

Final Documents  
for  
Annexation to  
**Clackamas River Water District**

CL0710  
Ordinance/Resolution: 2010-98  
Annexation:  
DOR: 3-1908-2010  
Secretary of State: SD 2011-0013  
Secretary of State Effective Date: 2/25/2011

December 27, 2010

Linda Martin  
Metro  
Data Resources Department  
600 N.E. Grand Avenue  
Portland, Oregon 97232

RE: Final Boundary Change Documents

Dear Linda,

Attached is the final packet for Boundary Change Proposal No. CL-0710, annexation to Clackamas River Water. If you have any questions please let me know.

Ken Martin

# Notice to Taxing Districts

ORS 308.225



Cadastral Information Systems Unit  
PO Box 14380  
Salem, OR 97309-5075  
(503) 945-8297, fax 945-8737

Clackamas County Commissioners  
Board of County Commissioners  
2051 Kaen Road  
Oregon City, OR 97045-4035

**Description and Map Approved  
December 13, 2010  
As Per ORS 308.225**

Description     Map received from: Ken Martin  
On: 11/29/2010

This is to notify you that your boundary change in Clackamas County for  
Annexation to Clackamas River Water (Proposal No. CL-0710)

Order No.2010-98

has been:     Approved            12/13/2010  
                   Disapproved

Notes:

Department of Revenue File Number: 3-1908-2010

Prepared by: Robert Ayers 503-945-8883

Boundary:     Change     Proposed Change  
The change is for:

- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge

Exhibit A

ANNEXATION TO CLACKAMAS RIVER WATER  
Property at 14156 S Redland Road

LEGAL DESCRIPTION

**ANNEXATION PARCEL (2S-2E-33B-00600)**

Part of the Ezra Fisher Donation Land Claim No. 44, in Section 33, Township 2 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, being more particularly described as follows:

BEGINNING at a point on the line dividing said claim into East and West one-halves, said point being 610.50 feet (9.25 chains) South of the north end of said division line;

Thence North  $82^{\circ} 57'$  West on the north line of a 13.80 acre tract, 180.00 feet to a point;

Thence South parallel with said division line of said claim, 577.5 feet (8.75 chains) to the south line of said 13.80 acre tract;

Thence South  $84^{\circ} 25'$  East on the south line of said tract, 180.00 feet to said division line;

Thence North on the division line of said claim, 577.5 feet (8.75 chains) to the point of beginning.

EXCEPTING THEREFROM that portion within roads.

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

In the Matter of Approving  
Boundary Change Proposal  
No. CL-0710

} ORDER NO. 2010-98

This matter coming before the Board at this time, and it appearing that more than half the electors and owners of more than half the land in the territory to be annexed have petitioned to annex the territory to Clackamas River Water;

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

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

It further appearing that this matter came before the Board for a public hearing on July 15, 2010 and that a decision of approval was made on July 15, 2010; and

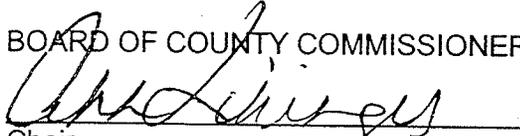
It further appearing that the Oregon Department of Revenue has some remaining questions regarding the legal description of this single property for its review but that all potential and interested parties have received full and appropriate notice regarding the annexation proposal;

NOW, THEREFORE, IT IS HEREBY ORDERED that Boundary Change Proposal No. CL-0710 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; and

IT IS ORDERED, FURTHER, that Staff shall take all steps necessary to clarify to the satisfaction of the Oregon Department of Revenue the boundary description for the annexed territory and that such final legal description is hereby adopted as the definitive Exhibit B hereof.

ADOPTED this 15<sup>th</sup> day of July, 2010.

BOARD OF COUNTY COMMISSIONERS

  
Chair

  
Recording Secretary

EXHIBIT A**FINDINGS**

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

1. The territory to be annexed contains 2.25 acres, 1 single family residence and is evaluated at \$502,711.
2. The property owner is seeking annexation to comply with his agreement to do so as a condition for receiving water service. The water serves a recently constructed dwelling and no additional development is proposed.
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."

