



Stephen L. Madkour  
County Counsel

May 4, 2023

BCC Agenda Item: \_\_\_\_\_

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

Board of County Commissioners  
Clackamas County

Members of the Board:

**Public Hearing to Determine Number of Written Requests for an Election  
or to Adopt Final Order to Withdraw Territory from the  
Canby Area Parks and Recreation District**

<b>Previous Board Action/Review</b>	Agenda Item: 20230323 II.A, Board Order 2023-034 on March 23, 2023		
<b>Performance Clackamas</b>	Build Public Trust Through Good Government		
<b>Counsel Review</b>	Initials: JM	<b>Procurement Review</b>	No
<b>Contact Person</b>	Jeffrey D. Munns	<b>Contact Phone</b>	503-742-5984

**BACKGROUND**

**Proposal No. 2023-006 is a proposed withdrawal of territory from the Canby Area Parks and Recreation District.**

The Board approved a Preliminary Order to Withdraw Territory from the Canby Area Parks and Recreation District on March 23, 2023. Pursuant to ORS 198.810(2) a second public hearing is then scheduled to either approve the Final Order Withdrawing Territory from the Canby Area Parks and Recreation District or determine if one-hundred written requests for an election were received on the question of withdrawal of the territory. Notice of this hearing invited testimony from any interested party. Notice consisted of:

For Filing Use Only

1) Posting a notice at Canby City Hall, one notice in the Clackamas County Courthouse, and one notice near the County hearing room; 2) Notice posted online (<https://www.clackamas.us/meetings/bcc/business>); and 3) Published notice twice in the Clackamas County Review.

## **PROCESS**

If there have not been enough requests for an election received the Board will adopt a Final Order of Withdrawal and withdrawal becomes effective from that date. If enough requests for an election are received the Board will adopt an Order to Refer Question of Withdrawal of Territory to the next scheduled election not sooner than 90 days following the date the petition was filed.

Following an election the Board will either adopt a Final Order with Withdraw, or adopt an Order to Abate Preliminary Order of Withdrawal.

## **RECOMMENDATION**

The Board should determine if 100 written requests for an election are received prior to or during the public hearing. If 100 requests are received, the Board shall adopt an Order to refer the question: "Shall the territory as described be withdrawn from the district?" be placed on the ballot in the next election suitable for this district matter.

If the Board determines that less than 100 written requests for an election are received prior to or during the public hearing. Then the Board shall adopt a Final Order Withdrawing Territory from the Canby Area Parks and Recreation District.

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

In the Matter of Approving a Final  
Order Withdrawing Territory from  
the Canby Area Parks and  
Recreation District



Order No.

This matter coming before the Board at this time, and it appearing that this Board adopted a Preliminary Order Withdrawing Territory from the Canby Area Parks and Recreation District on March 23, 2023, Board Order No. 2023-034, Agenda Item 20230323 II.A;

If further appearing that a public hearing was scheduled for May 4, 2023 to either approve the Final Order Withdrawing Territory from the Canby Area Parks and Recreation District or determine if one-hundred written requests for an election were received on the question of withdrawal of the territory;

It further appearing that staff retained by the County have properly noticed the public hearing;

It further appearing that the required number of written requests for an election were not received;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. 2023-006 Withdrawal of Territory from the Canby Area Parks and Recreation District is approved for the reasons stated in attached Exhibit A and the territory depicted in Exhibit B and described on Exhibit C is withdrawn from the Canby Area Parks and Recreation District.

ADOPTED this 4<sup>th</sup> day of May, 2023.

BOARD OF COUNTY COMMISSIONERS

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Tootie Smith, Chair

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Anthony Mayernik, Recording Secretary

## **FINDINGS**

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

1. Proposal No. 2023-006 is a petition for withdrawal of territory from the Canby Area Parks and Recreation District ("District").
2. The Board adopts the Final Order Approving the Withdrawal of Territory because 100 requests for an election have not been received.

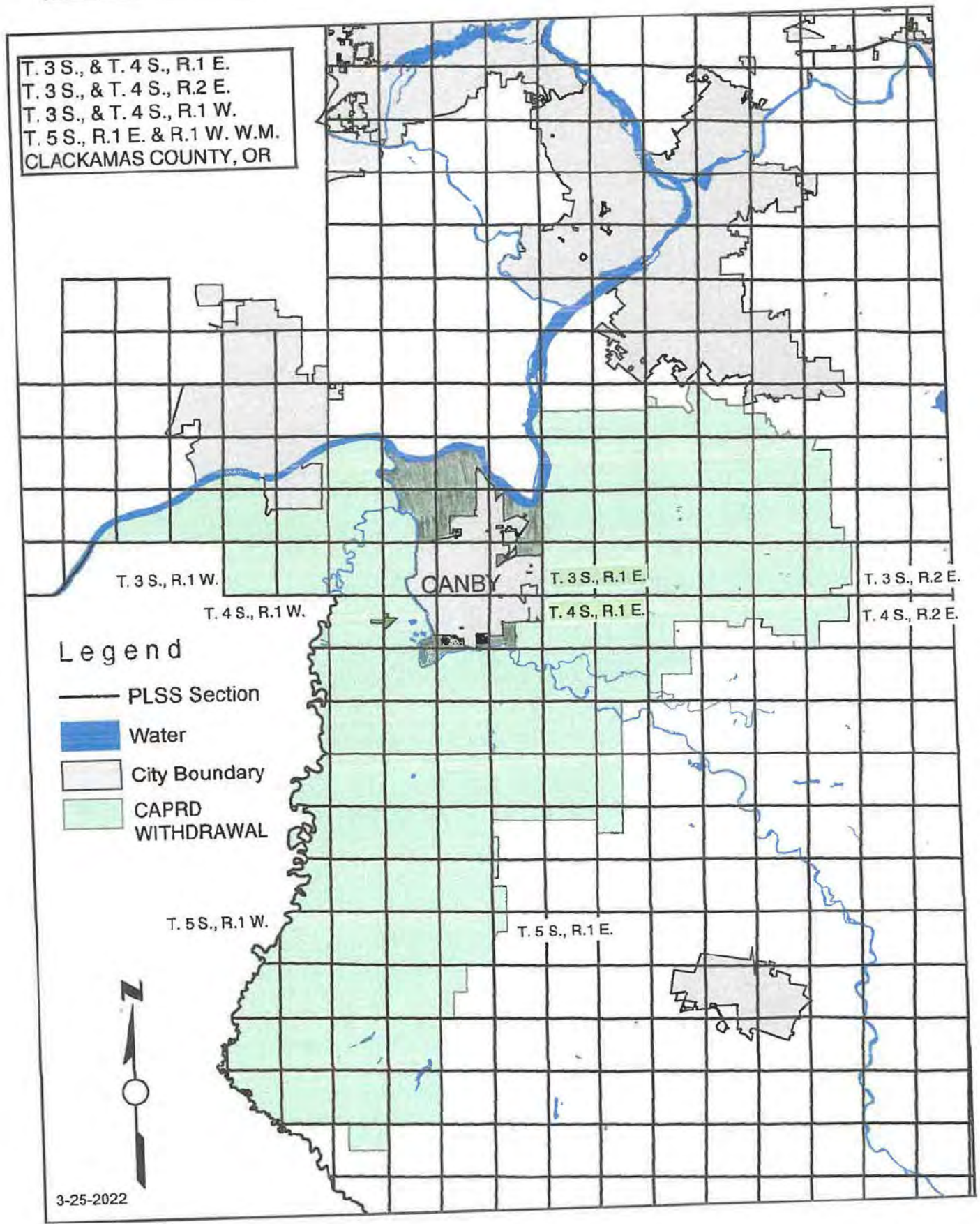
## **CONCLUSIONS AND REASONS FOR DECISION**

Based on the Findings, the Board determined:

1. The Board finds that CAPRD was formed in 1964 and during its existence does not have a permanent tax assessment and it is not supported by rates charged to users. CAPRD has not and is not providing parks and recreation services to the territory within its boundaries.
2. As a result of CAPRD's lack of funding, assets, and programs it is not feasible for CAPRD to provide parks and recreation services to the area to be withdrawn.

**PORTION to be WITHDRAWN from the CANBY AREA PARKS AND RECREATION DISTRICT**

T. 3 S., & T. 4 S., R.1 E.  
 T. 3 S., & T. 4 S., R.2 E.  
 T. 3 S., & T. 4 S., R.1 W.  
 T. 5 S., R.1 E. & R.1 W. W.M.  
 CLACKAMAS COUNTY, OR





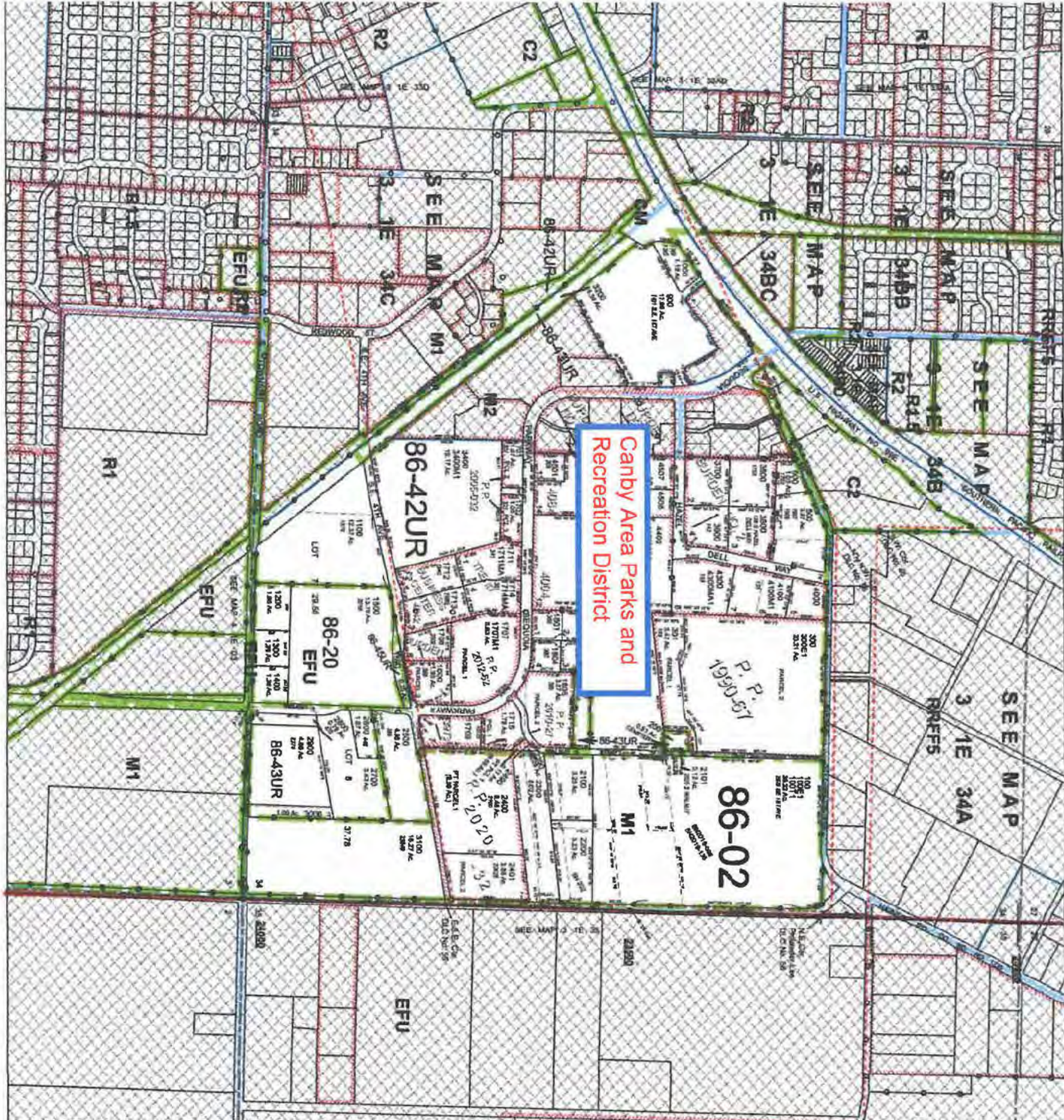
S Central Point Rd

S Union H

Approved by Oregon  
 Department of Revenue on  
 3/29/2022

Exhibit B





Canby Area Parks and Recreation District

3 1 E 34  
CANBY

SECTION 34 T.3S. R.1E. W.M.  
CLACKAMAS COUNTY  
1" = 400'

