



Jane E. Vetto
County Counsel

February 6, 2025

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

Scott C. Ciecko
Amanda Keller
Shawn Lillegren
Jeffrey D. Munns
Sarah Foreman
Hong Huynh
Caleb Huegel
Angela Hajihashemi
Assistants

**Annexation 2024-004, an Annexation of a Single-Family Residence into
the Clackamas River Water District for Domestic Water Service.
No fiscal impact. No County General Funds are involved.**

Previous Board Action/Review	None		
Performance Clackamas	1. Build public trust through good government 2. Build a strong infrastructure		
Counsel Review	Yes; HH	Procurement Review	N/A
Contact Person	Hong N Huynh	Contact Phone	(503)742-5398

EXECUTIVE SUMMARY:

The owner of a parcel of land, tax lot no. 32E11D 00216 ("SUBJECT PROPERTY"), petitioned this Board to annex into the Clackamas River Water District (the "DISTRICT") in order to continue to receive public water services on a permanent basis. The Board's approval of this proposed annexation will result in a boundary change of the DISTRICT's service area.

Currently, the SUBJECT PROPERTY, as territory to be annexed, is one tax lot in unincorporated Clackamas County with a current tax assessed value of \$454,115. It is over 2.6 acres and located on 19510 S FERGUSON TER, Oregon City, 97045, in the Hamlet of Beavercreek. It has a single-family home and there are no plans for redevelopment. The SUBJECT PROPERTY was served by a water well that has failed. The DISTRICT has been providing emergency water services. Through the annexation, the PETITIONER seeks to make permanent the water services it has been receiving from the DISTRICT. The DISTRICT currently provides public water to areas surrounding the SUBJECT PROPERTY and has a waterline connection on the adjacent road.

If the Board approves this proposed annexation, the DISTRICT will continue to provide public water services to the SUBJECT PROPERTY on a permanent basis.

The DISTRICT has endorsed the proposed annexation.

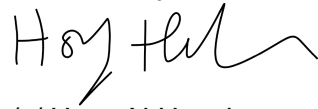
For Filing Use Only

Under Oregon law, as the county's governing body, this Board is charged in deciding this proposed boundary change pursuant to ORS Chapters 198. In determining whether to approve the annexation petition, the Board must consider the local comprehensive plan for the area and any service agreements with local governments as required by ORS 198.857.

A Staff Report, dated December 2nd, 2024, addresses criteria mandated in ORS 198. The report makes the required analysis and findings, and concludes that the proposed boundary change of the District complies with applicable statutory. There is no cost to the County in the Board's approval of this proposed annexation.

RECOMMENDATION: Staff recommend approval of Boundary Change Proposal No. 2024-004 (CRW).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Hong N Huynh', with a stylized flourish at the end.

/s/ Hong N Huynh
Assistant County Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of Approving a Boundary
Change Proposal No. 2024-004(CRW)



Board Order No. _____

Page 1

Whereas, the Clackamas River Water District (“DISTRICT”) is a county service district organized under ORS 264 that provides public water services to certain cities and unincorporated urban areas of Clackamas County; and

Whereas, Petitioner filed an annexation petition with the Board to request annexation of a parcel of land, described and mapped in Exhibit A, to the DISTRICT pursuant to procedures set forth in ORS 198.857; and

Whereas, on July 18, 2024, the annexation petition was approved and endorsed by the DISTRICT, as required by ORS 198.857; and

Whereas, this Board is charged in deciding this boundary change of the DISTRICT, through the proposed annexation of the SUBJECT PROPERTY into the DISTRICT, pursuant to ORS Chapters 198; and

Whereas, a staff report that addresses criteria mandated in ORS 198.857 was made public at least 15 days prior to the Board hearing on the boundary change petition. The staff report is attached hereto as Exhibit B.

Whereas, a public hearing is held before the Board on February 6, 2025, and that a decision of approval was made on February 6, 2025. In determining whether to approve the boundary change petition, the Board considered the local comprehensive plan for the area and any service agreements with local governments as required by ORS 198.857.

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

1. The Analysis, Findings, and Conclusions in the Staff Report attached as Exhibit B are adopted by the Board of County Commissioners and demonstrate that the criteria for annexation have been met.
2. The annexation petition is approved, and the property described and shown on the map in Exhibit A is annexed to Clackamas River Water District for public water services.
3. County staff is directed to file this document with the required parties and take all necessary steps to finalize the annexation.

