings.** The County Board preliminarily approves of the findings on the attached **Exhibit A** and finds that the area could be benefited by formation of a joint water and sanitary authority.

**2. Name and Boundaries of Authority.** The new joint water and sanitary authority shall be known as the “Oak Lodge Water Services Authority,” with the boundaries as set forth in the attached “**Exhibit B**” and incorporated herein by this reference. The principal act of the new joint water and sanitary authority shall be ORS Chapter 450.

**3. Call for Public Hearing.** A final public hearing on the proposal is hereby called for May 5, 2022 at 10:00am before the Board of County Commissioners.

**4. Election Declaration.** Pursuant to ORS 198.810(2), if written requests for an election are not filed at or before the final public hearing by not less than 15 percent of the electors registered in the proposed Authority boundary or 100 electors, whichever is less, the County Board, at the time of the final hearing, will enter an Order creating the Authority, to be governed by a five-member board, and dissolving the Oak Lodge Water Services District.

**DATED** this 14th day of April, 2022

**BOARD OF COUNTY COMMISSIONERS**

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Chair

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Recording Secretary

# **EXHIBIT A**

## **Formation Packet**

## **AUTHORITY FORMATION PACKET**

### **Description of Proposal**

At the request of the Board of Directors of the Oak Lodge Water Services District (“OLWS Board”) the Clackamas County Board of County Commissioners (“County Board”) has determined that it intends to form a joint water and sanitary authority, pursuant to ORS 450.600. The County Board made that decision on March 10, 2022, through the adoption of Order No. 2022-19, attached as Exhibit A (“Order 2022-19”). The proposal presented by the OLWS Board includes the dissolution of the Oak Lodge Water Services District (“OLWS” or, the “District”) upon formation of the new authority, whereupon the assets and obligations of the District would transfer to the new authority. These actions together will have the effect of converting the existing consolidated water and sanitary District into a joint water and sanitary authority.

The joint water and sanitary authority would be called the Oak Lodge Water Services Authority (the “Authority”). The proposed effective date for the Authority is July 1, 2022. The boundaries of the Authority would be the same boundaries as the current consolidated water and sanitary District; there are no withdrawals, transfers, or annexations of territory proposed in connection with this Authority formation. A map and legal description of the territory to be included in the Authority was adopted as part of Order 2022-19, and is the territory under consideration with this proposal.

The procedure for forming a joint water and sanitary authority is prescribed in ORS Chapter 198. The County Board has a substantive role in the formation of the Authority. Metro, the State Department of Revenue, and the Secretary of State each have administrative roles in the formation process. The County Board has jurisdiction to initiate formation of this Authority, pursuant to ORS 450.600 to 450.989 and ORS 198.835. The County Board adopted Order 2022-19 pursuant to those statutes. The first public hearing will be held on the proposal on April 14, 2022 at 10:00 a.m., with a final hearing to follow in the period 20 to 28 days after the conclusion of the first public hearing.

This Authority Formation Packet addresses the required statutory criteria and proposed findings for the County Board to make as part of a preliminary decision on Authority formation, following the initial public hearing on April 14, 2022. This Authority Formation Packet also serves as the report required by Metro Code 3.09.050.

### **Statutory Criteria & Proposed Findings**

Pursuant to ORS 198.805(1), the County Board must consider whether formation of the Authority would benefit the area. In making that decision, the County Board must consider various “criteria” prescribed by ORS 199.462. That statute, in turn, requires the County Board to consider: (1) local comprehensive planning for the area; (2) economic, demographic and sociological trends and projections pertinent to the proposal; (3) past and prospective physical development of land that would directly or indirectly be affected by the proposal; and (4) Statewide Planning Goals.

***Proposed Finding:***

Forming the Authority would benefit the area, including OLWS customers and residents of the area. The OLWS Board has conducted extensive public outreach and presented the outcome of those outreach efforts to the County Board, which presentation indicates that customers generally support this proposal. One substantial benefit in forming an Authority, which OLWS found resonated with its customers, is that the formation will fix the existing OLWS boundaries and protect the boundaries from being revised or determined through third-party actions, such as by annexation or incorporation procedures. Securing fixed boundaries around the territory served by OLWS will keep intact the local control over the infrastructure and services provided by OLWS that currently exists, while contributing to the reliability and stability of service, both of which allow for better planning and more economical investments for OLWS's utility systems. These outcomes would generally be advantageous to OLWS customers and residents of the area.

