



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING

2051 KAEN ROAD | OREGON CITY, OR 97045

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January 22, 2026

BCC Agenda Date/Item: _____

Board of County Commissioners
Clackamas County

**Approval of Boundary Change Proposal #2025-012 for annexation into
Clackamas River Water District of territory located at 16944 S. Hattan Rd.,
Oregon City. No County General Funds are involved.**

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

EXECUTIVE SUMMARY:

The owner of a parcel of land, tax lot no. 23E31B 00100 ("SUBJECT PROPERTY"), petitioned this Board to annex into Clackamas River Water District (the "District") in order 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 unincorporated Clackamas County of 3.69 acres with a current tax assessed value of \$1,840. It is located at 16944 S. Hattan Rd., Oregon City, OR 97045. The property is improved with a single-family residence.

The District is already providing services in the surrounding areas. There is a water line in SE Hattan Rd. adjacent to the property for the SUBJECT PROPERTY to connect to. Upon connection, the use of the onsite well water must be discontinued. Therefore, there is efficiency in the District providing services to the subject property.

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

The District endorsed the proposed annexation on May 8, 2025.

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v.CCC-2025

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

Staff Findings and Recommendations, dated December 15, 2025, addresses factors and criteria mandated in ORS 198. The report makes the required analysis and findings and concludes that the proposed boundary change of the District complies with applicable statutory 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. 2025-012 (CRW).

Respectfully submitted,



Jeffrey D. Munns
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. 2025-012 (CRW)



Board Order No. _____

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Whereas, the Clackamas River Water District (“DISTRICT”) is a Water District organized under ORS 450 that provides potable 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 parcels of land, described and mapped in Exhibit B to the DISTRICT pursuant to procedures set forth in ORS 198.857; and

Whereas, on May 8, 2025, the annexation petition was approved and endorsed by the DISTRICT, as required by ORS 198.857; and

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

Whereas, a staff report makes findings and recommendations that addresses factors and criteria mandated in ORS 198.857 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 A.

Whereas, a public hearing is held before the Board on January 22, 2026, and that a decision of approval was made on January 22, 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.

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

1. The Analysis, Findings, and Conclusions in the Staff Report attached as 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 in Exhibit B is annexed to Clackamas River Water District for potable water services.

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BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF CLACKAMAS COUNTY, STATE OF OREGON

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

DATED this 22nd day of January, 2026.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



OFFICE OF COUNTY COUNSEL

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TO: Clackamas County Board of County Commissioners

FROM: Jeffrey D. Munns, Assistant County Counsel

RE: Boundary Change Proposal No. 2025-012 (CRW)

DATE of REPORT: December 15, 2025

DATE of HEARING: January 22, 2026

STAFF REPORT
FINDINGS AND RECOMMENDATIONS

REQUEST: Approval of a Boundary Change Proposal No. 2025-012 (CRW), petitioned by Deborah Rubottom and Grayden Rubottom (the “PETITIONER”), property known as tax lot number 23E31B 00100, and located at 16944 S. Hattan Rd., Oregon City, OR 97045, Clackamas County, Oregon (the “SUBJECT PROPERTIES”), into the Clackamas River Water District (the “DISTRICT”), an ORS 450 Water District.

REASON FOR ANNEXATION:

The PETITIONER is requesting annexation so that the SUBJECT PROPERTY can connect to and receive potable water services from the DISTRICT.

RECOMMENDATION: Based on the analysis and findings of this report, staff respectfully recommend the Board APPROVE Boundary Change Proposal No. 2025-012 (CRW).

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

I. BACKGROUND

A. SUBJECT PROPERTY INFORMATION

PETITIONER:	Deborah Rubottom Grayden Rubottom 16944 S. Hattan Rd.
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Exhibit A

	Oregon City, OR 97045
PETITIONER Representative, if any:	
Tax Lot Nos.	23E31B 00100
Address, if any:	16944 S. Hattan Rd., Oregon City, OR 97045
Legal Description	Exhibit B of Board Order

B. PETITION UNDER ORS 198.857

By application submitted to the DISTRICT, dated October 2, 2025, 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). The petition was deemed complete on December 3, 2025.

The SUBJECT PROPERTY is currently developed. The services to be provided by the DISTRICT will support existing development on the SUBJECT PROPERTY.

C. ENDORSEMENTS BY INTERESTED PARTIES

As further discussed below in this report, the SUBJECT PROPERTY is located in unincorporated Clackamas County and is eligible to be annexed to the DISTRICT for water, sanitary sewer, and stormwater services. The SUBJECT PROPERTY can be served by the DISTRICT for water services.

By resolution dated May 8, 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.

Notice consisted of:

1. Posting notices near the SUBJECT PROPERTY, at the Clackamas County Courthouse, and outside the Commissioner's Hearing room at least 20 days prior to the hearing;
2. Publishing notices twice 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

The property is not within the Metro Boundary and therefore the Metro Code is inapplicable.

C. COMPREHENSIVE PLANING

1. Regional Planning

The property is not within the Metro Boundary and therefore the Metro Code is inapplicable.