D. L. C.  
PHILANDER LEE NO. 56  
WALTER FISH NO. 45

- Garwood, Tazsick
- Parcel Boundary
  - Private Road ROW
  - Historical Boundary
  - National Centerline
  - Road Centerline
  - Map Index
  - Waterlines
  - Land Use Zoning
  - Plats
  - Water
  - Center
  - Station Center
  - Virens Line
  - Ditch Line
  - Member Line
  - PLSB Section Line
  - Station Center 40'
  - Station Center 20'

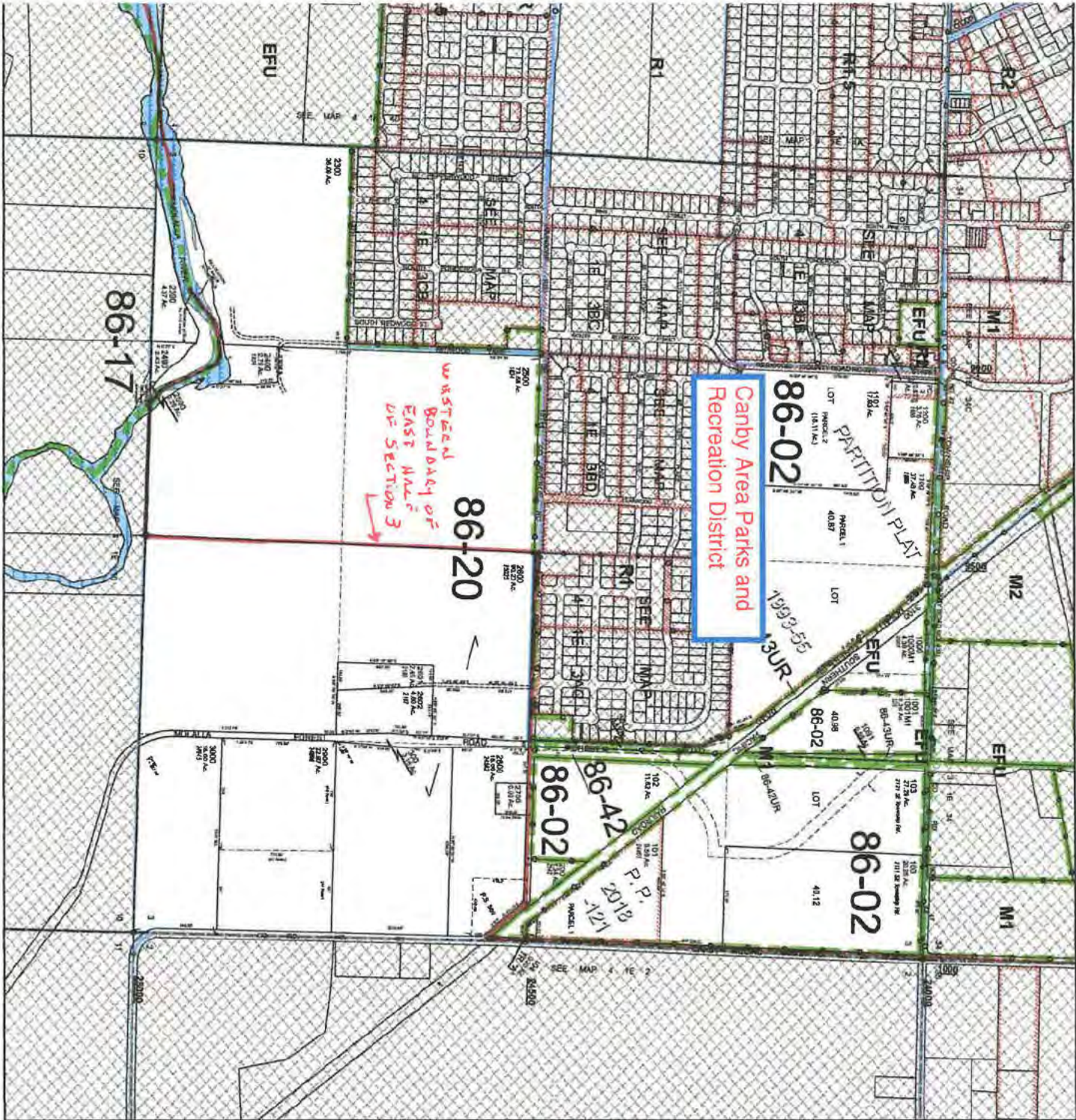


THIS MAP IS FOR ASSESSMENT PURPOSES ONLY



3 1 E 34  
CANBY

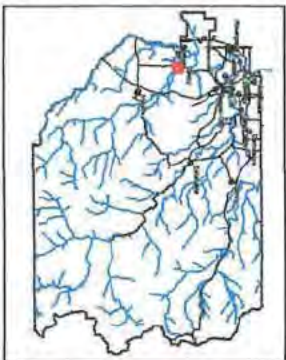




4 1 E 03  
CANBY  
SECTION 3 T.4S. R.1E. W.M.  
CLACKAMAS COUNTY  
1" = 400'

REVISION DATE:  
3-29-2022

- Cancelled Taxlots
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- Parcel Boundary
  - Private Road ROW
  - Historical Boundary
  - Rainfall Contours
  - Tax Code Lines
  - Water Lines
  - Land Use Zoning
  - Pics
  - Water
  - Center
  - Section Corner
  - 1/16th Line
  - Dept. Lot Line
  - D.C. Line
  - Manhole Line
  - Public Station Line
  - Fireline Corridor 40'
  - Highway Corridor 20'

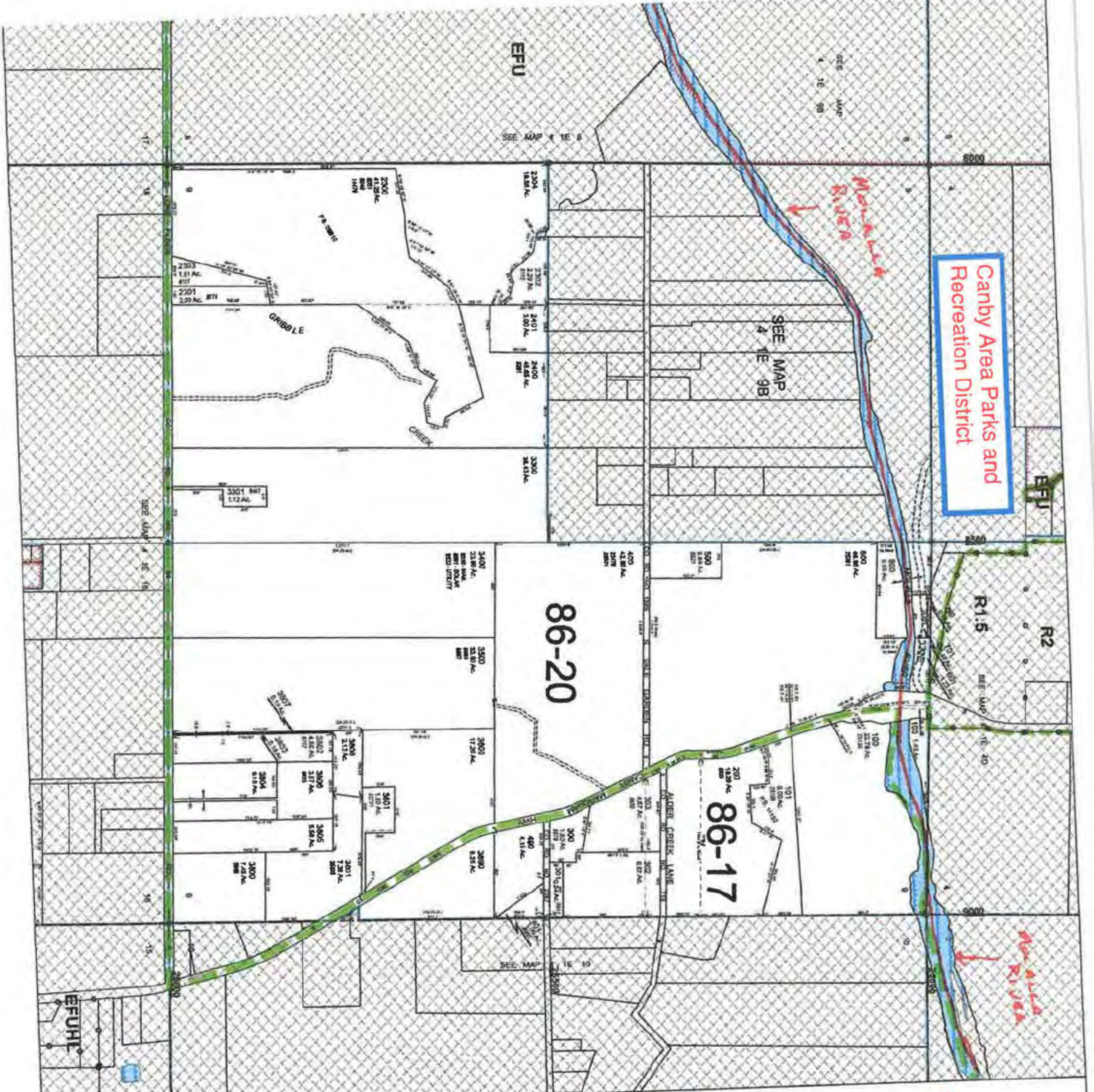


THIS MAP IS FOR ASSESSMENT PURPOSES ONLY



4 1 E 03  
CANBY

**Canby Area Parks and Recreation District**



SECTION 9 T.4S. R.1E. W.M.  
 CLACKAMAS COUNTY  
 1" = 400'

**REVISION DATE:**  
 5-25-2022

- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Corridor
- Trenchcut Line
- Map Index
- ○ Land Use Zoning
- Water
- Center
- Section Center
- 1/16th Line
- Dept Lot Line
- D/C Line
- Mainstem Line
- ALSO Section Line
- Historic Corridor 40'
- Historic Corridor 20'

Contoured Elevation

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THIS MAP IS FOR ASSESSMENT PURPOSES ONLY



4 1 E 09

SECTION 8 T.4S. R.1E. W.M.  
CLACKAMAS COUNTY  
1" = 400'

D.L.C.  
SAMUEL K. BARLOW NO. 50

Copyrighted Territory

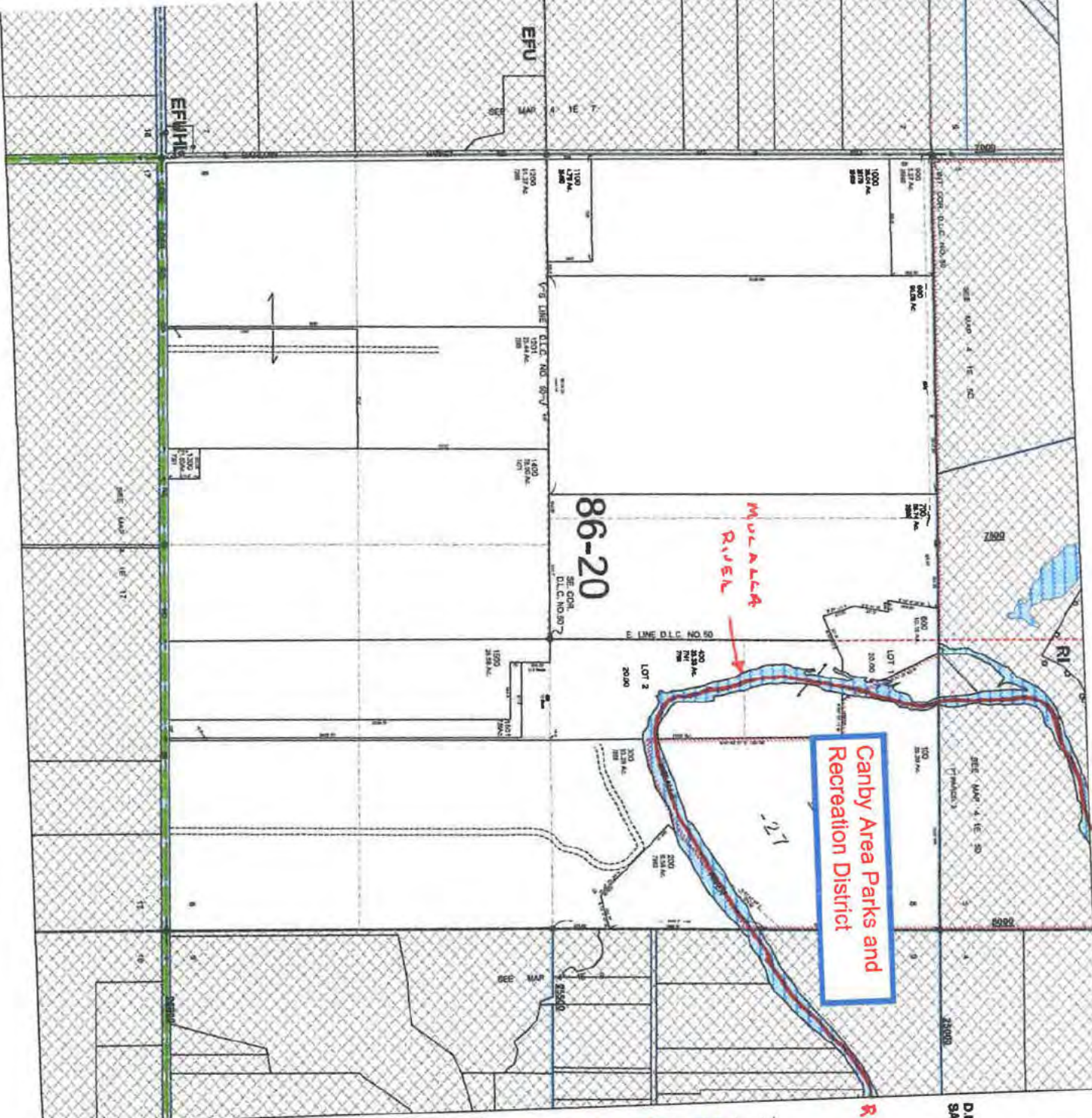
Canby Area Parks and  
Recreation District

