



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING
 2051 KAEN ROAD OREGON CITY, OR 97045

April 4, 2019

Board of County Commissioners
 Clackamas County

Members of the Board:

Approval of a Board Order for Boundary Change Proposal CL 17-015
Annexation to Tri-City County Service District

Stephen L. Madkour
 County Counsel

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

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
Contact Person	Ken Martin, Boundary Change Consultant - 503 222-0955 Nate Boderman, Assistant County Counsel
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 county service district and Tri-City County Service District is such a district.

Proposal No. CL 17-015 is a proposed annexation to Tri-City County Service District ("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 Oregon City 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 southern part of the District. The territory contains 0.96 acres, 3 single family dwellings, a population of 6 and is valued at \$347,533.

REASON FOR ANNEXATION

The property owners desired sewer service for one single family dwelling with a failed septic system. To acquire sewer service from the City's existing sewer line in South End Road the owners were required to annex to the City. Under the agreement between the City and Tri-City County Service District once the City annexation was complete, annexation to the District was required.

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."

Tri-City County Service District and the City of Oregon City do have an agreement calling for the District to be the provider sewage treatment and transmission for the City. The District has entered into an agreement with the Surface Water Management Agency of Clackamas County and Clackamas County Service District # 1 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 will receive sewerage treatment and transmission from WES under such agreement. Local sewerage collection will continue to be provided by the City.

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 party¹; 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

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

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 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 (major transmission and treatment) by Water Environment Services pursuant to that certain ORS 190 Partnership entered into by the District with Clackamas County Service District # 1 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-17-015, annexation to Tri-City County Service District.

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 17-015



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 Tri-City County Service District; 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 a public hearing on April 4, 2019 and that a decision of approval was made on April 4, 2019;

NOW, THEREFORE IT IS HEREBY ORDERED that Boundary Change Proposal No. CL 17-015 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 Tri-City County Service District as of April 4, 2019.

DATED this 4th day of April, 2019.

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 0.96 acres, 3 single family dwellings, a population of 6 and is valued at \$347,533.
2. The property owners desired sewer service for one single family dwelling with a failed septic system. To acquire sewer service from the City's existing sewer line in South End Road the owners were required to annex to the City. Under the agreement between the City and Tri-City County Service District once the City annexation was complete, annexation to the District was required.
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."

Tri-City County Service District and the City of Oregon City do have an agreement calling for the District to be the provider sewage treatment and transmission for the City. The District has entered into an agreement with the Surface Water Management Agency of Clackamas County and Clackamas County Service District # 1 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 will receive sewerage treatment and transmission from WES under such agreement. Local sewerage collection will continue to be provided by the City.

4. 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 party¹; 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 is immediately upon adoption.

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

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

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 & 8. No concept plans cover this area.

5. 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 Oregon City and has a planning designation of MD – Medium Density Residential. Upon annexation to the City the property owner chose to retain the County’s FU-10 zoning on the site.
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. The property is served from the City’s 8-inch sewer line in South End Road. WES, as the service provider for the District, will provide major transmission and treatment of the sewerage.
11. The territory is with Clackamas River Water but is currently served by an on-site well.
12. The area receives police service from the City of Oregon City.
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 Oregon City.

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 4 & 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 City and the District have agreed which entity will provide which aspects of sewer service to the area.
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 Oregon City 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
 12955 SW Herman Road, Suite 100, Tualatin, OR 97062
 P: (503) 563-6151 F: (503) 563-6152

AKS Job #3062

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

EXHIBIT B

Annexation Description

A portion of the Samuel Pomeroy Donation Land Claim No. 39, located in the Northwest One-Quarter of Section 12, Township 3 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Commencing at the northeast corner of the Milton Brown Donation Land Claim No. 38, also being on the southerly line of the plat "Sunnyridge Acres No. 3", Plat No. 1731, Clackamas County Plat Records; thence along said southerly line, South 74°00'00" East 148.03 feet to the northwesterly corner of Document Number 2015-081437, Clackamas County Deed Records, and the Point of Beginning; thence continuing along said southerly line, South 74°00'00" East 197.15 feet to the northwesterly corner of Document Number 82-15019, Clackamas County Deed Records; thence along the northwesterly line of said deed, South 44°18'00" West 160.00 feet to the most westerly corner of said deed; thence along the southwesterly line of said deed, South 53°56'00" East 284.18 feet to the northwesterly right-of-way line of S South End Road (30.00 feet from centerline), also being on the City of Oregon City city limits line; thence along said northwesterly right-of-way line and said city limits line, South 44°18'00" West 21.81 feet to the northeasterly corner of Document Number 2009-023044, Clackamas County Deed Records; thence along the northeasterly line of said deed, North 61°22'00" West 417.76 feet to the most westerly corner of said Document Number 2015-081437; thence along the northwesterly line of said deed, North 26°09'00" East 168.86 feet to the Point of Beginning.

The above described tract of land contains 41,197 square feet, more or less.