DATED this _____ day of _____, 202__

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of Approving a Boundary
Change Proposal No. 2024-004(CRW)



Board Order No. _____

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BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

Exhibit A

**In the Matter of Approving a Boundary Change Proposal No. 2024-004(CRW)
(Legal Description and Map)**

TICOR TITLE INSURANCE

EXHIBIT 'A'

LEGAL DESCRIPTION

Part of Parcel 3, FERGUSON TERRACE NO. 2, a major partition in the East one-half of the Northwest one-quarter of the Southeast one-quarter of Section 11, Township 3 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Southwest corner of said legal subdivision; thence North $0^{\circ} 06' 05''$ West along the West line thereof, 354.14 feet to a point; thence South $88^{\circ} 51' 55''$ East 329.87 feet to the true point of beginning; thence South $0^{\circ} 09' 10''$ East 354.14 feet to a point in the South line of said legal subdivision; thence South $88^{\circ} 51' 53''$ East along said South line 330.19 feet to the Southeast corner of said legal subdivision; thence North $0^{\circ} 12' 15''$ West along the East line thereof 354.15 feet; thence North $88^{\circ} 51' 53''$ West 329.87 feet to the true point of beginning.

TOGETHER WITH a non-exclusive easement for ingress, egress and utilities as described in document recorded June 29, 1977 as Recorder's Fee No. 77 25491 and further described as being 60 feet in width the center line described as follows:

Beginning at the intersection of the South line of the North one-half of the Southeast one-quarter of Section 11, Township 3 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, with the center line of County Road No. 1598; thence North along said center line 30 feet to the true point of beginning; thence East parallel with the aforementioned South line, 1320 feet, more or less, to the West line of the Northeast one-quarter of said Southeast one-quarter; thence North along said West line, 660 feet, more or less, to the North line of the South one-half of said Northeast one-quarter; thence East along said North line, 660 feet, more or less, to the West line of the East one-half of said Northeast one-quarter.

STATE OF OREGON 95-026958
CLACKAMAS COUNTY
Received and placed in the public
records of Clackamas County
RECEIPT# AND FEE: 18381 \$38.88
DATE AND TIME: 05/10/95 10:22 AM
JOHN KAUFFMAN, COUNTY CLERK

