

Final Documents  
for  
Annexation to  
**Tualatin Hills Park & Recreation District**

WA0711  
Ordinance/Resolution: 11-34  
Annexation:  
DOR: 34-1985-2011  
Secretary of State: SD 2011-0046  
Secretary of State Effective Date: 7/8/2011

OFFICE OF THE SECRETARY OF STATE

KATE BROWN  
SECRETARY OF STATE

BARRY PACK  
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION  
MARY BETH HERKERT  
DIRECTOR  
800 Summer Street NE  
Salem, Oregon 97310  
(503) 373-0701  
Facsimile (503) 378-4118

July 13, 2011

Metro  
Linda Martin  
600 NE Grand Ave  
Portland, Oregon 97232-2736

Dear Ms. Martin:

Please be advised that we have received and filed, as of the date below, the following records annexing territory to the following:

Ordinance/ Resolution Number(s)	Date	Our File Number
11-34	07/ 08/ 2011	SD 2011-0046

For your records please verify the effective date through the applicable ORS.

Our assigned file number(s) are included in the above information.

Sincerely,

Linda Bjornstad  
Official Public Documents

Cc: Department of Revenue  
ODOT  
Population Research Center



# WASHINGTON COUNTY OREGON

July 5, 2011

Metro  
Linda Martin  
Data Resource Center  
600 NE Grand Ave.  
Portland, OR 97232-2736

**Re: Notice of Decision for Proposal WA-0711**

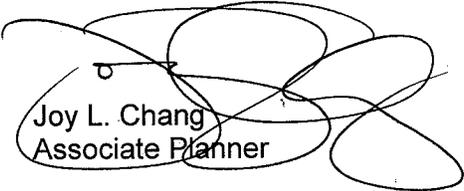
Dear Ms. Martin,

On June 7, 2011 the Washington County Board of Commissioners approved the annexation of one parcel into Tualatin Hills Parks & Recreation District.

The Oregon Department of Revenue approved the final review on June 30, 2011. I've enclosed the mapping fee, DOR Final and Preliminary Review, Notice of Decision, and the Signed Resolution and Order. The legal description and map of the subject property is attached to the R&O, exhibit B and C, respectively.

If you have any questions on this request please contact me at 503-846-3873 or via e-mail at [joy\\_chang@co.washington.or.us](mailto:joy_chang@co.washington.or.us).

Sincerely,



Joy L. Chang  
Associate Planner

Enclosures

S:\PLNGWPSHARE\Minor Boundary Changes\Casefiles\2011\WA-0711\_Zhou-Sun\_THPRD\DOR & Metro\WA-0711\_MetroFinal.doc

# Notice to Taxing Districts

ORS 308.225



Cadastral Information Systems Unit  
PO Box 14380  
Salem, OR 97309-5075  
(503) 945-8297, fax 945-8737

Tualatin Hills Park and Rec. Dist.  
Budget Officer  
5500 SW Arctic Dr., Suite 2  
Beaverton, OR 97005

**Description and Map Approved**

**June 30, 2011**

**As Per ORS 308.225**

Description     Map received from: JOY CHANG  
On: 6/8/2011

This is to notify you that your boundary change in Washington County for

ANNEX TO TUALATIN HILLS PARKS & REC. DIST.

R&O 11-34(WA-0711)

has been:     Approved        6/30/2011  
                   Disapproved

Notes:

The map, legal description and signed ordinance must also be filed with the COUNTY ASSESSOR prior to March 31, 2012 per ORS 308.225.

Department of Revenue File Number: 34-1985-2011

Prepared by: Elise Bruch 503-945-8344

Boundary:     Change     Proposed Change  
The change is for:

- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge

# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Public Hearing – Land Use & Transportation (CPO 7)

**Agenda Title:** CONSIDER THE ANNEXATION OF APPROXIMATELY 0.40 ACRES TO THE TUALATIN HILLS PARK & RECREATION DISTRICT (WA-0711)

**Presented by:** Andrew Singelakis, Director

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### SUMMARY:

The county received a request to annex one parcel to the Tualatin Hills Park & Recreation District (District) in order to fulfill a condition of development approval in Casefile 07-551-P. The parcel is located in the District's ultimate service area and is within the Urban Growth Boundary.