9/12/2018

REGISTERED
PROFESSIONAL
LAND SURVEYOR

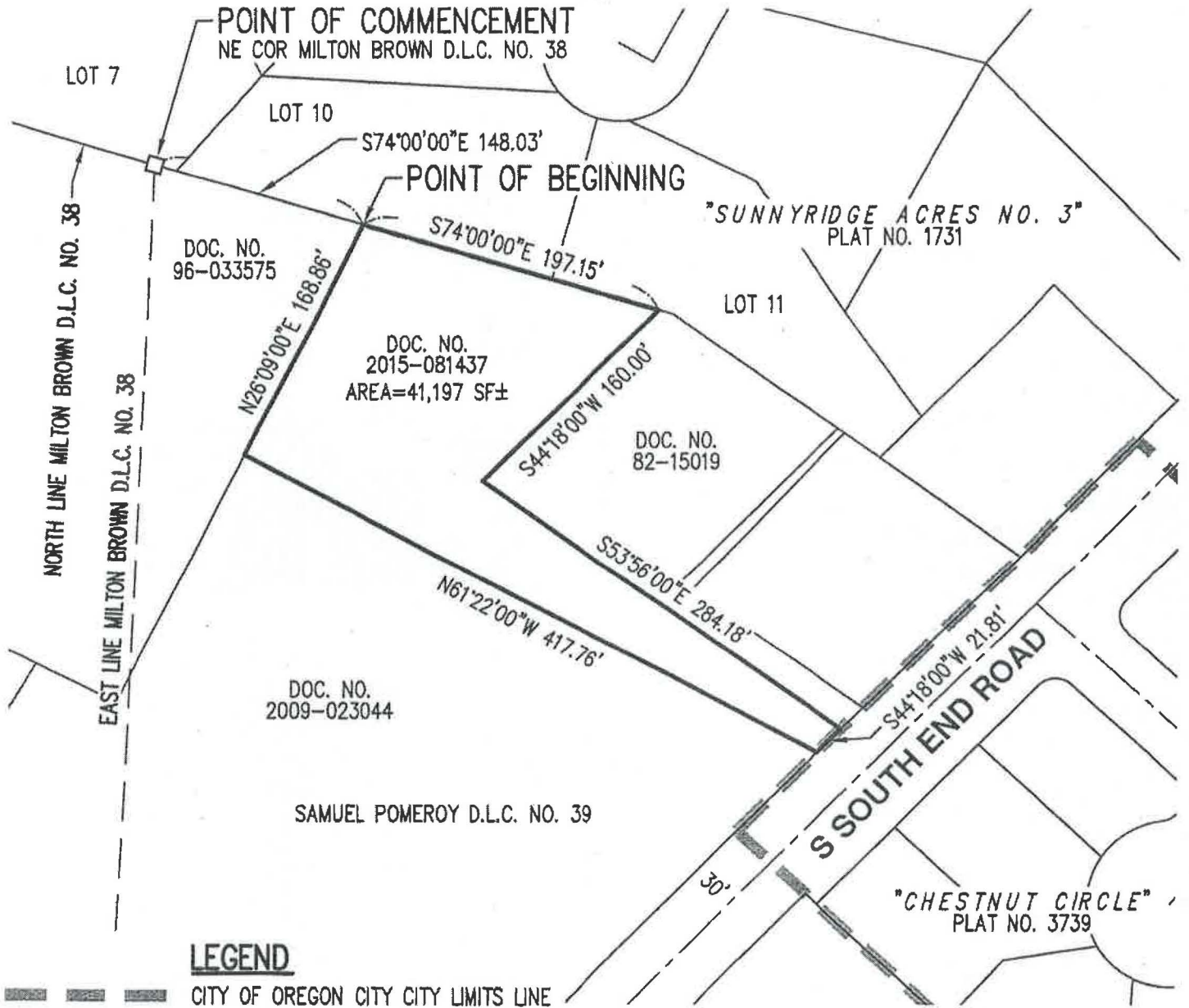
Nick White

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/20

EXHIBIT C

A PORTION OF THE SAMUEL POMEROY DONATION LAND CLAIM NO. 39,
LOCATED IN THE NORTHWEST 1/4 OF SECTION 12,
TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN,
CLACKAMAS COUNTY, OREGON



LEGEND

--- CITY OF OREGON CITY CITY LIMITS LINE

9/12/2018

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nick White

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/20

PREPARED FOR

CITY OF OREGON CITY
221 MOLALLA AVENUE, SUITE 200
OREGON CITY, OR 97045

SCALE: 1"=100 FEET



CITY OF OREGON CITY ANNEXATION
(ORD. #18-1011 AN 18-0001)

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
A

DRWN: WCB
CHKD: NSW

AKS JOB:
3062



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING

2051 KAEN ROAD OREGON CITY, OR 97045

April 4, 2019

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of a Board Order for Boundary Change Proposal CL 17-018
Annexation to Sunrise Water Authority

Stephen L. Madkour
County Counsel

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

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
Contact Person	Ken Martin, Boundary Change Consultant - 503 222-0955 Nate Boderman, Assistant County Counsel
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 water authority and Sunrise Water Authority is such a district.

Proposal No. CL 17-018 is a proposed annexation to Sunrise Water Authority ("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.

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 central part of the District. The territory contains 3.42 acres, is vacant and is valued at \$189,371.

REASON FOR ANNEXATION

The property owners desire water service for an 18-lot subdivision proposed for 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 party¹; 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;

¹ 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 County Comprehensive Plan as stated in the findings attached. 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.

RECOMMENDATION:

Based on the attached Order and Findings, Staff recommends approval of Proposal No. CL-17-018, annexation to Sunrise Water Authority.

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 17-018



Board Order No. _____

Whereas, this matter coming before the Board at this time, and it appearing that all of the owners of the land in the territory to be annexed have petitioned to annex the territory to Sunrise Water Authority; 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 a public hearing on April 4, 2019 and that a decision of approval was made on April 4, 2019;

NOW, THEREFORE IT IS HEREBY ORDERED that Boundary Change Proposal No. CL 17-018 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 Sunrise Water Authority as of April 4, 2019.

DATED this 4th day of April, 2019.

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 3.42 acres, is vacant and is valued at \$189,371.
2. The property owners desire water service for an 18-lot subdivision proposed for the site.
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.”

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 party¹; 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 is immediately upon adoption.

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;

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

- (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 County Comprehensive Plan as stated in Finding No. 6. No concept plans cover this area.

- 4. 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.
- 5. 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.

- 6. The PUBLIC FACILITIES AND SERVICES Element of the County Comprehensive Plan contains the following Goal:

POLICIES

Water

* * *

- 15.0 Require water purveyors in urban areas to coordinate the extension of water services with other key facilities, i.e., transportation, sanitary sewers, and storm drainage facilities, necessary to serve additional lands.

The County planning designation is Low Density Residential and the area is zoned R-7.

7. 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.
8. This property is within Clackamas County Service District # 1. WES, as the service provider for that district, has a 12 inch sewer line in Highway 224 on the west edge of the property and an 8 inch sewer line in SE Tallina.
9. The Sunrise Water Authority has a 12 inch water line in Highway 224 on the west edge of the property and an 8 inch water line in Tallina on the east side of the property.
10. The area receives police service 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 County Service District for sanitary sewers.

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 3 & 7 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 area is served by the Sunrise Water Authority and no other entity has the capability of serving this site.
3. ORS 198 requires consideration of the comprehensive plan and any service agreements

affecting the area. The Board has reviewed the applicable comprehensive plan (Clackamas County's Comprehensive Plan) and concludes this proposal complies with it. 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 has service available to the area to be annexed as noted in Finding No. 9. 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.



CENTERLINE CONCEPTS
 LAND SURVEYING, INC.