Revised Date  
3-25-2022

- Private Road R/W
- Historical Boundary
- National Ownership
- Tract/Parcel Lines
- Map Index
- Water
- Land Use Zoning
- Section Center
- 7/16th Line
- Dam Lull Line
- D.L.C. Line
- Mainder Line
- P188 Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY



SECTION 5 T4S R 1E W.M.  
CLACKAMAS COUNTY  
1" = 400'

D.L.C.S.  
LUCIUS A. SEELEY NO. 48  
SAMUEL K. BARLOW NO. 50

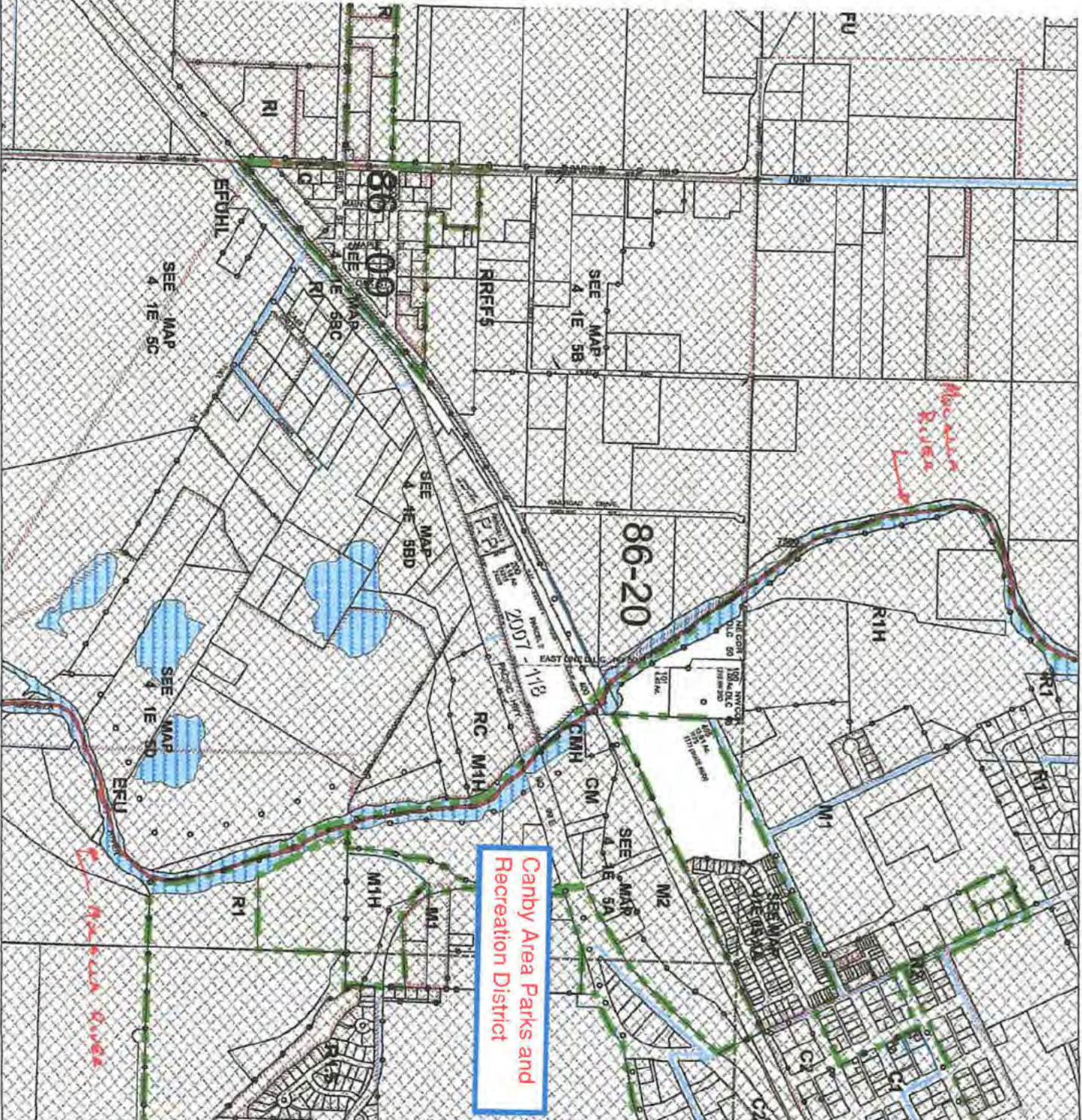
*Revised Date:*  
*3-25-2022*

Checked Totals

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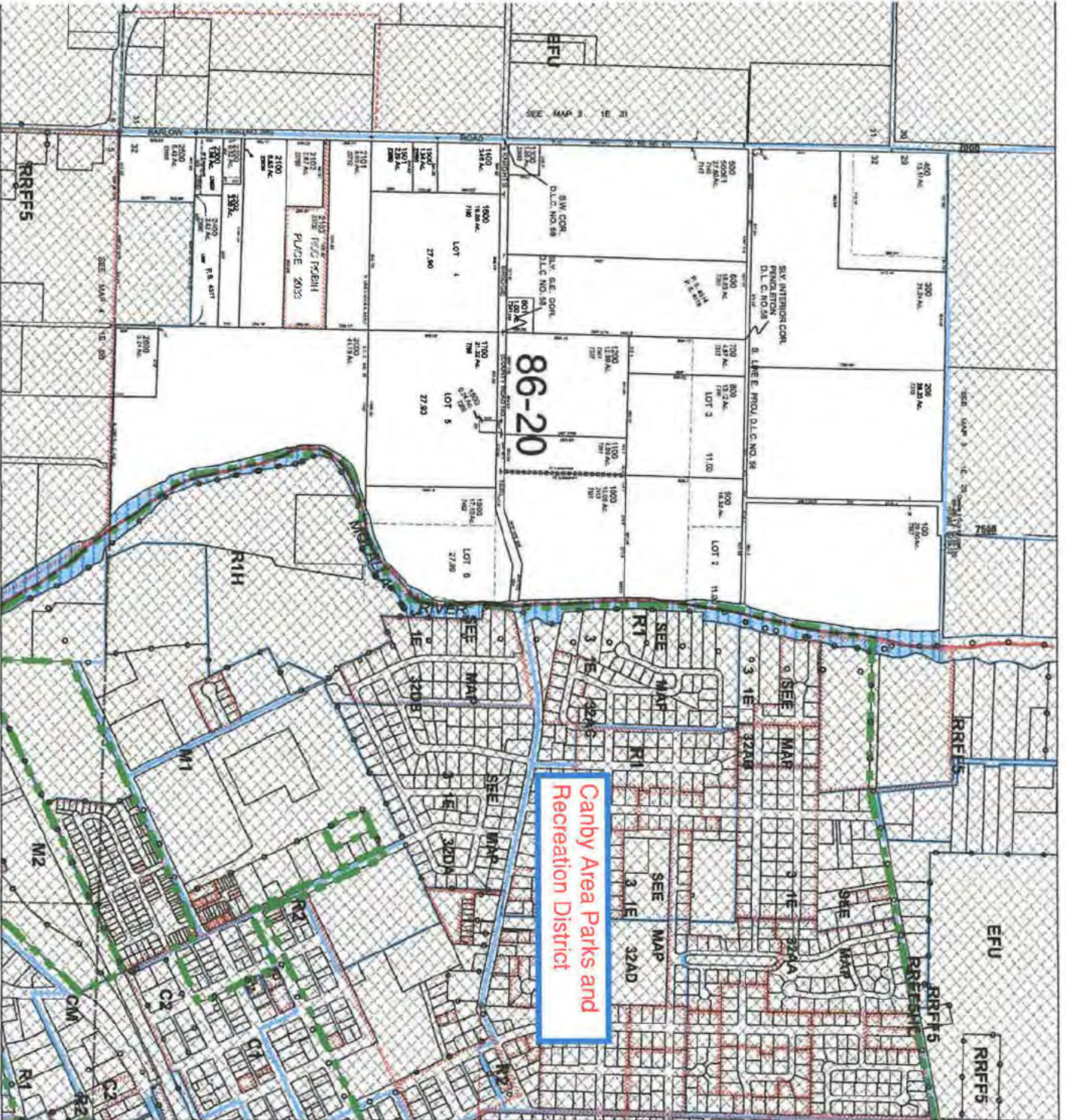
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Corridors
- Terrace/Lines
- Map Index
- Waterlines
- Land Use Zoning
- Parks
- Woods
- Corner
- Section Center
- 1/16th Line
- Quarter Line
- D.C. Line
- Major Line
- PLSS Section Line
- Historic Center 4"
- Historic Center 2"

Canby Area Parks and Recreation District



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

D. L. C.'S  
C. PENDLETON NO. 58  
LUCIUS A. SEELY NO 57 & 48  
Clackamas Township  
10000'  
1000'  
1000'  
200'



Canby Area Parks and  
Recreation District  
86-20

- Private Boundary
- Private Road Right of Way
- Historical Boundary
- Historical Centerline
- Tract Centerlines
- Map Index
- Waterlines
- Land Use Zoning
- Water
- Center
- Becker Center
- High Line
- Grid Lot Lines
- D.C. Use
- Master Lot Line
- Public Easement Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY

3 1 E 32

This map was prepared for assessment purpose only.