The annexation request is made to comply with Community Development Code Section 501-8.3B, which requires new development in the District's long-term service area to annex prior to final development approval. The property is located generally in the north part of the District at the western terminus of NW Benjamin Court and on the east side of NW Kaiser Road approximately 300-feet south of its intersection with NW Mitchell Street. It is further identified as tax map and lot number 1N1 20DD / 2400 as depicted in Exhibit B.

Notice of today's hearing has been made in accordance with state statutory requirements. A Resolution and Order to approve the annexation is attached to the agenda.

Attachments: Resolution and Order  
Staff Report (Exhibit A)  
Site Map (Exhibit B)  
Legal Description (Exhibit C)

### DEPARTMENT'S REQUESTED ACTION:

Conduct the public hearing to consider the annexation of the subject property into the Tualatin Hills Park & Recreation District. Adopt a Resolution and Order approving the annexation with the approval becoming effective immediately. Authorize the Chair to sign the Resolution and Order for Service District Annexation WA-0711.

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### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

RO 11-34

Agenda Item No.	<u>5.a.</u>
Date:	06-07-11

1  
2 IN THE BOARD OF COUNTY COMMISSIONERS  
3  
4 FOR WASHINGTON COUNTY, OREGON  
5

6  
7 In the Matter of Approving Boundary ) RESOLUTION AND ORDER  
8 Change Proposal No. WA-0711 ) No. 11-34  
9  
10

11  
12 The above-entitled matter (WA-0711) came before the Board at its  
13 regular meeting on June 7, 2011; and

14 It appearing to the Board that this proposal involves the annexation of  
15 one tax lot (1N120 DD / 2400) located at the western terminus of NW  
16 Benjamin Court and on the east side of NW Kaiser Road approximately 300-  
17 feet south of it's intersection with NW Mitchell Street to the Tualatin Hills Park  
18 & Recreation District; and

19 It appearing to the Board that WA-0711 was initiated by a consent  
20 petition of all of the property owners and meets the requirement for initiation  
21 set forth in ORS 198.855 (3), ORS 198.750 and Metro Code 3.09.040 (a); and

22 It appearing to the Board that the Board is charged with deciding  
23 petitions for boundary changes pursuant to ORS Chapter 198 and Metro Code  
24 Chapter 3.09; and

25 It appearing to the Board that notice of the meeting was provided  
26 pursuant to ORS 198.730, ORS 197.763 and Metro Code 3.09.030; and

27 It appearing to the Board that County staff have reviewed the proposed  
28 boundary change and determined that it complies with the applicable  
29 procedural and substantive standards and should be approved; and

30 It appearing to the Board that the Board has reviewed whatever written

1 and oral testimony has been provided regarding this proposal; now, therefore  
2 it is

3 RESOLVED AND ORDERED that Boundary Change Proposal No. WA-  
4 0711 is hereby approved, based on the analysis and findings in the Staff  
5 Report set forth in Exhibit A, incorporated herein by reference; and it is further

6 RESOLVED AND ORDERED that the property depicted in Exhibit B  
7 and legally described in Exhibit C is hereby declared to be annexed to the  
8 Tualatin Hills Park & Recreation District; and it is further

9 RESOLVED AND ORDERED that the minor boundary change approval  
10 shall be effective immediately; and it is further

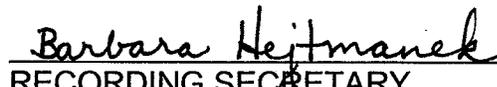
11 RESOLVED AND ORDERED that the County Administrator, or his  
12 designee, shall mail this decision to all necessary parties, file a map in final  
13 approved form with the Department of Revenue as soon as practicable but not  
14 later than March 31, 2012 and take such other steps as are required by law to  
15 effectuate this proposal.