A second set of criteria can be found in the Metro Code. To approve a boundary change, the reviewing entity [the County Board] must apply the criteria and consider the factors set forth in Section 3.09 of the Metro Code. 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; 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 planning agreements, urban service agreements or annexation plans adopted pursuant to ORS 195 which cover this area. There are no inconsistencies between this annexation and the applicable (County) Comprehensive Plan. Service is only available from the District and is already being provided. Thus the service can be considered to be timely, orderly and economic. This single connection has negligible effect on the quantity and quality of the District's overall service provision capabilities. There is no duplication of services since only the District has water available to the site.

4. 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 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.

5. The territory is designated Rural on the Clackamas County Oregon City Land Use Plan Map (IV-5). The territory is zoned RRFF-5, Rural Residential Farm Forest, 5 acre minimum lot size.

The following policies from the Public Facilities and Services element of the County's plan are applicable:

Water

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- 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.

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- 15.0 Require water service purveyors to provide water services for nonurban areas at levels which are appropriate for nonurban use.

6. The District has a 14-inch water line in S. Redland Road.

The property is already served by the District. In 2005, Clackamas River Water (a domestic water supply district operating under Oregon Revised Statute 264) supported an effort to form a water authority covering the same territory as the District. The District suspended processing of District annexations while the water authority proposal was being pursued so the legal description of the authority would not be affected. The water authority proposal underwent lengthy appeals and only recently was resolved (as not approved). In the period in which Clackamas River Water was not processing annexations, the District did allow some properties to hook-up with the proviso that the property owners would seek annexation once the water authority issue was resolved. This is such an annexation.

7. There are no sewers in this area. Sewage is dealt with by septic tanks and drain fields.
8. The Clackamas County Sheriff provides police services. Annexation to the Water District will not affect this service.
9. The property is within Clackamas RFPD No. 1. This service will not be affected by annexation to the Water District.

### CONCLUSIONS AND REASONS 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 this proposal was found to be in compliance with it. As noted in Finding No. 5 above the Plan contains no clear restrictions on expansion of water districts in lands designated as Rural. No directly applicable service agreements were found to exist.
2. 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 Finding 3 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.
3. 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." No such plan exists for this area.
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 Board concludes this annexation is timely, the District has an adequate quantity and quality of services available and that the services are not duplicative.