SECTION 29 T.3S. R.1E. W.M.  
CLACKAMAS COUNTY  
1"=400'

D.L.C.  
C. PENDLETON NO. 58

3 IE 29  
& INDEX

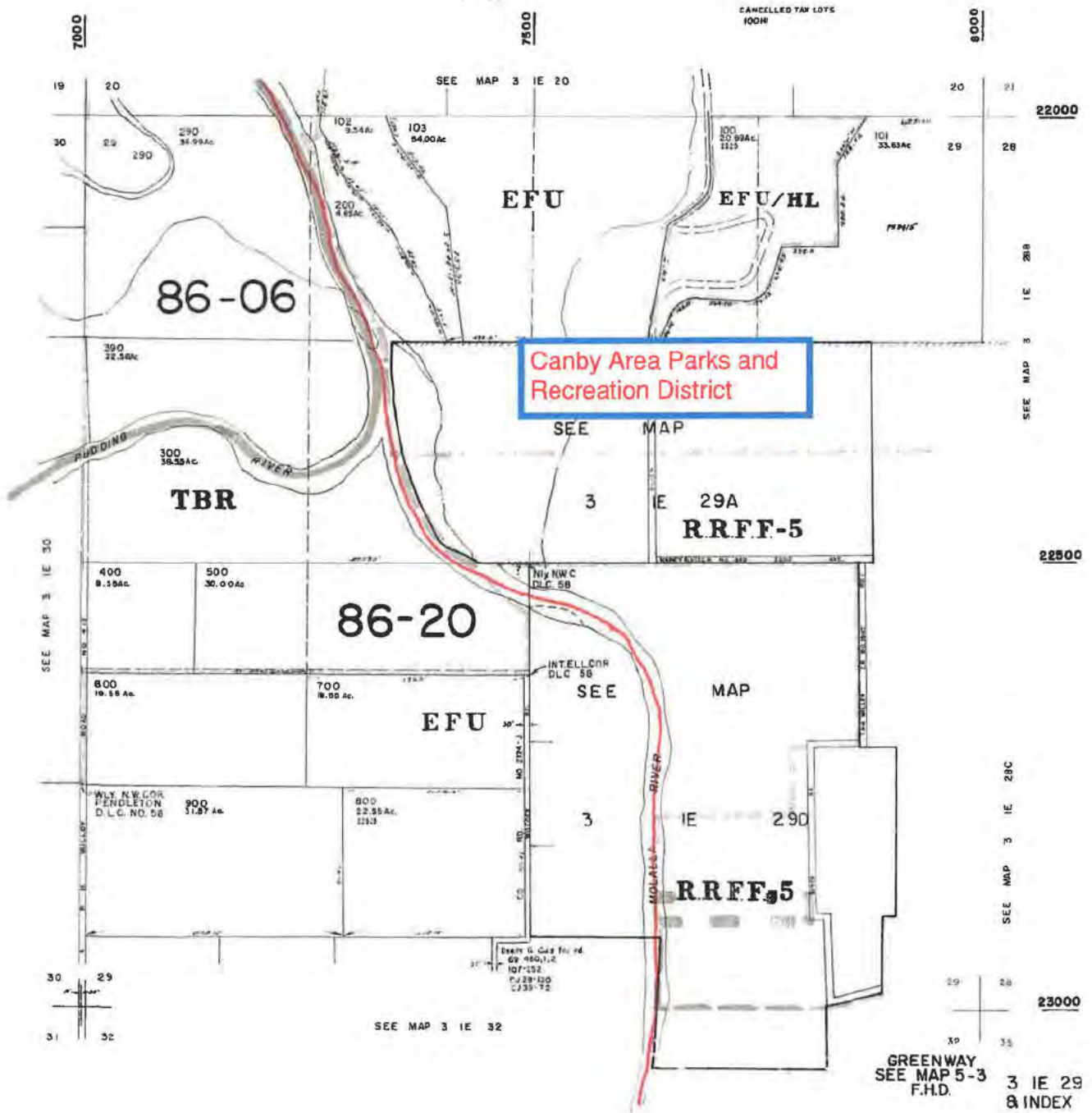


Exhibit B



Contour Interval

200
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1200
1400
1600
1800
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2200
2400
2600
2800
3000

- Private Road ROW
- Historical Boundary
- Railroad Corridor
- Turf/Coal Line
- Map Index
- Wetland Line
- G Land Use Zoning
- Water
- Corner
- Section Center
- 1/8th Line
- Quarter Line
- D.C. Line
- Meander Line
- P.L.S.S. Section Line
- Historic Center 1/4'
- Historic Center 20'



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

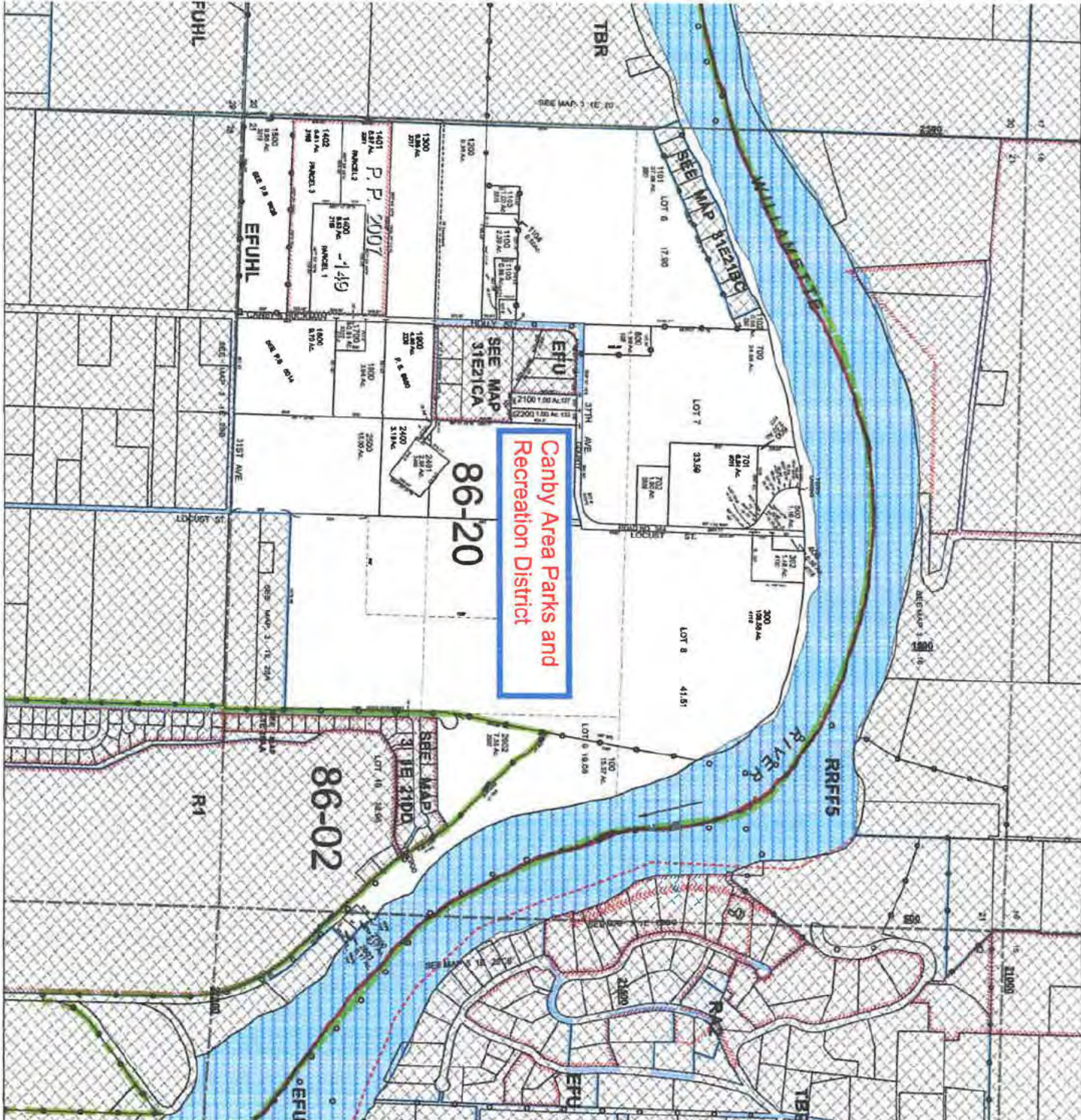


Exhibit B



All that part of the Canby Area Parks and Recreation District is to be withdrawn EXCEPT the following described area;

BEGINNING AT THE INTERSECTION OF THE LINE OF ORDINARY LOW WATER OF THE SOUTHERLY BANK OF THE WILLAMETTE RIVER WITH THE EASTERN BOUNDARY OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 01 EAST, WILLAMETTE PRINCIPAL MERIDIAN;

THENCE SOUTH ALONG THE EASTERN BOUNDARY OF SECTIONS 27 AND 34 OF TOWNSHIP 3 SOUTH, RANGE 01 EAST, WILLAMETTE PRINCIPAL MERIDIAN TO THE SOUTHEAST CORNER OF SECTION 34;

THENCE CONTINUING SOUTH ALONG THE EASTERN BOUNDARY OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 01 EAST TO ITS INTERSECTION WITH THE CENTERLINE OF SE 13TH STREET;

THENCE WESTERLY ALONG THE CENTERLINE OF SE 13TH STREET TO ITS INTERSECTION WITH THE WESTERN BOUNDARY OF THE EAST ONE-HALF OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 01 EAST;

THENCE SOUTH ALONG THE WESTERN BOUNDARY OF THE EAST ONE-HALF OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 01 EAST TO THE SOUTH BOUNDARY OF SECTION 3;

THENCE WEST ALONG THE SOUTH BOUNDARY OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 01 EAST TO ITS INTERSECTION WITH THE LINE OF ORDINARY LOW WATER OF THE MOLALLA RIVER;

THENCE WESTERLY AND NORTHERLY ALONG THE LINE OF ORDINARY LOW WATER OF THE MOLALLA RIVER TO ITS INTERSECTION WITH THE LINE OF ORDINARY LOW WATER OF THE WILLAMETTE RIVER;

THENCE EASTERLY ALONG SAID LINE OF ORDINARY LOW WATER OF THE WILLAMETTE RIVER TO THE POINT OF BEGINNING.

Revision date: March 25, 2022



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

In the Matter of Referring a  
Question to the Ballot re:  
Withdrawing Territory from the  
Canby Area Parks and Recreation  
District



Order No.

This matter coming before the Board at this time, and it appearing that this Board adopted a Preliminary Order Withdrawing Territory from the Canby Area Parks and Recreation District on March 23, 2023, Board Order No. 2023-034, Agenda Item 20230323 II.A;

If further appearing that a public hearing was scheduled for May 4, 2023 to either approve the Final Order Withdrawing Territory from the Canby Area Parks and Recreation District or determine if one-hundred written requests for an election were received on the question of withdrawal of the territory;

It further appearing that staff retained by the County have properly noticed the public hearing;

It further appearing that the required number of written requests for an election have been received;

NOW, THEREFORE, IT IS HEREBY ORDERED that the question: "Shall the territory as described be withdrawn from the district?" be placed on the ballot in the next election suitable for this district matter. The findings supporting this Order are contained in Exhibit A, the territory to be withdrawn from the Canby Area Parks and Recreation District is depicted in Exhibit B and described on Exhibit C.

ADOPTED this 4<sup>th</sup> day of May, 2023.

BOARD OF COUNTY COMMISSIONERS

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Tootie Smith, Chair

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Anthony Mayernik, Recording Secretary

## **FINDINGS**

Based on the public hearing the Board found:

1. Proposal No. 2023-006 is a petition for withdrawal of territory from the Canby Area Parks and Recreation District ("District").
2. Following the adoption of a Preliminary Order Withdrawing Territory from the Canby Area Parks and Recreation District the Board received 100 or more written requests for an election on this issue.

