

W. A. B. I.

Memorandum Date: February 6, 2007
Board Order Date: February 21, 2007

TO: Board of County Commissioners
DEPARTMENT: CAO/Community & Economic Development
PRESENTED BY: Mike McKenzie-Bahr, Community and Economic
Development Coordinator
Teresa Wilson, County Counsel

AGENDA ITEM TITLE: IN THE MATTER OF SETTING A DATE FOR THE FINAL
HEARING ON THE FORMATION OF THE ROW RIVER VALLEY
WATER DISTRICT.

I. MOTION

MOVE FOR THE APPROVAL OF THE ORDER SETTING MARCH 14, 2007 AT
1:30 P.M. AS THE DATE FOR THE FINAL HEARING ON THE FORMATION OF
THE ROW RIVER VALLEY WATER DISTRICT

II. AGENDA ITEM SUMMARY

The Boundary Commission has approved the formation of the Row River Valley
Water District. The Board of Commissioners must now set a final hearing date on
District formation.

The attached Board Order sets March 14, 2007 as the final hearing date. On that
day, the Board of Commissioners will take public testimony and can make a final
decision regarding District formation.

The District formation request is being carried forward by the Row River Valley
Water Association, which represents water users in that area.

The intention of the proposed District is to operate a community water system to
serve residents and businesses that are losing their current water system due to
action by the City of Cottage Grove.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

On December 13, 2006, the Board accepted and officially filed the petitions for formation of the Row River Valley Water District, and, as required by statute, referred the matter to the Boundary Commission. On February 1, 2007, the Boundary Commission held a hearing on the formation, and approved it. (See attached Exhibit 1, Lane County Local Government Boundary Commission final Order 1298). By statute, the matter comes back to the Board to set a date for the final hearing and order. ORS 198.810, 199.480.

The formation of a new water district has been necessitated by the City of Cottage Grove's plans to terminate service to 110 current water connections, serving approximately 140 homes and businesses. That termination will occur in June 2008.

As discussed previously, the District Formation can be an act of the Board of Commissioners and does not need to be approved by local voters, because this formation does not include a permanent tax rate. And in fact, the District is not proposing any tax rate. The District will be financed through water user fees.

B. Policy Issues

Should the Board of Commissioners take the next steps in the formation of a water district on behalf of County residents, or should it require a formal petition process with an election?

Per ORS 198.835, the County Commissioners previously initiated the formation of the Row River Valley Water District. Since the formation does not include a permanent tax rate, the measure does not need to be approved by local voters.

The next step in the current formation process already underway is the setting of the final public hearing, which staff is recommending be set for March 14, 2007.

Though to date no one has stated opposition to the current District formation process, an alternative process - election by petition - does exist. Pursuant to ORS 198.810, if 15 percent of the electors or 100 electors, whichever is the lesser number, registered in the proposed district file written requests for an election on the question of District formation, such an election must be held. In this case, 15 percent would be very close to 100 electors,

It is clear from the public meetings held so far, that the residents of the impacted area are in support of the formation of the District through the current process.

C. Board Goals

This project meets the following board goals:

- Provide opportunities for citizen participation in decision-making, voting, volunteerism and civic and community involvement.
- Contribute to appropriate community development in the areas of transportation and telecommunications infrastructure, housing, growth management, and land development.
- Maintain a *healthy environment* with regard to air quality, water quality, waste management, land use and parks.
- *Protect the public's assets* by maintaining, replacing or upgrading the County's investments in systems and capital infrastructure.

D. Financial and/or Resource Considerations

To date, the Board of Commissioners have approved approximately \$20,000 worth of County expenditures on behalf of District formation. . (Order No. 06-4-26-12 and (Order No. 06-12-13-2)

These have included:

1. \$5,000 for attorney fees
2. \$5,000 for economic feasibility study
3. \$5,940 for Boundary Commission filing fees
4. \$3,200 for boundary description and map preparation.

Items 3&4 will be requested to be reimbursed from the District once it is formed.

In addition, if the Commissioners approve the District on March 14 and call for an election of a District Board, the cost of the election will be approximately \$4,500. That amount will be billed to the District by the County.

E. Analysis

The Commissioners may form the District by Board order and is not required to call an election of the question of forming the district at the time of the final

hearing, because the matter does not include a permanent tax rate for the proposed district.

The Commissioners began the District formation process on December 13 with several actions, including the referral of the matter to the Boundary Commission.

The Boundary Commission held its hearing on February 1, 2007. It was well attended by residents of the Row River Valley who supported the district formation.

Since the Boundary Commission holds all the necessary hearings on the advisability of forming the district and on the appropriate location of the boundaries and adopts findings regarding needs and land use considerations, the statutes do not give the Board of Commissioners much discretion from now through the end of the formation. ORS 199.480(1) prohibits the Board from modifying the boundary set by the Boundary Commission. The district boundary was set in consultation with the members of the Row River Valley Water Association.

