

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON**

**ORDER NO. 2025-006**

Approving the annexation of territory to Dunthorpe-Riverdale Service District.

**The Multnomah County Board of Commissioners Finds:**

- a. The Dunthorpe-Riverdale Service District ("District") is a county service district organized under ORS Chapter 451 that provides sanitary sewer services in unincorporated Multnomah County and Clackamas County.
- b. ORS 198.857 provides a process for annexing a parcel of land to a county service district. Under that statute, as well as ORS 198.725 and 198.705(17), the Multnomah County Board of County Commissioners must determine whether to approve a petition to annex property to the District.
- c. A petitioner filed an annexation petition with the Board to request annexation of a parcel of land, described in Exhibit "B," to the District pursuant to procedures set forth in ORS 198.857 and Metro Code 3.09.
- d. The annexation petition was approved and endorsed by the Board of the District as required by ORS 198.857(2).
- e. A staff report which addressed factors mandated in the Metro Code 3.09 and ORS 198.857 was made public 15 days prior to the Board hearing on the annexation petition as required by the Metro Code. The staff report is attached hereto as Exhibit "A."
- f. A public hearing was held before the Board on January 30, 2025. In determining whether to approve the annexation petition, the Board considered the local comprehensive plan for the area and any service agreements with local governments as required by ORS 198.857(3), and also considered whether the annexation petition met the criteria laid out in the Metro Code 3.09.

**The Multnomah County Board of Commissioners Orders:**

1. The Findings, Reasons for Decision, and Conclusions listed in Exhibit "A" 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 "B" is annexed to the Dunthorpe-Riverdale Service District.
3. The District is authorized to construct, maintain and operate sewage works for the annexed property.

4. The staff is directed to file this document with the required parties and take all necessary steps to finalize the annexation.

**ADOPTED this 30th day of January, 2025.**



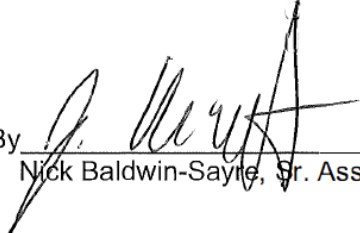
**BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON**

*Jessica Vega Pederson*

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Jessica Vega-Pederson, Chair

REVIEWED:  
JENNY M. MADKOUR, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
\_\_\_\_\_  
Nick Baldwin-Sayle, Sr. Asst. County Attorney

**SUBMITTED BY: Margi Bradway, DCS Director**

## FINDINGS, REASONS FOR DECISION, AND CONCLUSIONS

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

1. Petitioners Mike and Sarah Burns (“Petitioners”) filed an annexation petition to annex territory described in the legal description and map attached to these Findings, Reasons for Decision, and Conclusions (“subject property”) to the Dunthorpe-Riverdale Service District (“District”). The Petitioners desire sanitary sewer service to serve a new dwelling on the subject property.
2. The subject property lies within Clackamas County. According to Oregon Revised Statute (“ORS”) 198.725, when two counties are affected by annexation proceedings, the county board in the “principal county,” as defined in ORS 198.705(17), has authority to be the decision maker. Multnomah County is the “principal county” for the Dunthorpe-Riverdale Service District and the Multnomah County Board of County Commissioners (“County Board”) therefore has jurisdiction to determine whether to approve the annexation petition for the subject property.
3. The subject property is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).
4. The subject property contains .96 acres, one single-family dwelling located on the Clackamas County portion of the property, and is valued at \$1,491,854.00.
5. The subject property is a single parcel, the taxlot is located within Clackamas County is zoned R-30, which allows single family dwellings on 30,000 square foot lots. The Clackamas County tax lot is .96 acres, or approximately 41,818 square feet. The Clackamas County tax lot contains one existing single family dwelling which will be demolished to build a new single family dwelling.
6. ORS Chapter 198 directs the County Board to “consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.”
7. To approve a boundary change, the County Board must also apply the criteria and consider the factors set forth in Metro Code Section 3.09.045(D). To approve a boundary change the County Board must:
  - 1) Find that the change is consistent with expressly applicable provisions in:
    - (A) Any applicable urban service agreement adopted pursuant to ORS 195.065;
    - (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 District and

any county, city, district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory or who provides any urban service to any portion of the affected territory; Metro; or any other unit of local government, as defined in ORS 190.003, that is a party to any agreement for provision of an urban service to the affected territory;

(D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

(E) Any applicable comprehensive plan;

(F) Any applicable concept 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.

