

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Determining the )  
Boundaries of the Area which is )  
Subject to an Annexation Election ) ORDER NO. 72-99  
into the Columbia River People's )  
Utility District [Scappoose and )  
Scappoose Drainage Improvement Co.])  
\_\_\_\_\_ )

WHEREAS, the Board of County Commissioners for Columbia County, Oregon, held a hearing on Wednesday, September 8, 1999, at 7:00 p.m. in the Commissioners' Meeting Room, Room 308 of the Columbia County Courthouse, in St. Helens, Oregon; and

WHEREAS, the purpose of the hearing was to receive testimony about, and determine the boundaries of, the area(s) of land in the City of Scappoose and/or in the Scappoose Drainage Improvement Company to be considered for annexation into the Columbia River People's Utility District (PUD) at the September 21, 1999, election; and

WHEREAS, the area(s) proposed to be annexed, as shown on the electors' petitions which were filed with the Columbia County Clerk, includes all territory within the city limits of Scappoose as of 1940, and the territory within the boundaries of the Scappoose Drainage Improvement Company, formerly known as the Scappoose Drainage District, as of 1940, the year the Columbia River PUD was established; and

WHEREAS, notice of the hearing was published in *The Chronicle* on August 17 and 25, 1999; and

WHEREAS, all interested parties were invited and allowed to appear and be heard; and

WHEREAS, for convenience, the hearing was consolidated with the other hearings scheduled for September 8, 1999: to consider the boundaries of areas in the City of St. Helens, the City of Columbia City, and in the City of Rainier to be considered for annexation into the Columbia River PUD, and the boundaries of area in the City of Rainier to be considered for annexation into the Clatskanie PUD, all in Columbia County, Oregon; and

WHEREAS, Joe Flori, Chief Cartographer for the Columbia County Assessor's Office, and John Knight, County Counsel, gave background on the current boundaries of the Columbia River PUD, based on the

1940 election which created the PUD, and the order in 1987 which finalized the boundaries from the 1985 annexation election; and

WHEREAS, Mr. Flori and Mr. Knight gave their recommendation that the boundaries for the areas in the cities of Scappoose, St. Helens, Columbia City and Rainier proposed for annexation into the Columbia River PUD, and into the Clatskanie PUD in the case of Rainier, be determined as those areas in the cities of Scappoose, St. Helens, Columbia City and Rainier that were excluded from the Columbia River PUD when it was created, i.e., those areas within the 1940 city limits of those cities, except those areas within the 1940 city limits of those cities which have been already annexed into the Columbia River PUD; and

WHEREAS, Mr. Flori and Mr. Knight gave their recommendation that, in the election scheduled for the Scappoose area, the boundaries of the area being considered for annexation into the Columbia River PUD should also include those areas within what was then known as the Scappoose Drainage District (now known as the Scappoose Drainage Improvement Company) as it existed in 1940, except that the boundary of the area being considered for annexation along the Multnomah Channel should be determined as the low water line on the left (west) bank of the Multnomah Channel as it is now, instead of the Government meander line on the left bank of the Willamette Slough (now referred to as the Multnomah Channel), as described in the order which created the Scappoose Drainage District, since it would be difficult to determine where that Government meander line is with any certainty; and

WHEREAS, the following exhibits were introduced and received in the consolidated public hearing:

Exhibit 1 - Copy of portion of Taxing Districts Map Book from the Columbia County Assessor's Office which includes maps and documents describing the boundaries of the Columbia River PUD as created in 1940, the boundaries of the additional areas which were approved for annexation into the PUD in the 1985 election and which were finalized in 1987, and the boundaries of the Scappoose Drainage District;

Exhibit 2 - Copy of portion of Tax Code Map from the Columbia County Assessor's Office showing Rainier tax code areas proposed for annexation highlighted in yellow and surrounding Columbia River PUD tax code areas highlighted in green;

Exhibit 3 - Copy of portion of Tax Code Map from the Columbia County Assessor's Office showing Columbia City, St. Helens, Scappoose and Scappoose Drainage Improvement Company tax code areas proposed for annexation highlighted in yellow and surrounding

Columbia River PUD tax code areas highlighted in blue;

Exhibit 4 - County Counsel hearing packet, "Determine Boundaries for Annexation, Rainier into Clatskanie PUD";

Exhibit 5 - County Counsel hearing packet, "Determine Boundaries for Annexation, Rainier into Columbia River PUD";

Exhibit 6 - County Counsel hearing packet, "Determine Boundaries for Annexation, Columbia City into Columbia River PUD";

Exhibit 7 - County Counsel hearing packet, "Determine Boundaries for Annexation, St. Helens into Columbia River PUD";

Exhibit 8 - County Counsel hearing packet, "Determine Boundaries for Annexation, Scappoose and Scappoose Drainage Dist";

Exhibit 9 - Letter dated September 8, 1999, to "Columbia County Commissioners" from Harlow Sheldon and Virginia R. Sheldon;

Exhibit 10 - Letter dated September 8, 1999, from "Fred Bernet for Ken Dye, Owner of Scappoose Moorage";

Exhibit 11 - Copies of "Amended Notice[s] of Public Hearing" as published in *The Chronicle* on August 18, 1999, advertising the September 8, 1999, boundary hearings for the Rainier (Clatskanie PUD), Rainier (Columbia River PUD), Columbia City, St. Helens, Scappoose and Scappoose Drainage District PUD annexation proposals;

Exhibit 12 - Copy of map sent out with ballots in the Scappoose and Scappoose Drainage Improvement Company areas showing Multnomah Channel in red and indicating the additional territory proposed at the hearing to be added to the annexation proposal as originally filed; and