Forming the Authority would benefit the residents of adjacent cities in the area. The cities of Milwaukie and Gladstone have overlapping and adjacent boundaries with OLWS. OLWS and these cities have a cooperative relationship and have executed intergovernmental agreements to more efficiently provide services in the areas where they overlap. The Milwaukie City Council adopted a resolution in support of Authority formation on September 7, 2021, and the Gladstone City Council adopted a resolution in support of Authority formation on September 14, 2021. Those resolutions are attached to Order 2022-19. In adopting their respective resolutions, the city councils specifically found that forming the Authority would be in the best interests of the residents of their cities, through the continuity and stability of services that it would provide.

Forming the Authority would generally benefit the community. The County Board has received letters and statements in support of Authority formation from individuals and community organizations who believe that forming an Authority will benefit the community. Based on those letters and statements of support received from individuals, community organizations, and the resolutions of support from the overlapping and adjoining cities, the County Board finds that forming the OLWS Authority would generally benefit the area.

The proposed findings in this document take into consideration the Statewide Planning Goals and local comprehensive planning for the area. Statewide Planning Goals are implemented directly through local comprehensive plans. Under the County's comprehensive plan, the area is already designated for urban uses, and OLWS provides services to the area that will continue to support those uses. The comprehensive plans for Milwaukie and Gladstone largely do not include the affected area. Where there are small areas of overlap, those cities have already coordinated with OLWS to determine the most efficient service provider.

The proposed findings in this document also take into consideration economic, demographic, and sociological trends and projections pertinent to the proposal. OLWS serves an economically diverse area that continues to grow. OLWS recently completed its 2020 Water System Master Plan Update ("Water Master Plan"), which is attached to this Authority Formation Packet as Exhibit B. The purpose of the Water Master Plan is to assess the current water system and plan for the ability of OLWS to meet the service needs of current and projected future customers.



According to the Water Master Plan, the population within the OLWS service area is anticipated to grow by approximately 6 percent above the 2017 estimate by the year 2037. OLWS's residential and commercial customers rely on stable, affordable utility rates, which can be better achieved through a more stable service area that remains as large a service area as was anticipated when establishing the current service rates and projecting future service rates. OLWS is currently in the process of updating its Sanitary Sewer System Master Plan, which similarly relies on a stable service area to inform the projections.

Finally, the proposed findings in this document also take into consideration past and prospective physical development of land that would directly or indirectly be affected by the proposal. As noted above, the area is planned for urban uses. The area has already been developed consistent with those planned urban uses, which requires urban services like water, sanitary sewer, and watershed protection; services the Authority can provide in an equal or better manner than OLWS.

### **Metro Report and Proposed Findings**

Pursuant to Metro Code 2.09.050(B), the County must make available to the public a report that addresses certain information contained in Metro Code 3.09.050(D) and in subsections (1) through (3) of Metro Code 2.09.050(B). The report must be made available fifteen (15) days prior to the first hearing on the formation. This Authority Formation Packet, and the proposed findings below, serve as the required report and address the necessary Metro Code sections.

#### **1. Metro Code 3.09.050(D)**

This portion of the Metro Code requires the County to apply the criteria and consider the factors set forth in subsections (D) and (E) of Metro Code 3.09.045. Metro Code 3.09.045(E) applies only to annexation actions and, therefore, is not relevant to the Authority formation. The applicable provisions of Metro Code 3.09.045(D) are addressed below.

#### **A. Metro Code 3.09.045(D)(1)(a) - Be consistent with expressly applicable provisions in any applicable urban service agreement adopted pursuant to ORS 195.065.**

##### ***Proposed Finding:***

ORS Chapter 195 contemplates that agreements will be formed between providers of urban services. Urban services are defined to include sanitary sewer, water, fire protection, parks, open space, recreation and streets, roads, and mass transit. Agreements under those laws are for the purpose of specifying which governmental entity will provide which service to which area in the long term. Counties generally facilitate the formation of these agreements. For the proposal at hand, there are no urban service agreements specifically adopted pursuant to ORS Chapter 195 that are in effect that are applicable to the affected area.

