

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 08-090

Approving Annexation of Territory to Pleasant Home Water District

The Multnomah County Board of Commissioners Finds:

- a. A petition for annexation pursuant to procedures set forth in ORS 198.857 and Metro Code Section 3.09; was received with respect to certain property located in Clackamas County, more particularly described as follows:

Partition Plat 2008-001, Clackamas County, Oregon
- b. On March 19, 2008, the Board of the Pleasant Home Water District adopted Resolution No. 2008-3; endorsing the proposed annexation of the above described property into the District, as required under ORS 198.857 (1).
- c. A staff report which addressed all the applicable conditions and factors as required under the Metro Code and ORS Chapter 198 was presented to this Board 15 days prior to the hearing as required by the Metro Code, with the recommendation to approve the proposed annexation.
- d. Based on the staff report this Board has made certain findings and conclusions with respect to this proposed annexation that are further explained in the attached "FINDINGS AND REASONS FOR DECISION" identified as Exhibit A.
- e. A public hearing was held before the Board of County Commissioners on June 19, 2008 to determine whether the boundary change was appropriate as required by ORS 198.857 and 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-1308 is approved.
2. The above described property as shown on the attached map identified as Exhibit B is annexed to the Pleasant Home Water District. To the extent there is a conflict between the property as described above and as shown on the map the above written legal description shall prevail.

3. The staff is directed to file this document with the required parties.

ADOPTED this 19th day of June, 2008.

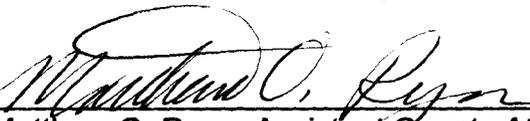


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Chair Ted Wheeler

FINDINGS AND REASONS FOR DECISION

Based on the staff report and the public hearing, the Multnomah County Board of Commissioners found that:

1. The territory to be annexed contains 24.3 acres, one vacant single family dwelling and is evaluated at \$561,274.
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 Pleasant Home Water District lies within Multnomah County.
3. The property owner desires water service to serve the existing home site and to facilitate development of one additional single family 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."
5. This territory is outside of Metro's jurisdictional boundary and outside the regional Urban Growth Boundary (UGB).
6. The territory is zoned RFFF-5 (Tax Lots 700, 702 and the southern edge of Tax Lot 600) and EFU (the northern part of Tax Lot 600). The property owner has received approval for a partition creating these three lots. Tax Lots 700 and 702 will each be allowed to contain one single family dwelling while Tax Lot 600, in combination with an additional 7.61 acre parcel in Multnomah County to the north, will remain in Exclusive Farm Use zoning. The Clackamas County Plan contains no prohibitions against extension of water service in rural or natural resource areas.

Chapter 4, Land Use, of Clackamas County's Plan states:

Public facilities should be expanded or developed only when consistent with maintaining the rural character of the area.

The Clackamas County Comprehensive Plan contains the following Policies in the section on Public Facilities and Services (Chapter 7):

14.0 Require all public water purveyors to design the extension of water facilities at levels consistent with the land use element of the Comprehensive Plan. Capacity suitable for fire protection needs to be included.

17.0 Require water service purveyors to provide water services for non-urban areas at levels appropriate for non-urban use.

7. The Pleasant Home Water District provides water service in the rural area east and south of Gresham primarily in Multnomah County. The District has a 6-inch water line in SE Bluff Road adjacent to the property to be annexed. Extensions from this line, paid for by the property owner, will serve the two lots.
8. The two lots will be served by subsurface sewage disposal systems.
9. The territory is within the Boring Rural Fire Protection District.
10. The site is served by the Clackamas County Sheriff's Office.
11. Other services are provided generally by Clackamas County.

CONCLUSIONS AND REASONS FOR DECISION

Based on findings, the Board concluded that:

1. ORS 198 requires consideration of the applicable comprehensive plan and any service agreements affecting the area. The Board has reviewed the Clackamas County Comprehensive Plan and determined that extension of water service to the area in question is compatible with the Plan. Therefore this annexation to the Pleasant Home Water District is found to be appropriate.
2. The Pleasant Home Water District has water service available to the area proposed for annexation and the District has endorsed the annexation.