The next step in the district formation process is for the Commissioners to set the final hearing. The final hearing on District formation can be set anywhere between 20 and 50 days from February 1, 2007. March 14, 2007 falls within that time frame.

F. Alternatives/Options

1. The Board of Commissioners can approve the Board Order to set the final hearing;
2. The Board of Commissioners could request more information and delay action until that information is provided. Such a delay will result in the delay of the formation of the District;
3. The Board of Commissioners can reject the request to form the District by Board Order.

IV. TIMING/IMPLEMENTATION

If the Board of Commissioners acts today to set the final hearing for March 14, that day could be the day of District formation if the Board so chooses to take that action at the hearing.

V. RECOMMENDATION

Staff recommends that the Board of Commissioners set the hearing as described in the Order.

VI. FOLLOW-UP

Staff will take the necessary steps to meet all the public notification requirements to have the final hearing on March 14, 2007 as per the attached Board Order.

VII. ATTACHMENTS

Board Order with attached Exhibit "1", Lane County Local Government
Boundary Commission Final Order 1298

Note: District Boundary maps are available for review with the Board Secretary.

IN THE BOARD OF COUNTY COMMISSIONERS
OF LANE COUNTY, OREGON

ORDER NO.) IN THE MATTER OF SETTING A DATE
) FOR THE FINAL HEARING ON THE
) FORMATION OF THE ROW RIVER
) VALLEY WATER DISTRICT

WHEREAS, pursuant to ORS Ch. 198 and Ch. 264, the Lane County Board of Commissioners adopted Order No. 06-12-13-2 on December 13, 2006, regarding the formation of the Row River Valley Water District and forwarded a copy of the same to the Lane County Local Government Boundary Commission pursuant to ORS 199.476, and

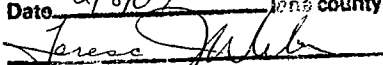
WHEREAS, on February 1, 2007, the Lane County Local Government Boundary Commission approved the formation of the Row River Valley Water District by Final Order No. 1298, a copy of which is attached and incorporated herein as Exhibit "1", now therefore, it is hereby

ORDERED that:

1. The Order initiating formation be approved and ratified.
2. The name of the district shall be the "Row River Valley Water District."
3. The boundary shall be as described in Exhibit "A", attached to the Lane County Local Government Boundary Commission Final Order No. 1298 attached hereto as Exhibit 1.
4. Pursuant to ORS 198.810, a final hearing shall be held on March 14, 2007 at 1:30 p.m. at the Public Services Building, 125 E. 8th Ave., Eugene, Oregon.
5. After the final hearing the Board will enter an Order calling the formation of the District pursuant to ORS 198.810 (2)
6. Notice of the final hearing shall be published twice pursuant to ORS 198.730 and ORS 198.810 by the Chief Deputy County Clerk.
7. An election will be held on May 15, 2007, for the purpose of electing the first five members of the District Board.
8. The petitions for nominations or declarations of candidacy for the members of the board shall be filed no later than March 15, 2007, pursuant to ORS 255.235.
9. Notice of the election of district board members, and the due date for petitions for nomination or declarations of candidacy shall be published pursuant to ORS 198.815 and 255.075 by the Chief Deputy County Clerk in the Cottage Grove Sentinel.

DATED this 21st day of February, 2007.

APPROVED AS TO FORM

Date 2/8/07 Lane county

OFFICE OF LEGAL COUNSEL

Chair, Lane County Board of
Commissioners



Oregon

FEB - 2 2007

Exhibit 1

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

99 East Broadway
Suite 400
Eugene, OR 97401-3111
(541) 682-4425
FAX (541) 682-2635

February 2, 2007

Lane County Board of Commissioners
c/o Teresa J. Wilson
County Counsel
125 East 8th Avenue, PSB
Eugene, Oregon 97401

Dear Ms. Wilson:

The enclosed final order was enacted by the Lane County Local Government Boundary Commission at its public hearing of February 1, 2007.

- Final Order 1298 (W RRV 07 -- 04) in the matter of forming the Row River Valley Water District

This final order represents the boundary commission's action to modify and approve the formation of the Row River Valley Water District.

Proceedings should continue in accordance with the principal Act.

Sincerely,

Paula L. Taylor
Executive Officer

Enclosure

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

FINAL ORDER 1298

(File W RRV 07 – 04
(In the Matter of Forming the
(Row River Valley Water District

Approved: February 1, 2007

- Legal Description Attached as Exhibit A -

WHEREAS, in conformance with ORS 199.476, 198.800 and ORS 198.835, the Lane County Board of Commissioners passed No. Order 06-12-13-2 on December 12, 2006, initiating the formation of the Row River Valley Water District, and forwarded it to the Lane County Local Government Boundary Commission where it was deemed a valid filing on December 22, 2006; and,

WHEREAS, the commission duly published notice of public hearing in accordance with ORS 199.463 and in accordance with the rules of the commission and ORS 199.452(1), conducted a public hearing on February 1, 2007; and,

WHEREAS, on the basis of the study of the proposal, which considered economic, demographic, and sociological trends and physical development of the land, and of the public hearing, the commission modified the proposal, as described in attached Exhibit A and shown on attached map Exhibit B.

