

Final Documents
for
Annexation to
Clean Water Services District

WA1010
Ordinance/Resolution: 10-84

DOR: 34-1972-2010
Secretary of State: SD 2010-0141

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

September 27, 2010

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 **September 24, 2010**, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
1084	SD 2010-0141

For your records please verify the effective date through the application of ORS 199.519.

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

Sincerely,

Linda Bjornstad
Official Public Documents

cc: County Clerk(s)
Department of Revenue
ODOT
Population Research Center



WASHINGTON COUNTY OREGON

September 21, 2010

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

Re: Notice of Decision for Proposal WA-1010

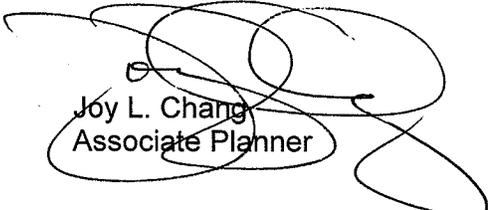
Dear Ms. Martin,

On August 24, 2010 the Washington County Board of Commissioners approved the annexation of two parcels into Clean Water Service District.

The Oregon Department of Revenue approved the final review on September 21, 2010. 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.

Sincerely,



Joy L. Chang
Associate Planner

Enclosures

S:\PLNGIW\PSHARE\Minor Boundary Changes\Casefiles\2010\WA-1010_CWS_Prevost\DOR & Metro\WA-1010_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

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

Description and Map Approved
September 21, 2010
As Per ORS 308.225

Description Map received from: WASH. CO. PLANNING
 On: 8/27/2010

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

ANNEX TO CLEAN WATER SERVICES DISTRICT (WA-1010)

RES. & ORDER 10-84

has been: Approved 9/21/2010
 Disapproved

Notes:

The maps, legal descriptions and signed ordinance must also be filed with the COUNTY ASSESSOR prior to March 31, 2011 per ORS 308.225.

Department of Revenue File Number: 34-1972-2010

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

RECEIVED

AUG 2 2010

Long Range Planning
Land Use & Transportation

DOR 34-P508-2010
Preliminary Review



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

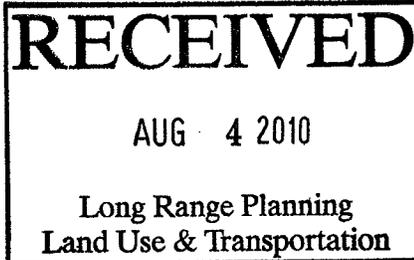
Washington County Planning
Dept. of Land Use & Transportation
Attn: Joy Chang
155 N. First Ave., Suite 350-14
Hillsboro, OR 97124-3072

Date: 7/29/2010

This letter is to inform you that the map and description for your PLANNED Annexation for WA-1010 (1N3 25AC 1100 AND 1200) 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, 2011 per ORS 308.225.

**Preliminary
Review**

If you have any questions please contact: Teresa Arrospide (503) 945-8010



**DOR 34-P510-2010
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

Date: 8/2/2010

This letter is to inform you that the map and description for your PLANNED WA -1010 (1N3-25AC-1100 AND 1200) 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, 2011 per ORS 308.225.

**Preliminary
Review**

If you have any questions please contact: Teresa Arrospide (503) 945-8010



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-1010

APPLICANT:
Arthur R. Prevost
3445 NW 313th Ave
Hillsboro OR 97124

NOTICE OF DECISION

APPLICANT'S REPRESENTATIVE:
Terri Buxton, Prudential NW Properties

PROPERTY OWNERS:
Arthur R. Prevost, Brian and Jessie Bussey

PROCEDURE TYPE III

CPO: 9

ASSESSOR MAP No: 1N3 25AC
TAX LOT No's: TL 1100 and 1200
SITE SIZE: 0.70 total acres
ADDRESS: 3445 NW 313th Avenue
LOCATION: Northwest corner of NW 313th Avenue and
NW Lenox Street, Hillsboro

***PROPOSED MINOR BOUNDARY CHANGE:
Annexation to Clean Water Services District (CWS) of 0.70 acres of land within the City of
Hillsboro.***

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 **August 24, 2010.**

NOTICE MAILING DATE: August 26, 2010

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.