16 DATED this 7<sup>th</sup> day of June, 2011.

17 BOARD OF COUNTY COMMISSIONERS  
18 FOR WASHINGTON COUNTY, OREGON  
19  
20  
21  
22

23   
24 CHAIRMAN

	AYE	NAY	ABSENT
25 DUYCK	___	___	✓
26 SCHOUTEN	✓	___	___
27 MALINOWSKI	✓	___	___
28 ROGERS	✓	___	___
29 TERRY	✓	___	___

30   
31 RECORDING SECRETARY

32 Date Signed: 6-7-11

33 Approved as to form:

34   
35 Sr. County Counsel for  
36 Washington County, Oregon  
37  
38



# WASHINGTON COUNTY OREGON

May 24, 2011

To: Board of County Commissioners  
From: Brent Curtis, Planning Manager *BC*  
Subject: **MINOR BOUNDARY CHANGE PROPOSAL NO. WA-0711-- ANNEXATION  
TO THE TUALATIN HILLS PARKS & RECREATION DISTRICT**

**STAFF REPORT**  
**For the June 7, 2011 Board of Commissioners hearing**  
**(The public hearing will begin no sooner than 10:00 AM)**

## **STAFF RECOMMENDATION**

Based on the analysis and findings in this staff report, staff recommends that the Board **APPROVE** Minor Boundary Change WA-0711 with the approval becoming effective immediately.

## **REQUESTED ACTION**

It is proposed that one parcel be annexed to the Tualatin Hills Parks & Recreation District (District).

Applicants / Owners: Xio Bo Zhou and Xi Rong Sun  
Applicant's Representative: Jeffrey Armstrong, ODC - The Planning Group  
Affected Property: 4080 NW Kaiser Road (1N1 20 DD 2400)

## **ENDORSEMENTS**

The Tualatin Hills Park & Recreation District endorsed the annexation of this property to the District on January 14, 2008 (Resolution No. 2008-01).

## **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 territory and in the Public Services Building at least 20 days prior to the hearing; 2) Publishing notice twice in The Oregonian; 3) Mailing notices to all affected local governments and adjacent property owners. At the time of writing this staff report no comments were received.

## **FINANCIAL IMPACT**

There are no known financial impacts associated with this minor boundary change that would prevent the Board from approving the annexation.

## **LEGAL ISSUES**

There are no known legal impacts associated with this minor boundary change that would prevent the Board from approving the annexation. If the Board approves the proposal the boundary change could become effective immediately.

## **BACKGROUND**

Proposal No. WA-0711 was initiated by a consent petition of the property owners. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (which lists minimum requirements for petition).

The territory to be annexed is located generally in the north part of the District at the western terminus of NW Benjamin Court and on the east side of NW Kaiser Road, approximately 300-foot south of its intersection with NW Mitchell Street. The territory consists of 0.40 acres and has one existing residence with scattered vegetation and small trees. The territory is generally flat, with a small area of flood plain.

## **REASON FOR ANNEXATION**

The Board of County Commissioners has identified an ultimate service area for the District and entered into an agreement with the District which states that the District is the sole provider of park and recreation services in the District's unincorporated service area. The agreement also specifies that annexation is the preferred means of providing adequate services in the long-term. The District supports the County plan policy requiring annexation to the District as a condition of certain development approvals. The private property owners in this proposal have signed a petition requesting annexation.

## **CRITERIA**

Oregon Revised Statute Chapter 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."

A second set of criteria can be found in the Metro Code. To approve a boundary change, the reviewing entity (the County Board) must apply the criteria and consider the factors set forth in the Code. To approve a boundary change the County 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; and
  - (E) Any applicable comprehensive plan; and
  - (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.

## **LAND USE PLANNING**

### *REGIONAL PLANNING*

#### General Information

The property to be annexed is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

#### Regional Framework Plan

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 197.015 says "Metro regional framework plan means the regional framework plan required by the 1992 Metro Charter or its separate components." The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan, which were examined and found not to contain any directly applicable standards and criteria for boundary changes.