8. To approve a boundary change, the County Board must also apply the criteria and consider the factors set forth in Metro Code Section 3.09.045(E), which provides, "A city may not annex territory that lies outside the [Urban Growth Boundary] UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB."
9. ORS 197.175 requires that annexation of property to a district be done in accordance with the statewide planning goals.
10. The Land Conservation and Development Commission required each jurisdiction requesting acknowledgement of their comprehensive 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 completed and by which the urban growth boundary may be modified." OAR 660-003-0010(2)(c). This takes the form of urban growth management agreements between cities and counties.
11. The subject property lies within Clackamas County 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, the subject property is not currently contiguous to the City.
12. The City of Lake Oswego has established an Urban Service Boundary, and the subject property is within the City's Urban Service Boundary.

13. In light of the Urban Growth Management Agreement and the location of a portion of the subject property in the Lake Oswego Urban Service Boundary, the Lake Oswego Comprehensive Plan is the applicable comprehensive plan for the Clackamas County portion of the subject property.
14. The Lake Oswego Comprehensive Plan calls for sewer services ultimately to be provided by the City. However, Lake Oswego's Comprehensive Plan and Public Facilities Plan allow for interim sewer service to be provided by the District prior to the subject property's annexation to the City.
15. The City does not oppose annexation of the subject property to the District because the property is not currently contiguous to the City. However, the City's position that it does not oppose annexation of the subject property to the District is dependent on the Petitioners signing an Annexation Contract with the City. The City's position is based on Lake Oswego Comprehensive Plan Urban Service Boundary and Urban Growth Boundary Policy A-5 (Volume I, part 2, page 167, adopted March 18, 2014), which states:

*A-5. 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; and*
  - d. The service district can maintain an adequate level of service over both the short and long term.*
16. 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 urban service agreements or cooperative planning agreements between the Dunthorpe-Riverdale Service District and other entities.
17. There is no applicable annexation plan adopted pursuant to ORS 195.205 for the subject property.
18. There is no concept plan that covers the subject property.
19. The Dunthorpe-Riverdale Service District is a separate governmental entity, which has as its governing body the Multnomah County Board of County Commissioners. The District provides collector sanitary sewer service in the Dunthorpe-Riverdale portion of Multnomah and Clackamas Counties and is the only entity with sewer lines in the area of the subject property. 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 infrastructure is now maintained by the City of Portland through a contract. The proposed dwelling can be served from a District line that is in an easement on the north end of the property within Multnomah County.

20. The subject property receives water service from the Palatine Hill Water District.
21. The subject property is within the Riverdale Rural Fire Protection District.
22. The subject property is served by the Clackamas County Sheriff.
23. Other services are provided generally by Clackamas County and the City of Lake Oswego.

**Based on the foregoing findings, the Multnomah County Board of County Commissioners concludes that:**

1. ORS 198.857 requires consideration of any service agreement between a local government and the District. Metro Code 3.09.045(D)(1)(a) requires that any District boundary change be consistent with expressly applicable provisions of urban service agreements adopted pursuant to ORS 195.065. The District is not a party to an urban service agreement. Therefore, these provisions are inapplicable, or if applicable, no inconsistencies exist.
2. Metro Code 3.09.045(D)(1)(b) requires that any District boundary change be consistent with expressly applicable provisions of any applicable annexation plan adopted pursuant to ORS 195.205. No City of Lake Oswego, City of Portland, or District annexation plan covers the subject property. Therefore, this provision is inapplicable, or if applicable, no inconsistencies exist.
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 District and a necessary party, as defined in Metro Code 3.09.020(J). The District is not a party to a cooperative planning agreement under ORS 195. Therefore, this provision is inapplicable, or if applicable, no inconsistencies exist.
4. Metro Code 3.09.045(D)(1)(d) calls for consistency between the boundary change 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 Cities of Lake Oswego and Portland have Public Facility Plans contemplate that sewer services may be provided by the District prior to City annexation if certain conditions are met. Here, those conditions have been met. Therefore, the proposed annexation is consistent with the applicable public facility plans.
5. Metro Code 3.09.045(D)(1)(e) calls for consistency of the boundary change with expressly applicable provisions in any applicable comprehensive land use plans. ORS 198.857 requires consideration of the applicable comprehensive plan. ORS 197.175 requires that annexation of property to the District be done in accordance with the statewide planning goals.