NOW THEREFORE, a majority of the members of the commission at the public hearing approved the proposed formation of the Row River Valley Water District and made the findings and reasons attached as Exhibit C.

ORDERED BY THE LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION THIS 1st DAY OF FEBRUARY 2007.

Eleanor Mulder
Eleanor Mulder, Vice Chair

Feb. 1, 2007
Date

EXHIBIT A

Beg at the NW cor of S19 T21S R01W, sd pt being common to S13 and S24 T21S R02W and S18 and S19 T21S R01W;

th N88°18'E 1,302.30 ft to the N/S c/l of the NW¼ of S19 sd twp and rng, sd pt being the NE cor of the NW¼ NW¼ S19;

th Sly alg sd N/S c/l 1,325.00 ft m/l to SE cor of the NW¼ NW¼ sd sec;

th S45°22'06"E 932.91 ft;

th S01°16'04"E 675.00 ft m/l to the E/W c/l of sd sec;

th N88°33'00"E 647.40 ft m/l to the cen of S19 sd twp and rng;

th S00°21'40"E 1,875.00 ft m/l to a pt on the N li of L. Van Arbury DLC No. 37;

th N88°17'36"W 1,400.00 ft m/l to the Wly r/w of co rd no. 407 and 1009 commonly known as Row River Road in S19 sd twp and rng;

th Sly alg sd r/w 210.00 m/l;

th leaving sd r/w S12°12'W 675.00 ft m/l to N li of S30 T21S R01W;

th E on sd N li of S30 150.00 ft m/l to its int wi the E r/w of co rd 1089 commonly known as Row River Road;

th Sly alg sd r/w of sd co rd to a pt 630.00 ft m/l N of the S li of S30 T21S R01W;

th N75°04'50"E 157.60 ft;

th S40°21'34"E 237.57 ft to the Wly r/w of the abandoned Oregon Pacific and Eastern Railroad (OP&E) in S30 sd twp and rng;

th SEly alg sd Wly r/w to its inter wi the E/W c/l of the NE¼ of S31 T21S R01W;

th Ely alg sd c/l 200.00 ft m/l to the NE cor SW¼ NE¼ sd S31;

th S 140.00 ft m/l to the Sly r/w of sd abandoned OP&E;

th SEly alg sd r/w to its int wi the E/W c/l of S32 T21S R01W;

th alg sd c/l S89°01'08"E 960.00 ft m/l to a 2-inch iron pipe;

th S09°40'12"E 718.10 ft;
th E 210.00 ft;
th S09°40'12"E 692.00 ft to th Nly r/w of Booth Kelly Private Road;
th NWly alg sd r/w 130.00 ft m/l;
th SWly and perp to the c/l of the rd 70.00 ft to the Sly r/w of sd Booth Kelly Private Road;
th SEly alg sd r/w to the N/S c/l of the SE¼ S32 sd twp and rng;
th Nly 2,030.00 ft m/l to the E/W c/l S32 sd twp and rng;
th S89°01'08"E 1,338.49 ft m/l to the W li of S33 sd twp and rng, sd pt also being the W¼ cor sd sec;
th Ely alg the E/W c/l of sd S33 to its inter wi the N/S c/l of sd sec sd twp and rng;
th Nly alg sd c/l 1,290.00 ft m/l to its inter wi the E/W c/l NE¼ S33 sd twp and rng, sd pt being the NW cor SW¼ NE¼;
th Ely alg the E/W c/l of sd NE¼ to the W li of S34 sd twp and rng, sd pt being the N 1/16 cor S34 sd twp and rng;
th Ely alg the 1/16 li S34 to the E li sd sec;
th S01°26'E 1,310.00 ft m/l alg the E sec li sd sec to the E/W c/l S35 sd twp and rng;
th Ely alg the E/W c/l 3,960.00 ft m/l to the SW cor SE¼ NE¼ sd S35;
th N00°24'51"E 1,294.00 ft m/l alg the N/S c/l NE¼ S35 T21S R01W to the E/W c/l NE¼ sd sec;
th Ely alg the E/W c/l sd ¼ sec 1,322.75 ft m/l to the W li of S36 T21S R01W;
th Nly alg sd W li of S36 625.00 ft m/l to the NW cor SW¼ NW¼ NW¼ sd S36;
th Ely alg the projection of the E/W c/l NW¼ NW¼ sd twp and rng 2,110 ft m/l;
th N 625.00 ft m/l to the N li sd S36;
th alg sd N li of S36 S86°31'E 4,470.00 ft to the NE cor sd S36;
th Sly alg the E li sd S36 1,260.00 ft to the NE cor of Gov Lot 6 in sd S36;