19376 Molalla Avenue, Ste. 120, Oregon City, OR 97045
 P. 503-650-0188 F. 503-650-0189

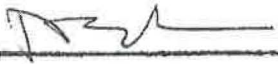
Exhibit "B"
Annexation
Legal Description

Parcel 1, Partition Plat No. 2005-101, Plat Records of Clackamas County, and a portion of Oregon State Highway 224, located in the Northeast one-quarter of Section 13, Township 2 South, Range 2 East of the Willamette Meridian, County of Clackamas, State of Oregon, being more particularly described as follows:

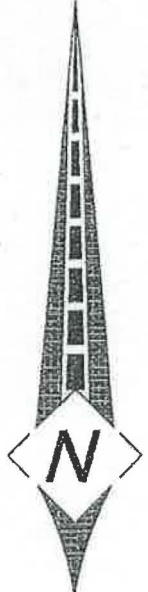
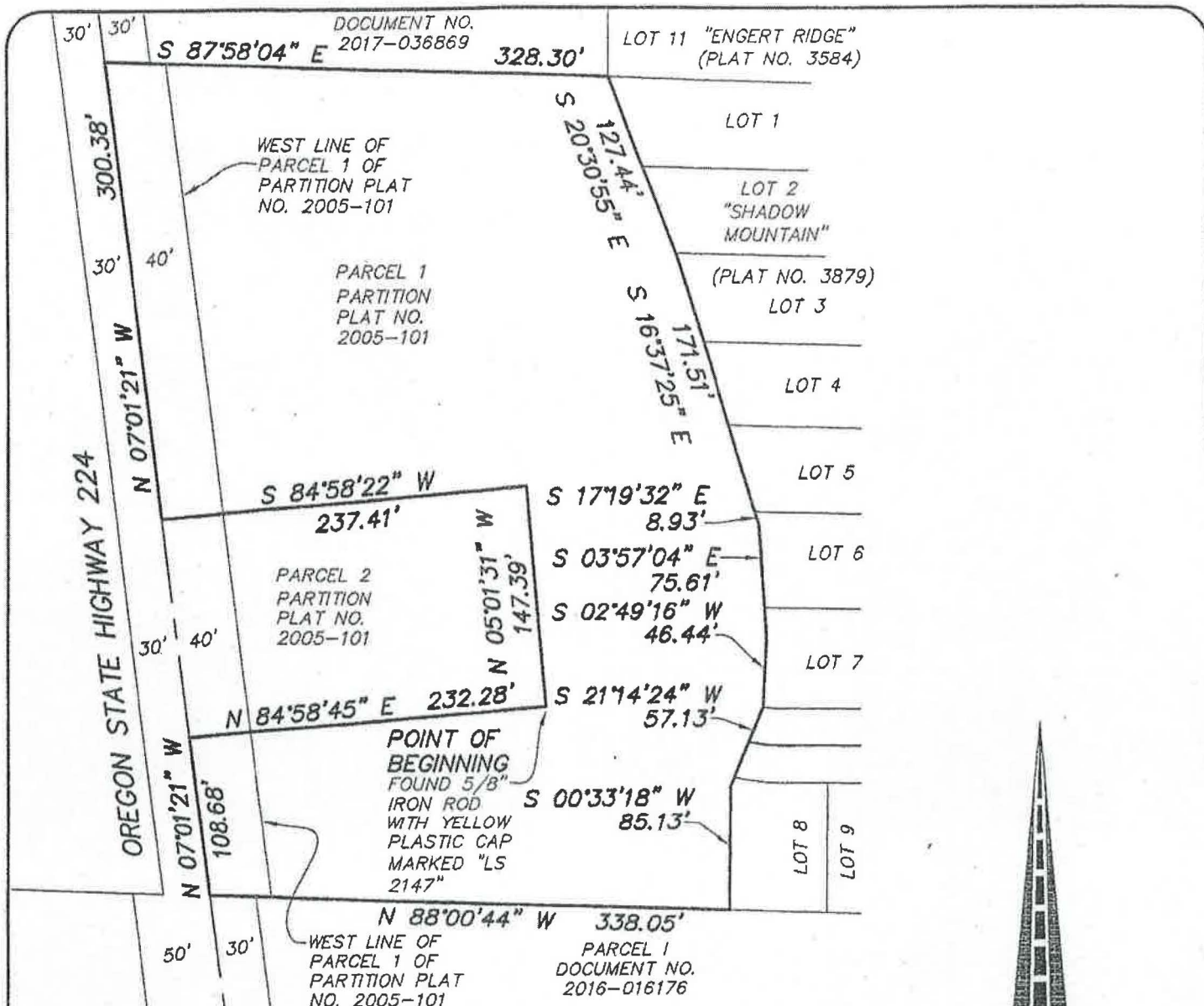
BEGINNING at a 5/8" iron rod with a yellow plastic cap marked "LS 2147" found at the southeast corner of Parcel 2 of Partition Plat No. 2005-101, Clackamas County Plat Records; thence along the east line of Parcel 2 of said Partition Plat No. 2005-101, North 05°01'31" West, 147.39 feet to the northeast corner thereof; thence along the north line of said Parcel 2, and continuing along the westerly extension thereof, South 84°58'22" West, 237.41 feet to the centerline of Oregon State Highway 224, being 30.00 feet east of the west right of way line thereof when measured at right angles; thence along said centerline of Oregon State Highway 224, North 07°01'21" West, 300.38 feet to the intersection of said centerline with the westerly extension of the north line of Parcel 1 of said Partition Plat No. 2005-101; thence along said westerly extension, and continuing along the south line of that Tract of land described in Deed recorded as Document No. 2017-036869, Clackamas County Deed Records, being coincident with the north line of said Parcel 1, South 87°58'04" East, 328.30 feet to the southwest corner of Lot 11, "Engert Ridge" (Plat No. 3584), Clackamas County Plat Records; thence along the following seven courses along the west line of the plat of "Shadow Mountain", Plat No. 3879, Clackamas County Plat Records: South 20°30'55" East, 127.44 feet; thence South 16°37'25" East, 171.51 feet; thence South 17°19'32" East, 8.93 feet; thence South 03°57'04" East, 75.61 feet; thence South 02°49'16" West, 46.44 feet; thence South 21°14'24" West, 57.13 feet; thence South 00°33'18" West, 85.13 feet to the southwest corner of Lot 8 of said "Shadow Mountain"; thence along the north line of that Tract of land described as Parcel 1 in Deed recorded as Document No. 2016-016176, Clackamas County Deed Records, being coincident with the south line of said Partition Plat No. 2005-101, and continuing along westerly extension thereof, North 88°00'44" West, 338.05 feet to said centerline of Oregon State Highway 224, being 30.00 feet east of the west right of way line thereof, when measured at right angles; thence along said centerline, North 07°01'21" West, 108.68 feet to the intersection of said centerline with the westerly extension of the south line of said Parcel 2 of said Partition Plat No. 2005-101; thence along said westerly extension of the south line of said Parcel 2, and continuing along the south line of said Parcel 2, North 84°58'45" East, 232.28 feet to the **POINT OF BEGINNING**.