- a. In light of the Urban Growth Management Agreement between Clackamas County and Lake Oswego, and the location of the subject property in the Lake Oswego Urban Service Boundary, the Lake Oswego Comprehensive Plan is the applicable comprehensive plan for the Clackamas County portion of the subject property. The Lake Oswego Comprehensive Plan was adopted pursuant to the statewide planning goals and therefore consistency of the annexation with the Lake Oswego Comprehensive Plan demonstrates consistency with the statewide planning goals. The Lake Oswego Comprehensive Plan calls for sewer services ultimately to be provided by the City. However, Lake Oswego's Comprehensive Plan allows for interim sewer service to be provided by the District prior to the subject property's annexation to the City, and the proposed annexation therefore is consistent with the Comprehensive Plan. In addition, the annexation petition is consistent with Lake Oswego Comprehensive Plan Urban Service Boundary and Urban Growth Boundary Policy A-5 (Volume I, part 2, page 167, adopted March 18, 2014).
6. Metro Code 3.09.045(D)(1)(f) requires consideration of any applicable concept plan. There is no concept plan that covers the subject property. This provision therefore is inapplicable or, if applicable, no inconsistencies exist.
7. Metro Code 3.09.045(D)(2)(a) requires consideration of whether the boundary change would "[p]romote the timely, orderly and economic provision of public facilities and services." The District already provides service to the areas surrounding the subject property. As a result, connection to the District's sewer facilities will be more efficient, both economically and in terms of timing, than extending other possible sewer connections. The County Board therefore concludes that annexation promotes the timely, orderly and economic provision of this service.
8. Metro Code 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-parcel annexation will have little or no impact on the District's ability to provide services and is only a minimal increase in the quantity of urban services. Therefore, the boundary change would not significantly affect the quality or quantity of urban services.
9. Metro 3.09.045(D)(2)(c) requires consideration of 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 of the subject property. Therefore, provision of these services by another entity would result in unnecessary duplication of facilities and services in the area.
10. Based on the foregoing Findings, Reasons for Decision, and Conclusions, the County Board concludes that the annexation petition **meets the necessary criteria for approval.**

**PETITION OF LAND OWNER(S) FOR A DISTRICT ANNEXATION**

PETITION FOR ANNEXATION TO THE: Dunthorpe-Riverdale Service District, a district organized under ORS 451. This petition is filed pursuant to ORS 198.957.

TO: The Board of County Commissioners of Multnomah County

We, the undersigned land owner(s) in the territory proposed to be annexed as describe in Exhibit A, as described below, hereby petition for, and give our consent to, annexation of the area to the Dunthorpe-Riverdale Service District to construct, maintain, and operated sewage works.



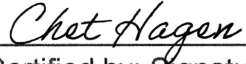
Other affected districts (if any), and the principal act of each are: NA

The affected county's are: Clackamas County

The proposed annexation is subject to the following terms and conditions (if any):  
NA


The Multnomah County Board of Commissioners has jurisdiction to act on this petition pursuant to ORS 198.857, 198.725, and 198.705(17), and Metro Code 3.09..040(A)(1)

The Property Owners of .96 acres in Clackamas County are:

<u>Michael Burns</u>	<u>Sarah Burns</u>
Print Name	Print Name
<u>394 SW Edgecliff Rd, Portland OR 97219</u>	<u>394 SW Edgecliff Rd, Portland OR 97219</u>
Mailing Address	Mailing Address
<u></u>	<u></u>
Signature	Signature
<u>Chet Hagen</u>	<u></u>
Certified by: Print Name	Certified by: Signature
<u>12/23/2024</u>	
Date Signed	

There are 2 electors within the affected territory.