th alg the N li of sd Gov Lot 6 N86°17'40"W 622.89 ft;
th SWly 115.72 ft;
th S57°40'W 325 ft;
th S64°30'W 377.58 ft;
th N87°45'W 150.00 ft;
th N59°15'W 425 ft;
th N87°00'W 265.00 ft;
th S72°00'W 390.00 ft;
th N89°00'W 265.00 ft;
th N71°15'W 400 ft;
th N87°45'W 1045.00 ft;
th N81°19'W 311.92 ft;
th N89°15'W 342.96 ft;
th S75°15'W 790.00 ft;
th S75°15'W 296.93 ft;
th N12°00'W 125.64 ft;
th S78°00'W 60.00 ft;
th S12°00'E 135.64 ft
th S78°00'W 396.16 ft;
th S72°00'W 269.28 ft to the E li of S35 T21S R01W;
th S00°14'28"E alg sd E li 393.90 ft to the E¼ sd S35;
th N88°04'09"W 880.00 ft m/l to a pt on the W r/w of private Booth Kelly Logging Road;
th SWly alg sd W r/w 1,115.00 ft;

th leaving sd r/w and following alg the projection thereof 375.00 ft m/l to the Sly r/w of Row River Road

th Wly alg sd r/w 100.00 ft m/l;

th leaving sd r/w S02°52'E 377.00 ft m/l;

th W 95.00 ft m/l;

th N 84.00 ft m/l;

th N86°35'W 442.00 ft m/l to the C-S 1/16 cor on the W li of the SE¼ S35;

th N87°15'30"W 2,620.00 ft m/l to the E li S34 T21S R01W;

th N84°00'W 1,039.90 ft;

th N30°15'W 580 ft to the c/l of Row River;

th NWly alg the c/l 1,200.00 ft m/l to the E/W c/l S34 T21S R01W;

th Wly alg sd E/W c/l 280.00 ft m/l to the Wly r/w of co rd no 1089, commonly known as Row River Road;

th Sly alg sd r/w to its inter wi the N/S c/l sd S34;

th Sly alg the N/S c/l to its inter wi the E/W c/l of the SW¼ of S34 sd twp and rng, sd pt being the SE cor NE¼ SW¼;

th Wly alg the E/W c/l SW¼ S34 to the E li of S33 T21S R01W;

th Wly alg the E/W c/l SE¼ S33 1,307.00 ft m/l to its inter wi the N/S c/l sd SE¼ S33 T21S R01W, sd pt being the NW cor SE¼ SE¼ S33;

th Sly alg sd c/l 50.00 ft m/l to Nly r/w of sd Row River Road;

th Wly alg sd r/w to its inter wi the N/S c/l sd S33;

th Sly alg sd N/S c/l 600.00 ft m/l to the E/W c/l SE¼ SW¼ sd S33;

th Wly alg sd E/W c/l to its inter wi the N/S c/l SE¼ SW¼ sd sec;

th Sly alg sd N/S c/l to its inter wi the S li of S33 sd twp and rng;

th Wly alg sd S li to a pt S89°59.4'E 274.78 ft fr the SW cor sd S33;

th S12°47'W 35.20 ft;
th N87°04'W 75.60 ft;
th S87°18'W 57.90 ft;
th S71°52'W 47 ft;
th S57°16'W 105.8 ft to the E li of S05 T22S R01W;
th Nly alg E li of S5 105.07 ft to its inter wi the Sly r/w of sd Row River Road;
th SWly and NWly alg sd r/w to its inter wi the c/l of Row River;
th Wly alg sd c/l of Row River to its inter wi the N sec li sd S05;
th N89°30.4'W 250.00 ft m/l to the Wly r/w of co rd no. 679 commonly known as Sharps Creek Road;
th contg alg sd r/w Nly to center of Row River;
th NWly alg sd center of Row River to its inter with the E/W c/l SW¼ S32 T21S R01W;
th W alg sd E/W c/l to the W li sd S32 sd twp and rng, sd pt being the NE cor SE¼ SE¼ S31 sd twp and rng;
th N01°36'27"E 1,415.00 ft m/l to the E/W c/l S31 T21S R01W, sd pt being the E¼ cor sd S31 twp and rng;
th Nly alg sd W li of S32 to a pt 52.4.00 ft Nly from the W¼ cor sd S32;
th S31°00'W 75.00 ft;
th N40°56'W 146.50 ft
th N53°19'E 70.00 ft m/l;
th N54°10'W 25.00 ft;
th N53°19'E 70.00 ft m/l to the Sly r/w of co rd no. 407 and 1009 commonly known as Row River Road;
th NWly alg sd r/w 1,775.00 ft m/l to a pipe;
th leaving sd r/w S85°15'45"W 660.00 ft m/l to a found pipe by survey;

th N28°27'35"W 162.00 ft to the 1/16 li by dependent resurvey (BLM-1958);

th Wly alg sd 1/16 li 274.53 ft to a brass cap, sd pt being on the N/S c/l S31 sd twp and rng;