Containing 165,345 square feet, or 3.796 acres.

27 NOV 13


**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**
**OREGON
 JULY 13, 2004
 TOBY G. BOLDEN
 60377LS**

RENEWS: 31 DEC 19



SIGNED ON: 02 Jan 19

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

OREGON
JULY 13, 2004
TOBY G. BOLDEN
60377LS

RENEWS: DECEMBER 31, 2019

CLIENT: TALIESIN HOMES
ORIG. DATE: 11-26-18
DRAWN BY: RLC
SHEET No. 1 OF 1

EXHIBIT 'C'
ANNEX TO SUNRISE WATER AUTHORITY
NE 1/4 SEC 13, T2S, R2E, WM, CLACKAMAS COUNTY, OREGON
SCALE: 1"=100'

**CENTERLINE CONCEPTS
LAND SURVEYING, INC.**
19378 MOLALLA AVE., SUITE 120
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING
 2051 KAEN ROAD OREGON CITY, OR 97045

April 4, 2019

Board of County Commissioners
 Clackamas County

Members of the Board:

Approval of a Board Order for Boundary Change Proposal CL 18-013
Annexation to Clackamas County Service District No. 1

Stephen L. Madkour
 County Counsel

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

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
Contact Person	Ken Martin, Boundary Change Consultant - 503 222-0955 Nate Boderman, Assistant County Counsel
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 county service district and Clackamas County Service District No. 1 is such a district.

Proposal No. CL 18-013 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 central part of the District. The territory contains 9.67 acres, one single family dwelling and is valued at \$672,760.

REASON FOR ANNEXATION

The property owners desire sewer service for eventual single-family development within the City of Happy Valley.

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."

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 party¹; 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:

¹ 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 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.

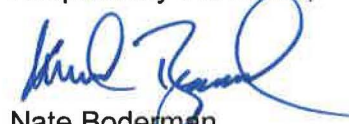
There are no cooperative agreements, urban service agreements or annexation plans specifically adopted pursuant to ORS 195 in effect in this area. The proposal is consistent with the Comprehensive Plans as stated in the findings attached in the proposed order. No concept plans cover this area.

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-18-038, annexation to Clackamas County Service District No. 1.

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 18-013



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 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 a public hearing on April 4, 2019 and that a decision of approval was made on April 4, 2019;

NOW, THEREFORE IT IS HEREBY ORDERED that Boundary Change Proposal No. CL 18-013 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 April 4, 2019.

DATED this 4th day of April, 2019.

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 9.67 acres, one single family dwelling and is valued at \$672,760.
2. The property owners desire sewer service for eventual single-family development within the City of Happy Valley.
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.”

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.

4. 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 party¹; 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 is immediately upon adoption.

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

- (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 Plans as stated in Findings 7 & 8. No concept plans cover this area.

5. 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 R-20.
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 Ridgecrest Court on the east and in Mt Scott Blvd. on the west.
11. The territory is within the Sunrise Water Authority which has water lines available to serve the site.
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 either the City of Happy Valley or North Clackamas Parks and Recreation District.

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 4 & 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 #4232

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

EXHIBIT B

Clackamas County Service District No. 1 Annexation Description

A tract of land, and a portion of right-of-way, located in the Northwest One-Quarter of Section 26 and in the Northeast One-Quarter of Section 27, Township 1 South, Range 2 East, Willamette Meridian, City of Happy Valley, Clackamas County, Oregon, and being more particularly described as follows:

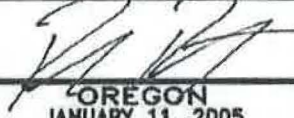
Beginning at the southwesterly corner of Lot 11 of the plat "Scott Crest East No. 4", Plat No. 1798, Clackamas County Plat Records, also being on the easterly line of Document Number 85-40749, Clackamas County Deed Records (CCDR); thence along said easterly line, South 01°19'50" West 50.00 feet to the northeasterly corner of Parcel 2 of Document Number 2017-075231, CCDR and the Point of Beginning; thence along the easterly line of said Parcel 2, South 01°19'50" West 85.42 feet to the northerly northwesterly corner of Parcel I of Document 2016-080757, CCDR, and the Clackamas County Service District No. 1 (CCSD#1) limits line; thence along the northwesterly line of said Parcel I and said CCSD#1 limits line, South 49°48'38" West 150.94 feet; thence continuing along said northwesterly line and said CCSD#1 limits line, South 47°02'11" West 194.20 feet to the westerly northwesterly corner of said Parcel I; thence along the westerly line of said Parcel I and said CCSD#1 limits line, South 01°20'06" West 25.00 feet to the southwesterly corner of said Parcel I; thence along the southerly line of said Parcel I and said CCSD#1 limits line, South 89°20'10" East 60.21 feet to the northwesterly corner of Parcel 3 of Document Number 2017-075231, CCDR; thence along the westerly line of said Parcel 3 and said CCSD#1 limits line, South 00°40'44" West 141.11 feet to the southwesterly corner of said Parcel 3, also being on the northerly line of Document Number 2005-019111, CCDR; thence along said northerly line and the northerly line of Document Number 2015-054766 and said CCSD#1 limits line, North 89°19'01" West 223.23 feet to the northwesterly corner of said Document Number 2015-054766; thence along the westerly line of said deed and said CCSD#1 limits line, South 00°54'07" West 78.17 feet to the northeasterly corner of Document Number 2007-013393, CCDR; thence along the northerly line of said deed and the northerly line of Document Number 2018-006971, CCDR, and said CCSD#1 limits line, North 89°11'05" West 178.27 feet to the southerly southwesterly corner of Parcel I of Document Number 2017-075231, CCDR; thence along the southerly westerly line of said Parcel I, North 00°32'45" West 142.38 feet to the centerline of a Public Road per Book 538, Page 370, CCDR; thence along said centerline and said CCSD#1 limits line, North 87°31'14" West 444.38 feet to the easterly right-of-way of Mt. Scott Boulevard (30.00 feet from centerline); thence leaving said CCSD#1 limits line along said easterly right-of-way line, North 19°30'31" West 16.18 feet to the southwesterly corner of Document Number 92-24710, CCDR, also being on the northerly right-of-way line of said Public Road per Book 538, Page 370 (15.00 feet from centerline); thence along said northerly right-of-way line, South 87°31'14" East 152.13 feet to the southeasterly corner of Document Number 2014-054402, CCDR; thence along the easterly line of said deed, North 04°22'56" East 586.14 feet to the northwesterly corner of Parcel I of Document Number 2017-075231, CCDR; thence along the northerly line of said Parcel I, South 88°28'10" East 314.69 feet to the northerly northeasterly corner of said Parcel I, also being on the westerly line of Document Number 85-40749, CCDR; thence along said westerly