Petition to Annex into Dunthorpe-Riverdale Service District Endorsed by

 Jessica Vega Pederson  
Multnomah County Chair acting as District Board Chair

The property to be annexed is described as follows: See Exhibit A for description and map of affected territory





**CENTERLINE CONCEPTS**  
LAND SURVEYING, INC.

19376 Molalla Avenue, Ste. 120, Oregon City, OR 97045  
P. 503-650-0188 F. 503-650-0189

**Exhibit "A"**  
**Legal Description**

A Tract of land described in Deed Document Number 2024-030644, Clackamas County Deed Records being portions of Lots 88, and 89, "Dunthorpe" Plat No. 407, located in the Northwest one-quarter of Section 2, Township 2South, Range 1East of the Willamette Meridian, County of Clackamas, State of Oregon, being more particularly described as follows:

**BEGINNING** at the most easterly northeast corner of Document No. 2024-030644, Clackamas County Deed Records, also being on the West right of way line Oregon State Highway 43, which point bears North 82°28'51" West, 105.37 feet from a found 5/8-inch iron rod with red plastic cap marked "Ryan LS 58833" at the most northerly corner of the westerly portion of Parcel 1 of Partition Plat No. 2009-59, Clackamas County Plat Records; thence along the west line of said Oregon State Highway 43, South 17°23'46" West 42.97 feet to a point of curvature; thence continuing along the west line of said Oregon State Highway 43 on a curve to the right having a radius of 1392.49 feet through a central angle of 5°50'00" an arc length of 141.77 feet (chord of which bears South 20°18'46" West 141.71 feet) to the Northeast corner of Deed Document No. 2022-048006, Clackamas County Deed Records; thence along the Northeast line of said Document No. 2022-048006, and continuing along the Northeast line of Deed Document No. 2024-025619, Clackamas County Deed Records, North 42°29'12" West 214.00 feet; thence continuing along the Northeast line of said Document No. 2024-025619, North 20°32'24" West 97.42 feet; thence North 59°10'21" West 33.05 feet; thence North 35°32'50" West 19.41 feet; thence North 63°49'22" West 127.72 feet to the centerline Edgecliff Road (a 40.00 foot wide right of way); thence along said centerline, along a curve to the left (radial line bears South 62°21'18" East), having a radius of 375.00 feet, through a central angle of 8°51'44", an arc length of 58.00 feet (chord of which bears North 23°12'50" East 57.94 feet), to the Southwest corner of Deed Document No. 2016-007219, Clackamas County Deed Records; thence along the South line of said Document No. 2016-007219, South 59°42'13" East 431.08 feet to the **POINT OF BEGINNING**.

Contains 44,133 square feet, more or less.

