

Final Documents
for
Annexation to
Dunthorpe-Riverdale Service District

CL1410
Ordinance/Resolution: 2010-133

DOR: 3-1904-2010
Secretary of State: SD 2010-0166

OFFICE OF THE SECRETARY OF STATE

KATE BROWN
SECRETARY OF STATE

BARRY PACK
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
MARY BETH HERKERT
DIRECTOR
800 Summer Street NE
Salem, Oregon 97310
(503) 373-0701
Facsimile (503) 378-4118

December 7, 2010

Metro
Linda Martin
600 NE Grand Ave.
Portland, OR 97232-2736

To Whom It May Concern:

Please be advised that we have received and filed as of **December 7, 2010**, the records below annexing territory to special districts in your county.

Order No.	File No.	Jurisdiction
2010-123	SD 2010-0165	Dunthorpe-Riverdale Service District
2010-133	SD 2010-0166	Dunthorpe-Riverdale Service District

Our assigned file number(s) are included with the above information. Please verify the effective date(s) for these annexations through the application of ORS 199.519.

Sincerely,

Linda Bjornstad
Official Public Documents

cc: ODOT/Highway Division
Revenue Cartography Section

DOR 3-P335-2010
Preliminary Review



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

Ken Martin Consulting
P.O. Box 29079
Attn: Ken Martin
Portland, OR 97296-9079

Date: 9/1/2010

This letter is to inform you that the map and description for your PLANNED Annexation to Dunthorpe-Riverdale County Service District

(CL-1410) in Clackamas County have been reviewed per your request. They MEET the requirements for use with an Order, Ordinance, or Resolution which must be submitted to the Clackamas County Assessor and Department of Revenue in final form before March 31, 2011 per ORS 308.225.

Please submit to the Multnomah County Assessor also.

If you have any questions please contact: Barbara Callahan 503-945-8303

Notice to Taxing Districts

ORS 308.225



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

Description and Map Approved
September 22, 2010
As Per ORS 308.225

Dunthorpe Riverdale Serv Dis 1
 Multnomah County Finance
 1120 SW 5th Rm 1400
 Portland, OR 97204

Description Map received from: Ken Martin
 On: 9/15/2010

This is to notify you that your boundary change in Clackamas and Multnomah Counties for
 Annexation to Dunthorpe-Riverside County Service District

Order No.2010-133

has been: Approved 9/22/2010
 Disapproved

Notes:

Department of Revenue File Number: 3-1904-2010

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 2010-133

Approving The Annexation Of Territory To Dunthorpe-Riverdale County Service District

The Multnomah County Board of Commissioners Finds:

- a. A request for annexation was received pursuant to procedures set forth in ORS 198 and Metro Code 3.09.
- b. The annexation was endorsed by the Board of the District as required by ORS 198.850 (1).
- c. A staff report which addressed factors mandated in the Metro Code and ORS 198 was presented to the Board 15 days prior to the hearing as required by the Metro Code.
- d. A public hearing was held before the Board of County Commissioners on September 9, 2010 to determine whether the boundary change was appropriate as required by ORS 198 and whether it met the criteria laid out in the Metro Code.

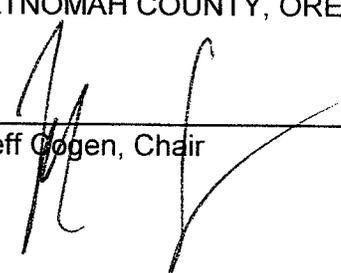
The Multnomah County Board of Commissioners Orders:

1. On the basis of the Findings and Conclusions listed in Exhibit "A", Proposal No. CL-1410 is approved.
2. The territory described in Exhibit "B" and depicted on the attached map, be annexed to Dunthorpe-Riverdale County Service District.
3. The staff is directed to file this document with the required parties.

ADOPTED this 9th day of September, 2010.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Matthew O. Ryan, Assistant County Attorney

FINDINGS AND REASONS FOR DECISION

Based on the staff report and the public hearing, the Board found that:

1. The territory to be annexed contains approximately one acre, one single family dwelling, a population of 2 and is evaluated at \$1,643,332.
2. The property to be annexed lies within Clackamas County. According to State statute the Board of the County containing the largest proportion of the assessed value of the annexing district shall be the decision maker. The bulk of the assessed value of the Dunthorpe-Riverdale County Service District lies within Multnomah County.
3. The property owners desire sanitary sewer service to serve the existing dwelling.
4. Oregon Revised Statute Chapter 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 the 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.
5. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).
6. The territory is zoned R-30 which allows single family dwellings on 30,000 square foot lots. The lot contains one single family dwelling and no additional development is proposed.
7. LCDC required each jurisdiction requesting acknowledgement of their plan to include in the plan a written statement " . . . setting forth the means by which a plan for management of the unincorporated area within the urban growth boundary will be implemented and by which the urban growth boundary may be modified." This takes the form of urban growth management agreements between each city and county.
- The territory to be annexed to the Dunthorpe-Riverdale CSD is covered by an Urban Growth Management Agreement between Clackamas County and the City of Lake Oswego. The agreement acknowledges that areas covered by the agreement can and should ultimately be provided with a full range of services by the City of Lake Oswego and that this should be accomplished through annexation to the City. However this territory is not currently contiguous to the City.
8. The City of Lake Oswego has established an Urban Service Boundary which covers this area and identifies it as potential for an R-10 residential use. The City does not oppose annexation to the District since the property is not currently contiguous to the City and the property owner has signed a contract to eventually annex to the City. The City's position is based on [Lake Oswego] Comprehensive Plan Policy 22. The policy states:
22. *The City will support expansion of an existing service district's boundaries only if:*
- a) *It can be shown that it is the only feasible way to provide a particular service. City services, rather than district services shall be provided when they are, or can be, made available and are adequate;*
 - b) *The provision of service is consistent with the City's Public Facility Plan and Comprehensive Plan goals and policies;*
 - c) *Annexation agreements are recorded for the property receiving service, to the extent permitted by law, that provides for non-remonstrance to annexation; and*
 - d) *The service district can maintain an adequate level of service over both the short and long term.*
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 ORS 195 agreements between the Dunthorpe-Riverdale County Service District and other entities.

10. The Dunthorpe-Riverdale County Service District is a separate governmental entity which has as its board of directors the County Commissioners. The District provides collector sanitary sewer service in the Dunthorpe-Riverdale portion of the County. Through an agreement with the City of Portland, sewage from the District is treated at the City's Tryon Creek regional sewage treatment plant. While previously staffed and run by County employees, the District is now maintained by the City of Portland through a contract. The existing dwelling can be served from a District line which is in an easement on the north property line of the territory to be annexed.
11. The territory receives water service from the Palatine Hill Water District.
12. The territory is within the Multnomah County Rural Fire Protection District #11 (also known as Dunthorpe-Riverdale RFPD #60). This District provides fire protection services via a contract with the City of Lake Oswego.
13. The site is served generally by Clackamas County.
14. Other services are provided generally by Clackamas County.

CONCLUSIONS AND REASONS FOR DECISION

Based on findings, the Board concluded that:

1. The Metro Code calls for consistency with expressly applicable provisions of urban service agreements adopted pursuant to ORS 195. The annexing entity (Dunthorpe-Riverdale County Service District) is not a party to an urban service agreement. Therefore no inconsistencies exist.
2. The Metro Code requires consistency with expressly applicable provisions of any applicable annexation plan adopted pursuant to ORS 195.205. No city or district annexation plan covers this area. Therefore the boundary change is not inconsistent with any such plan.

3. Metro Code 3.09.045 (d) (1) (C) requires the County to find that the boundary change is consistent with any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party. The District is not a party to a cooperative agreement required by ORS 195. Therefore the Board concludes the proposal is consistent with this requirement.
4. The Metro Code at 3.09.045 (d) (1) (C) calls for consistency between the Board decision and any "expressly applicable provisions" contained in any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services. The City's Public Facility Plan calls for service to be ultimately provided by the City and the City allows for interim service to be provided by the District.
5. The Metro Code calls for consistency with expressly applicable provisions in any applicable comprehensive land use plans. ORS 198 requires consideration of the applicable comprehensive plan and any service agreements affecting the area. The Board has reviewed the Lake Oswego Comprehensive Plan and specifically Policy 22 and concludes this proposal complies with it. As noted in Finding 8, the Plan allows annexation to the District because the District has service available and the property owner has agreed to eventual annexation to the City.
6. Metro Code 3.09.045 (d) (2) (A) requires consideration of whether the boundary change would "Promote the timely, orderly and economic provision of public facilities and services." The District already provides service to the surrounding areas. The Board therefore concludes that annexation promotes the timely, orderly and economic provision of this service.
7. The Metro Code at 3.09.045 (d) (2) (B) calls for consideration of whether the boundary change will affect the quality and quantity of urban services. Given the size of the District, this one-lot annexation will have little or no impact on the District's ability to provide services.
8. The Board is to consider whether the boundary change would "Eliminate or avoid unnecessary duplication of facilities or services." Annexation legitimizes service provision by the District which is the only entity with sewer lines in the area. Therefore the Board concludes this criterion is met.

EXHIBIT B

Proposal No. CL-1410

Commencing at the intersection of the West line of Block 131 with the Northerly line of Iron Mountain Boulevard, a 60 foot right of way; running thence Southeasterly along the Northerly line of Iron Mountain Boulevard 141 feet to the true place of beginning; thence continuing along said Northerly line of said Iron Mountain Boulevard 177 feet; thence Northeasterly a distance of 333 feet, more or less, to a point on the northerly line of Block 131, said point being 52 feet Northwesterly of the Northeast corner of Block 131; thence continuing Northwesterly along the North line of Block 131, a distance of 90 feet; thence Southwesterly 333 feet more or less, to the true place of beginning.

This map was prepared for assessment purposes only.