line, South 01°13'54" West 183.01 feet to the southwesterly corner of said deed; thence along the southerly line of said deed, South 89°07'11" East 547.53 feet to the Point of Beginning.

The above described tract of land contains 9.67 acres, more or less.

12/3/2018

REGISTERED
PROFESSIONAL
LAND SURVEYOR

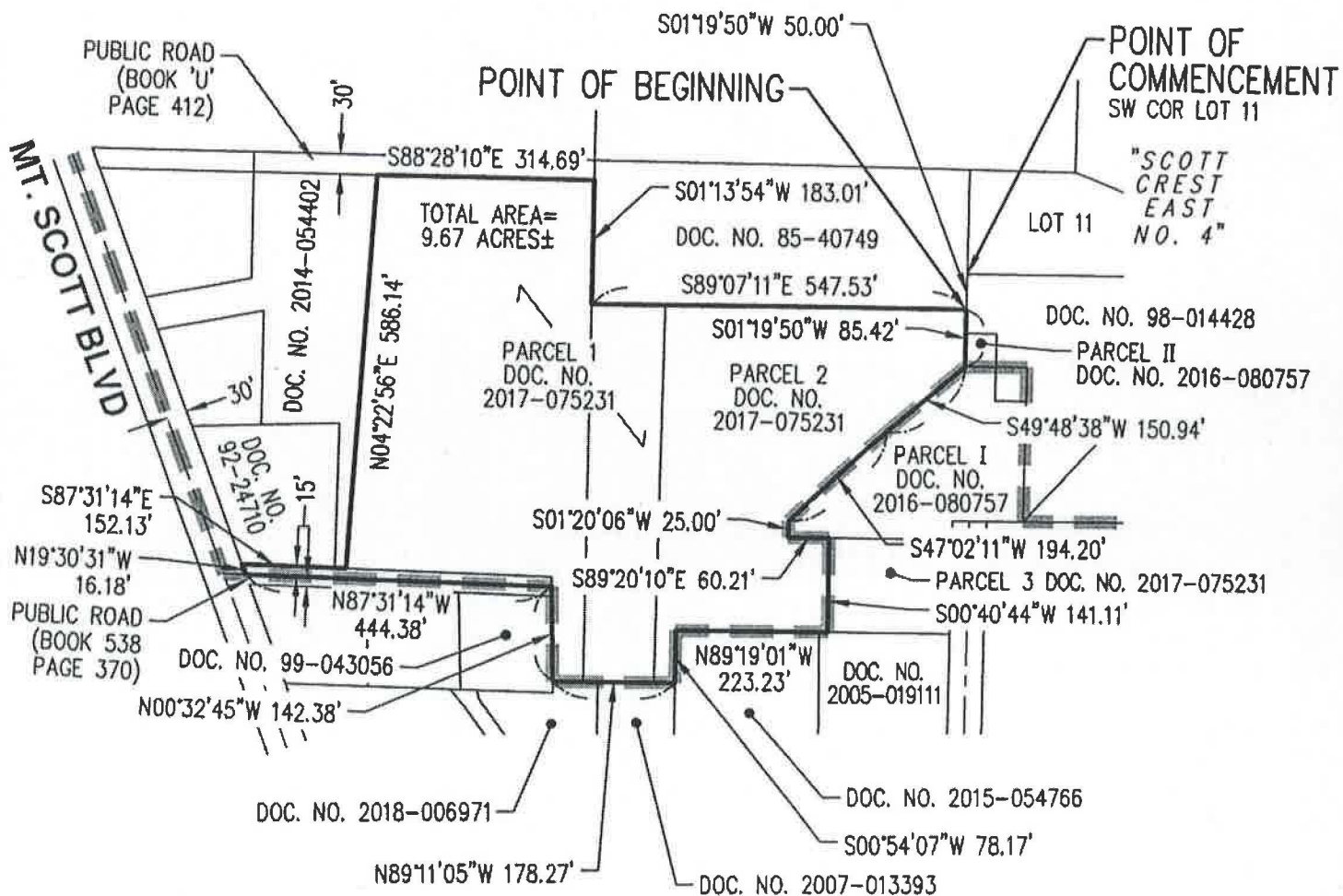


OREGON
JANUARY 11, 2005
ROBERT D. RETTIG
60124LS

RENEWS: 12/31/18

EXHIBIT C

A TRACT OF LAND, AND A PORTION OF RIGHT-OF-WAY,
 LOCATED IN THE NORTHWEST 1/4 OF SECTION 26 AND
 IN THE NORTHEAST 1/4 OF SECTION 27,
 TOWNSHIP 1 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN,
 CITY OF HAPPY VALLEY, CLACKAMAS COUNTY, OREGON



LEGEND

CLACKAMAS COUNTY SERVICE DISTRICT NO. 1 LIMITS LINE

12/3/2018

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

[Signature]

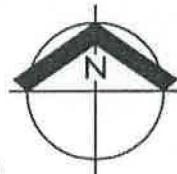
OREGON
 JANUARY 11, 2005
 ROBERT D. RETTIG
 60124LS

RENEWS: 12/31/20

PREPARED FOR

RIDGECREST RUSH, LLC
 10117 SUNNYSIDE ROAD, #F1110
 CLACKAMAS, OR 97015

SCALE: 1" = 250 FEET



CCSD#1 ANNEXATION

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: RDR
 AKS JOB:
 4232



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING
 2051 KAEN ROAD OREGON CITY, OR 97045

April 4, 2019

Board of County Commissioners
 Clackamas County

Members of the Board:

Approval of a Board Order for Boundary Change Proposal CL 18-014
Annexation to Clackamas River Water

Stephen L. Madkour
 County Counsel

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

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
Contact Person	Ken Martin, Boundary Change Consultant - 503 222-0955 Nate Boderman, Assistant County Counsel
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 18-014 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 southern part of the District. The territory contains 27.61 acres, 2 single family units, 1 commercial structure, 57 agricultural structures, a population of 4 and is valued at \$1,176,262.