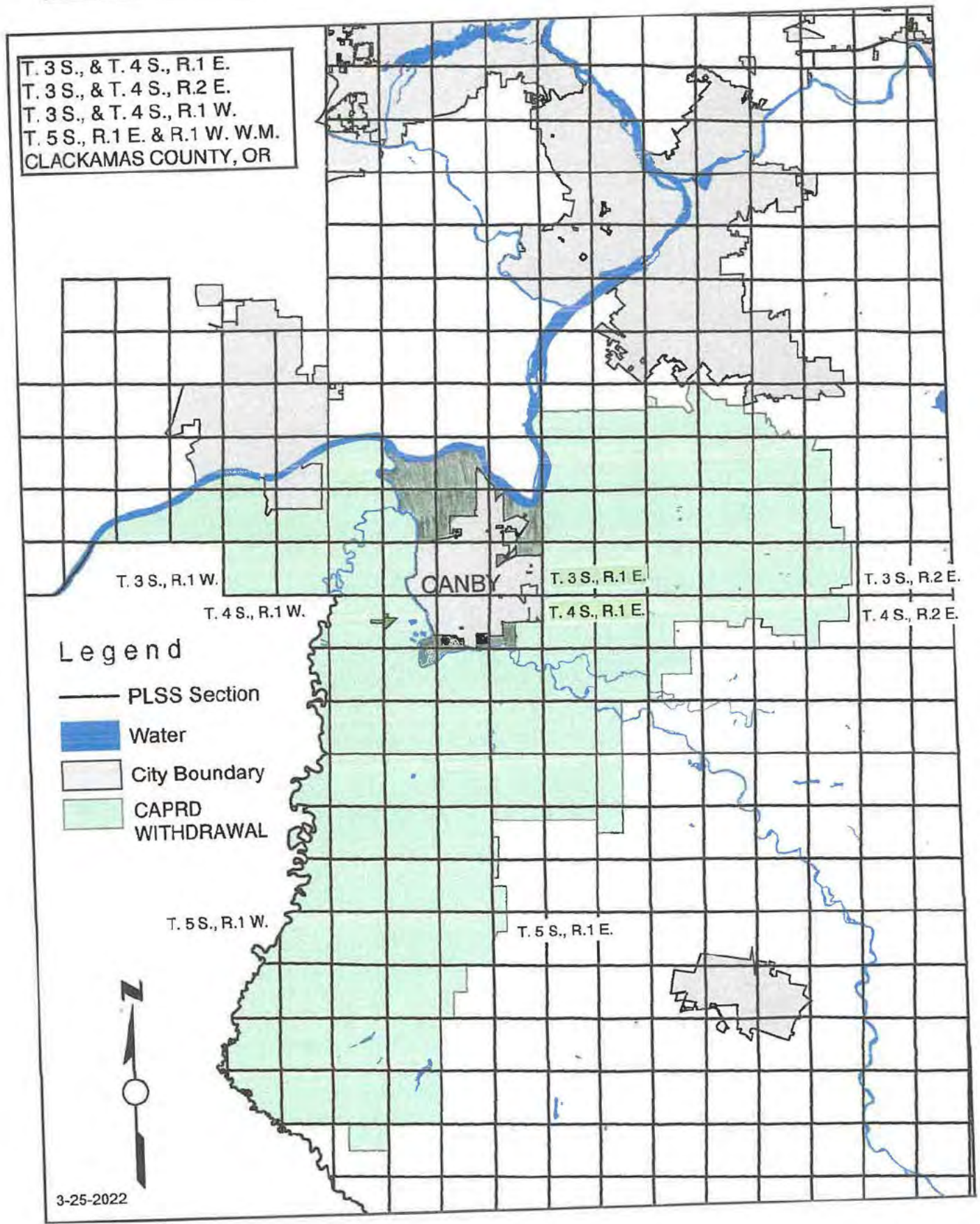
## **CONCLUSIONS AND REASONS FOR DECISION**

Based on the Findings, the Board determined:

1. As a result of the receipt of an adequate number of written requests for an election. The question: "Shall the territory as described be withdrawn from the district?" is to be placed on the ballot in the next election suitable for this district matter.

**PORTION to be WITHDRAWN from the CANBY AREA PARKS AND RECREATION DISTRICT**

T. 3 S., & T. 4 S., R.1 E.  
 T. 3 S., & T. 4 S., R.2 E.  
 T. 3 S., & T. 4 S., R.1 W.  
 T. 5 S., R.1 E. & R.1 W. W.M.  
 CLACKAMAS COUNTY, OR





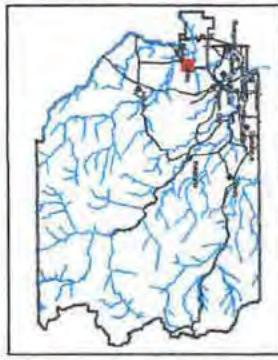
Approved by Oregon  
Department of Revenue on  
3/29/2022

Exhibit B

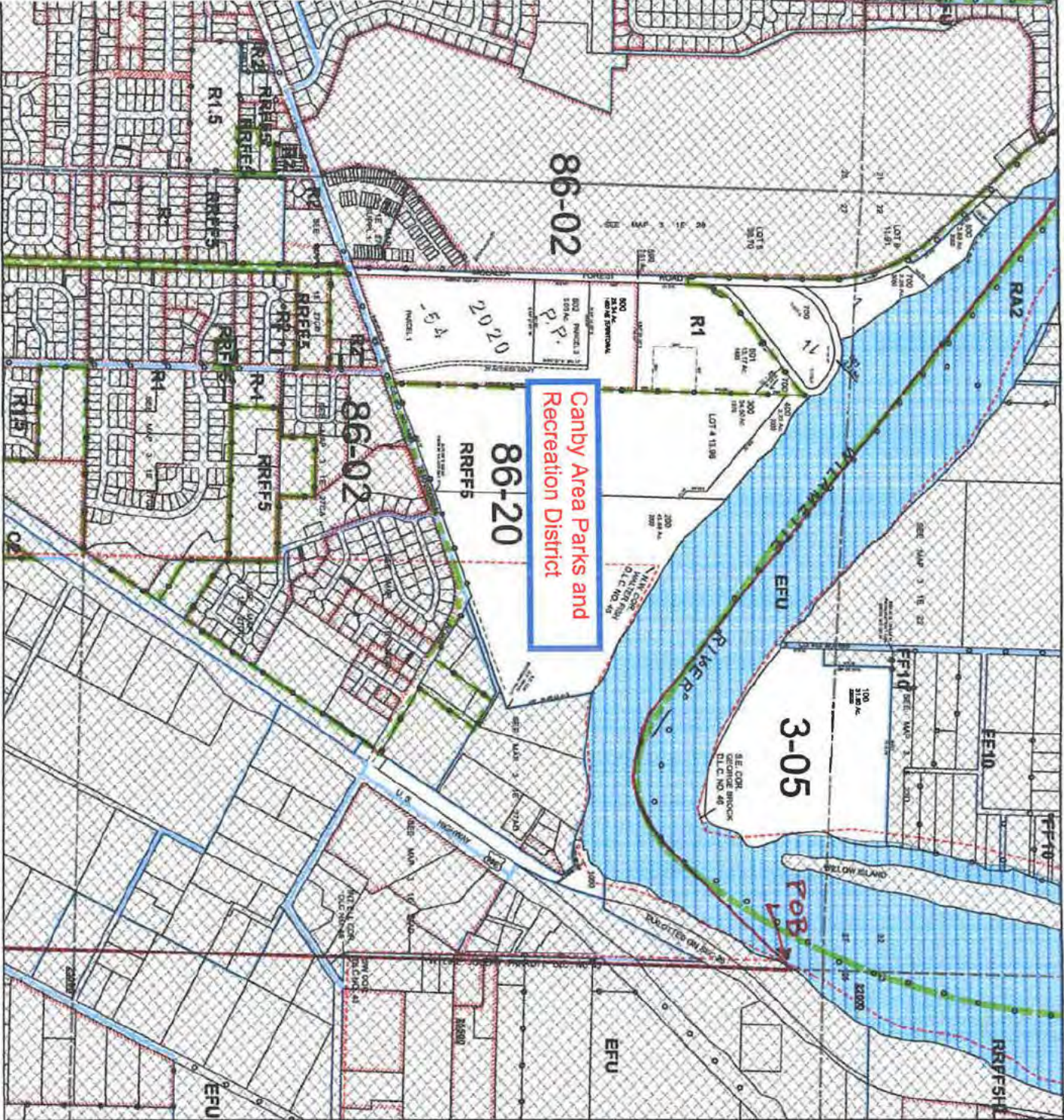
SECTION 27 T.3S. R.1E. WM.  
CLACKAMAS COUNTY  
1" = 400'

REVISION DATE:  
3-25-2022 Cancelled Tractor  
200

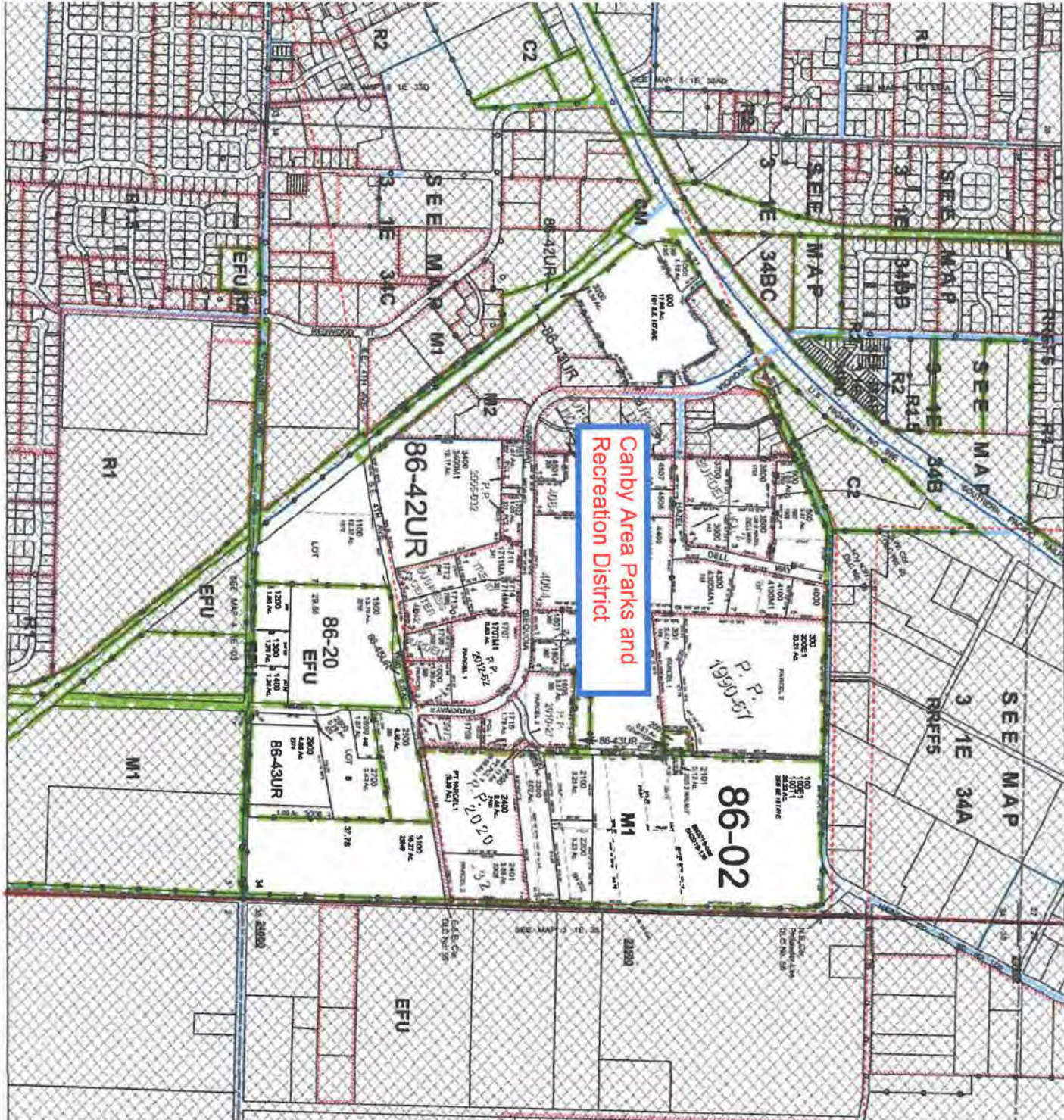
- Private Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- Tax Code Lines
- Map Index
- Water Lines
- Water
- Section Center
- 1/16th Line
- 1/32nd Line
- Dotted Line
- FLSIS Section Line
- Historic Center 4'\*
- Historic Center 20'



THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY



Canby Area Parks and  
Recreation District



Canby Area Parks and Recreation District

3 1 E 34  
CANBY

SECTION 34 T.3S. R.1E. W.M.  
CLACKAMAS COUNTY  
1" = 400'