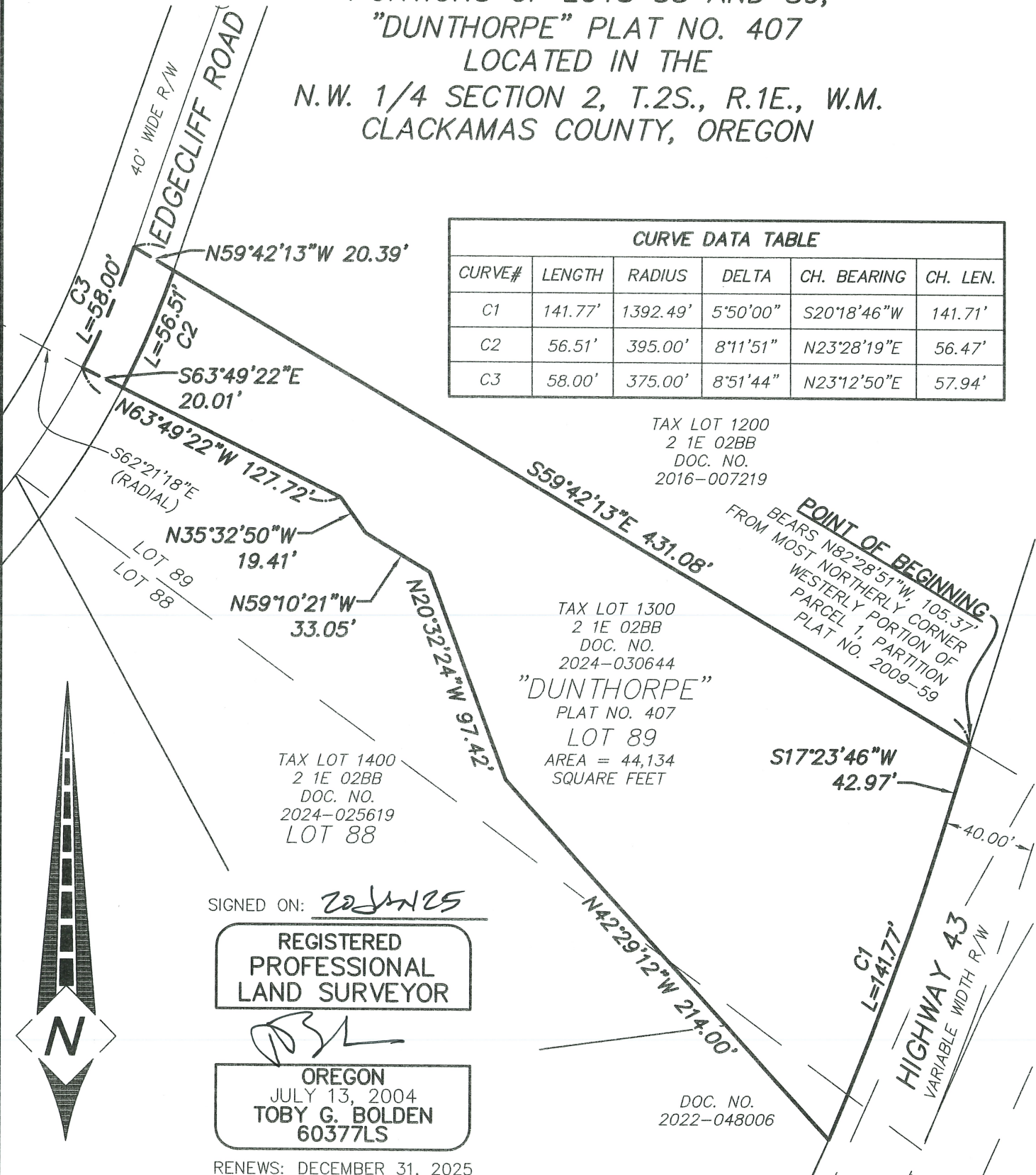
20 Jan 25  
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

TOBY G. BOLLEN  
8337LS

31 DEC 25

PORTIONS OF LOTS 88 AND 89,  
 "DUNTHORPE" PLAT NO. 407  
 LOCATED IN THE  
 N.W. 1/4 SECTION 2, T.2S., R.1E., W.M.  
 CLACKAMAS COUNTY, OREGON

CURVE DATA TABLE					
CURVE#	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LEN.
C1	141.77'	1392.49'	5°50'00"	S20°18'46"W	141.71'
C2	56.51'	395.00'	8°11'51"	N23°28'19"E	56.47'
C3	58.00'	375.00'	8°51'44"	N23°12'50"E	57.94'



CLIENT: TIMBER RIDGE  
 REV. DATE: 14JAN25  
 DRAWN BY: CS  
 SHEET No. 1 OF 1

**EXHIBIT "B"**  
**ANNEXATION**  
 CLACKAMAS COUNTY, OREGON  
 Scale: 1"=60'

  
**CENTERLINE CONCEPTS**  
 LAND SURVEYING, INC.  
 19376 MOLALLA AVE., SUITE 120  
 OREGON CITY, OREGON 97045  
 PHONE 503.650.0188 FAX 503.650.0189

## **EXHIBIT C**

TO: Multnomah County Board of County Commissioners

FROM: Chet Hagen, Dunthorpe-Riverdale Service District Program Manager

Date of Staff Report: January 9, 2025

Date of County Board Hearing: January 30, 2025

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### **DUNTHORPE-RIVERDALE SERVICE DISTRICT ANNEXATION PETITION STAFF REPORT**

Petitioners: Property Owners – Michael and Sarah Burns

Subject Property: Located at 394 SW Edgecliff Road: Tax Lot 21E02BB01300, NW 1/4 Sec. 2, T2S R1E, W.M., Clackamas County, Oregon  
(See attached legal description and map)