REASON FOR ANNEXATION

The property owners desire water service for the existing nursery and house.

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-18-014, annexation to Clackamas River Water.

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-18-014



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 April 4, 2019 and that a decision of approval was made on April 4, 2019;

NOW, THEREFORE IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-18-014 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.

DATED this 4th day of April, 2019.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

FINDINGS

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

1. The territory contains 27.61 acres, 2 single family units, 1 commercial structure, 57 agricultural structures, a population of 4 and is valued at \$1,176,262.
2. The property owners desire water service for the existing nursery and house.
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 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 (TL 902) and Rural (TL 1202) on the Clackamas County Non-urban Area Land Use Plan Map (IV-7). TL 902 is zoned EFU, Exclusive Farm Use and TL 1202 is zoned FF Farm Forest, 10 acre minimum.

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 12-inch water line in Ferguson 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.

LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED
PAGE 2 OF 2

TRACT 2:

A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF THE AFOREMENTIONED SOUTH FERGUSON ROAD WITH THE NORTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, T. 3 S., R. 2 E., W.M.; THENCE ALONG SAID NORTH LINE WEST 640 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, T. 3 S., R. 2 E., W.M.; THENCE SOUTH 265 FEET; THENCE PARALLEL WITH THE NORTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, T. 3 S., R. 2 E., W.M., EAST 640 FEET TO THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF SOUTH FERGUSON ROAD; THENCE ALONG SAID WEST RIGHT OF WAY LINE NORTH 265 FEET TO THE POINT OF BEGINNING.

TRACT 3:

PARCEL 3, PARTITION PLAT NO. 1991-168, CLACKAMAS COUNTY PLAT RECORDS.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**



**OREGON
JULY 14, 1978
DON DEVLAEINCK
1634**

DATE OF SIGNATURE: 10/31/18
EXPIRES 12/31/2019

LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED**PAGE 1 OF 2**TRACT 1:

A PORTION OF SOUTH FERGUSON ROAD (COUNTY ROAD NO. 119), A 40 FOOT WIDE PUBLIC RIGHT-OF-WAY, SAID PORTION BEING LOCATED IN THE NORTH 1/2 OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS A STRIP OF LAND LYING 20.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

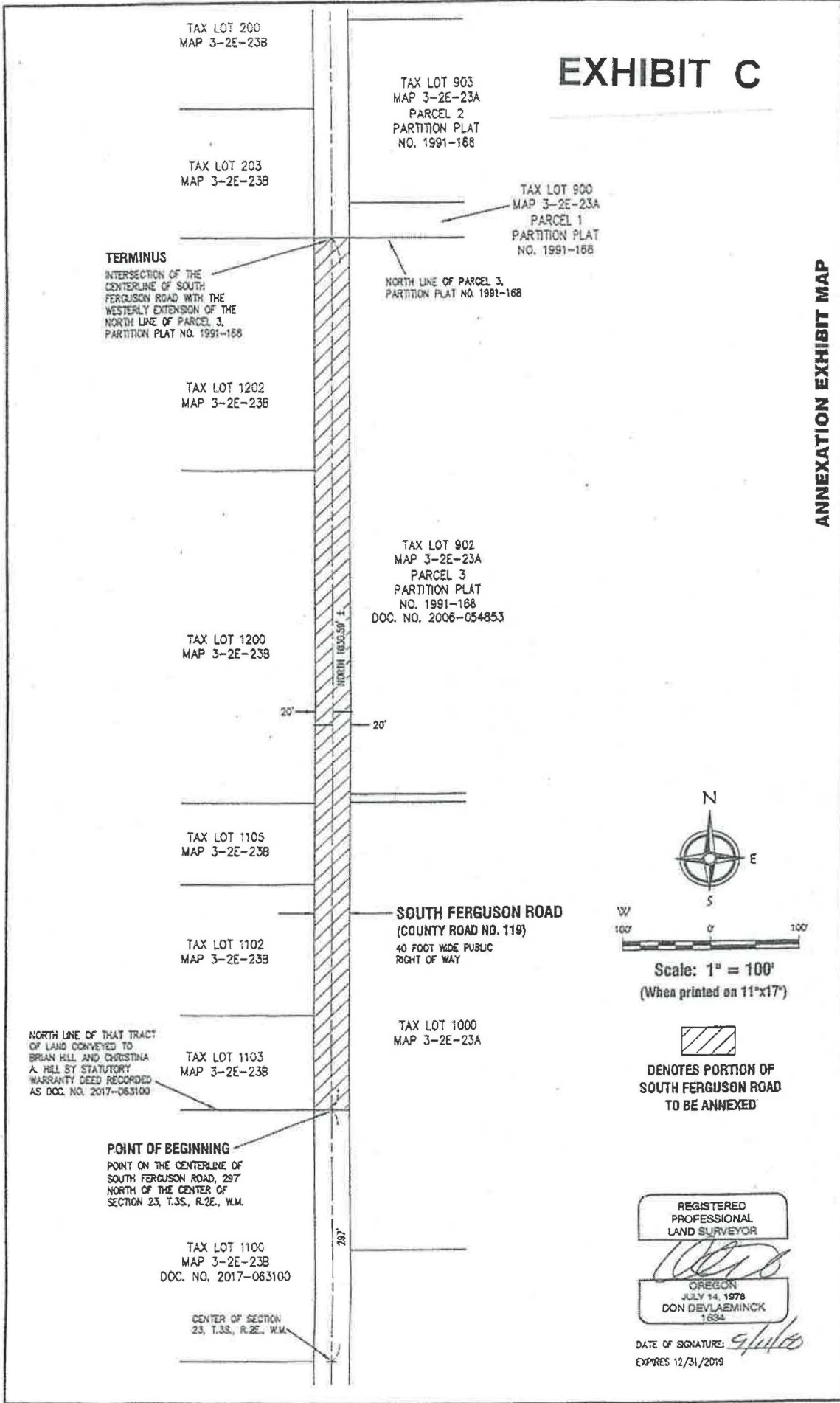
BEGINNING AT A POINT IN THE CENTERLINE OF THE AFOREMENTIONED SOUTH FERGUSON ROAD WHICH IS LOCATED NORTH 297 FEET FROM THE CENTER OF SECTION OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, (SAID POINT OF BEGINNING IS FURTHER DESCRIBED AS BEING LOCATED ON THE EASTERLY EXTENSION OF THE NORTH LINE OF THAT TRACT OF LAND CONVEYED TO BRIAN HILL AND CHRISTINA A. HILL BY STATUTORY WARRANTY DEED RECORDED AS DOCUMENT NUMBER 2017-063100, CLACKAMAS COUNTY DEED RECORDS); THENCE NORTH ALONG SAID CENTERLINE OF SOUTH FERGUSON ROAD 1030.59 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY EXTENSION OF THE NORTH LINE OF PARCEL 3, PARTITION PLAT NO. 1991-168, CLACKAMAS COUNTY SURVEY RECORDS; AND THE TERMINUS OF THE DESCRIBED CENTERLINE.