D. L. C.  
PHILANDER LEE NO. 56  
WALTER FISH NO. 45

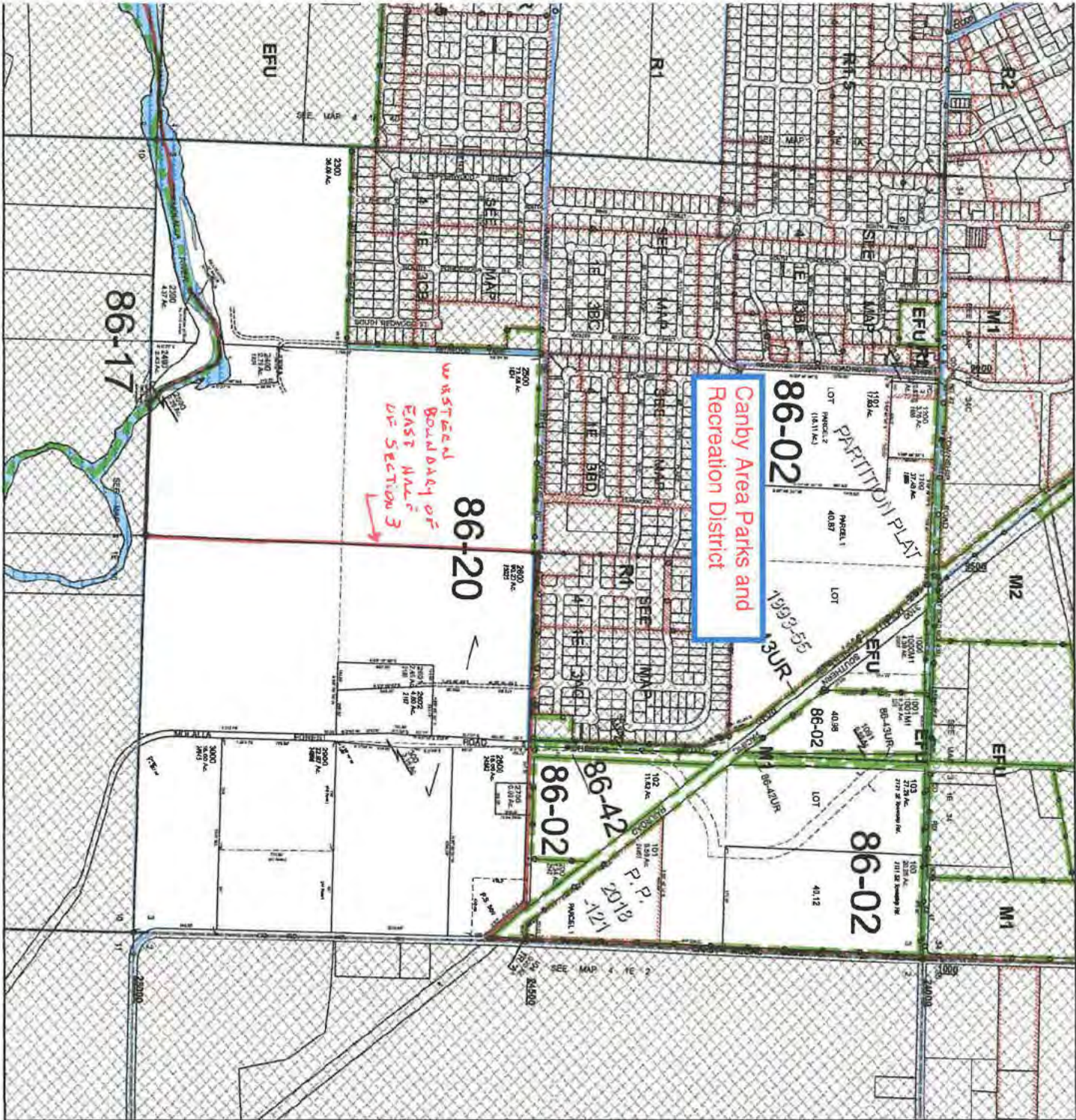
- General Zoning**
- 0 Land Use Zoning
  - 1 Single-Family Residential
  - 2 Single-Family Residential
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  - 4 Single-Family Residential
  - 5 Single-Family Residential
  - 6 Single-Family Residential
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THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

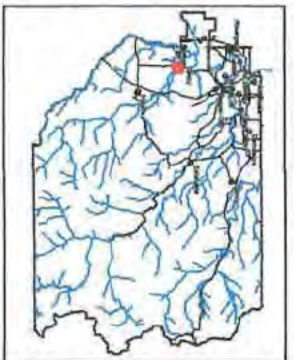


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CANBY



4 1 E 03  
 CANBY  
 SECTION 3 T.4S. R.1E. W.M.  
 CLACKAMAS COUNTY  
 1" = 400'  
 REVISION DATE:  
 3-29-2022

- Cancelled Taxlots**
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- Parcel Boundary
  - Private Road ROW
  - Historical Boundary
  - Rainfall Contours
  - Tax Code Lines
  - Water Lines
  - Land Use Zoning
  - Plat
  - Center
  - Section Corner
  - 1/16th Line
  - Dept. Lot Line
  - D.C. Line
  - Manhole Line
  - Public Station Line
  - Fireline Corridor 40'
  - Highway Corridor 20'



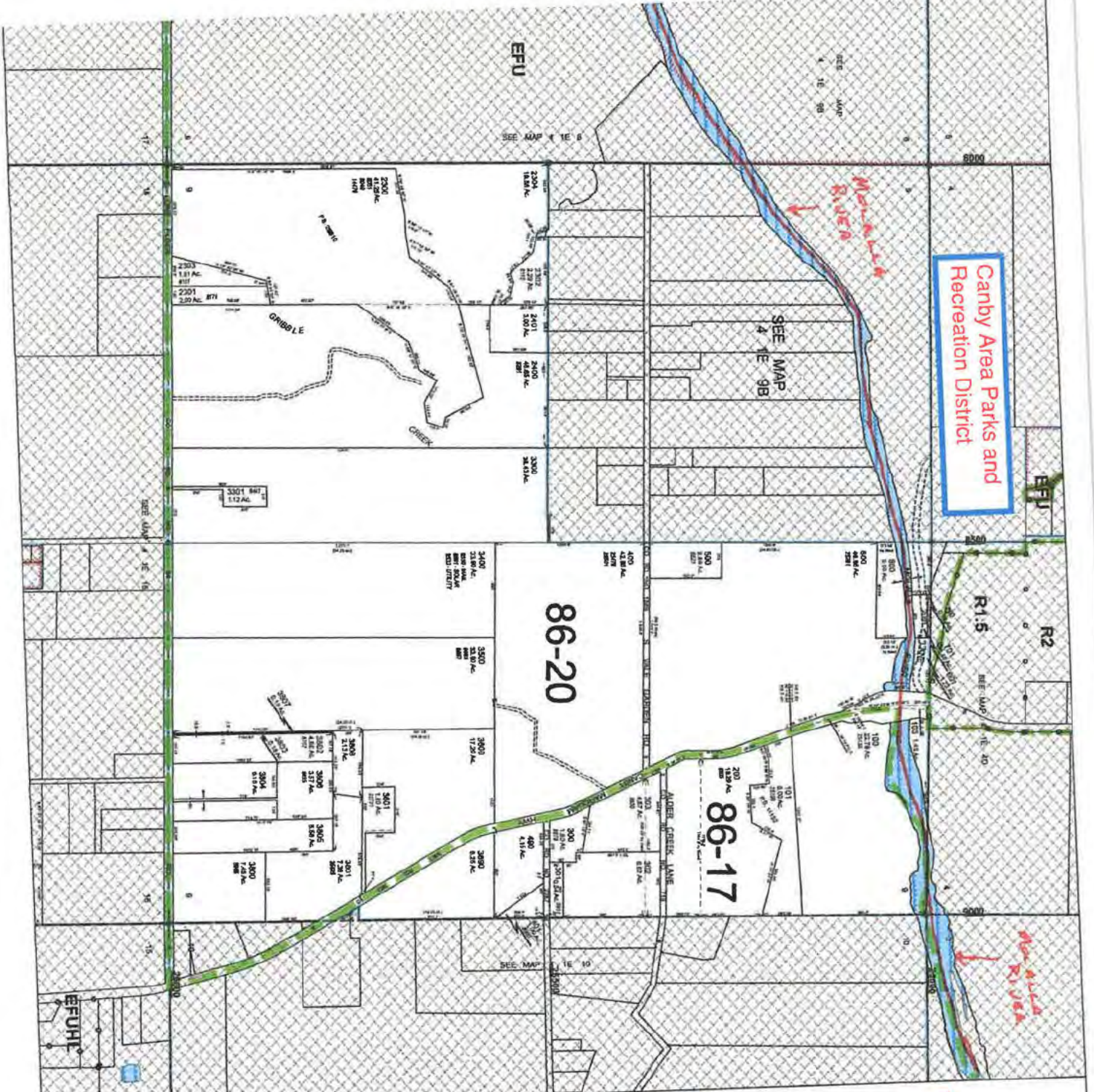
THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

4 1 E 03  
 CANBY

Exhibit B



**Canby Area Parks and Recreation District**



SECTION 9 T.4S. R.1E. W.M.  
 CLACKAMAS COUNTY  
 1" = 400'

*REVISION DATE:  
 5-25-2022*

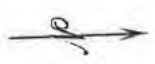
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Corridor
- Trenchcut Line
- Map Index
- Land Use Zoning
- Water
- Center
- Section Center
- 1/16th Line
- 1/32nd Line
- D/C Line
- Mender Line
- 1/8" Section Line
- Historic Corridor 40'
- Historic Corridor 20'

Contoured Elevation

120
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THIS MAP IS FOR ASSESSMENT PURPOSES ONLY



4 1 E 09

SECTION 8 T.4S. R.1E. W.M.  
CLACKAMAS COUNTY  
1" = 400'

DLIC  
SAMUEL K. BARLOW NO. 50

Copyrighted Territory

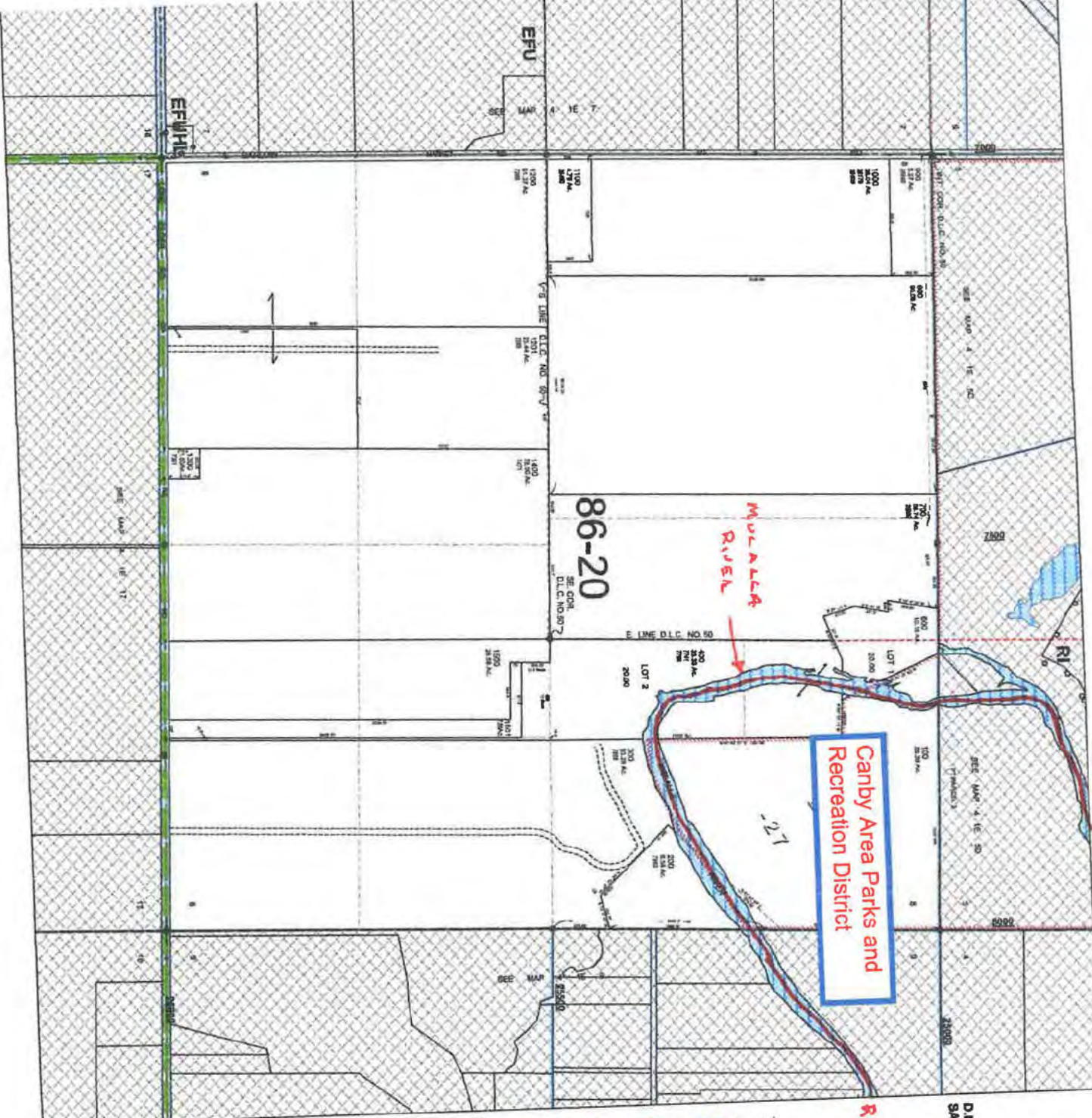
Canby Area Parks and  
Recreation District