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 service, the Comp 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 facilities or a mechanism to provide them concurrently with development.”

(Comp Plan p.7-8, 7-9)

III. ANALYSIS AND FINDINGS

Collectively, review and approval criteria for a boundary change under state law 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 SUBJECT PROPERTY, to be annexed, is 3.69 acres in total, tax lot no. 23E31B00100, with a current tax assessed value of \$1,840.00.
2. The SUBJECT PROPERTY is in unincorporated Clackamas County.
3. The SUBJECT PROPERTY is not within Metro's jurisdictional boundary or the regional UGB.
4. The SUBJECT PROPERTY is currently located adjacent to S. Hattan Rd., which contains a water line to serve the property.
5. The SUBJECT PROPERTY is currently developed as a residence.
6. The DISTRICT can provide water services to the SUBJECT 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 requires a review for consistency with urban and other service agreements. (See, ORS 198.857(4) and 268.354(2)(d). 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 find that there are urban and other ORS 195.065 agreements applicable to this area of Clackamas County.

The SUBJECT PROPERTY is in unincorporated Clackamas County. It currently has, or will be receiving, various services in the following manner:

1. Water. The SUBJECT PROPERTY will be served by Clackamas River Water for water services following approval of this proposal.
2. Sewer. The SUBJECT PROPERTY does not receive sewer service.
3. Storm Drainage. The SUBJECT PROPERTY does not receive this service.
4. Parks and Recreation. SUBJECT PROPERTY does not receive this service.
5. Fire. The SUBJECT PROPERTY is served by Clackamas Fire District No. 1 for fire services.
6. Police. The SUBJECT PROPERTY is served by the Clackamas County Sheriff for police services.

C. LAND USE PLANNING

As referenced in Section II of this report, state law requires 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 SUBJECT PROPERTY into the DISTRICT.

1. Regional Plans

The SUBJECT PROPERTY is in unincorporated Clackamas County and outside Metro's jurisdictional boundary and the regional UGB. As such, the Metro regional framework plan is inapplicable to this boundary change. (See, ORS 268.354(2)(d)).

2. Clackamas County Comp. Plan

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

3. City Comprehensive Land Use Plan

The proposed boundary change is not within a City.

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

Staff finds there are no facility, concept, or annexation plans applicable to the area.

D. QUALITY, QUANTITY, AND TIMING OF SERVICE

The SUBJECT PROPERTY is a single-family residence. The DISTRICT is in a more advantageous technical position to provide sewer services to the SUBJECT PROPERTY due to having a water line in the right-of-way along the boundary of the property in Hattan Rd.

Although the SUBJECT PROPERTY is in an AGR zone, the proposed annexation of the SUBJECT PROPERTY into the DISTRICT does not result in an extension of the DISTRICT's urban service from inside a UGB to territory that lies outside the UGB in violation of Statewide Planning Goal 11 and OAR 660-011-0065.

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 recommend approval of Boundary Change No. 2025-012 (CRW) for the DISTRICT to provide water services to the SUBJECT PROPERTIES.

Respectfully Submitted,



Jeffrey D. Munns
Assistant County Counsel

Attachment 1: District Approval

CLACKAMAS RIVER WATER

RESOLUTION No. 14-2025

A RESOLUTION ENDORSING ANNEXATION OF TERRITORY INTO THE JURISDICTIONAL BOUNDARIES OF CLACKAMAS RIVER WATER

Property at 16944 S Hattan Road, TL ID 23E31B 00100

FY 2024-25

WHEREAS, Clackamas River Water ("CRW") is a domestic water supply district organized under ORS Chapter 264; and

WHEREAS, a proposed annexation of territory is before the Board of Commissioners of Clackamas River Water; and

WHEREAS, the proposed territory is more particularly described as:

16944 S Hattan Road, Oregon City, OR, 97045;

Tax Lot No. 00100 of Assessor's Map No. 23E31B, as described in Exhibits A and B.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Clackamas River Water hereafter referred to as "Board", as follows:

1. The Board, by this resolution, endorses the proposed annexation of territory to be included within its boundaries, as described in attached Exhibits A and B.
2. The Board makes no statement as to the availability or cost of providing domestic or fire prevention water service to the area included within the proposed annexation.

ADOPTED by the Clackamas River Water Board of Commissioners this 8th day of May, 2025.


Sherry French, Board President


Naomi Angier, Board Secretary *W.*
Tessah Danel, Treasurer

Annexation to Clackamas River Water District

Res. No. 14-2025

EXHIBIT B

Part of the Northeast quarter of the Northwest quarter of Section 31, Township 2 South, Range 3 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the North quarter corner of said Section 31; thence South 2.40 chains; thence West 20.00 chains; thence North 2.40 chains, to the North line of Section 31; thence East, along said North line, 20.00 chains, to the point of beginning.

EXCEPTING THEREFROM, that portion lying West of the existing district boundary line lying within Market Road No. 39.

Map and Description
Revised 12/2/25