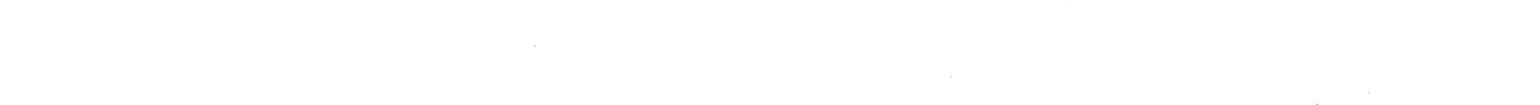
NOTE - Original plat of Dunthorpe shows lot numbers where blocks are divided by "1-100".

NE 1/4 NE 1/4 SEC. 3 T.2S. R.1E. W.M. D.L.C. SOCRATES H TRYON NO.42 LAKE OSWEGO

MULTNOMAH COUNTY

CLACKAMAS COUNTY

BLVD. 12800



SEE MAP 2 IE 3

SEE MAP 2 IE 3

SEE MAP 2 IE 2 88

1000

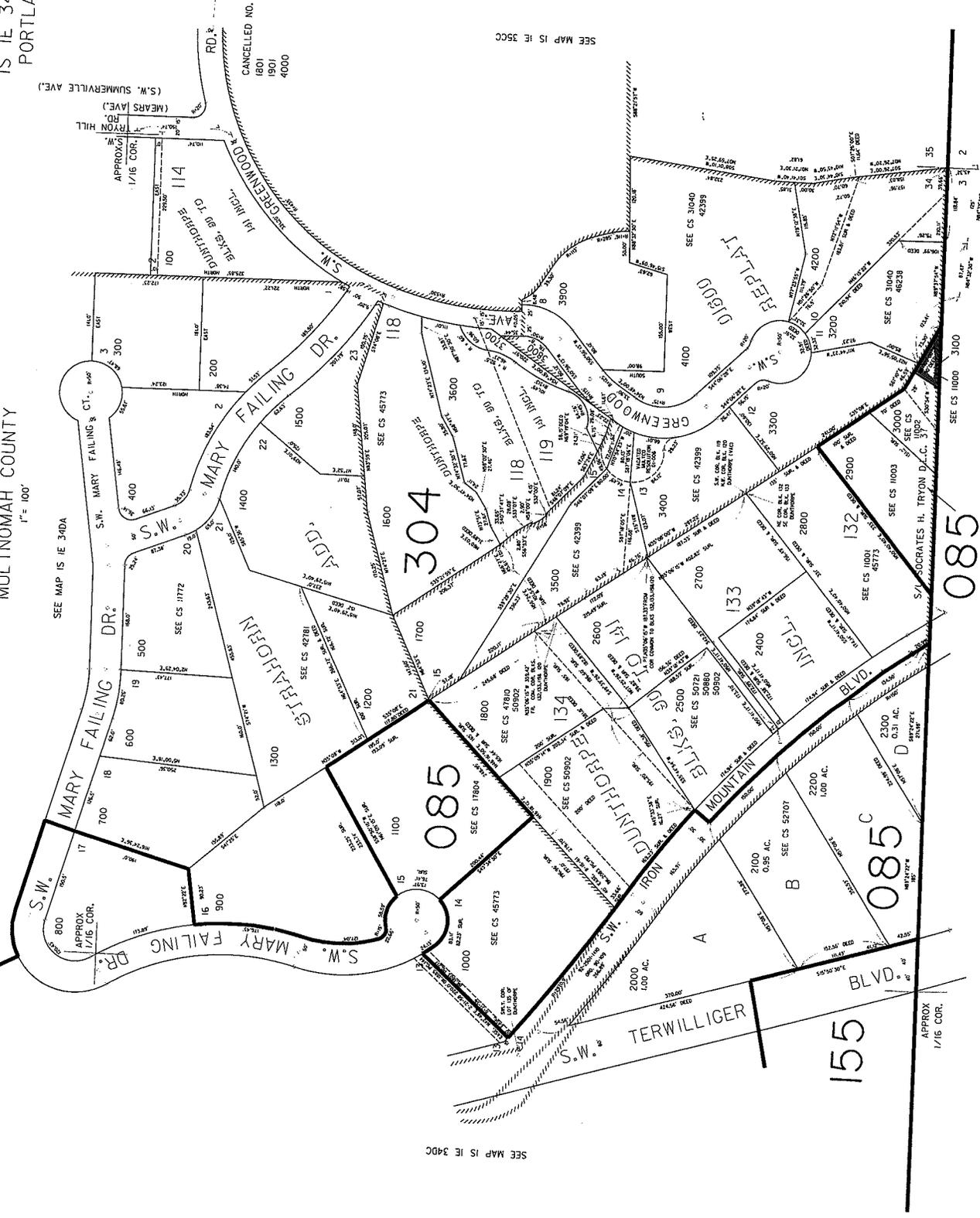
1600

BOOK 7
2 IE 3 AA
LAKE OSWEGO

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

SE1/4 SEC. 34 T.1S. R.1E. W.1M.
MULTNOMAH COUNTY

IS IE 34DD
PORTLAND



SEE MAP IS IE 34DC

SEE MAP IS IE 35CC

CANCELLED NO.
1801
1901
4000

GLACKAMAS COUNTY

IS IE 34DD
PORTLAND