#### *COUNTY PLANNING*

The County's Comprehensive Plan does have a policy, *Policy 15*, which is relevant to the annexation. Implementation Strategy h of Policy 15 says:

The County will:

.....

*h. Not oppose proposed annexations to a special service district:*

- 1. That are consistent with an urban service agreement; or*
- 2. If no urban service agreement applies to the property, the property lies within an area for which the district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020 and the district has adopted a Master Plan for the area.*

*Annexations to special service districts that are consistent with an adopted urban service agreement are deemed to be consistent with the Washington County Plan.*

Since there is not an adopted urban service agreement for the District's long term service boundary, Washington County amended its Comprehensive Plan to identify the District's long term service boundary in urban unincorporated Washington County. As noted below in *(q)*, the Plan identifies THPRD as the appropriate provider of parks and recreation services within these urban unincorporated areas in Washington County. Therefore, the County will not oppose this annexation and the action is considered to be consistent with the Washington County Comprehensive Plan.

Policy 15 also states:

- p. Require developing properties not currently located within the service area of a park district that provides park and recreation services to annex to a park district when the following conditions are met:*
- 1. The property lies with an area identified for park and recreation service by a park district in an urban service agreement adopted pursuant to ORS 195.065; or, if no urban service agreement applies to the property, the property lies within an area for which a park district is designated a party to a cooperative agreement adopted pursuant to ORS 195.020; and*
  - 2. The park district has adopted a Park Master Plan for the subject area which provides the basis for that development of park and recreation facilities.*
- q. Identify the Tualatin Hills Park and Recreation District as the park and recreation provider to urban unincorporated properties lying between the Hillsboro, Tigard and Portland urban service boundaries, excluding properties outside of THPRD that were added to the Regional Urban Growth Boundary after 2001.*

Section 501-8.3B of the Washington County Community Development Code is relevant to this annexation. It requires new development in the District's long-term service

boundary to annex to the District prior to final development approval. Development application Case file 07-551-P required the territory to annex into the District.

## **FACILITIES AND SERVICES**

ORS 195 Agreements 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. Since there is not an adopted urban service agreement for the District's long term service boundary, Washington County amended its Comprehensive Plan to identify the District's long term service boundary in the urban unincorporated Washington County.

Sewer Sanitary sewer service is provided to the urban unincorporated area by Clean Water Services District (CWS). CWS serves the area to be annexed.

Water Tualatin Valley Water District serves the area to be annexed.