There are, however, other agreements for urban services; this area of the County is fully planned, and all urban services are provided. OLWS has intergovernmental agreements with multiple entities with overlapping and adjacent territories, and those agreements would be assigned to and

assumed by the Authority. Formation of the Authority will not have an effect on any existing urban services, other than water and sewer services, which would be provided in the exact same manner as is currently provided, as follows:

Sewer: OLWS will continue to provide sewer services within the boundary of the Authority. There is an overlap of the jurisdictional territories of OLWS, Gladstone, Milwaukie, and WES. OLWS has agreements with those entities where the boundaries overlap.

Water: OLWS provides water services within the proposed boundary of the Authority. There is an overlap of the jurisdictional territories of OLWS, Gladstone, Milwaukie, and Clackamas River Water. OLWS has agreements with those entities where the boundaries overlap.

For the remaining urban services—fire protection, parks, open space, recreation, and streets—these services will be unaffected, and are currently and will continue to be provided by the same service providers. For example, in relation to fire services, the Authority territory is within the Clackamas County Rural Fire Protection District #1. This service will not be affected by formation of the Authority. For Parks and Recreation, the Authority territory is within the North Clackamas County Parks & Recreation District, which will not be affected by formation of the Authority.

Formation of the Authority requires no change to any existing, applicable urban service agreement adopted pursuant to ORS Chapter 195 and would be consistent with all relevant urban service agreements.

**B. Metro Code 3.09.045(D)(1)(b) - Be consistent with expressly applicable provisions in any applicable annexation plan adopted pursuant to ORS 195.205.**

***Proposed Finding:***

For the proposal at hand, there are no annexation plans adopted pursuant to ORS Chapter 195 that are in effect or are applicable to the area affected by formation of the Authority. Formation of the Authority implicates no changes to, and would be consistent with, all applicable annexation plans.

**C. Metro Code 3.09.045(D)(1)(c) - Be consistent with expressly applicable provisions in any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party.**

***Proposed Finding:***

For the proposal at hand, there are no cooperative planning agreements adopted pursuant to ORS Chapter 195 that are in effect or are applicable to the area affected by formation of the Authority. Formation of the Authority implicates no changes to, and would be consistent with, all applicable cooperative planning agreements.

**D. Metro Code 3.09.045(D)(1)(d) - Be consistent with expressly applicable provisions in any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services.**

***Proposed Finding:***

For the proposal at hand, there are no public facility plans adopted pursuant to a statewide planning goal affecting the area other than the public facility provisions in the County's comprehensive plan. The County's comprehensive plan expressly identifies OLWS's predecessors as providing services to this area. Because the infrastructure that provides those services would be assigned to the Authority, the Authority will continue to provide those services, consistent with the comprehensive plan.

**E. Metro Code 3.09.045(D)(1)(e) – Be consistent with expressly applicable provisions in any applicable comprehensive plan.**

***Proposed Finding:***

Chapter 7 of the County's comprehensive plan addresses public facilities and services. That chapter of the comprehensive plan sets out the type of public services to be provided within the County; the appropriate level of each service; who should benefit from and pay for the service; and who should provide the service, among other analyses. The sanitary sewer treatment policies in the comprehensive plan recognize that OLWS has responsibility for operating, planning, and regulating the wastewater systems as designated in the County's approved Sewerage Facilities Master Plan. Formation of the Authority would be consistent with all applicable sanitary sewer treatment policies in the comprehensive plan.

Formation of the Authority will also be consistent with the Gladstone and Milwaukie comprehensive plans. Those plans currently do not reach into OLWS's territory, except for minor areas where the territories of OLWS and the cities overlap. OLWS and the cities have already adopted intergovernmental agreements to determine which service provider will serve specific properties. The cities, by resolution, have determined that formation of the Authority will continue and promote that partnership.

**F. Metro Code 3.09.045(D)(1)(f) - Be consistent with expressly applicable provisions in any applicable concept plan.**

***Proposed Finding:***

There are no existing concept plans applicable to this proposal. Formation of the Authority implicates no changes to, and would therefore be consistent with, all applicable concept plans.

**G. Metro Code 3.09.045(D)(2)(a) - Promote the timely, orderly, and economic provision of public facilities and services.**

***Proposed Findings:***

Forming the Authority will promote the timely provision of services. As previously noted, OLWS recently completed its Water Master Plan. The purpose of the Water Master Plan is to assess the current water system and plan for the ability of OLWS to meet the service needs of current and projected future customers.