th N01°13'E 325.00 ft m/l to the Wly r/w of co rd no. 407 and 1009 commonly known as Row River Road;

th alg sd r/w NWly to the S sec li S30 T21S R01W;

th contg Nly 1,340.00 ft m/l alg sd r/w to its inter wi the S li of Gov Lot 4 sd S30;

th leaving sd r/w W 100.00 ft m/l to the c/l of Row River;

th Nly alg the c/l of Row River 500.00 ft m/l;

th W 100.00 ft to the W li of sd Gov Lot 4;

th S alg W li of sd Govt Lot 4 495.00 ft to the SW cor of Gov Lot 4;

th S84°55'31"W 1,282.24 ft to the W sec li sd S30, sd pt being the SW cor sd NW¼ SW¼;

th N00°08'23"E 1,300.66 ft to the W¼ cor S30 sd twp and rng;

th N01°06'39"W 2,638.80 ft to the SW cor S19 T21S R01W;

th N01°13.7"W 2,643.00 ft m/l alg the W li S19 to the NE cor SE¼ S24 T21S R02W;

th Wly alg the E/W c/l of sd S24 5,274.00 ft m/l to the NW cor SW¼ sd S24;

th Nly alg the W li of sd S24 2,603.00 ft m/l to the SW cor of the Mark Calvert DLC No. 43, sd pt also being the sec corner common to S13, S14, S23, and S24 T21S R02W;

th S89°08'56"W 1,326.30 ft to the N/S c/l SE¼ S14 T21S R02W, sd pt being the SW cor SE¼ SE¼;

th N00°49'15"E 2,030.00 ft m/l to the Sly r/w of co rd no. 30 commonly known as Shoreview Drive;

th NWly alg sd r/w 720.00 ft m/l;

th leaving sd r/w S 68° 58'W 210.90 ft;

th S14°E 329.57 ft;

th Ely 213.29 ft;

th S01°08'W 351 ft;

th S12°00'E 478.3 ft;

th Wly 667.15 ft;

th N01°08'E 818.90 ft;

th Wly 330.00 ft m/l to the N/S c/l S14 sd twp and rng;

th N00°49'52"E 420.00 ft m/l, sd pt being S 50.00 ft of the E/W c/l sd sec;

th S69°52'W 310.50 ft;

th N05°36'W 146.59 ft;

th S88°12'30"W 1,030.00 ft m/l to the N/S c/l SW¼ sd sec, sd pt being the NE cor NW¼ SW¼;

th Sly 1,320.00 ft m/l alg sd N/S c/l to its inter wi the E/W c/l of the SW¼ sd sec, sd pt being the SE cor NW¼ SW¼;

th Wly alg sd E/W c/l to its inter wi the W li of sd sec by I.E. Humphrey survey;

th Wly 80.00 ft m/l to a pt on the W li S14;

th Nly 3,959.00 ft m/l to the SE cor S10 T21S R02W;

th N01°20'50"E 650.00 ft m/l;

th Wly 1,010.00 ft m/l within the SE¼ sd sec;

th Nly 675.00 ft m/l to the N li SE¼ SE¼;

th Ely 335.00 ft m/l;

th N01°09'10"E 380.00 ft m/l to the Sly r/w of relocated Market Road No. 30 now known as co rd no. 1279 commonly known as Shoreview Drive in S10 sd twp and rng;

th NWly alg sd r/w to the E/W c/l of S10 sd twp and rng;

th S89°23'10"W 2,270.00 ft m/l to the N/S c/l of the NW¼ sd sec, sd pt being the SW cor of the SE¼ NW¼;

th Nly alg sd c/l to the E/W c/l NW¼ sd sec, sd pt being the NW cor SE¼ NW¼;

th Wly alg sd c/l 1,340.00 ft m/l to the W li of sd sec, sd pt being the SW cor NW¼ NW¼;

Final Order 1298

W RRV 07 – 04

Page 7 of 10

th N01°20'E 1,320.00 ft to the SE cor S04 T21S R02W;
th S88°40'W 229.84 ft;
th N46°47'58"E 57.91 ft;
th N35°58'44"E 105.50 ft;
th N01°57'35"E 38.89 ft;
th N64°16'02"E 64.78 ft;
th N34°50'26"E 81.91 ft;
th N59°41'35"E 107.31 ft;
th N29°50'29"E 80.34 ft;
th N44°01'29"E 161.21 ft to the SWly r/w li of Shoreview Drive, co rd no.1279;
th alg sd SWly r/w li 2,430.00 ft m/l;
th S02°46'30"W 115.56 ft;
th W 626.84 ft m/l;
th Nly 175.00 ft m/l to sd SWly r/w li of Shoreview Drive;
th NWly along sd SWly r/w li 1,975.00 ft m/l to the E/W c/l sd S04;
th Wly alg sd E/W c/l 275.00 ft m/l to the SE cor SW¼ NW¼ sd S04;
th Nly alg the N/S c/l of the NW¼ sd S04 500.00 ft m/l to the NEly r/w of sd Shoreview Drive;
th NWly alg sd r/w li 1,150.00 ft m/l to the N li of Lot 8, Lazy Acres;
th NEly alg sd N li 30.00 ft m/l to the Reservation Boundary li of Dorena Reservoir;
th alg sd bndry li S47°20'E 971.00 ft to U.S. Mon 4-2;
th S67°16'30"E 821.09 ft to U.S. Mon 4-3;
th S0°46'30"W 440.02 ft to U.S. Mon 4-4;
th leaving sd bndry N89°09'30"E 300.00 ft m/l to the shr li of Dorena Reservoir;