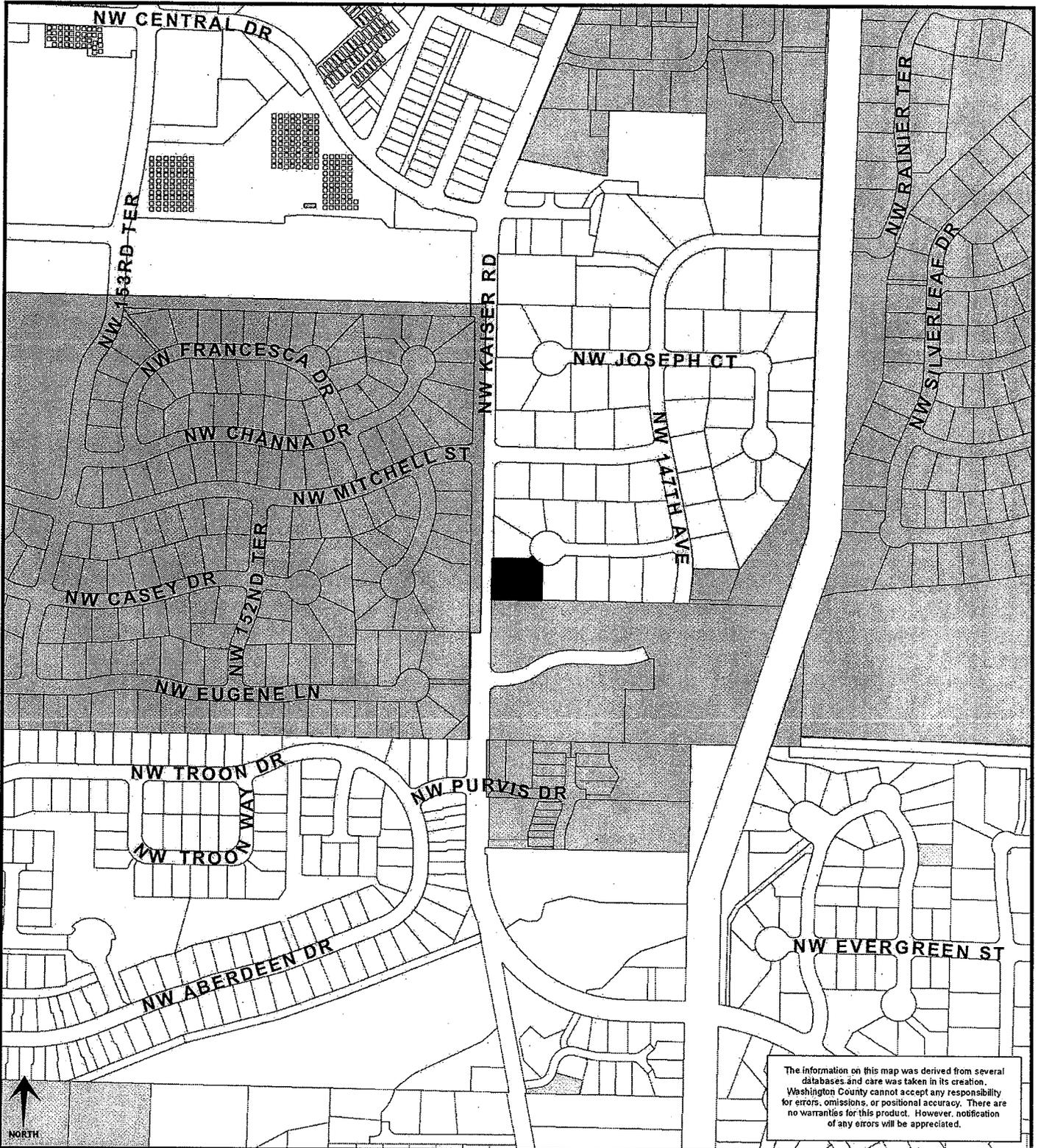
Storm Drainage CWS has responsibility for surface water management within the Washington County urban growth boundary. CWS serves the area to be annexed.

Parks and Recreation Tualatin Hills Park & Recreation District serves much of the lands adjacent to the area to be annexed.

Transportation Transportation services are provided by the County.

Fire The area to be annexed is served by Tualatin Valley Fire & Rescue.

Police The County provides police services through the County Sheriff's office and via the Washington County Enhanced Sheriff's Police District.



The information on this map was derived from several databases and care was taken in its creation. Washington County cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties for this product. However, notification of any errors will be appreciated.

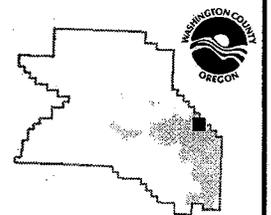
**WASHINGTON COUNTY- LONG RANGE PLANNING**

**Exhibit B**

**WA-0711**

Annexation to  
Tualatin Hills Parks and  
Recreation District (THPRD)

-  Subject Property
-  Other Lots
-  Current THPRD



**Property Owners: Dr. Xiao Bo Zhou and Xi Rong Sun**

**Property Address: 4180 NW. Kaiser Road, Portland, Oregon 97229**

**Parcel Number: 1N120DD-02400**

**Reference #: R1463776**

**Legal Description:**

**Lot 24, KAISER RIDGE, in the County of Washington and State of Oregon.**

**ANNEXATION CERTIFIED**

BY 

MAR 24 2011

WASHINGTON COUNTY A & T  
CARTOGRAPHY



WASHINGTON COUNTY  
DEPARTMENT OF LAND USE AND TRANSPORTATION  
PLANNING DIVISION  
ROOM 350-14  
155 NORTH FIRST AVENUE  
HILLSBORO, OREGON 97124  
(503) 846-3519 fax: (503) 846-4412