The Water Master Plan guides capital project expenditures and asset management for the OLWS water system in an efficient and cost-effective manner. In developing the Water Master Plan, certain assumptions about the level of consumption and number of customer accounts form the basis for those projections, so that capital investments may be made in a timely and financially sustainable manner. OLWS is currently in the process of updating its Sewer System Master Plan, which similarly relies on the certainty of customer accounts and the projected current and future use of the sanitary sewer system. Forming an Authority would help to keep the master planning efforts and the currently planned capital improvements being made pursuant to the Water Master Plan on track for completion in a timely and financially efficient manner.

Forming the Authority will promote the orderly provision of services. OLWS has various cooperative agreements regarding the provision of public facilities and services, which other jurisdictions in the area rely on in providing for and planning for their own services. For example, an intergovernmental agreement between OLWS, the County, Water Environmental Services, and Clackamas County Service District No. 1, provides for a specific allocation of sanitary sewer and surface water management services among the service providers in the area. OLWS has similar agreements with the City of Milwaukie, the City of Gladstone, Sunrise Water Authority, and Clackamas River Water, each of which allocate certain services and service territory to the respective parties to the agreement, in the areas of water, stormwater, and sanitary sewer treatment services. Forming an Authority will better ensure the continuation of this allocation of services among the parties to these agreements. In particular, the certainty of customer accounts and boundaries for OLWS that the Authority would provide will allow for more cooperation among OLWS and the County to reallocate and determine responsibilities for the services provided, such as stormwater.

Forming the Authority will promote the economic provision of services. There are various economic benefits to forming an Authority. Maintaining the stability of service providers and the allocation of services that is currently in place among multiple jurisdictions serving the same area is one important economic benefit. For example, OLWS currently serves properties inside the cities of Milwaukie and Gladstone, because the cities and OLWS recognize that it is more economic for those customers and avoids a need for those cities to make expensive investments in their infrastructure. Maintaining the service boundary of OLWS through Authority formation will ensure that those economic benefits continue.

The County's comprehensive plan acknowledges the important economic benefit that properly planning for public facilities brings, recognizing that a failure to properly plan for public facilities may result in unnecessary environmental degradation, and greater, unnecessary financial costs, if services are not properly designed. The County's planning and design of public services adopted through its comprehensive plan includes the assumption that OLWS will be providing a certain type and level of public services to areas within the County. The County's

comprehensive plan and Sewerage Facilities Master Plan, in particular, rely on OLWS operating, planning, and regulating services systems at the level anticipated in the County's planning processes. Forming an Authority will ensure the fiscal viability of the capital projects, services, and infrastructure planned and required for OLWS to continue operating at the level assumed in the County plans.

There are also significant economic benefits to the ratepayers of OLWS in forming an Authority. OLWS establishes its service rates based on the cost of providing that service. Maintaining the long-term viability of public facilities and capital assets is important in order for OLWS to continue providing cost-effective, reliable service. As one example of how forming an Authority would benefit ratepayers, at the end of Fiscal Year 2020-2021, the OLWS debt service balance for bonds secured with wastewater revenues was \$3.4 million. That payment is currently distributed over 7,522 wastewater customer accounts. In an approximate calculation, the cost for that debt service balance for each equivalent dwelling unit is \$250 per year, or \$21 per month. The current wastewater rate is set to cover that debt balance, as the cost is distributed across all ratepayers. Forming an Authority would fix the boundary for OLWS, and therefore keep the utility rate established based on the current number of accounts. If OLWS were to remain a consolidated water and sanitary district, there is some risk that its boundaries would be subject to withdrawal or annexation, which could reduce the number of customer accounts paying the debt service balance and would spread the debt service cost over a fewer number of customer accounts, leading to an increase in economic payments by each customer. A wider customer base spreads out the cost of debt service to the advantage of all ratepayers. Finally, as an Authority, OLWS will most likely be in a position to obtain more favorable bond rates. This is because consistent, reliable revenue streams from a secure customer base that would result from Authority formation is likely to result in a more favorable bond position.

Based on the foregoing, the County Board finds that forming the OLWS Authority would promote the timely, orderly, and economic provision of public facilities and services.