THE SIDELINES OF THE ABOVE DESCRIBED 40 FOOT WIDE PUBLIC RIGHT-OF-WAY SHALL BE EXTENDED OR SHORTENED, AS NECESSARY, AT THE NORTHERLY END OF THE ABOVE DESCRIBED STRIP, TO TERMINATE ON THE WESTERLY EXTENSION OF THE NORTH LINE OF PARCEL 3, PARTITION PLAT NO. 1991-168, CLACKAMAS COUNTY SURVEY RECORDS AND THE SIDELINES SHALL BE EXTENDED OR SHORTENED, AS NECESSARY, AT THE SOUTHERLY END OF THE ABOVE DESCRIBED STRIP, TO TERMINATE ON THE EASTERLY EXTENSION OF THE NORTH LINE OF THAT TRACT OF LAND CONVEYED TO BRIAN HILL AND CHRISTINA A. HILL BY STATUTORY WARRANTY DEED RECORDED AS DOCUMENT NUMBER 2017-063100, CLACKAMAS COUNTY DEED RECORDS.

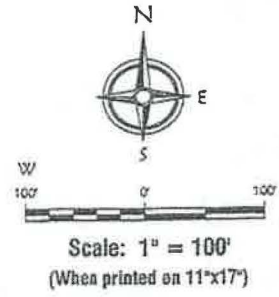
EXHIBIT C


ANNEXATION EXHIBIT MAP

NORTH 1/2 OF SECTION 23
 TOWNSHIP 3 SOUTH, RANGE 2 EAST, W.M.
 CLACKAMAS COUNTY, OREGON



CAMPASS Land Surveyors
 4107 SE International Way, Suite 705
 Milwaukie, Oregon 97222 503-653-9093




 DENOTES PORTION OF
 SOUTH FERGUSON ROAD
 TO BE ANNEXED

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 14, 1978
 DON DEVLAEWINCK
 1634

DATE OF SIGNATURE: *[Signature]*
 EXPIRES 12/31/2019

DRAWN	MMMA	CHECK	DD
SCALE	1" = 100'	DATE	09/11/2018
PL/IN	8128 Annexation.dwg		

EXHIBIT C
N.W.1/4 SEC.23 T.3S. R.2E. W.M.
CLACKAMAS COUNTY

62-04

204
0.10 Ac.
200'

202
0.85 Ac.
21131

117.08's
205
1.00 Ac.
21171
198' by dead
139'

200
8.77 Ac.
21181

203
1.00 Ac.
21231
62-70

1101
9.46 Ac.

1202
3.60 Ac.
21271

1200
5.81 Ac.
21341

1105
1.45 Ac.

