



**Billy J. Williams**  
County Counsel

June 4, 2026

BCC Agenda Date/Item: \_\_\_\_\_

Board of County Commissioners  
Clackamas County

**Scott C. Ciecko**  
**Amanda Keller**  
**Shawn Lillegren**  
**Jeffrey D. Munns**  
**Sarah Foreman**  
**Caleb Huegel**  
**Angela Hajihashemi**  
**M. Creston Rice**  
**Andrew Naylor**  
**Paul Matthias-Bennetch**  
Assistants

**Approval of a Boundary Change Proposal No. 2026-002 (SWA)  
No County General Funds are involved.**

<b>Previous Board Action/Review</b>	None		
<b>Performance Clackamas</b>	1. Build public trust through good government 2. Build a strong infrastructure		
<b>Counsel Review</b>	JM, 5/6/2026	<b>Procurement Review</b>	N/A
<b>Contact Person</b>	Jeffrey D. Munns	<b>Contact Phone</b>	(503)742- 5984

**EXECUTIVE SUMMARY:**

The owner of a parcel of land, tax lot no. 13E31A01204 (“SUBJECT PROPERTY”), petitioned this Board to annex into the Sunrise Water Authority (the “District”) to receive water services. The Board’s approval of this proposed annexation will result in a boundary change of the District’s service area.

Currently, the SUBJECT PROPERTY, as territory to be annexed, is one tax lot in Happy Valley with a current tax assessed value of \$683,745. It is at 11060 SE 172<sup>nd</sup> Ave., Happy Valley, OR 97086. It is developed residence.

Petitioner is seeking annexation to the district to support planned re-development of the property as a 50–60 unit residential development.

If the Board approves this proposed annexation, the District will provide only water services to the SUBJECT PROPERTY.

The District has endorsed the proposed annexation.

Under Oregon law, as the county’s governing body, this Board is charged in deciding this proposed boundary change pursuant to ORS Chapters 198 and Metro Code 3.09. In determining whether to

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approve the annexation petition, the Board must consider the local comprehensive plan for the area and any service agreements with local governments as required by ORS 198.857, and also consider whether the annexation petition met the criteria laid out in Metro Code 3.09.

A Staff Report, dated May 6, 2026, addresses factors and criteria mandated in ORS 198 and Metro Code 3.09. The report makes the required analysis and findings and concludes that the proposed boundary change of the District complies with applicable statutory and Metro Code requirements. There is no cost to the County in the Board's approval of this proposed annexation.

**RECOMMENDATION:** Staff recommend approval of Boundary Change Proposal No. 2026-002 (SWA).

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'J. P. ...', is written over a faint circular stamp.

Assistant County Counsel

**BEFORE THE BOARD OF COUNTY COMMISSIONERS**

**OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Approving a Boundary  
Change Proposal No. 2026-002 (SWA)



Board Order No.

*Page 1*

**Whereas**, the Sunrise Water Authority (“DISTRICT”) is a county service district organized under ORS Chapter 450 that provides water services to certain cities and unincorporated urban areas of Clackamas County; and

**Whereas**, Petitioner filed an annexation petition with the Board to request annexation of a parcel of land, described and mapped in Exhibit A, to the DISTRICT pursuant to procedures set forth in ORS 198.857 and Metro Code 3.09; and

**Whereas**, on January 22, 2025, the annexation petition was approved and endorsed by the DISTRICT, as required by ORS 198.857; and

**Whereas**, this Board is charged with deciding this boundary change of the DISTRICT, through the proposed annexation of the SUBJECT PROPERTY into the DISTRICT, pursuant to ORS Chapters 198 and Metro Code 3.09; and

**Whereas**, a staff report that addresses factors and criteria mandated in ORS 198.857 and Metro Code 3.09 was made public at least 15 days prior to the Board hearing on the boundary change petition. The staff report is attached hereto as Exhibit B.

**Whereas**, a public hearing is held before the Board on June 4, 2026, and a decision of approval was made on June 4, 2026. In determining whether to approve the boundary change petition, the Board considered the local comprehensive plan for the area and any service agreements with local governments as required by ORS 198.857 and considered whether the boundary change met the criteria laid out in Metro Code 3.09.

**NOW THEREFORE, the Clackamas County Board of Commissioners do hereby order:**

1. The Analysis, Findings, and Conclusions in the Staff Report attached as Exhibit B 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 in the legal description and shown on the map in Exhibit A is annexed to Sunrise Water Authority for water services.