#### **H. Metro Code 3.09.045(D)(2)(b) - Affect the quality and quantity of urban services.**

##### ***Proposed Findings:***

Forming the Authority will maintain the quality and quantity of urban services currently provided by OLWS. The urban services that are affected by this formation are water, sanitary sewer, and watershed protection. The County Board participated in the process for consolidating a water district and separate sanitary district into the existing Oak Lodge Water Services District. As part of that 2016 consolidation, the County Board found that there would be increased efficiencies and economies of scale, as well as management efficiencies that would be available as a result of the consolidation. Combining the boundary provided those efficiencies. The Authority will maintain and fix those boundaries and will therefore maintain the efficiencies of the consolidation, which the County Board already found existed. In addition, the increased certainty of long-term assets and resources and reliability of customer accounts will allow opportunities for more efficient urban services to be provided, which is something that the OLWS Authority would pursue by maintaining and improving its intergovernmental agreements for urban services.

Based on the foregoing, the County Board finds that forming the OLWS Authority will have a beneficial effect on the quality and quantity of urban services.

**I. Metro Code 3.09.045(D)(2)(c) - Eliminate or avoid unnecessary duplication of facilities or services.**

***Proposed Findings:***

Forming the Authority will eliminate or avoid the unnecessary duplication of facilities and services. The Authority will have a boundary identical to OLWS's current boundary. As part of this proposal, the OLWS District will be dissolved, and all facilities and services belonging to the District will come under the ownership and control of the Authority. The OLWS District's assets, obligations, and employees would transfer to the new Authority. For this reason, there will be no duplication of facilities or services between the existing District and the new Authority, once the District is dissolved and the Authority is in operation. There may be some administrative duplicities for a short period of time in the transition period while there are remaining duties or obligations of the District prior to dissolution, but those administrative duplicities are anticipated to be nominal, and to end upon formal dissolution of the District.

The greater benefit to forming the Authority is in the avoidance of duplicate services or facilities among service providers. OLWS currently serves properties inside the cities of Milwaukie and Gladstone because it is more economic for those service providers and customers, and it avoids a need for those cities to make expensive investments in their infrastructure. Without the certainty of the Authority boundaries, in an event of annexation or incorporation, it is uncertain whether and how those assets could be divided among the annexing or incorporating entity and OLWS. In the event of withdrawal of territory from OLWS, it is possible that the jurisdictions receiving the territory in that withdrawal would need to build redundant infrastructure and systems. The Authority would create stability and would remain to serve the whole area.

**2. Metro Code 3.09.050(D) – Mandatory Considerations**

In addition to the criteria in Metro Code 3.09.045(D), the Metro Code requires that the following information be included in the published report. These are considerations that the County Board must use to make a determination on Authority formation.

**A. Metro Code 3.09.050(B)(1) - The extent to which urban services are available to serve the territory affected by the Authority formation. “Urban services” for this purpose means sanitary sewer, water, fire protection, parks, open space, recreation, streets, roads, and mass transit. Metro Code 3.09.050.**

This area of the County is fully planned, and all urban services are provided. OLWS has intergovernmental agreements with multiple entities with overlapping and adjacent territories, and those agreements would be assigned and assumed by the Authority. Formation of the Authority will not have an effect on any of those existing urban services, other than water and sewer services, which would be provided in the exact same manner as is

currently provided. The extent to which other urban services are provided are identified earlier in this Authority Formation Packet.

**B. Metro Code 3.09.050(B)(2) - Whether the proposed Authority formation will result in the withdrawal of territory from the legal boundaries of any necessary party. Metro Code 3.09.050.**

Forming the Authority will not result in the withdrawal of territory from the legal boundaries of any necessary party. The “necessary parties” for this proposal would include the County, and any special district providing any urban service to any portion of the proposed Authority territory. No withdrawal of territory from any of these necessary parties is anticipated from the Authority formation.