th SEly alg sd shr li to the int of the E sec li S04 sd twp and rg;
th contg alg sd shr li 510.00 ft m/l to a pt N of U.S. Mon 3-1;
th S 106.00 ft m/l to U.S. Mon 3-1 on the Reservation Boundary Line;
th alg sd Reservation Boundary Line S01°32'30"W 920.00 ft to U.S. Mon 3-2;
th N88°03'50"E 100.00 ft to U.S. Mon 3-3;
th N23°05'10"E 385.17 ft to U.S. Mon 3-4;
th N51°59'20"E 285.59 ft to U.S. Mon 3-5;
th S33°32'E 900.00 ft to U.S. Mon 3-6;
th S00°54'50"W 200.00 ft to U.S. Mon 3-10;
th leaving sd bndry li S88°04'52"W 260.00 ft m/l;
th N83°01'33"W 70.00 ft;
th S8°25'27"W, 11 ft to the N li S10 T21S R2W;
th alg sd N li of S10 S88°04'52"W 110.00 ft m/l to the NEly r/w li of Shoreview Drive;
th SEly alg sd r/w li 1,450.00 ft m/l to a pt 40.00 feet fr when measured at rt angles to c/l sta 156+50;
th SWly at a rt angle to sd c/l 200.00 ft to the SWly r/w sd co rd;
th S 100.00 ft m/l;
th N88°44'15"E 190.00 ft;
th S00°56'20"E 910.00 ft;
th S89°23'10"W 200.00 ft;
th S00°56'20"W 200.00 ft;
th N89°23'10'E 200.00 ft;
th N40°48'30"E 1,050.00 ft;
th S69°24'E 200.00 ft to the NEly r/w sd Shoreview Drive;

th SEly alg sd Nly r/w to the W li S11 T21S R02W;

th SEly alg sd r/w to the N li S14;

th SEly alg sd r/w 720.00 ft m/l to pt 80.00 ft SEly of engineering station 226+00 on sd r/w;

th leaving sd r/w N81°41'50"E 564.43 ft;

th S28°04'30"W 440.60 ft to the Nly r/w of relocated Market Road No. 30, commonly known as co rd no. 1279 Shoreview Drive;

th SEly alg sd r/w 1,890.00 ft m/l to a pt, sd pt being 120.00 ft m/l S of the S li of James R. Hobson DLC No. 42;

th leaving sd r/w N89°19'E 450.00 ft m/l;

th S38°18'15"E 682.29 ft;

th S33°23'53"E 1,113.35 ft m/l;

th S64°00'34"E 791.00 ft m/l to U.S. Mon 14-3 at the NE cor SE¼ SE¼ S14;

th Sly 480.00 ft m/l alg the E ln sd Sec 14 to the Nly r/w of relocated Market Road No. 30, commonly known as co rd no. 1279 Shoreview Drive;

th SEly alg the Nly r/w of sd co rd to its inter wi the Sly r/w of co rd no. 407 commonly known as Row River Road;

th NWly alg the Sly r/w of co rd no. 407 to its inter wi the E li S14 T21S R02W;