## EXHIBIT B

ANNEXATION TO CLACKAMAS RIVER WATER  
Property at 14156 S Redland Road

### LEGAL DESCRIPTION

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# CL0710

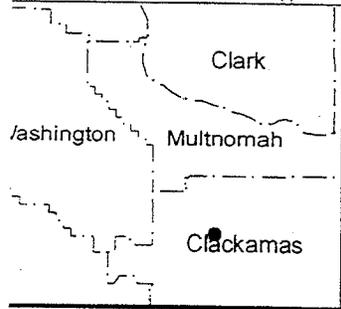
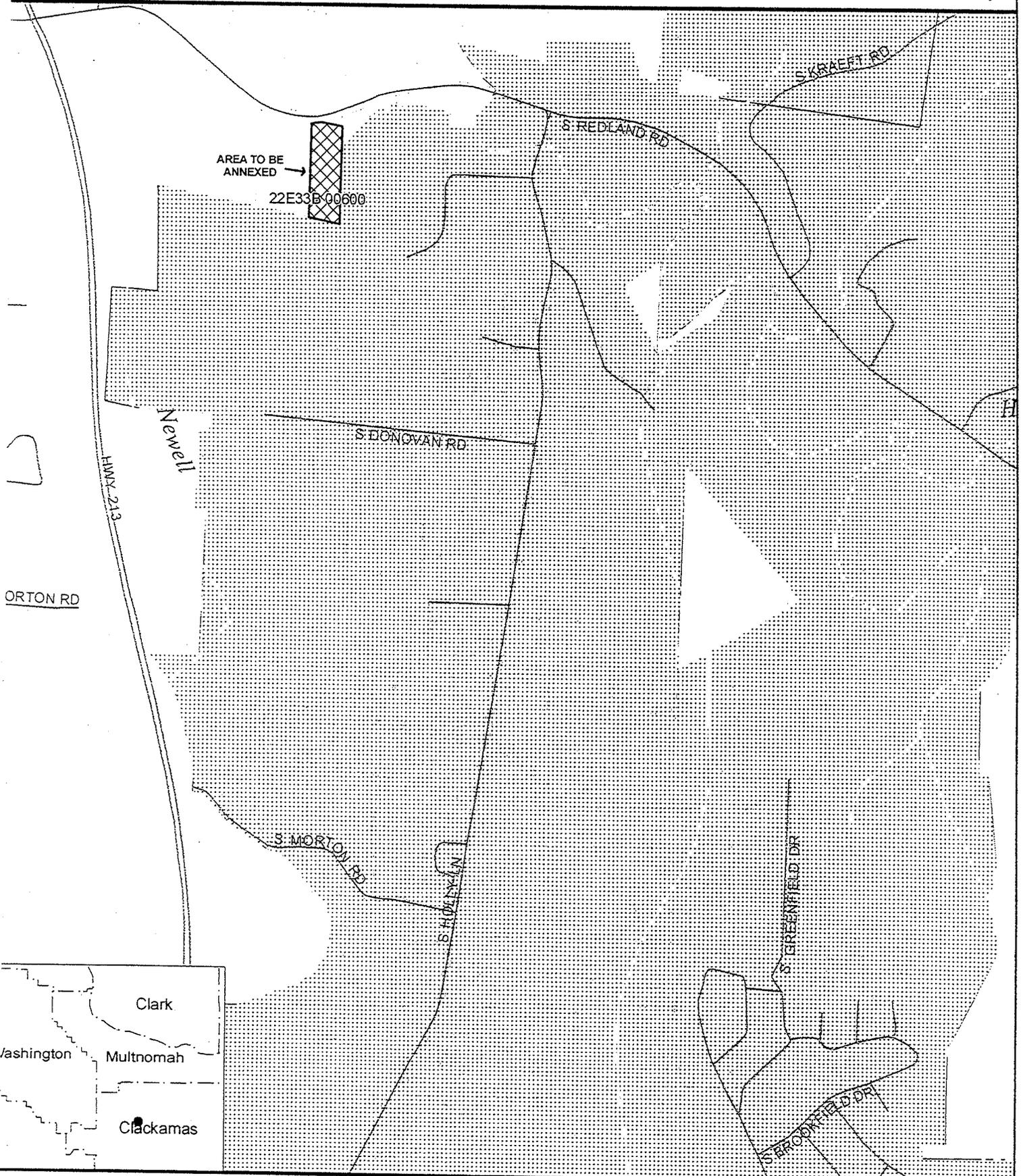
2010-98

EXHIBIT C

S2E33

Clackamas River Water District

Clackamas County



 Data Resource Center  
600 NE Grand Ave  
Portland, OR 97232-2736  
(503) 797-1742  
<http://www.oregonmetro.gov/drc>

 Clackamas River Water District  
 Areas to be annexed

CL0710

Ken Martin Consulting  
P.O. Box 29079  
Portland, OR 97296-9079  
(503) 222-0955