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**BEFORE THE BOARD OF COUNTY COMMISSIONERS**

**OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Approving a Boundary  
Change Proposal No. 2026-002 (SWA)



Board Order No.

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3. County staff are directed to file this document with the required parties and take all necessary steps to finalize the annexation.

**DATED** this 4<sup>th</sup> day of June 2026.

**BOARD OF COUNTY COMMISSIONERS**

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Chair

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Recording Secretary



**CENTERLINE CONCEPTS**  
LAND SURVEYING, INC.

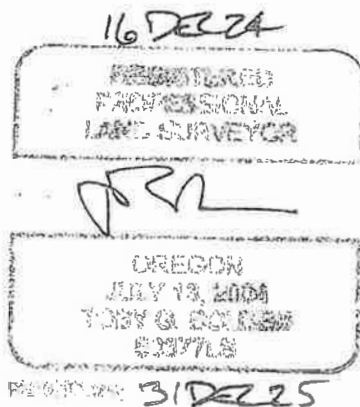
19376 Molalla Avenue, Ste. 120, Oregon City, OR 97045  
P. 503-650-0188 F. 503-650-0189

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

A tract of land being all of that tract conveyed by deed recorded as Document No. 2024-014088, Clackamas County Deed Records, located in the northeast one-quarter of Section 31, Township 1 South, Range 3 East, of the Willamette Meridian, Clackamas County, Oregon, being more particularly described as follows:

**BEGINNING** at a 5/8-inch iron rod with green plastic cap marked "CMT 86811" found at the most westerly northwest corner of Partition Plat No. 2020-068, Clackamas County Plat Records, also being on the east right of way line of SE 172<sup>nd</sup> Avenue, aka County Road No. 494, being 30.00 feet east of the centerline thereof, when measured at right angles; thence, along said east right of way line, North 01°36'06" East, 263.97 feet to the south line of that tract of land conveyed by deed recorded as Document No. 2019-037019; thence, along said south line, and continuing along the south line of that tract of land conveyed by deed recorded as Document No. 2017-035007, South 89°02'25" East, 742.36 feet; thence South 01°31'47" West, 263.94 feet to the north line of said Partition Plat No. 2020-068; thence, along said north line, North 89°02'00" West, 377.51 feet to an angle point thereon; thence continuing along said north line, North 89°03'08" West, 365.19 feet to the **POINT OF BEGINNING**.

Contains 195,961 square feet, more or less.



# RECORD OF SURVEY

LOCATED IN THE  
N.E. 1/4 SECTION 31, T.1S., R.3E., W.M.  
CLACKAMAS COUNTY, OREGON  
JULY 15, 2024 SCALE 1"=60'

SURVEY PERFORMED FOR:  
DEZ DEVELOPMENT, LLC

SIGNED ON: 30 Jul 24

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 13, 2004  
TOBY G. BOLDEN  
60377LS

RENEWS: DECEMBER 31, 2025

CLACKAMAS COUNTY SURVEYOR  
RECEIVED: 6/22/2024  
ACCEPTED FOR FILING: 6/17/2024  
SURVEY NUMBER: SN 2024-153

**NARRATIVE:**

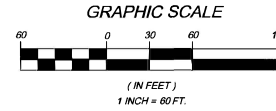
THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE BOUNDARIES OF THAT TRACT OF LAND CONVEYED BY DEED RECORDED AS DOCUMENT NO. 2024-014088, CLACKAMAS COUNTY DEED RECORDS, FOR A FUTURE PLAT.

FOR THE WESTERLY SEGMENT OF THE SOUTH LINE OF THE SUBJECT TRACT, AND MY BASIS OF BEARINGS, I HELD NORTH 89°03'08" WEST BETWEEN FOUND MONUMENTS "A", "B", AND "C", PER PARTITION PLAT NO. 2020-068. I THEN HELD FOUND MONUMENTS "A" AND "L" FOR THE EASTERLY SEGMENT OF SAID LINE, PER SAID PARTITION PLAT.

FOR THE NORTH LINE OF THE SUBJECT TRACT, I HELD FOUND MONUMENTS "E" AND "F", AND EXTENDED THIS LINE EASTERLY 172.40 FEET, PER SURVEY NO. 19996 TO CALCULATE NORTHEAST CORNER. THIS CORRELATES CLOSELY WITH THE OVERALL DEED DISTANCE FOR THIS NORTH LINE.