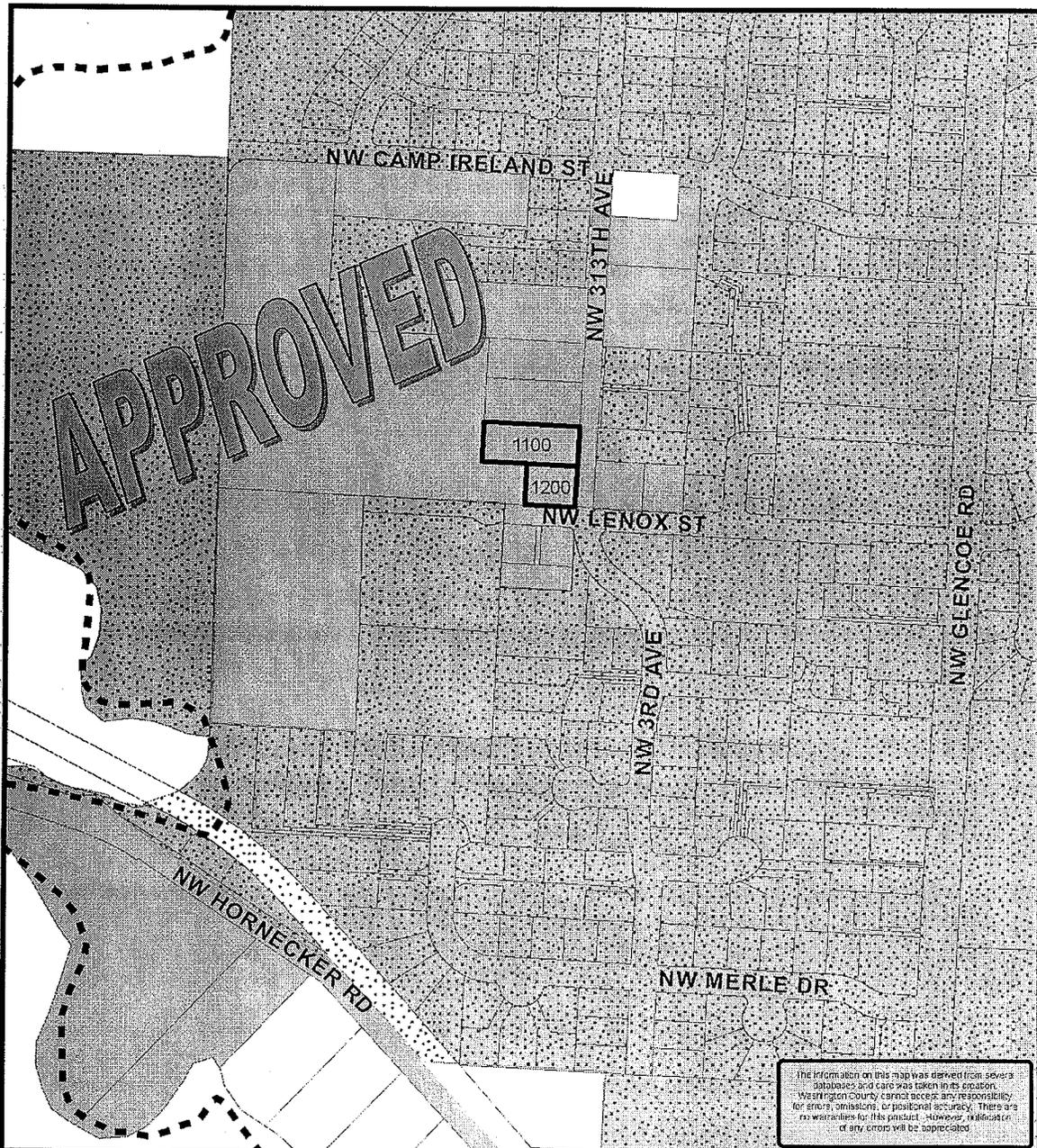
THE COMPLETE APPLICATION, REVIEW STANDARDS, RECORD OF PROCEEDINGS, FINDINGS FOR THE DECISION AND DECISION ARE AVAILABLE AT THE COUNTY FOR REVIEW.

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

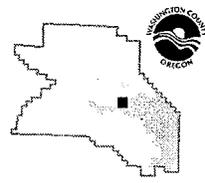
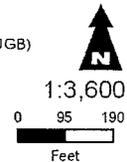


The information on this map was derived from several databases and care was taken in its creation. Washington County cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties for this product. However, notification of any errors will be appreciated.

WASHINGTON COUNTY- GEOGRAPHIC INFORMATION SYSTEMS

WA-1010
Annexation to
Clean Water
Services
(CWS)

-  Subject Property (1N325AC01100 & 1200)
-  CWS Boundary
-  Other Lots
-  Urban Growth Boundary (UGB)
-  City of Hillsboro



AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Land Use & Transportation (CPO 9)

Agenda Title: CONSIDER THE ANNEXATION OF APPROXIMATELY 0.70 ACRES TO CLEAN WATER SERVICES DISTRICT (WA-1010)

Presented by: Brent Curtis, Planning Manager

SUMMARY:

The county received a request from Arthur Prevost, and Brian and Jessie Bussey (property owners) to annex two parcels to the Clean Water Services District. The properties are located on the northwest corner of NW 313th Avenue and NW Lenox Street, in the City of Hillsboro. They are further identified as tax map and lot numbers 1N3 25AC / 1100 and 1200 (see Exhibit B).