Ticor Title Insurance Company

2

EXHIBIT B

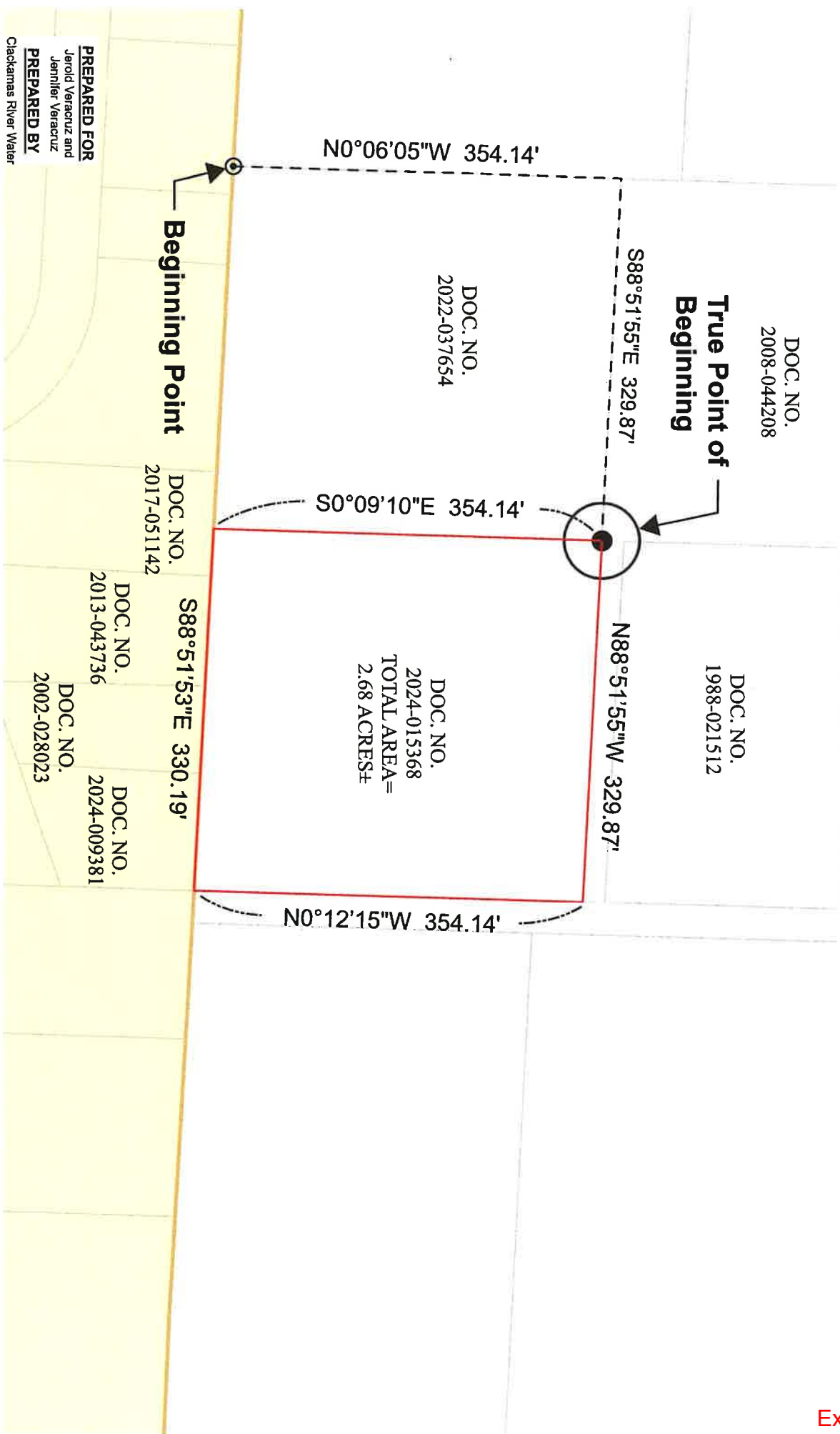
CLACKAMAS RIVER WATER DISTRICT ANNEXATION
PART OF PARCEL 3, FERGUSON TERRACE NO. 2, A MAJOR PARTITION IN THE EAST ONE-HALF
OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 11,
TOWNSHIP 3 SOUTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF
CLACKAMAS AND STATE OF OREGON

DOC. NO.
2008-044208

DOC. NO.
1988-021512

DOC. NO.
2022-037654

DOC. NO.
2024-015368
TOTAL AREA=
2.68 ACRES±



PREPARED FOR
Jerold Veracruz and
Jennifer Veracruz
PREPARED BY
Clackamas River Water

Legend

- Tax Lot Boundary
- PLSS Section Line
- Parcel Boundary
- District Boundary

1:1,500



Exhibit B

**In the Matter of Approving a Boundary Change Proposal No. 2024-004(CRW)
(Staff Report)**



OFFICE OF COUNTY COUNSEL

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

Jane E. Vetto
County Counsel

Scott C. Ciecko
Amanda Keller
Shawn Lillegren
Jeffrey D. Munns
Sarah Foreman
Hong Huynh
Caleb Huegel
Angela Hajihashemi
Assistants

TO: Clackamas County Board of County Commissioners (the “Board”)

FROM: Hong N Huynh, Assistant County Counsel

RE: Boundary Change Proposal No. 2024-004(CRW)

DATE of REPORT: December 2, 2024

DATE of HEARING: February 6, 2025

STAFF REPORT

REQUEST: Approval of Boundary Change Proposal No. 2024-004(CRW), authorizing property of Jerold Veracruz and Jennifer Veracruz (the “PETITIONER”), known as tax lot number 32E11D 00216 and located at 19510 S FERGUSON TER, Oregon City of Clackamas County, Oregon (the “SUBJECT PROPERTY”), into Clackamas River Water District (the “DISTRICT”).

REASON FOR ANNEXATION:

The PETITIONER is requesting annexation so that the SUBJECT PROPERTY can receive, on a permanent basis, public water services from the DISTRICT.

RECOMMENDATION: Based on the analysis and findings of this report, staff respectfully recommends that the Board APPROVES the Boundary Change Proposal No. 2024-004(CRW).

EFFECTIVE DATE: The boundary change becomes effective upon the date of approval by the Board.