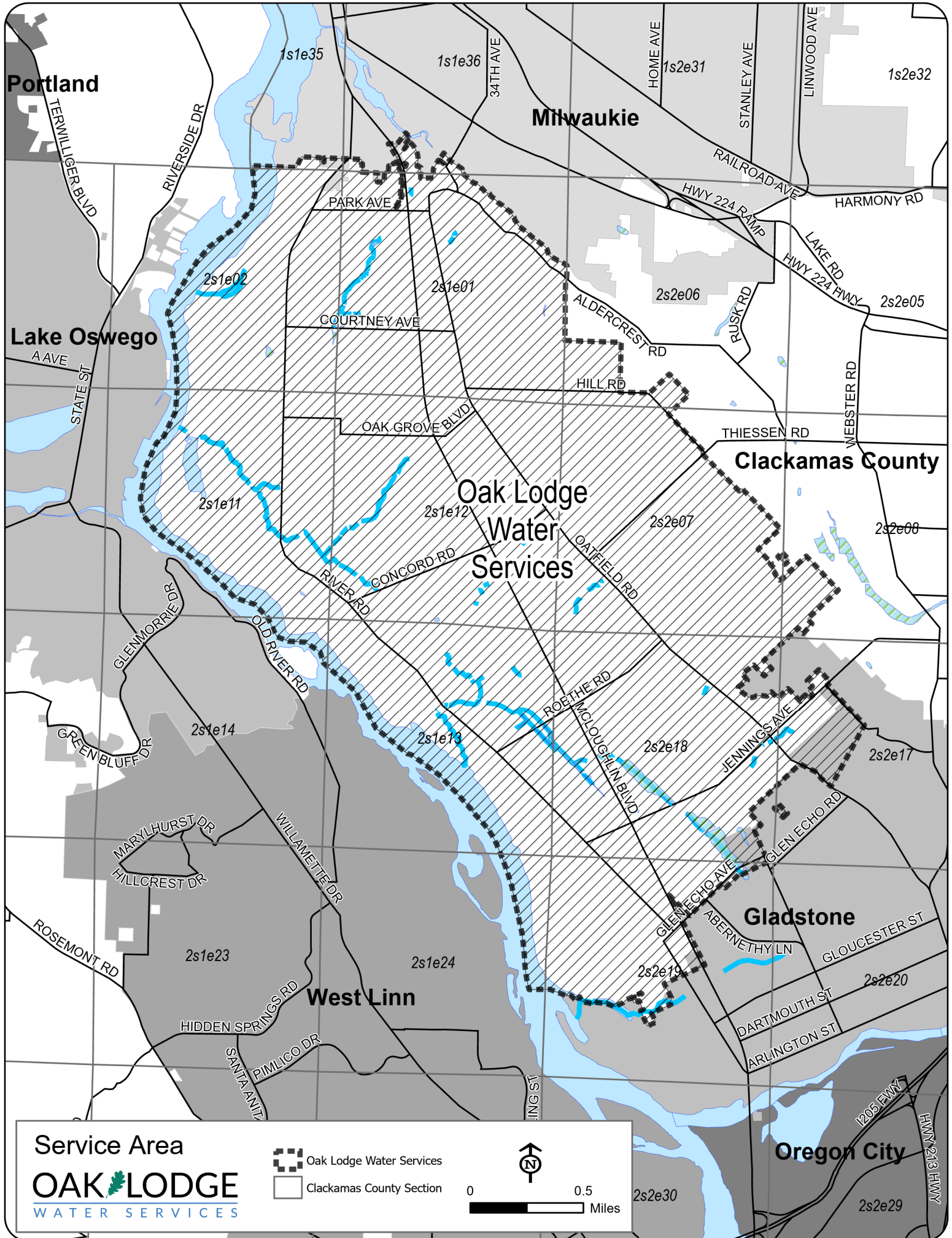
**C. Metro Code 3.09.050(B)(3) - The proposed effective date of the Authority formation. Metro Code 3.09.050.**

The proposed effective date of the Authority is July 1, 2022.



# **EXHIBIT B**

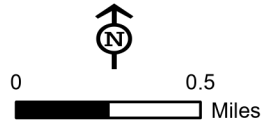
## **Map and legal description**





Service Area  
**OAK LODGE**  
 WATER SERVICES

 Oak Lodge Water Services  
 Clackamas County Section



2s2e30

2s2e29

## 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  $57^{\circ} 47' 48''$  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  $29^{\circ} 41'$  West along the Northwesterly line of said Reich Tract, 192.54 feet to the most Westerly corner of said Reich Tract;
7. Thence South  $53^{\circ} 08'$  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  $52^{\circ} 55'$  West along the Northerly line of said FILBERT KNOLL, 180.67 feet to the most Northerly corner of said FILBERT KNOLL;
10. Thence South  $28^{\circ} 13'$  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  $1^{\circ} 00'$  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.