FOR THE EAST LINE OF THE SUBJECT TRACT, I HELD FOUND MONUMENT "D" AND THE CALCULATED NORTHEAST CORNER, PER SURVEY NO. 19996. THIS CORRELATES CLOSELY WITH RECORD DEED DISTANCES.

I CALCULATED THE CENTERLINE OF SE 172ND AVENUE, AKA COUNTY ROAD NO. 494 (A 60.00 FOOT WIDE RIGHT OF WAY), HOLDING A POINT 30.00 FEET WEST OF FOUND MONUMENT "C" AND A POINT 30.64 FEET EAST OF FOUND MONUMENT "G" PER PARTITION PLAT NO. 2020-068, AND POINTS 52.50 FEET WEST OF FOUND MONUMENTS "H", "I", "J", AND "K", PER THE PLAT OF "PACIFIC CREST", PLAT NO. 4649. I THEN CALCULATED THE WEST LINE OF THE SUBJECT TRACT 30.00 FEET EASTERLY OF AND PARALLEL WITH SAID CENTERLINE.

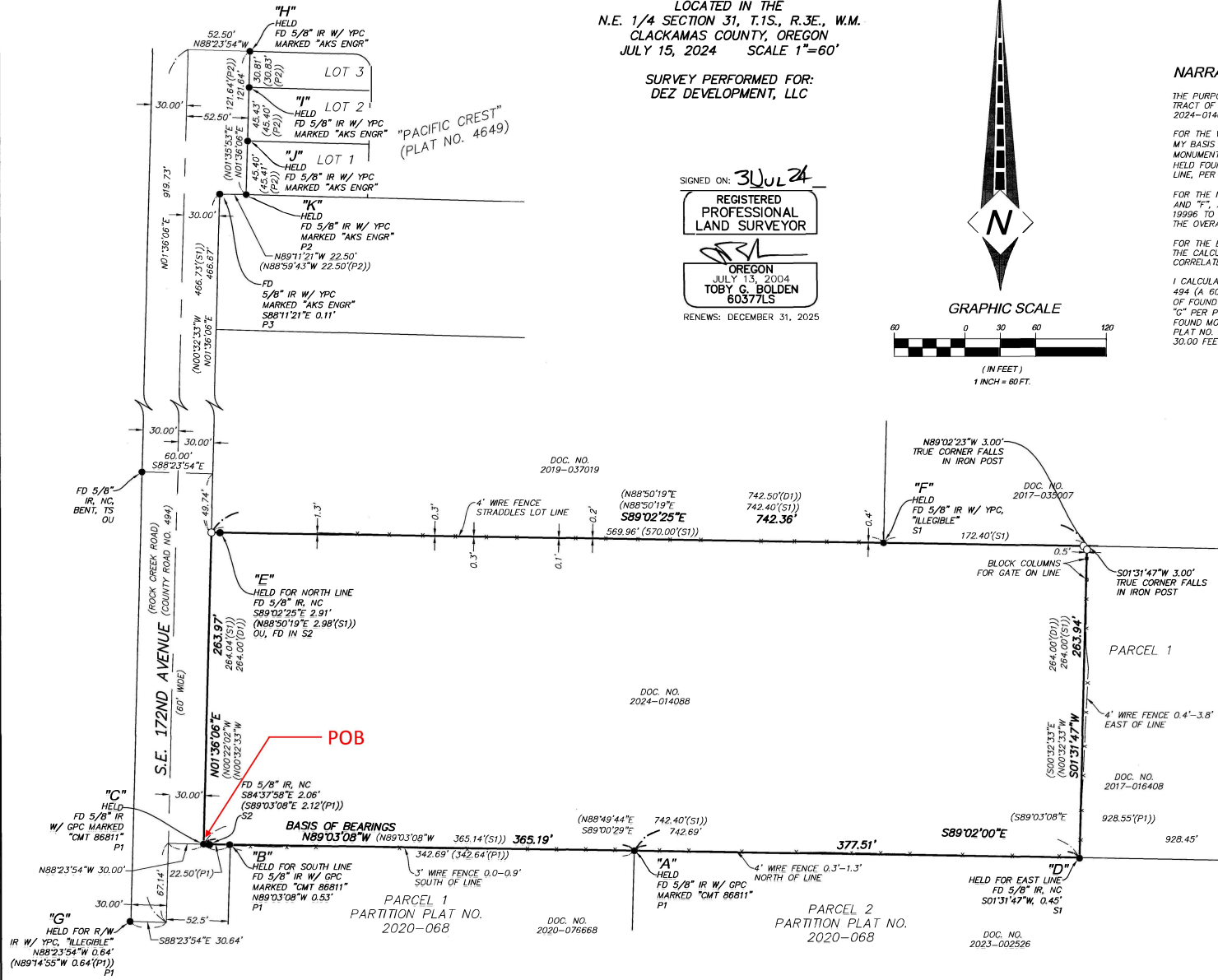


**LEGEND:**

○ SET 5/8" x 30" IRON ROD W/ RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS" ON JULY 15, 2024