Revised DATE  
3-25-2022

- Parcel Boundary
- Private Road R/W
- Historical Boundary
- Railroad Corridor/Right-of-Way
- Railroad Corridor/Right-of-Way
- Trench/Channel Lines
- Map Index
- Water
- Land Use/Zoning
- 1/8" Section
- Center
- Section Corner
- 1/16" Line
- 1/32" Line
- D.L.C. Line
- Remainder Line
- P158 Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY



SECTION 5 T4S R 1E W.M.  
CLACKAMAS COUNTY  
1" = 400'

D.L.C.S.  
LUCIUS A. SEELEY NO. 48  
SAMUEL K. BARLOW NO. 50

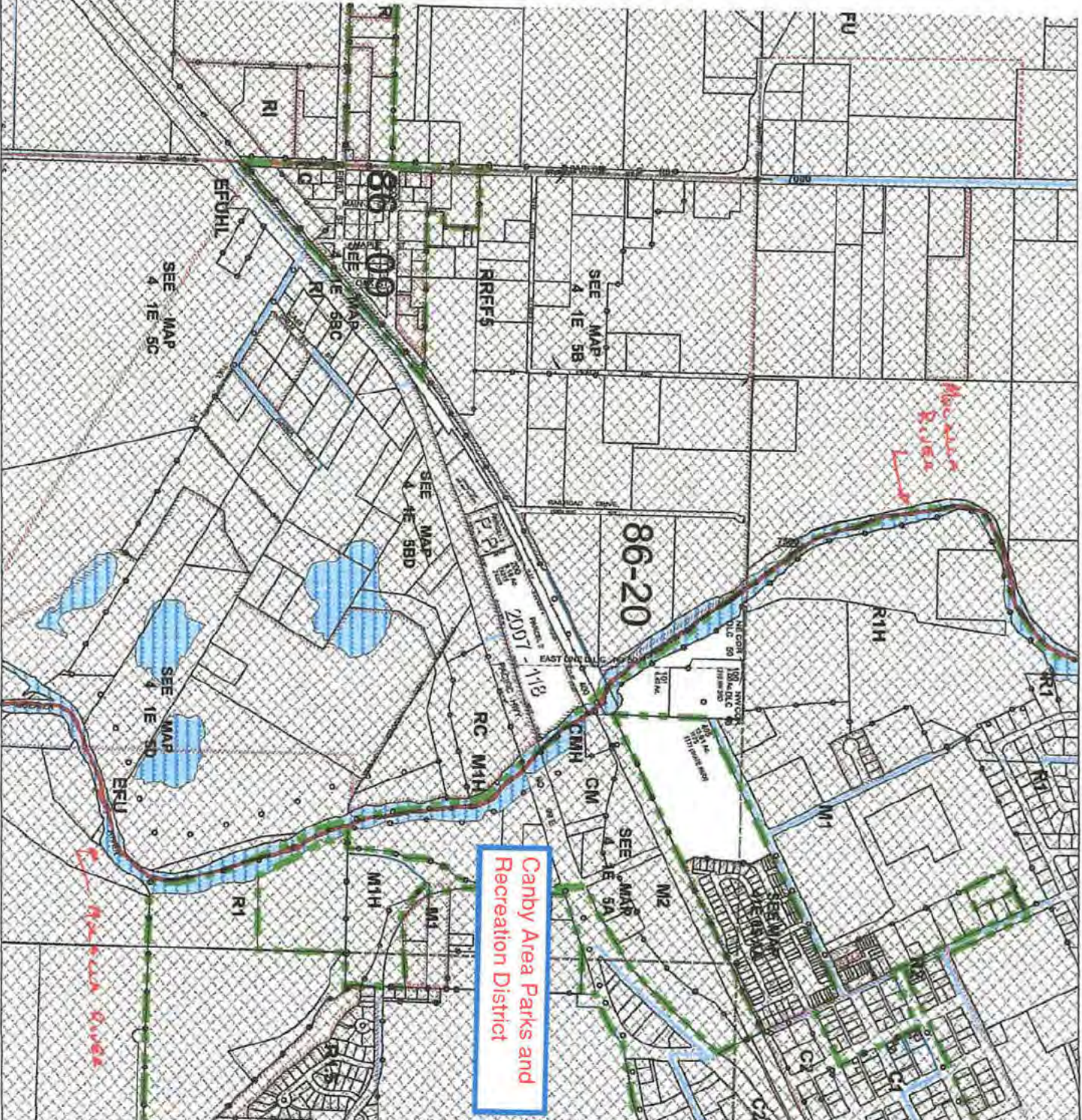
**Revised Date:**  
**3-25-2022**

**Checked/Total**

311	311
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400	400

- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- Tiecrossovers
- Map Index
- Waterlines
- Land Use Zoning
- Parks
- Woods
- Corner
- Section Center
- 1/16th Line
- Quarter Line
- D.C. Line
- Meadow Line
- PLSS Section Line
- Historic Center 4"
- Historic Center 2"

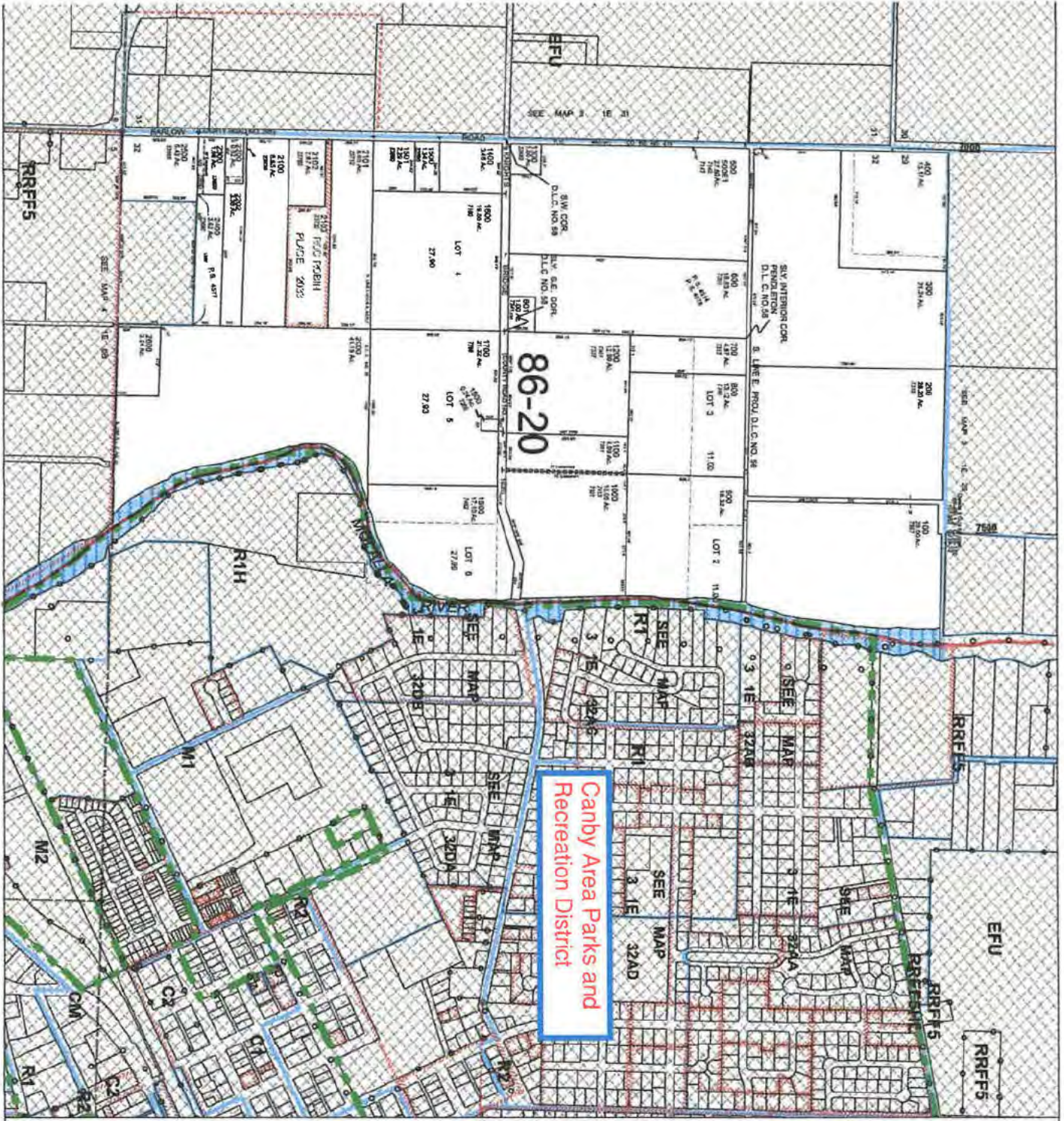
**Canby Area Parks and Recreation District**



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

SECTION 32 T.3S. R.1E. W.M.  
CLACKAMAS COUNTY  
1" = 400'

D. L. C.'S  
C. PENDLETON NO. 58  
LUCIUS A. SEELY NO 57 & 48  
Clackamas Township  
10000'  
1000'  
100'  
200'



Canby Area Parks and Recreation District

- Private Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- Trench Centerline
- Map Index
- Watershed
- Land Use Zoning
- Road
- Water
- Center
- Shelter Center
- Utility Line
- Gas Utility
- D.C. Line
- Handrail Line
- Public Easement Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY.



This map was prepared for assessment purpose only.

SECTION 29 T.3S. R.1E. W.M.  
CLACKAMAS COUNTY  
1"=400'