I. BACKGROUND

A. SUBJECT PROPERTY INFORMATION

PETITIONER:	Jerold Veracruz and Jennifer Veracruz
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PETITIONER Representative, if any:	None
Tax Lot Nos.	32E11D 00216
Address, if any:	19510 S FERGUSON TER, Oregon City, 97045
Legal Description	Exhibits A and B of Attachment 1

B. PETITION UNDER ORS 198.857

The DISTRICT is an ORS 264 special district. By an application submitted to the DISTRICT, dated August 8, 2024, PETITIONER initiated a consent annexation petition under ORS 198.857.

The petition meets the requirement for initiation of annexation proceedings set forth in ORS 198.857(2). The petition was deemed complete on November 15, 2024.

The SUBJECT PROPERTY currently has a single-family home. The services to be provided by the DISTRICT will support the residency on the SUBJECT PROPERTY. There is no plan for re-development. The PETITIONER seeks to make the public water service permanent; the DISTRICT is currently providing emergency water services to the SUBJECT PROPERTY after its water well failed.

C. ENDORSEMENTS BY INTERESTED PARTIES

By Resolution No. 02-2025, dated July 18, 2024, the DISTRICT supports and endorses the proposed annexation. See, Attachment 1.

D. CITIZEN PARTICIPATION

Notice of this hearing inviting testimony from interested parties was provided as required by statute and Metro Code.

Notice consisted of:

1. Posting notices near the SUBJECT PROPERTY, at the Clackamas County Courthouse, and outside the Commissioner’s Hearing room at least 20 days prior to the hearing;
2. Publishing notice three times in the Lake Oswego Review; and
3. Mailing notices to all affected local governments and adjacent property owners.

At the time this report was written, no comments were received.

II. APPLICABLE CRITERIA

For a proposed boundary change of a special district through annexation, as the county's governing body, the Board must review and approve the proposed annexation based on several factors and criteria established by state and local law.

A. STATE STATUTE

Oregon Revised Statute Chapter 198 provides that, when determining whether to approve an annexation petition, the county board shall *"consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."* ORS 198.857(4).

B. METRO CODE

For a proposed boundary change within the boundaries of Metro, urban reserves designated by Metro, or the urban growth boundary (UGB), Metro code specifies criteria that a reviewing entity must apply in reviewing and approving a boundary change. The SUBJECT PROPERTY is not within any of these areas, so Metro's requirements are not applicable in this matter.

C. COMPREHENSIVE PLANING

The applicable comprehensive plan for areas in unincorporated Clackamas County is the Clackamas County Comprehensive Plan (the "Comp Plan").

Chapter 7 of the Comp Plan discusses public facilities and services. It addresses, in part, the Oregon Land Use Goal 11 that requires planning for sanitary sewerage treatment, water, storm drainage and transportation, stating as follows: *"[a]dequate levels of those public facilities and services must be available before urban levels of development can be built in a manner consistent with the land use designations in this Plan."* (Comp Plan p. 7-1).

An applicable public facilities goal in the Comp Plan is to *"[r]equire adequate storm drainage, public sanitary sewer and public water service concurrent with development in areas that require these services."* (Comp Plan at p.7-6).

With respect to policies on water, the Plan specifies the following: *"7.B.5 Require water service purveyors to provide water services for non-urban areas at levels appropriate for non-urban use."* Page 7-8 to 7-9 of the Plan.

III. ANALYSIS AND FINDINGS

The review approval criteria for a boundary change under state law takes into consideration the following: urban service and other facility service agreements, and land

use planning. Based on the application submitted by PETITIONER, and staff's research, staff reaches the following analysis and findings.

A. TERRITORY TO BE ANNEXED

Staff reaches the following findings with respect to the territory to be annexed:

1. The SUBJECT PROPERTY, as territory to be annexed, is one tax lot, no. 32E11D 00216, of 2.68 acres and with a current tax assessed value of \$454,115.
2. The SUBJECT PROPERTY is in unincorporated Clackamas County and is considered a part of the Hamlet of Beaver Creek.
3. The SUBJECT PROPERTY is not within the UGB, Metro's boundary, or any designated urban reserve.
4. The SUBJECT PROPERTY connects to the DISTRICT's service via an 8" waterline located on an adjacent road, at S Annette Drive.
5. The SUBJECT PROPERTY is currently improved with a single family home, and there is no plan for redevelopment. Its water well failed, and the DISTRICT is currently providing emergency water services.
6. The DISTRICT currently provides public water services to areas surrounding the SUBJECT PROPERTY.
7. Accordingly, the PETITIONER is seeking public water services from the DISTRICT to replace its failed water well. The DISTRICT has endorsed the proposed annexation into the DISTRICT.