## EXHIBIT B

ANNEXATION TO CLACKAMAS RIVER WATER  
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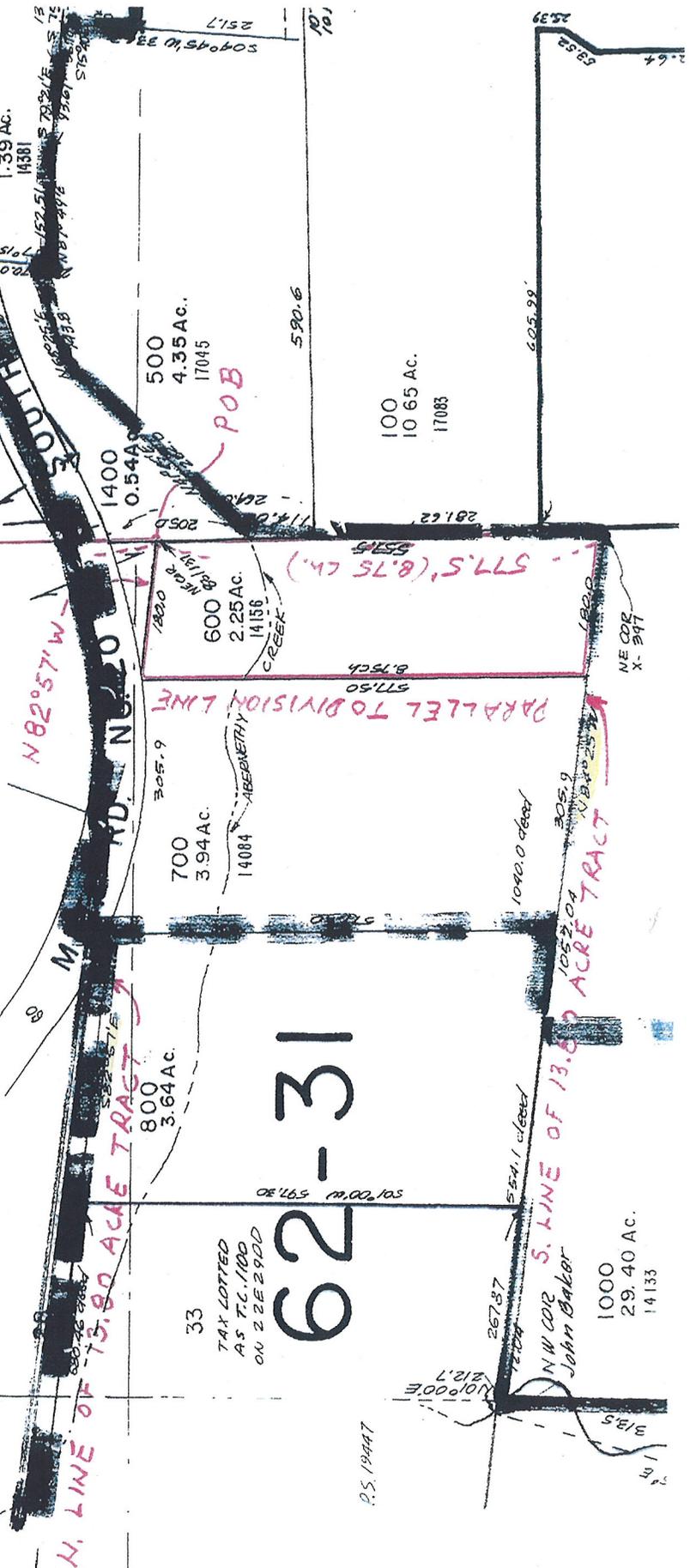
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N. LINE EZRA FISHER DLC NO. 44

This map was prepared for assessment purpose only.

NW 1/4 SEC. 33 T2S R2E W.M. CLACKAMAS COUNTY

SEE MAP 2 E 28CC 1" = 200'



62-31

SEE MAP 2 E 29DD

33 TAX LOTTED AS T.C. 1100 ON 2 E 29DD

N.W. COR John Barber

1000 29.40 AC. 14133

700 3.94 AC. 14084

600 2.25 AC. 14156

500 4.35 AC. 17045

100 10.65 AC. 17083

305.9 305.9

1040.0 deer

1057.04

S. LINE OF 13.80 ACRE TRACT

PARALLEL TO DIVISION LINE

577.5 (0.75 CH.)

N82°57'W

NEDLAND

401 1.39 AC. 14381

14000

0.5 (19447)

267.87

524.1 deer

N.W. COR John Barber

1000 29.40 AC. 14133

Indonesian