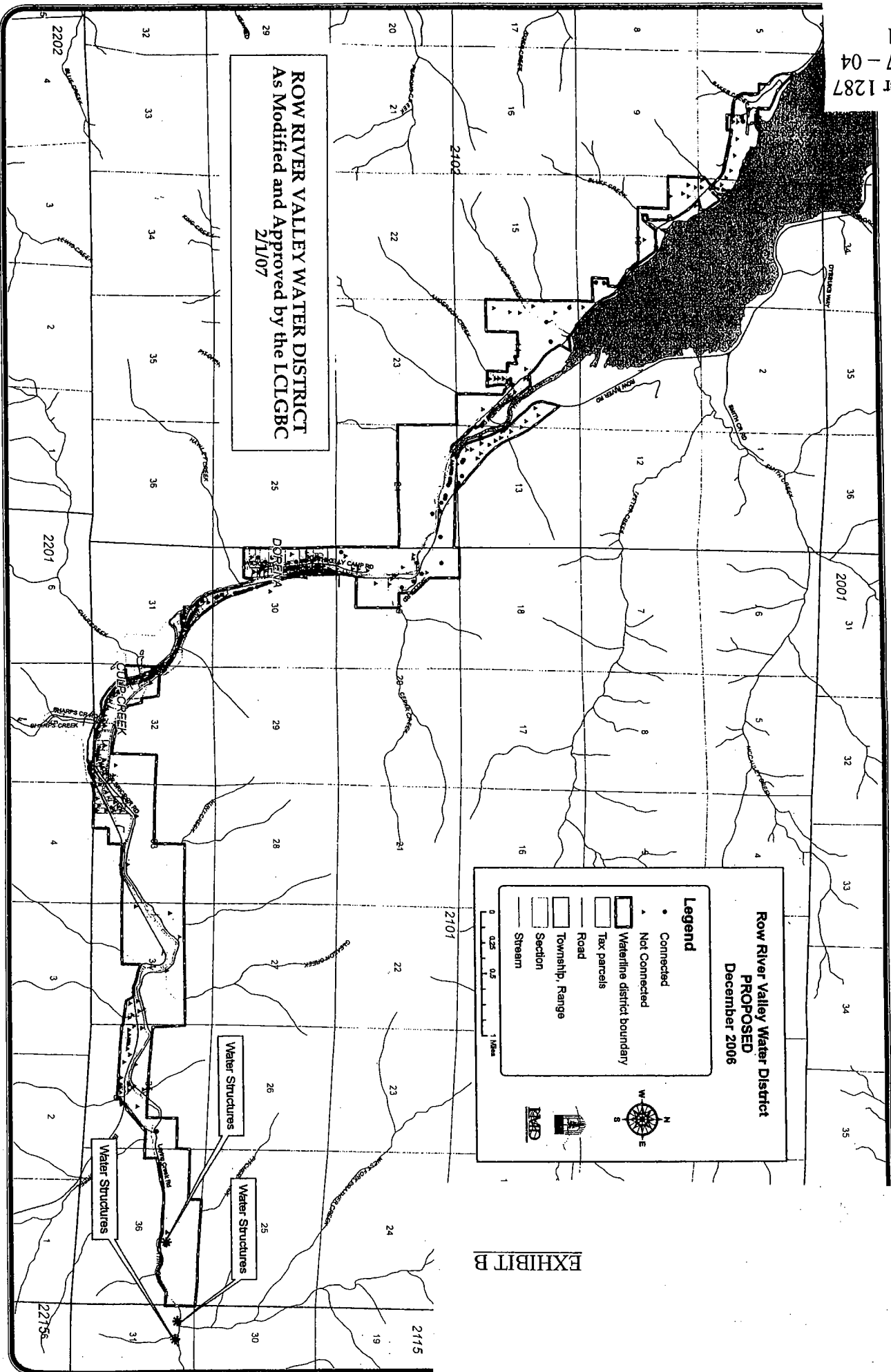
th NWly alg the Sly r/w of co rd no. 407 and 1283 commonly known as Row River Road to its inter wi the Sly r/w of the abandoned Oregon Pacific and Eastern Railway;

th SEly alg sd Sly r/w to the E li sd S14;

th cont alg sd Sly r/w, SEly to its inter wi the S li of DLC 43 in S13 T21S R02W;

th alg sd S li of DLC 43 S88°57'59"E 2,330.00 ft m/l to the SE cor sd DLC 43;

th Nly 230.00 ft m/l to the POB, being the NW cor of S19 T21S R13W WM, all in Lane County, Oregon.



ROW RIVER VALLEY WATER DISTRICT
 As Modified and Approved by the LCLGBC
 2/1/07

Row River Valley Water District
PROPOSED
 December 2006

Legend

- Connected
- ◊ Not Connected
- ◻ Waterline district boundary
- ◻ Tax parcels
- ◻ Road
- ◻ Township, Range
- ◻ Section
- Stream

0 0.25 0.5 1 Miles

EXHIBIT B

EXHIBIT C

Findings:

1. This proposal was initiated with the boundary commission on December 22, 2006, by Lane County Board of County Commissioners' Order No. 06-12-13-2, for the formation of the Row River Valley Water District and referring it to the Lane County Local Government Boundary Commission, in accordance with provisions of ORS Chapters 198, 199, and 264. The proposal was determined to be a valid filing under OAR 191-006 on December 22, 2006.
2. The proposal is to form a domestic water supply district to be known as the Row River Valley Water District. It includes a total land area of about 15 square miles with an estimated population of 725. There are approximately 315 dwelling units in the proposed district.
3. The proposed did not propose to generate revenues through ad valorem taxation, rather user fees were expected to general sufficient revenues for operation and maintenance expenses of the water district.
4. The Row River Valley Water District boundary included roughly the same geographic area in the Row River Valley where the City of Cottage Grove water system existed and served users. Other territory was included to ensure one contiguous district area and where other properties existed that may need water service in the future.
5. The boundaries of the water district as submitted were modified by the boundary commission to include fire tax lots at the written request of the property owners. The modification area included tax lots 1201, 1203, 1204, 1206, and 1207, T21S R02W S12 and totaled approximately 6.98 acres. The lots were zoned RR-5, rural residential with 5-acre minimum lot size, and contained residential development. The modification area was contiguous to the boundaries of the proposed district. One house was served by the existing water system.
6. Land uses within the proposed water district were varied, including, rural residential, rural commercial, rural industrial, rural public facility, rural park and recreation, non-impacted forest lands, impacted forest lands, and exclusive farm use. Two rural communities were included in the proposed water district (Dorena and Culp Creek). Some properties in the rural community of Culp Creek were omitted in the boundary of the water district as submitted.
7. If approved, the steps necessary to form the district will continue in accordance with Oregon law.