B. SERVICES AGREEMENTS

As referenced in Section II of this report, state law requires a review for consistency with urban and other service agreements. (See, ORS 198.857(4)).

Staff finds the SUBJECT PROPERTY is outside the UGB, and therefore an analysis of urban service agreements is not applicable in this matter. Staff is unaware of any other services agreements applicable to this area of Clackamas County.

C. LAND USE PLANNING

As referenced in Section II of this report, state law requires a review for consistency with local land use plans. The following analyzes and reaches findings related to local plans

that may be applicable to the proposed annexation of the SUBJECT PROPERTY into the DISTRICT.

The SUBJECT PROPERTY is in unincorporated Clackamas County. Chapter 7 of the Comp Plan was reviewed. Staff finds that the DISTRICT's proposed provisioning of public water services to the SUBJECT PROPERTY is consistent, or not in conflict, with Chapter 7 of the Comp Plan.

The SUBJECT PROPERTY is in a non-urban area. The DISTRICT is already serving areas all around this SUBJECT PROPERTY and has endorsed the proposed annexation.

IV. CONCLUSIONS

The SUBJECT PROPERTY has a single-family home that was served by a water well. The well has failed and the DISTRICT has been providing emergency water services. Through the annexation, the PETITIONER seeks to make permanent the water services it has been receiving from the DISTRICT. The DISTRICT currently provides public water to areas surrounding the SUBJECT PROPERTY and has endorsed the annexation.

Staff concludes that the proposed annexation complies with all applicable state requirements. Staff recommends the approval of Boundary Change No. 2024-004(CRW) for the DISTRICT to provide public water services to the SUBJECT PROPERTY.

Respectfully Submitted,



Hong Huynh

(pronouns: she/her)

Assistant Legal County Counsel

Attachments: Exhibit 1-Legal Description and MAP of SUBJECT PROPERTY

**ATTACHMENT 1
TO STAFF REPORT 2024-004(CRW)

(DISTRICT ENDORSEMENT WITH
LEGAL DESCRIPTION AND MAP OF SUBJECT PROPERTY)**

CLACKAMAS RIVER WATER

RESOLUTION No. 02-2025

**A RESOLUTION ENDORSING ANNEXATION OF TERRITORY INTO THE JURISDICTIONAL
BOUNDARIES OF CLACKAMAS RIVER WATER
Property at 19510 S. Ferguson Terrace, TL ID 32E11D 00216**

FY 2024-25

WHEREAS, Clackamas River Water (“CRW”) is a domestic water supply district organized under ORS Chapter 264; and

WHEREAS, a proposed annexation of territory is before the Board of Commissioners of Clackamas River Water; and

WHEREAS, the proposed territory is more particularly described as:

19510 S. Ferguson Terrace, Oregon City, OR, 97045;
Tax Lot No. 00216 of Assessor’s Map No. 32E11D, as described in Exhibits A and B.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Clackamas River Water hereafter referred to as “Board”, as follows:

1. The Board, by this resolution, endorses the proposed annexation of territory to be included within its boundaries, as described in attached Exhibits A and B.
2. The Board makes no statement as to the availability or cost of providing domestic or fire prevention water service to the area included within the proposed annexation.

ADOPTED by the Clackamas River Water Board of Commissioners this 18th day of July, 2024.



Sherry French, Board President



Naomi Angier, Board Secretary

TICOR TITLE INSURANCE

EXHIBIT 'A'

LEGAL DESCRIPTION

Part of Parcel 3, FERGUSON TERRACE NO. 2, a major partition in the East one-half of the Northwest one-quarter of the Southeast one-quarter of Section 11, Township 3 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Southwest corner of said legal subdivision; thence North $0^{\circ} 06' 05''$ West along the West line thereof, 354.14 feet to a point; thence South $88^{\circ} 51' 55''$ East 329.87 feet to the true point of beginning; thence South $0^{\circ} 09' 10''$ East 354.14 feet to a point in the South line of said legal subdivision; thence South $88^{\circ} 51' 53''$ East along said South line 330.19 feet to the Southeast corner of said legal subdivision; thence North $0^{\circ} 12' 15''$ West along the East line thereof 354.15 feet; thence North $88^{\circ} 51' 53''$ West 329.87 feet to the true point of beginning.