● FOUND MONUMENT AS NOTED

- ( ) = RECORD DISTANCES & BEARINGS
- OU = ORIGIN UNKNOWN
- NC = NO CAP
- IR = IRON ROD
- IP = IRON PIPE
- FD = FOUND
- TS = TIED SPIN HOLE
- YPC = YELLOW PLASTIC CAP
- GPC = GREEN PLASTIC CAP
- R/W = RIGHT OF WAY
- DOC. NO. = DEED DOCUMENT NUMBER, CLACKAMAS COUNTY DEED RECORDS
- SN = SURVEY NUMBER, CLACKAMAS COUNTY SURVEY RECORDS
- P1 = PARTITION PLAT NO. 2020-68
- P2 = "PACIFIC CREST" (PLAT NO. 4649)
- S1 = SN 19996
- S2 = SN 11933
- S3 = SN 2018-184
- D1 = DOC. NO. 2024-01488



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

PLOTTED: M:\PROJECTS\DEZ\_DEV-172ND AVE-SE-11060\DWG\ROS-C3D.dwg



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Assistants

TO: Clackamas County Board of County Commissioners (the "Board")  
FROM: Jeffrey D. Munns, Assistant County Counsel  
RE: Boundary Change Proposal No. 2026-002 (SWA)  
DATE of REPORT: May 6, 2026  
DATE of HEARING: June 4, 2026

**STAFF REPORT-FINDINGS AND RECOMMENDATIONS**

**REQUEST:** Approval of Boundary Change Proposal No. 2026-002 (SWA), authorizing property of Slavik Dezhnyuk, Dez Development LLC (the "Petitioner"), known as tax lot number 13E31A01204 and located in 11060 SE 172<sup>nd</sup> Ave., Happy Valley, Clackamas County, Oregon (the "Property"), into Sunrise Water Authority (the "District"), an ORS Chapter 450 special district.

**REASON FOR ANNEXATION:**

The Petitioner is requesting annexation so that the Property can connect to and receive water services from the District.

**RECOMMENDATION:** Based on the analysis and findings of this report, staff respectfully recommends that the Board APPROVES the Boundary Change Proposal No. 2026-002 (SWA).

**EFFECTIVE DATE:** The boundary change becomes effective upon the date of approval by the Board.

**I. BACKGROUND**

**A. PROPERTY INFORMATION**

PETITIONER:	Slavik Dezhnyuk, Dez Development LLC
PETITIONER Representative, if any:	Garrett Sandberg, Dez Design Group
Tax Lot Nos.	13E31A01204

Address, if any:	11060 SE 172nd Ave., Happy Valley, OR 97086
Legal Description	Exhibit A of Board Order

**B. PETITION UNDER ORS 198.857**

By application submitted to the District, dated December 6, 2024, 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). The petition was deemed complete on April 28, 2026.

The Property is currently developed. The services to be provided by the District will support re-development of the Property to become a 50-60 unit residential development.

**C. ENDORSEMENTS BY INTERESTED PARTIES**

As further discussed below in this report, the Property is located in Happy Valley and is jurisdiction for water, sanitary sewer, and stormwater services. Due to the topography, the Property can be served by the Sunrise Water Authority for water services.

By resolution dated January 22, 2025, the District supports and endorses the proposed annexation. See, Attachment 1.

**D. CITIZEN PARTICIPATION**

Notice of this hearing inviting testimony from interested parties was provided as required by statute and Metro Code.

Notice consisted of:

1. Posting notices near the Property, at the Clackamas County Courthouse, and outside the Commissioner’s Hearing room at least 20 days prior to the hearing;
2. Publishing notice three times in the Lake Oswego Review; and
3. Mailing notices to all affected local governments and adjacent property owners.

At the time this report was written, no comments were received.

**II. APPLICABLE CRITERIA**

For a proposed boundary change of a special district through annexation, as the county’s governing body, the Board must review and approve the proposed annexation based on several factors and criteria established by state and local law.

## A. STATE STATUTE

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).