D.L.C.  
C. PENDLETON NO. 58

3 IE 29  
& INDEX

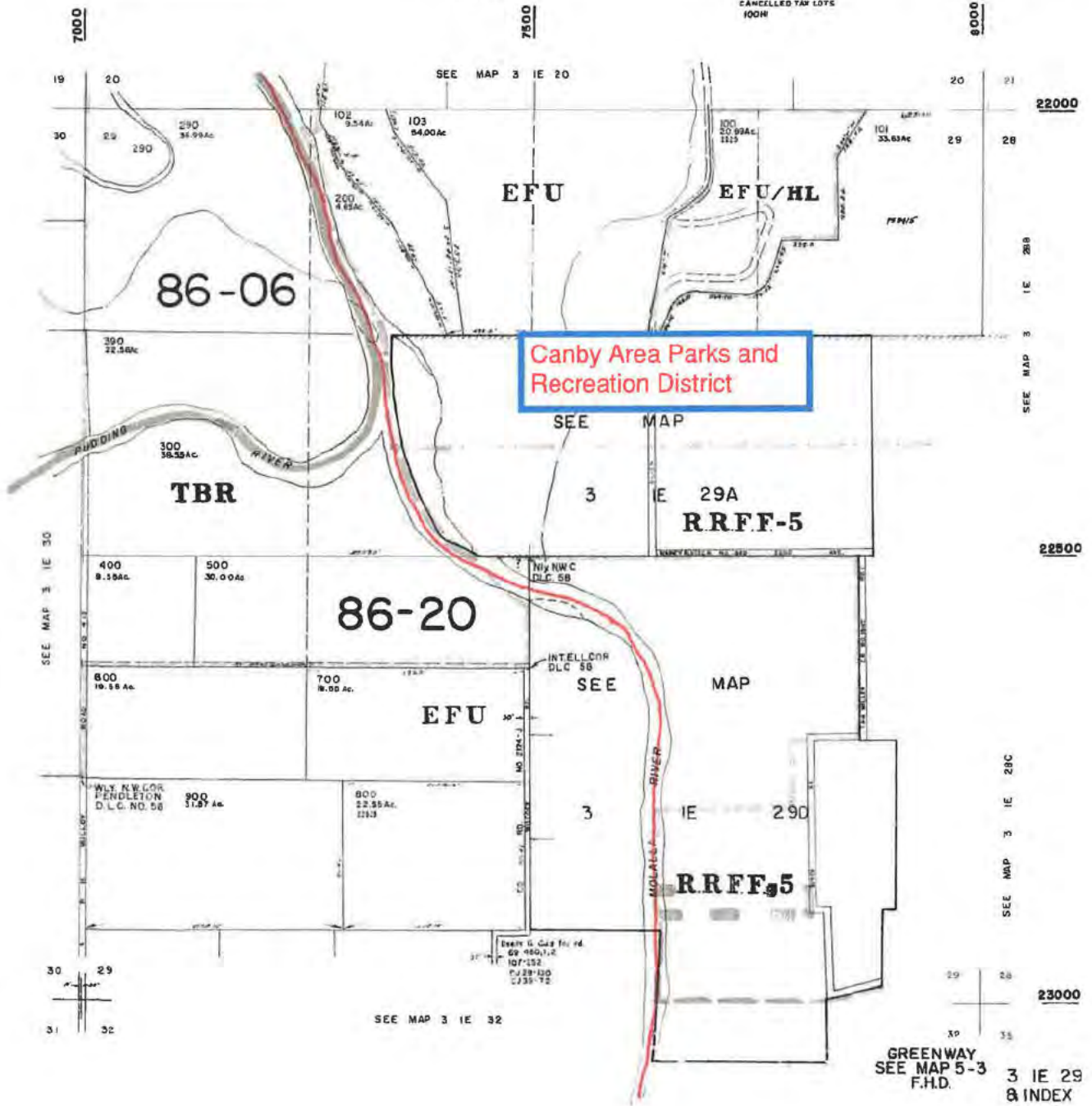
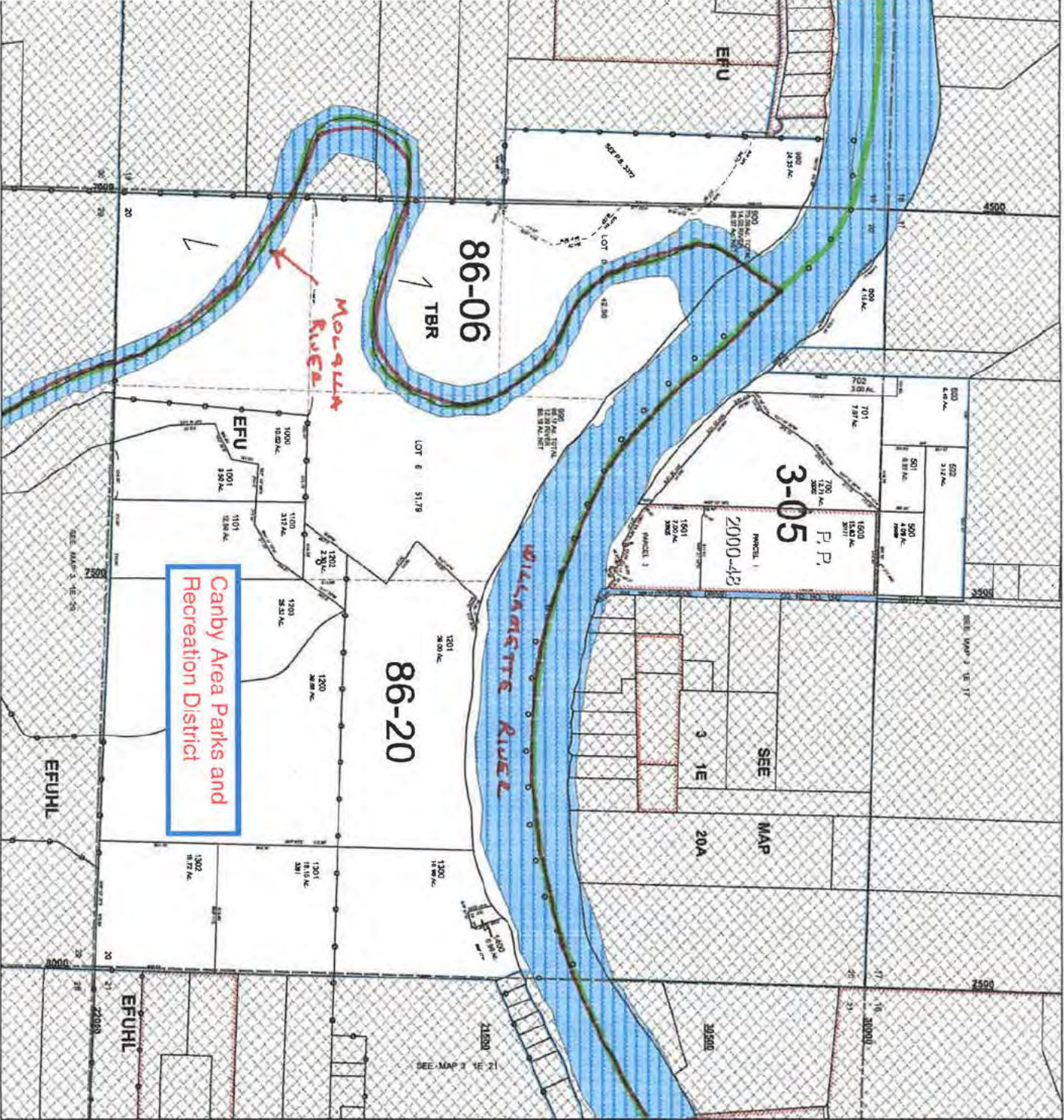


Exhibit B



Canby Area Parks and Recreation District

**SECTION 20 T.3S. R.1E. W.M.**  
**CLACKAMAS COUNTY**  
1" = 400'

**3 1 E 20**

**Revised DATE**  
**3-25-2022**

**Classified Tracts**  
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	Parcel Boundary
	Private Road ROW
	National Boundary
	National Centerline
	Taxlots
	Map Index
	Water Line
	Well
	Corner
	Station Center
	Trifurc Line
	Cent. Lat. Line
	DLC Line
	Neander Line
	F.S.S. Station Line
	Palisic Center 40'
	Palisic Center 20'

THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

3 1 E 20

Contour Interval

200
400
600
800
1000
1200
1400
1600
1800
2000
2200
2400
2600
2800
3000

- Private Road ROW
- Historical Boundary
- Railroad Corridor
- Turf/Coal Line
- Map Index
- Waterline
- G Land Use Zoning
- Water
- Corner
- Section Center
- 1/8th Line
- Quarter Line
- D.C. Line
- Meander Line
- P.L.S.S. Section Line
- Historic Center 1/2'
- Historic Center 20'



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

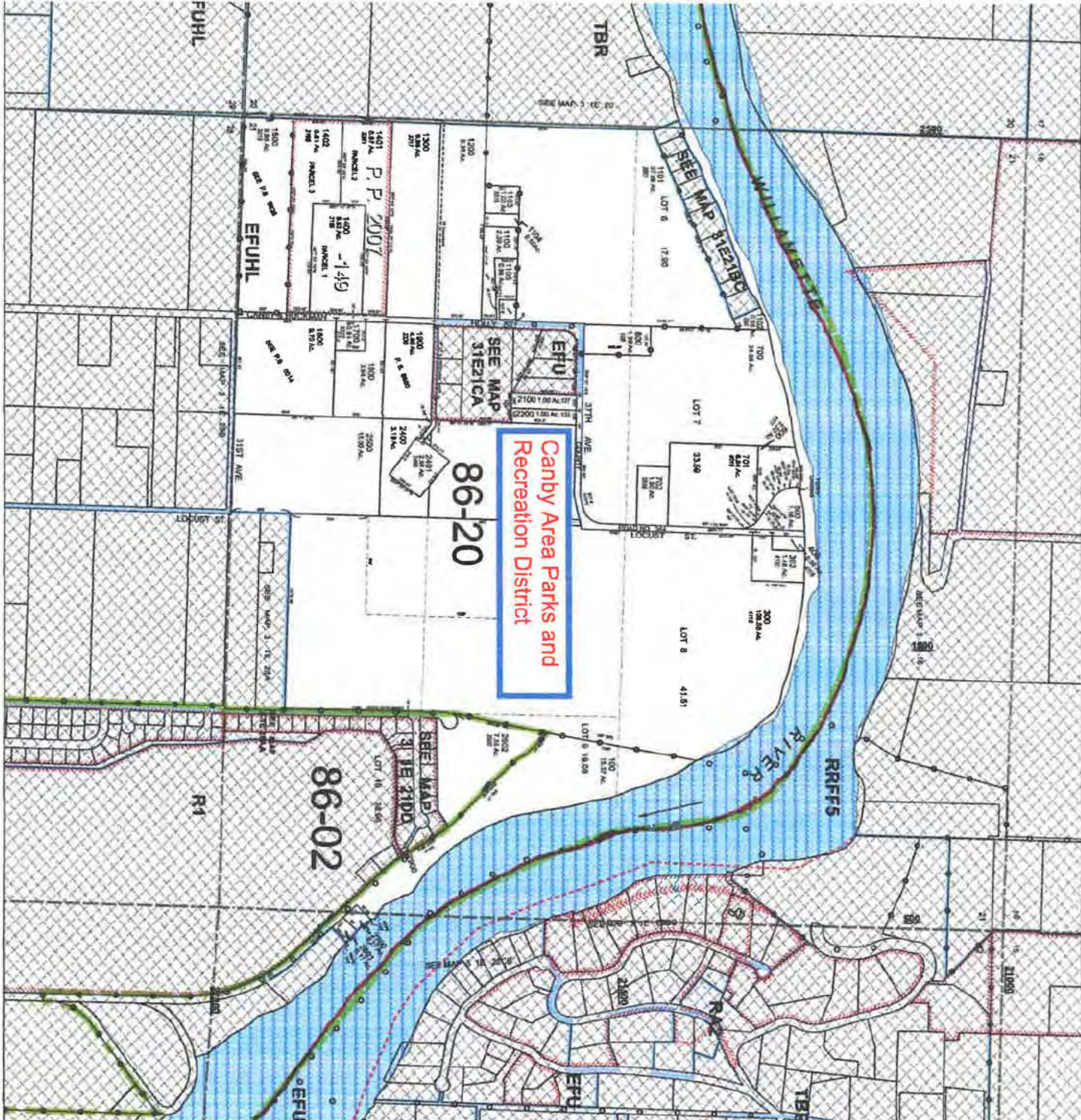


Exhibit B

All that part of the Canby Area Parks and Recreation District is to be withdrawn EXCEPT the following described area;

BEGINNING AT THE INTERSECTION OF THE LINE OF ORDINARY LOW WATER OF THE SOUTHERLY BANK OF THE WILLAMETTE RIVER WITH THE EASTERN BOUNDARY OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 01 EAST, WILLAMETTE PRINCIPAL MERIDIAN;

THENCE SOUTH ALONG THE EASTERN BOUNDARY OF SECTIONS 27 AND 34 OF TOWNSHIP 3 SOUTH, RANGE 01 EAST, WILLAMETTE PRINCIPAL MERIDIAN TO THE SOUTHEAST CORNER OF SECTION 34;

THENCE CONTINUING SOUTH ALONG THE EASTERN BOUNDARY OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 01 EAST TO ITS INTERSECTION WITH THE CENTERLINE OF SE 13TH STREET;

THENCE WESTERLY ALONG THE CENTERLINE OF SE 13TH STREET TO ITS INTERSECTION WITH THE WESTERN BOUNDARY OF THE EAST ONE-HALF OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 01 EAST;

THENCE SOUTH ALONG THE WESTERN BOUNDARY OF THE EAST ONE-HALF OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 01 EAST TO THE SOUTH BOUNDARY OF SECTION 3;

THENCE WEST ALONG THE SOUTH BOUNDARY OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 01 EAST TO ITS INTERSECTION WITH THE LINE OF ORDINARY LOW WATER OF THE MOLALLA RIVER;

THENCE WESTERLY AND NORTHERLY ALONG THE LINE OF ORDINARY LOW WATER OF THE MOLALLA RIVER TO ITS INTERSECTION WITH THE LINE OF ORDINARY LOW WATER OF THE WILLAMETTE RIVER;

THENCE EASTERLY ALONG SAID LINE OF ORDINARY LOW WATER OF THE WILLAMETTE RIVER TO THE POINT OF BEGINNING.

Revision date: March 25, 2022

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
JANUARY 11, 2005  
DARREN S. HARR  
58181

EXPIRATION DATE: 6/30/23