1. Staff Recommendation/Action Requested: Approval of annexation petition
2. Financial Impact to Multnomah County: None
3. Legal Issues: None
4. Link to Current County Policies: None
5. Citizen Participation: By the time of the hearing, notice of the Multnomah County Board of County Commissioners hearing on the annexation petition will consist of: 1) Published notice in the Oregonian; 2) Mailed notice to the Petitioners, affected local governments, all property owners within 100 feet of the area to be annexed, and all recognized neighborhood or community organizations whose boundaries include the subject property; and 3) weatherproof posting of the hearing notice on a sign located in the public right-of-way adjacent to the subject property. Notice of this hearing includes information on how to provide testimony.
6. Other Government Participation: The Dunthorpe-Riverdale Service District (“District”) is a county service district that

provides sanitary sewer service in unincorporated Multnomah and Clackamas counties and for which the Multnomah County Board of County Commissioners serves as the governing body (“District Board”). The District Board has approved and endorsed the annexation petition as is required by statute.

The property proposed to be annexed to the District is located in Clackamas County. However, because Multnomah County is the District’s principal county, as defined in ORS 198.705(17), the Multnomah County Board of County Commissioners (“County Board”) must decide whether to approve the annexation petition. ORS 198.725.

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## **PETITION UNDER ORS 198.857**

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) and Metro Code 3.09.040(A) (lists Metro’s minimum requirements for petition). If the County Board approves the proposal, the boundary change would become effective on the date described in Metro Code 3.09.060(A)(4).

## **THE SUBJECT PROPERTY**

The territory that is proposed to be annexed (“subject property” or “affected territory”) is located generally on the south edge of the District at 394 SW Edgecliff Road: Tax Lot 21E02BB01300, NW 1/4 Sec. 2, T2S R1E, W.M., Clackamas County, Oregon. A full legal description and map of the subject property is attached to this staff report.

The subject property is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB). The subject property is .96 acres, currently has one dwelling, and is valued at \$1,491,854.00.

The subject property lies within Clackamas County and 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, the subject property is not currently contiguous to the City, though it is within the City’s Urban Service Boundary.

The proposed annexation would not result in the withdrawal of the subject property from the legal boundary of any county, city, district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory or who provides any urban service to any



portion of the affected territory; Metro; or any other unit of local government, as defined in ORS 190.003, that is a party to any agreement for provision of an urban service to the affected territory.

## **JURISDICTION**

The property to be annexed lies within Clackamas County. However, Multnomah County is the “principal county,” as defined in ORS 198.705(17), in the District, and the Multnomah County Board of County Commissioners therefore has jurisdiction to determine whether to approve the annexation petition pursuant to ORS 198.725 and 198.857.

## **REASON FOR ANNEXATION**

The petitioner desires sanitary sewer service to serve a new single-family dwelling.

## **AVAILABILITY OF SERVICES**

District sewer services are available to serve the subject property and the new dwelling. In particular, the new dwelling can be served from a District sewer line in SW Edgecliff Rd on the northwest end of the subject property.

## **CRITERIA**

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).

A second set of criteria can be found in the Metro Code. To approve a boundary change, the County Board must apply the criteria and consider the factors set forth in Metro Code Section 3.09.045(D) and (E). To approve a boundary change, the County Board must:

- 1) Find that the boundary change is consistent with expressly applicable provisions in:
  - (A) Any applicable urban service agreement adopted pursuant to ORS 195.065;
  - (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 District and any county, city, district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory or who provides any urban service to any portion of the affected territory; Metro; or any other unit of local government, as defined in ORS 190.003, that is a party to any agreement for provision of an urban service to the affected territory;
  - (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

- (E) Any applicable comprehensive plan;
  - (F) Any applicable concept 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.

In addition, the County Board must consider whether the annexation petition covers property that lies outside the UGB. Finally, ORS 197.175 requires that the annexation of property to a district be done in accordance with the statewide planning goals.

Staff has addressed the criteria listed above in the attached Findings, Reasons for Decision, and Conclusions.

**STAFF RECOMMENDATION.**

Based on the attached Findings, Reasons for Decision, and Conclusions, staff recommends the annexation petition for the subject property described in the attached legal description and map be ***approved***.