The parcels were brought into the City of Hillsboro on March 18, 2010 under city Ordinance No. 5932, Case File No. AN 6-08: Island Annexations (Voluntary). In order for the properties to receive the necessary sanitary and storm sewer service from the District, they must be annexed to the District. The City of Hillsboro has endorsed this minor boundary change.

If the Board approves this proposal, the boundary change would become effective on November 3, 2010 per ORS 198.747 (1) (a). The statute prohibits an annexation from becoming effective within 90 days of an election. Due to the November 2, 2010 general election, the earliest the annexation could be effective is November 3, 2010.

Notice of today's hearing has been made in accordance with state statutory requirements.

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 properties into the Clean Water Services District. Adopt a Resolution and Order approving the annexation with the approval becoming effective on November 3, 2010. Authorize the Chair to sign the Resolution and Order for Service District Annexation WA-1010.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

RO 10-84

Agenda Item No.	<u>4.a.</u>
Date:	08-24-10

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Approving Boundary) RESOLUTION AND ORDER
Change Proposal No. WA-1010) No. 10-84

The above-entitled matter (WA-1010) came before the Board at its regular meeting on August 24, 2010; and

It appearing to the Board that this proposal involves the annexation of two tax lots (1N3 25AC / 1100 and 1200) located on the northwest corner of NW 313th Avenue and NW Lenox Street, in the City of Hillsboro, to the Clean Water Services District; and

It appearing to the Board that WA-1010 was initiated by a consent petition of all of the property owners and meets the requirement for initiation set forth in ORS 198.855 (1), ORS 198.750 and Metro Code 3.09.040 (a); and

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

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

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

It appearing to the Board that the Board has reviewed whatever written and oral testimony has been provided regarding this proposal; now, therefore it is

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

RESOLVED AND ORDERED that Boundary Change Proposal No. WA-1010 is hereby approved, based on the analysis and findings in the Staff Report set forth in Exhibit A, incorporated herein by reference; and it is further

RESOLVED AND ORDERED that the property depicted in Exhibit B and legally described in Exhibit C is hereby declared to be annexed to the Clean Water Services District; and it is further

RESOLVED AND ORDERED that the minor boundary change approval shall be effective on November 3, 2010 in accord with the requirements of ORS 198.747 (1) (a); and it is further

RESOLVED AND ORDERED that the County Administrator, or his designee, shall mail this decision to all necessary parties, file a map in final approved form with the Department of Revenue as soon as practicable but not later than March 31, 2011 and take such other steps as are required by law to effectuate this proposal.

DATED this 24th day of August, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

	AYE	NAY	ABSENT
BRIAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STRADER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Tom Brian
CHAIRMAN

Marianne Lark
RECORDING SECRETARY

Date Signed: 8/24/10

Approved as to form:
[Signature]
Sr. County Counsel for
Washington County, Oregon



WASHINGTON COUNTY OREGON

August 10, 2010

To: Board of County Commissioners
 From: Brent Curtis, Planning Manager *BC*
 Subject: **MINOR BOUNDARY CHANGE PROPOSAL NO. WA-1010 – ANNEXATION TO THE CLEAN WATER SERVICES DISTRICT**

STAFF REPORT

For the August 24, 2010 Board of Commissioners hearing
 (The public hearing will begin no sooner than 6:30 PM)

STAFF RECOMMENDATION

Based on the analysis and findings in this staff report, staff recommends that the Board **APPROVE** Minor Boundary Change WA-1010 with the approval becoming effective on November 3, 2010.

REQUESTED ACTION

It is proposed that two parcels be annexed to the Clean Water Services District (District).

Applicant: Arthur R. Prevost
 Applicant's Rep.: Terri Buxton, Prudential NW Properties
 Property Owners: Arthur R. Prevost, Brian and Jessie Bussey
 Affected Properties: 1N3 25AC / 1100 and 1200

ENDORSEMENTS

The District supports the proposed annexation to its boundary. The Board of County Commissioners (Board) has endorsed the request as the Board of Directors of Clean Water Services District as required by statute.

The properties were brought into the City of Hillsboro on March 18, 2010 under city Ordinance No. 5932, Case File No. AN-6-08: Island Annexations (Voluntary). Annexation of the properties into the City serves as the City's endorsement.