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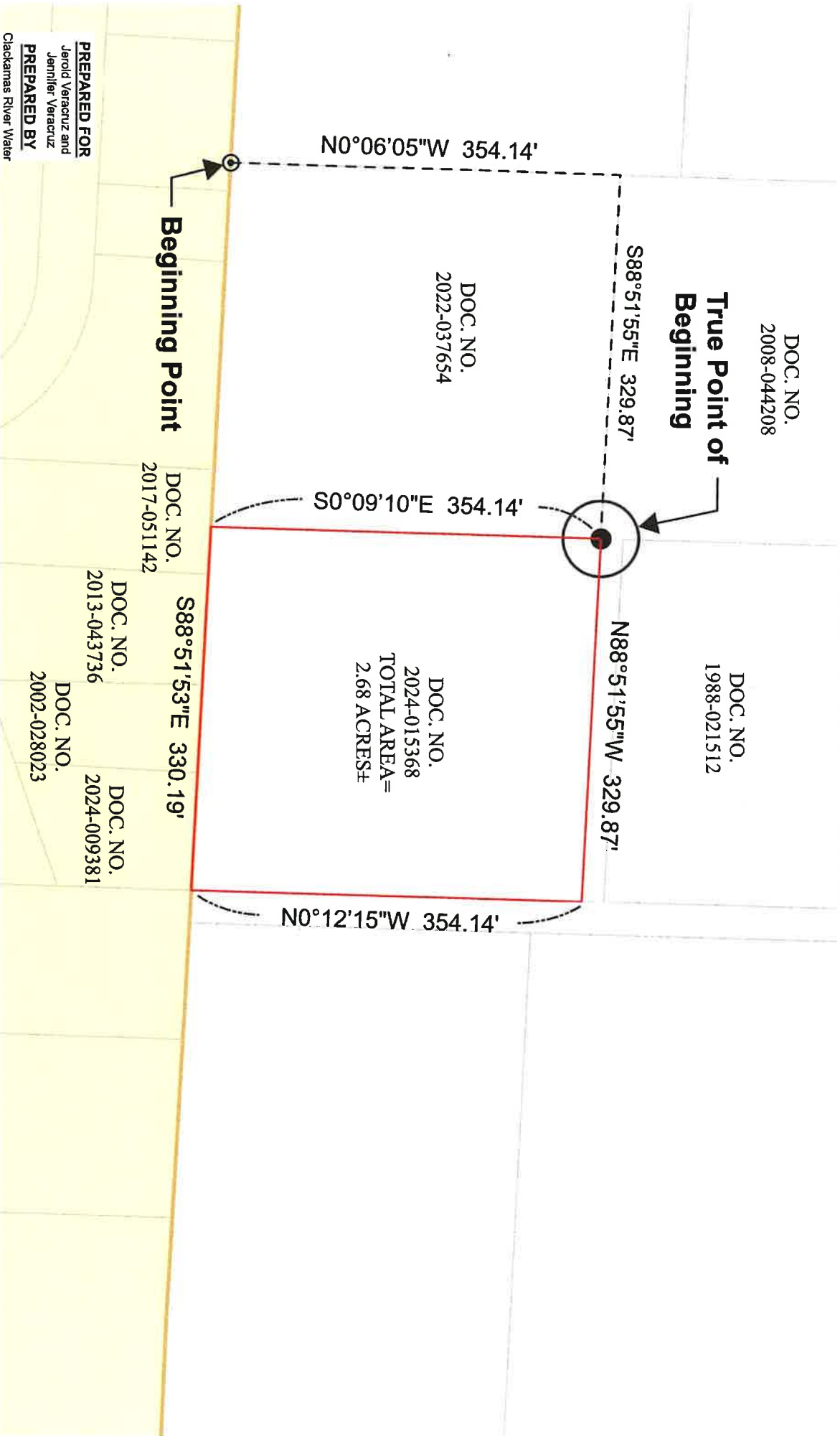
Ticor Title Insurance Company

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EXHIBIT B

Res. No. 02-2025

CLACKAMAS RIVER WATER DISTRICT ANNEXATION
PART OF PARCEL 3, FERGUSON TERRACE NO. 2, A MAJOR PARTITION IN THE EAST ONE-HALF
OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 11,
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CLACKAMAS AND STATE OF OREGON



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- Tax Lot
- PLSS Section Line
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