**CASE FILE NO: WA-0711**

**APPLICANT:**

Xio Bo Zhou and Xi Rong Sun  
14916 NW Channa Drive  
Portland, OR 97229

**APPLICANT'S REPRESENTATIVE:**

Jeffrey Armstrong, ODC – The Planning Group  
1218 Westlund Drive  
Las Vegas, NV 89102

# NOTICE OF DECISION

**PROCEDURE TYPE III**

**CPO: 7**

**ASSESSOR MAP No:** 1N1 20 DD

**TAX LOT No:** TL 2400

**SITE SIZE:** 0.40 total acres

**ADDRESS:** 4080 NW Kaiser Road

**LOCATION:** At the western terminus of NW Benjamin Court and on the east side of NW Kaiser Road approximately 300-feet south of its intersection with NW Mitchell Street.

***PROPOSED MINOR BOUNDARY CHANGE:***

***Annexation to Tualatin Hills Parks & Recreation District (THPRD) of 0.40 acres of land.***

Notice is hereby given that the County Board of Commissioners **APPROVED** the request for the above-stated proposed Minor Boundary Change at a meeting on **June 7, 2011**.

**NOTICE MAILING DATE: June 9, 2011**

THE APPROVED MINOR BOUNDARY CHANGE DOES NOT AUTHORIZE OR PREVENT ANY SPECIFIC USE OF LAND. CURRENT COUNTY PLANNING DESIGNATIONS WILL NOT BE AFFECTED BY THIS PROPOSED CHANGE.

THIS DECISION MAY BE APPEALED TO THE LAND USE BOARD OF APPEALS (LUBA) BY FILING A NOTICE OF INTENT TO APPEAL WITH LUBA WITHIN 21 DAYS OF THE DATE THIS DECISION IS FINAL. CONTACT YOUR ATTORNEY IF YOU HAVE QUESTIONS REGARDING AN APPEAL TO LUBA.

THIS DECISION WILL BE FINAL IF NO CONTEST OR APPEAL IS FILED BY THEIR RESPECTIVE DUE DATE.

THE COMPLETE APPLICATION, REVIEW STANDARDS, RECORD OF PROCEEDINGS, FINDINGS FOR THE DECISION AND DECISION ARE AVAILABLE AT THE COUNTY FOR REVIEW.

FOR FURTHER INFORMATION, PLEASE CONTACT:

**Joy L. Chang, Associate Planner**

WASHINGTON COUNTY  
DEPARTMENT OF LAND USE & TRANSPORTATION  
(503) 846-3519

**(SEE REVERSE SIDE FOR SITE MAP)**

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER**

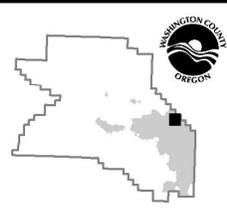
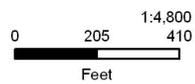


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WASHINGTON COUNTY- LONG RANGE PLANNING

**WA-0711**  
 Annexation to  
 Tualatin Hills Parks and  
 Recreation District (THPRD)

-  Subject Property
-  Other Lots
-  Current THPRD



**DOR 34-P521-2011  
Preliminary Review**



Cadastral Information Systems Unit  
PO Box 14380  
Salem, OR 97309-5075  
(503) 945-8297, fax 945-8737

Washington County Planning  
Dept. of Land Use & Transportation  
Attn: Joy Chang  
155 N. First Ave., Suite 350-14  
Hillsboro, OR 97124-3072

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Date: 4/28/2011

This letter is to inform you that the map and description for your PLANNED Annex to Tualatin Hills Parks & Rec (16-Zhou/Sun) in Washington County have been reviewed per your request. They MEET the requirements for use with an Order, Ordinance, or Resolution which must be submitted to the Washington County Assessor and Department of Revenue in final form before March 31, 2012 per ORS 308.225.

Could you send the planning no. when you get one? Thanks.

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If you have any questions please contact: Elise Bruch 503-945-8344