CITIZEN PARTICIPATION

Notice of this hearing inviting testimony from interested parties was provided as required by statute and Metro's Code. Notice consisted of: 1) Posting notices near the properties 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 earliest the boundary change could become effective is November 3, 2010. ORS 198.747 (1) (a) prohibits an annexation from becoming effective within the period of 90 days prior to the November general election.

BACKGROUND

Proposal No. WA-1010 was initiated by a consent petition of the property owners and registered voters. 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 properties to be annexed are located generally in the western part of the District inside the City of Hillsboro on the northwest corner of NW 313th Avenue and NW Lenox Street. The properties consist of 0.70 acres containing one single family dwelling. Their assessed valuation is \$214,920.

REASON FOR ANNEXATION

The property owners desire to annex into the district for the future use of the sewer and storm water facilities.

CRITERIA

ORS Ch. 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 Board 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
- (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.

The District, Washington County and the City of Hillsboro are parties to the Hillsboro Urban Service Agreement which specifies which unit of government will handle which aspects of sanitary sewer service. No City or District annexation plans are in place for this area. The District, Washington County and the City of Hillsboro are parties to cooperative agreements under ORS 195. Under the District's master plan and the Hillsboro Urban Service Agreement, the area is identified as appropriate for receipt of sewer service from the District and the City. The City's comprehensive plan identifies the properties as appropriate for low density residential development and annexation to the District would allow such development. The properties are adjacent to services from the District and the City which promotes the timely, orderly and economic provision of such services.

LAND USE PLANNING

REGIONAL PLANNING

General Information

The properties to be annexed are 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 properties were annexed to the City of Hillsboro on March 18, 2010 under City of Hillsboro Ordinance No. 5932, Case File No. AN 6-08: Island Annexations (Voluntary). The County's Comprehensive Framework Plan for the Urban Area 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.

Washington County, the City of Hillsboro and Clean Water Services are parties to the Hillsboro Urban Service Agreement. Under the agreement the City provides local collector sewers while the District is responsible for major transmission and treatment functions. Therefore the County will not oppose this annexation and the action is considered to be consistent with the Washington County Comprehensive Plan.

CITY PLANNING

The City recently annexed the parcels into the City. The City has not yet applied city zoning to the properties. However, the city's Comprehensive Plan identifies the parcels to be zone RL-Residential Low Density (3-7 units/net acre).

Section IV.A. of Section 2 of the City Comprehensive Plan states:

- (A) Urban development shall occur only where urban services exist or are available. It is the intent of this Plan to encourage development in those areas where such services are currently available or can be readily provided in a logical manner.
- (1) Urban services necessary for development include adequate water, sewer, and fire protection.

FACILITIES AND SERVICES

ORS 195 Agreements ORS 195 requires urban service 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. As noted above this area is covered by an urban service agreement.

Sewer Most of the City of Hillsboro is within the Clean Water Services District. An 8-inch sanitary sewer line in NW 313th Avenue and an 8-inch sanitary sewer line in NW Lenox Street can serve these properties.

Water A 10-inch water line in NW 313th Avenue and a 4-inch water line in NW Lenox Street can serve these properties.