## B. METRO CODE

For a proposed boundary change within the boundaries of Metro or within urban reserves designated by Metro, Metro code also specifies criteria that a reviewing entity must apply in reviewing and approving a boundary change.

First, Metro Code 3.09.050(B) requires a report, to be made available to the public, that addresses the following:

- “1. *The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;*
2. *Whether the proposed boundary change will result in the withdrawal of territory from the legal boundary of any necessary party<sup>1</sup>; and*
3. *The proposed effective date of the boundary change.*”

Second, Metro code requires the review and approval of a proposed boundary change to be consistent with certain service agreements, land use plans, and service quality standards. To approve a boundary change, the reviewing entity (e.g., the Board in this case) 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;*
  - (E) *Any applicable comprehensive plan; and*
  - (F) *Any applicable concept plan.*
- (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.*”

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<sup>1</sup> A “necessary party” is another governmental entity which includes the same area or provides an urban service to the area.

See, Metro Code 3.09.045(D) and 3.09.050(D).

Finally, Metro Code Section 3.09.090 prohibits the extension of any district “water or sewer service from inside a UGB to territory that lies outside the UGB.”

## **C. COMPREHENSIVE PLANING**

### 1. Regional Planning

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 268.354(2)(d). Metro regional framework plan is “the regional framework plan required by the 1992 Metro Charter or its separate components.” ORS 197.015.

### 2. County Planning

The applicable comprehensive plan for areas in unincorporated Clackamas County is the Clackamas County Comprehensive Plan (the “Comp Plan”).

Chapter 7 of the Comp Plan discusses public facilities and services. It addresses, in part, the Oregon Land Use Goal 11 that requires planning for sanitary sewerage treatment, water, storm drainage and transportation, stating as follows: “[a]dequate levels of those public facilities and services must be available before urban levels of development can be built in a manner consistent with the land use designations in this Plan.” (Comp Plan p. 7-1).

An applicable public facilities goal in the Comp Plan is to “[r]equire adequate storm drainage, public sanitary sewer and public water service concurrent with development in areas that require these services.” (Comp Plan at p.7-6).

With respect to policies on water, the Plan specifies the following:

*“7.B.4 Encourage development in urban areas where adequate urban water facilities already exist.*

*7.B.5 Require water service purveyors to provide water services for non-urban areas at levels appropriate for non-urban use.*

*7.B.6 Coordinate the review of development applications with the appropriate water service provider to ensure that approval is not granted in the absence of adequate water.”*

Page 7-8 to 7-9 of the Plan.

### 3. City Planning

The Property is within the City of Happy Valley, whose comprehensive land use plan applies.

## III. ANALYSIS AND FINDINGS

Collectively, review and approval criteria for a boundary change under state law and Metro Code generally fall into three categories: urban service and other facility service agreements, land use planning, and the quality and timing of the service resulted from the boundary change. Based on the application submitted by Petitioner, and staff's research, staff reaches the following analysis and findings.

### A. TERRITORY TO BE ANNEXED

Staff reaches the following findings with respect to the territory to be annexed:

1. The Property, as territory to be annexed, is one tax lot, no. 13E31A01204, with a current tax assessed value of \$683,745.
2. The Property is in the City of Happy Valley.
3. The Property is within Metro's jurisdictional boundary and the regional UGB.
4. The Property is currently located adjacent to SE 172<sup>nd</sup> Ave. which contains a water line to serve the property.
5. The Property is currently developed.
6. The District can provide water services to the Property in a more efficient and cost-effective manner.
7. Accordingly, the Petitioner is seeking water services from the District. The District has endorsed the proposed annexation into the District.

### B. URBAN AND OTHER FACILITY SERVICES

As referenced in Section II of this report, state law and the Metro Code require a review for consistency with urban and other service agreements. (See, ORS 198.857(4) and 268.354(2)(d); Metro 3.09.050(B)(1), and 3.09.050(D)(1)(A)). ORS 195 requires agreements between providers of urban services to an area within a UGB that has a population of greater than 2,500 persons. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. ORS 195.065(2)(b). These agreements specify which governmental entity will provide which service to an area in the long term. The counties are responsible for facilitating the creation of these agreements.

Staff finds that there are urban and other ORS 195.065 agreements applicable to this area of Clackamas County.