Provide an impartial forum for resolution of local jurisdictional questions. Consider the effects of the boundary change on other units of government. ORS 199.410(1)(b) and 199.410(3)(c)

8. The boundary commission held a public hearing on February 1, 2007. Notice of the public hearing was given in accordance with ORS 199 provisions. All interested parties were given a reasonable opportunity to be heard.
9. Referrals were sent to the City of Cottage Grove and Lane County. No other general government taxing districts existed in the area of the proposed district or would be impacted by the formation of the water district. Formation of the water district does not impact the City of Cottage Grove, which plans to relocate its intake and related water facilities to an area west of the boundaries of the proposed district. Lane County does not provide water service to rural properties.
10. As part of the formation process, the water district did not propose to establish a permanent tax rate. There would be no fiscal impact on any other general governments in the area.
11. The request to form the Row River Valley Water District was consistent with this boundary commission standard.

Consider the orderly determination and adjustment of local government boundaries to best meet the needs of Lane County and Oregon. Consider alternative solutions where intergovernmental options are identified and make decisions based on the most effective long-range option among identified alternatives. ORS 199.410(1), 199.410(2), and 199.410(3)(a) and (e)

12. The boundaries of the proposed district includes properties in the Row River Valley currently served by a water system owned by the City of Cottage Grove, along Shoreview Drive, Row River Road, Booth Kelly Camp Road, Wicks Road, Sallee Road, Lower Brice Creek Road, and Layng Creek Road. Most of the properties within the rural communities of Dorena and Culp Creek were included. Other rural properties were included to establish one contiguous district area and properties that may want or need water service in the future
13. Formation of the water district will ensure that water service will continue to be provided to existing users in the Row River Valley.
14. Commission implementing policy 7 (OAR 191-030-0020) recognized formation of new districts when other options are not feasible. In this case, there was no other provider of water service to this geographic area.
15. The proposal was consistent with boundary commission policies and this standard.

Make boundary commission determinations which are consistent with acknowledged local comprehensive plans. Assure an adequate quality and quantity of public services required in the comprehensive plan to meet existing and future growth. For major boundary changes, there must be assurance that the proposed unit of government is financially viable. ORS 199.410(1)(d), 199.410(3)(b), and (d)

16. The proposed water district was consistent with the Lane County Rural Comprehensive Plan (acknowledged by LCDC in September 1984 and has been subsequently amended), which supported the provision of water service to rural residents.
17. The proposed district proposed to generate revenues from user rates of about \$106,000 annually (the estimated monthly rate was \$65 per month with 140 paying water users). The estimated annual expenses for operation and maintenance were \$101,800. Replacement of the lower treatment plant was estimated at about \$1,090,000, which would be financed from the money planned to be transferred from the City of Cottage Grove to the district (\$1,100,000).
18. As an authorized taxing district, the water district would be eligible to apply and receive a variety of grants provided for governmental entities. The district would have the authority to incur bonded debt if authorized by the electors within the taxing district. All properties within the district—the existing users as well as non-users—would be responsible for any taxation authorized by the electors. If the district was formed, the district board would be responsible for creating budgets and revenue streams to ensure the financial viability of the district.
19. The City of Cottage Grove offered the proposed district available surface water rights of 0.22 cubic feet per second (cfs), which was estimated to be sufficient to serve the existing users. Capacity to serve new users was not available without upgrading and improving the existing system. Therefore, no new connections or extensions were anticipated in the formation request.
20. The proposed district was consistent with this standard.

Consider the comprehensive plan's economic, demographic, and sociological trends and projections and its environmental policies, pertinent to the proposal. ORS 199.410(3)(d) and 199.462(1)

21. The provision of water service was consistent with the applicable comprehensive plans. The provision of water service was not expected, in and of itself, to promote increased development other than that allow by existing law and land use regulations.
22. The proposal was consistent with this standard.

Reasons:

1. The proposal was consistent with the Lane County Rural Comprehensive Plan.
2. Formation of the water district will ensure the continuation of water service to existing users in the Row River Valley in jeopardy of losing this service.
3. An annual operating budget was proposed, which appeared adequate to provide the level of service desired.
4. The formation was logical and was consistent with the boundary commission statute and standards.

*LCBC:LCOG: L:\BC\FOL\EXC\2007\WRRV0704 EXC.DOC
Last Saved: February 2, 2007*