## FINDINGS, REASONS FOR DECISION, AND CONCLUSIONS

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

1. Petitioners Mike and Sarah Burns (“Petitioners”) filed an annexation petition to annex territory described in the legal description and map attached to these Findings, Reasons for Decision, and Conclusions (“subject property”) to the Dunthorpe-Riverdale Service District (“District”). The Petitioners desire sanitary sewer service to serve a new dwelling on the subject property.
2. The subject property lies within Clackamas County. According to Oregon Revised Statute (“ORS”) 198.725, when two counties are affected by annexation proceedings, the county board in the “principal county,” as defined in ORS 198.705(17), has authority to be the decision maker. Multnomah County is the “principal county” for the Dunthorpe-Riverdale Service District and the Multnomah County Board of County Commissioners (“County Board”) therefore has jurisdiction to determine whether to approve the annexation petition for the subject property.
3. The subject property is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).
4. The subject property contains .96 acres, one single-family dwelling located on the Clackamas County portion of the property, and is valued at \$1,491,854.00.
5. The subject property is a single parcel, the tax lot is located within Clackamas County is zoned R-30, which allows single family dwellings on 30,000 square foot lots. The Clackamas County tax lot is .96 acres, or approximately 41,818 square feet. The Clackamas County tax lot contains one existing single family dwelling which will be demolished to build a new single family dwelling.
6. ORS Chapter 198 directs the County Board to “consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.”
7. To approve a boundary change, the County Board must also apply the criteria and consider the factors set forth in Metro Code Section 3.09.045(D). To approve a boundary change the County Board must:
  - 1) Find that the change is consistent with expressly applicable provisions in:
    - (A) Any applicable urban service agreement adopted pursuant to ORS 195.065;
    - (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 District and

any county, city, district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory or who provides any urban service to any portion of the affected territory; Metro; or any other unit of local government, as defined in ORS 190.003, that is a party to any agreement for provision of an urban service to the affected territory;

(D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

(E) Any applicable comprehensive plan;

(F) Any applicable concept 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.

8. To approve a boundary change, the County Board must also apply the criteria and consider the factors set forth in Metro Code Section 3.09.045(E), which provides, "A city may not annex territory that lies outside the [Urban Growth Boundary] UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB."
9. ORS 197.175 requires that annexation of property to a district be done in accordance with the statewide planning goals.
10. The Land Conservation and Development Commission required each jurisdiction requesting acknowledgement of their comprehensive 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 completed and by which the urban growth boundary may be modified." OAR 660-003-0010(2)(c). This takes the form of urban growth management agreements between cities and counties.
11. The subject property lies within Clackamas County 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, the subject property is not currently contiguous to the City.
12. The City of Lake Oswego has established an Urban Service Boundary, and the subject property is within the City's Urban Service Boundary.



13. In light of the Urban Growth Management Agreement and the location of a portion of the subject property in the Lake Oswego Urban Service Boundary, the Lake Oswego Comprehensive Plan is the applicable comprehensive plan for the Clackamas County portion of the subject property.
14. The Lake Oswego Comprehensive Plan calls for sewer services ultimately to be provided by the City. However, Lake Oswego's Comprehensive Plan and Public Facilities Plan allow for interim sewer service to be provided by the District prior to the subject property's annexation to the City.
15. The City does not oppose annexation of the subject property to the District because the property is not currently contiguous to the City. However, the City's position that it does not oppose annexation of the subject property to the District is dependent on the Petitioners signing an Annexation Contract with the City. The City's position is based on Lake Oswego Comprehensive Plan Urban Service Boundary and Urban Growth Boundary Policy A-5 (Volume I, part 2, page 167, adopted March 18, 2014), which states:

*A-5. 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; and*
  - d. *The service district can maintain an adequate level of service over both the short and long term.*
16. 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 urban service agreements or cooperative planning agreements between the Dunthorpe-Riverdale Service District and other entities.
17. There is no applicable annexation plan adopted pursuant to ORS 195.205 for the subject property.
18. There is no concept plan that covers the subject property.
19. The Dunthorpe-Riverdale Service District is a separate governmental entity, which has as its governing body the Multnomah County Board of County Commissioners. The District provides collector sanitary sewer service in the Dunthorpe-Riverdale portion of Multnomah and Clackamas Counties and is the only entity with sewer lines in the area of the subject property. 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 infrastructure is now maintained by the City of Portland through a contract. The proposed dwelling can be served from a District line that is in an easement on the north end of the property within Multnomah County.