**From:** [Bays, Chanin](#)  
**To:** [BCCMail](#)  
**Subject:** Fwd: OLWS  
**Date:** Thursday, April 14, 2022 6:05:49 AM

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Sent from my iPhone

Begin forwarded message:

**From:** Rich Nepon <[richnepon@gmail.com](mailto:richnepon@gmail.com)>  
**Date:** April 13, 2022 at 10:30:18 PM PDT  
**To:** "Bays, Chanin" <[CBays@clackamas.us](mailto:CBays@clackamas.us)>  
**Subject:** OLWS

Warning: External email. Be cautious opening attachments and links.

I intend to attend tomorrow's meet at 10am, but in case I don't here is what I would say:

I am in favor of the OLWS becoming an authority. I believe this will protect myself and others from the possibility of losing rate payers but retaining the debt and expenses resulting in an increase in cost to each customer.

I believe the OLWS has been well run, and well managed. I don't foresee any change to that resulting from a change to an authority.

Rich Nepon  
3463 SE McCartney Ln  
Oak Grove OR97267

Sent from Rich's iPhone

**From:** [michael swyter](#)  
**To:** [BCCMail](#)  
**Subject:** OLWS  
**Date:** Wednesday, April 13, 2022 11:23:54 AM

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**Warning: External email. Be cautious opening attachments and links.**

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Thank you Commissioners for holding this hearing, and hopefully approving the request from OLWS to become an authority.

I would again like to thank the Board of OLWS for the efforts they've made to communicate with the ratepayers-it's been an outstanding effort, and a model for public outreach.

This request should be approved-it has been well thought out, protects ratepayers, and positions the Service District well for the future of the community.

Thank you again,  
Mike Swyter



**From:** [Palmer Kellum](#)  
**To:** [BCCMail](#)  
**Subject:** OLWS  
**Date:** Wednesday, April 13, 2022 9:50:51 AM

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Warning: External email. Be cautious opening attachments and links.

My name is Palmer Kellum. I was born in Oregon City in 1951. My family has lived in what is now called The Oak Lodge Water Services area since 1956.

I am writing in support of Oak Lodge Water Services reorganizing as a Joint Water & Sanitary Authority.

I have followed this process since it was first started to be discussed in our area.

I think the OLWS district has done a good job over the years providing services to our area. I am particularly proud of the fact that we own our own sewage treatment plant. Something that is not common to a lot of cities in our area, let alone an incorporated area of a county.

I agree that we have now come to crossroads where we need to evolve into an “Authority” in order to efficiently provide services to our customers. Simply put, there is no way for Oak Lodge to effectively plan for the future without securing our service area. If we don’t know who and how many customers we are planning for, there is no way to make effective plans for the future.

I respectfully request that the Board of County Commissioners approve of Oak Lodge’s efforts to evolve into a Joint Water and Sanitary Authority.

Sincerely,  
Palmer Kellum

Sent from my iPad

**From:** [Leslie Shirk](#)  
**To:** [BCCMail](#)  
**Subject:** Support for Authority for OLWS  
**Date:** Monday, April 11, 2022 7:49:24 AM

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**Warning: External email. Be cautious opening attachments and links.**

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Dear Clackamas County Board of Commissioners,  
Please grant the Oak Lodge Water Services the designation of Authority that they are seeking, as being in the best interests of the residents of their service area. I support this change and encourage your yes vote.  
Respectfully,  
Leslie Shirk, Oak Lodge Water Services Customer

**From:** [Elvis Clark](#)  
**To:** [BCCMail](#)  
**Subject:** To the Board of County Commissioners...re: Oak Lodge Water Authority  
**Date:** Wednesday, April 13, 2022 9:18:51 AM

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**Warning: External email. Be cautious opening attachments and links.**

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To: Commissioners Fischer, Savas, Schrader, Shull and Chair Smith

I support moving forward with conducting a final public hearing on the matter of helping transition Oak Lodge Water Services District to an Authority.

Sincerely,

Elvis Clark  
Milwaukie Oregon 97222

Sent from Yahoo Mail. [Get the app](#)