WHEREAS, testimony was received from the following individuals regarding the areas proposed for annexation:

David Grant, President of Dikeside Moorage, in favor of extending the Scappoose Drainage Improvement Company annexation area from the meander line of Multnomah Channel to the center of the channel to allow electors in the houseboats in Multnomah Channel to vote on the annexation proposal;

Fred Bernet, in favor of extending the Scappoose Drainage Improvement Company annexation area from the meander line of Multnomah Channel to the "thread" of the channel; and

Jean McNulty, Treasurer of Dikeside Moorage, testified in favor of extending the boundaries of the Scappoose Drainage Improvement Company annexation area to allow residents of the houseboats in Multnomah Channel to vote in the annexation election; and

WHEREAS, John Knight stated that ORS 261.161(3) doesn't allow additional lands to be included in the boundaries fixed by the Board lying outside the boundaries described in the electors' petitions unless the owners of that land request inclusion in writing before the boundary hearing is completed; that his understanding was that the houseboats and moorages in the Multnomah Channel were outside of the boundaries of the Scappoose Drainage Improvement Company; and that, in his opinion, the land underneath the Multnomah Channel was owned by the State of Oregon; and

WHEREAS, Fred Bernet responded that the houseboats and moorages in the Multnomah Channel were outside the boundaries of the Scappoose Drainage Improvement Company and that the State of Oregon owned the land underneath the Multnomah Channel; and

WHEREAS, no request has been received from the State of Oregon to include the land underneath the Multnomah Channel in the lands proposed for annexation; and

WHEREAS, there being no further testimony, the hearing was closed;

NOW, THEREFORE, BASED ON THE RECORD OF THE HEARING held on September 8, 1999, the Board makes the following findings:

1. The outer boundaries of the Columbia River PUD as created in 1940 are described with reasonable certainty by the maps and documents contained in Exhibit 1 which was introduced in the hearing.

2. The 1940 election which created the Columbia River PUD specifically excluded from the PUD certain areas within those outer boundaries described as "all territory within the boundaries and corporate limits of the municipality of Rainier, the municipality of Goble, the municipality of St. Helens, the municipality of Scappoose, and the municipality of Columbia City, all in Columbia County."

3. The "territory within the boundaries and corporate limits of the municipality of Rainier, the municipality of Goble, the municipality of St. Helens, the municipality of Scappoose, and the municipality of Columbia City" are also described with reasonable certainty by the maps and documents contained in Exhibit 1.

4. The 1940 election which created the Columbia River PUD did not include within those outer boundaries that area of land which was known as the Scappoose Drainage District, now known as the Scappoose Drainage Improvement Company.

5. The boundaries of the Scappoose Drainage District as it existed in 1940 are also described with reasonable certainty by the maps and documents contained in Exhibit 1, except that it would be difficult to determine exactly where the "Government meander line on the left bank of the Willamette Slough" (now referred to as the Multnomah Channel), as described in the order which created the District, a copy of which is included in Exhibit 1, is with any certainty. However, the low water line on the left (west) bank of the Multnomah Channel as it is now, reasonably approximates the location of the Government meander line as described in the order.

6. The boundaries of the additional areas which were approved for annexation into the Columbia River PUD as a result of the 1985 election and which were finalized in 1987 are also described with reasonable certainty by the maps and documents contained in Exhibit 1. These maps and documents describe with reasonable certainty the boundaries of those areas within the 1940 "boundaries and corporate limits of the municipality of Rainier, \* \* \*, the municipality of St. Helens, the municipality of Scappoose, and the municipality of Columbia City" which have been already annexed into the Columbia River PUD as a result of the 1985 election which was finalized in 1987. These maps and documents also show that all of the territory within the boundaries and corporate limits of the municipality of Goble was annexed into the Columbia River PUD as a result of the 1985 election which was finalized in 1987.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Board of County Commissioners determines the boundaries of the area(s) of land in the City of Scappoose and/or the Scappoose Drainage Improvement Company to be considered for annexation into the Columbia River People's Utility District at the September 21, 1999, election as:

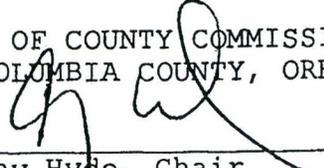
(a) that area in the City of Scappoose that was excluded from the Columbia River PUD when it was created, i.e., the area within the 1940 city limits of Scappoose, except those areas within the 1940 city limits of Scappoose which have been already annexed into the Columbia River PUD, as described in Exhibit 1; and

(b) that area within what was then known as the Scappoose Drainage District (now known as the Scappoose Drainage Improvement Company) as it existed in 1940, except that the boundary of the

area being considered for annexation along the Multnomah Channel is determined as the low water line on the left (west) bank of the Multnomah Channel as it is now, instead of the Government meander line on the left bank of the Willamette Slough (now referred to as the Multnomah Channel), as described in the order which created the Scappoose Drainage District, as described in Exhibit 1.

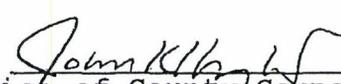
Dated this 17th day of September, 1999.

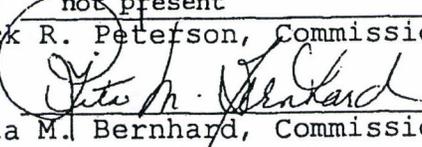
BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:   
Anthony Hyde, Chair

Approved as to form

By: not present  
Jack R. Peterson, Commissioner

By:   
Office of County Counsel  
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By:   
Rita M. Bernhard, Commissioner