1103
3.00 Ac.
21433

1102
0.88 Ac.
21421

1104
3.00 Ac.
21410

1106
3.00 Ac.
21432

1100
9.12 Ac.
21481

ROAD

PRIVATE

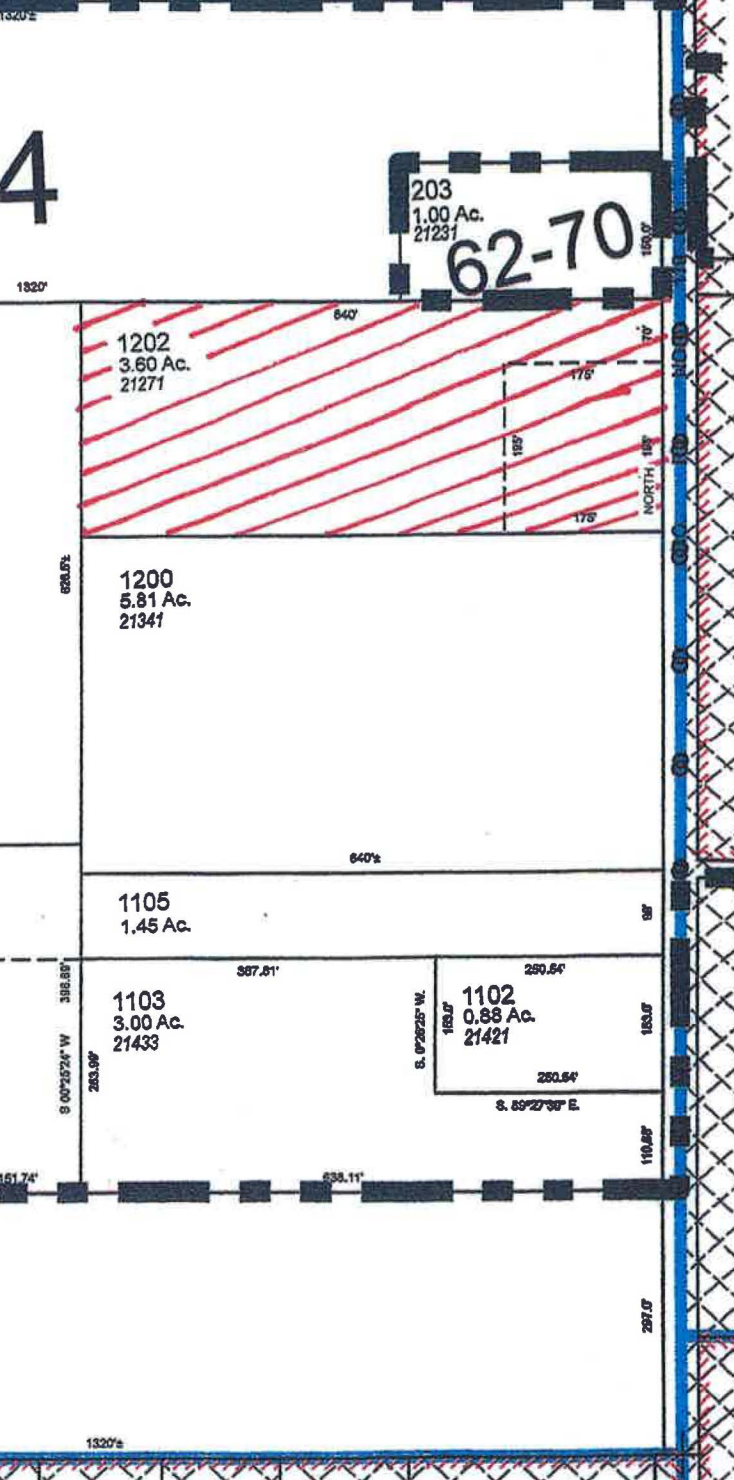
TRACT A

TRACT B

INITIAL POINT

3/1/2013
2E 23C

121° E 255.7'
18'
121° E 255.7'
340.88'
TRACT "A" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "B" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "C" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "D" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "E" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "F" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "G" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "H" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "I" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "J" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "K" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "L" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "M" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "N" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "O" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "P" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "Q" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "R" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "S" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "T" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "U" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "V" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "W" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "X" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "Y" PUBLIC 97-48710
N 00°05'13" W
340.88'
TRACT "Z" PUBLIC 97-48710
N 00°05'13" W
340.88'



PARTITION PLAT

1991-168

N.E. 1/4 SEC. 23 T. 3S. R. 2E. W.M.
Clackamas County

EXHIBIT C

62-70

903
2.61 Ac.
21162

PARCEL 2

62-70

902
23.73 Ac.
21200

PARCEL 3

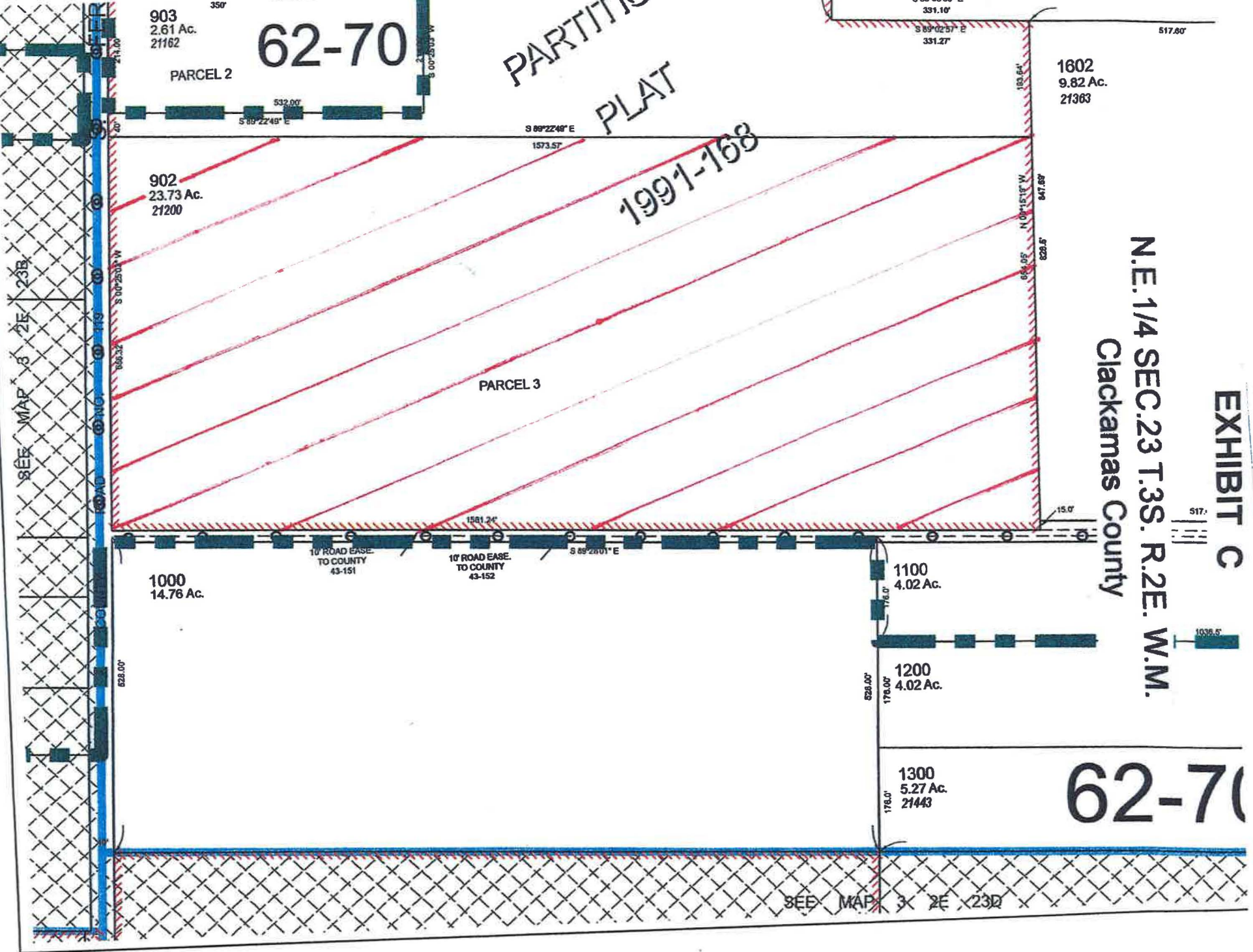
1602
9.82 Ac.
21363

1000
14.76 Ac.

1100
4.02 Ac.

1200
4.02 Ac.

1300
5.27 Ac.
21443



SEE MAP 3 2E 23B

SEE MAP 3 2E 23D

10' ROAD EASE
TO COUNTY
43-151

10' ROAD EASE
TO COUNTY
43-152

517.0'

1036.5'

517.80'

947.89'

628.00'

628.00'

683.32'

271.00'

350'

1573.57'

1581.24'

S 89° 05' 08\"/>

S 89° 02' 57\"/>

S 89° 22' 49\"/>

S 89° 28' 01\"/>

S 90° 20' 00\"/>

S 89° 22' 49\"/>

N 81° 13' 10\"/>

S 82° 05' 05\"/>

S 90° 20' 00\"/>

S 89° 22' 49\"/>

S 90° 25' 00\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>

S 89° 22' 49\"/>