The Property is in the City of Happy Valley. It currently has, or will be receiving, various services in the following manner:

1. Water. The Property will be served by Sunrise Water Authority for water services.
2. Sewer. The Property is currently within Clackamas County Service District #1, a component unit of Clackamas Water Environment Services for this service.
3. Storm Drainage. The Property is currently within Surface Water Management Agency for Clackamas County for this service.
4. Parks and Recreation. The Property is be served by the City of Happy Valley for park and recreational services.
5. Fire. The Property is served by Clackamas Fire District #1 for fire services.
6. Police. The Property is served by the Clackamas County Sheriff's Office for police services.

### **C. LAND USE PLANNING**

As referenced in Section II of this report, state law and the Metro Code require a review for consistency with various regional and local land use plans. The following analyzes and reaches findings related to regional and local plans that may be applicable to the proposed annexation of the Property into the District.

#### 1. Regional Plans

The Property is in the City of Happy Valley, and inside Metro's jurisdictional boundary and the regional UGB. As such, a boundary change approval must be consistent with the applicable Metro regional framework plan. (See, ORS 268.354(2)(d)). Metro has adopted a Regional Framework Plan, and two regional functional plans--the Urban Growth Management Functional Plan (2023) and the Regional Transportation Plan (2012).

Staff have reviewed these plans and find that these plans have no applicable standards and criteria for boundary changes. Therefore, the proposed boundary change by the District through annexation of the Property is consistent, or is not in conflict, with any Metro regional plans.

#### 2. Clackamas County Comp Plan

The Property is in Clackamas County. Chapter 7 of the Comp Plan was reviewed. Staff find that the District's proposed provisioning of water services to the Property is consistent, or not in conflict, with Chapter 7 of the Comp Plan.

### 3. City Comprehensive Land Use Plan

Based on the information provided by the District and Petitioner, the proposed annexation is compatible with the City of Happy Valley's comprehensive land use plan.

### 4. Public Facility, Concept, and Annexation Plans and Cooperative Planning Agreements

Staff find no facility, concept, or annexation plans applicable to the area.

## **D. QUALITY, QUANTITY, AND TIMING OF SERVICE**

Metro Code requires the Board to consider various factors that address the quality, quantity, and timing of the services being sought by the proposed annexation.

Staff finds that the proposed annexation of the Property into the District is consistent with the Metro's service quality standard under Section 3.09.045(D)(2), 3.09.050(B), and 3.09.090:

- Promote of the timely, orderly and economic provision of public facilities and services;
- Improve of the quality and quantity of urban services; and
- Eliminate or avoid unnecessary duplication of facilities and services.
- The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;
- Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party;
- The proposed effective date of the boundary change; and
- No extension of service from inside a UGB to territory that lies outside the UGB.

The Property is developed as a single-family residence. The District is in a more advantageous technical position providing water services to the Property due to the anticipated re-development of the property.

Finally, because the Property is inside the UGB, the proposed annexation of the Property into the District does not result in an extension of the District's water service from inside a UGB to territory that lies outside the UGB.

The boundary change will become effective on the date of Board's approval.

## **IV. CONCLUSIONS**

Staff conclude that the proposed annexation complies with all applicable state statutes and Metro Code requirements. Staff recommends the approval of Boundary Change No. 2026-002 (SWA) for the District to provide water services to the Property.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "J. Munns", is positioned above the typed name.

Jeffrey D. Munns  
Assistant County Counsel

Attachment 1: District Endorsement



**RESOLUTION 2025-02**

A RESOLUTION OF THE SUNRISE WATER AUTHORITY BOARD OF COMMISSIONERS ENDORSING ANNEXATION OF TERRITORY TO SUNRISE WATER AUTHORITY.

WHEREAS, The Property Owner has completed the required documentation to initiate annexation of territory to Sunrise Water Authority;

WHEREAS, Sunrise staff has determined that the territory proposed for annexation can be served by Sunrise;

NOW, THEREFORE, BE IT RESOLVED BY SUNRISE WATER AUTHORITY AS FOLLOWS:


Section 1. That the Board of Commissioners, by this resolution, endorses the proposed annexation to Sunrise Water Authority service territory with the boundaries described in Exhibit A and depicted in Exhibit B, attached hereto, and inclusion of the territory within representation Zone 6 upon approval.

Resolution moved by Barth. Seconded by Anderson. Adopted by the Board of Commissioners of the Sunrise Water Authority this 22nd day of January 2025, by the following vote:

Ayes 7, Nays 0.

SUNRISE WATER AUTHORITY

Signed by:  
  
38402AC982D459...  
Chris Hawes, Chair

DocuSigned by:  
  
B050C2AF03F441A...  
Kevin Bailey, Secretary