20. The subject property receives water service from the Palatine Hill Water District.
21. The subject property is within the Riverdale Rural Fire Protection District.
22. The subject property is served by the Clackamas County Sheriff.
23. Other services are provided generally by Clackamas County and the City of Lake Oswego.

**Based on the foregoing findings, the Multnomah County Board of County Commissioners concludes that:**

1. ORS 198.857 requires consideration of any service agreement between a local government and the District. Metro Code 3.09.045(D)(1)(a) requires that any District boundary change be consistent with expressly applicable provisions of urban service agreements adopted pursuant to ORS 195.065. The District is not a party to an urban service agreement. Therefore, these provisions are inapplicable, or if applicable, no inconsistencies exist.
2. Metro Code 3.09.045(D)(1)(b) requires that any District boundary change be consistent with expressly applicable provisions of any applicable annexation plan adopted pursuant to ORS 195.205. No City of Lake Oswego, City of Portland, or District annexation plan covers the subject property. Therefore, this provision is inapplicable, or if applicable, no inconsistencies exist.
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 District and a necessary party, as defined in Metro Code 3.09.020(J). The District is not a party to a cooperative planning agreement under ORS 195. Therefore, this provision is inapplicable, or if applicable, no inconsistencies exist.
4. Metro Code 3.09.045(D)(1)(d) calls for consistency between the boundary change 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 Cities of Lake Oswego and Portland have Public Facility Plans which contemplate that sewer services may be provided by the District prior to City annexation if certain conditions are met. Here, those conditions have been met. Therefore, the proposed annexation is consistent with the applicable public facility plans.
5. Metro Code 3.09.045(D)(1)(e) calls for consistency of the boundary change with expressly applicable provisions in any applicable comprehensive land use plans. ORS 198.857 requires consideration of the applicable comprehensive plan. ORS 197.175 requires that annexation of property to the District be done in accordance with the statewide planning goals.

- a. In light of the Urban Growth Management Agreement between Clackamas County and Lake Oswego, and the location of the subject property in the Lake Oswego Urban Service Boundary, the Lake Oswego Comprehensive Plan is the applicable comprehensive plan for the Clackamas County portion of the subject property. The Lake Oswego Comprehensive Plan was adopted pursuant to the statewide planning goals and therefore consistency of the annexation with the Lake Oswego Comprehensive Plan demonstrates consistency with the statewide planning goals. The Lake Oswego Comprehensive Plan calls for sewer services ultimately to be provided by the City. However, Lake Oswego's Comprehensive Plan allows for interim sewer service to be provided by the District prior to the subject property's annexation to the City, and the proposed annexation therefore is consistent with the Comprehensive Plan. In addition, the annexation petition is consistent with Lake Oswego Comprehensive Plan Urban Service Boundary and Urban Growth Boundary Policy A-5 (Volume I, part 2, page 167, adopted March 18, 2014).
6. Metro Code 3.09.045(D)(1)(f) requires consideration of any applicable concept plan. There is no concept plan that covers the subject property. This provision therefore is inapplicable or, if applicable, no inconsistencies exist.
7. Metro Code 3.09.045(D)(2)(a) requires consideration of whether the boundary change would "[p]romote the timely, orderly and economic provision of public facilities and services." The District already provides service to the areas surrounding the subject property. As a result, connection to the District's sewer facilities will be more efficient, both economically and in terms of timing, than extending other possible sewer connections. The County Board therefore concludes that annexation promotes the timely, orderly and economic provision of this service.
8. Metro Code 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-parcel annexation will have little or no impact on the District's ability to provide services and is only a minimal increase in the quantity of urban services. Therefore, the boundary change would not significantly affect the quality or quantity of urban services.
9. Metro 3.09.045(D)(2)(c) requires consideration of 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 of the subject property. Therefore, provision of these services by another entity would result in unnecessary duplication of facilities and services in the area.
10. Based on the foregoing Findings, Reasons for Decision, and Conclusions, the County Board concludes that the annexation petition **meets the necessary criteria for approval.**