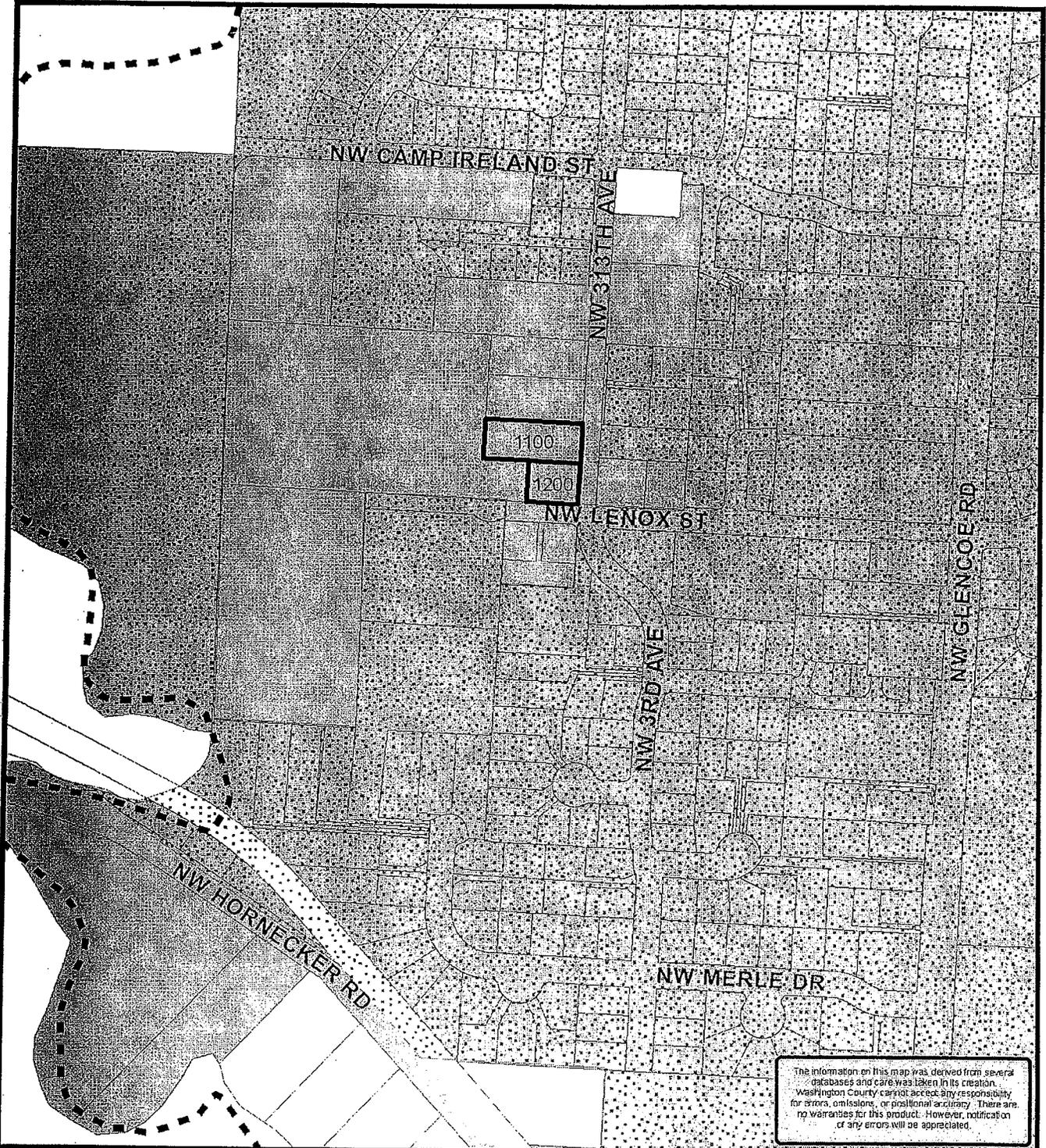
Storm Drainage The District has responsibility for surface water management within the Washington County urban growth boundary. The District has entered into an intergovernmental agreement with the City of Hillsboro for allocation of City and District responsibilities. The City has responsibility for operations and maintenance of storm and surface water facilities within Hillsboro. A 24-inch storm drainage line in NW 3rd Avenue can service these properties.

Parks and Recreation The City of Hillsboro provides parks and recreation services.

Transportation The properties are served by NW Lenox Street and NW 313th Avenue.

Fire The properties are served by the City's Fire Department.

Police The City of Hillsboro provides police service to the area.



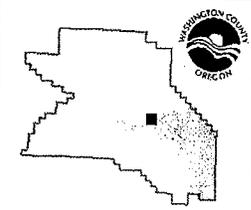
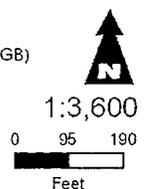
The information on this map was derived from several databases and care was taken in its creation. Washington County cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties for this product. However, notification of any errors will be appreciated.

WASHINGTON COUNTY- GEOGRAPHIC INFORMATION SYSTEMS

Exhibit B

WA-1010
Annexation to
Clean Water
Services
(CWS)

-  Subject Property (1N325AC01100 & 1200)
-  CWS Boundary
-  Other Lots
-  Urban Growth Boundary (UGB)
-  City of Hillsboro



LEGAL DESCRIPTION
1N325AC-01100 & 01200

A part of Lot 20, MILNE ACRES, in the County of Washington and State of Oregon,
described as follows:

Beginning on the East line of said Lot 20, which point is 190 feet South of the Northeast corner of said lot; thence South $89^{\circ}52'$ West parallel to the North line of said lot, a distance of 218 feet to a point; thence South parallel to the East line of said Lot 20, a distance of 90 feet to a point; thence North $89^{\circ}52'$ East parallel to the North line of said lot, a distance of 103 feet to a point; thence South parallel to the East line of said lot 20, a distance of 93 feet more or less; to a point on the South line of Lot 20; thence East following the South line to the Southeast corner of said Lot 20; thence North along the East line of said Lot 20, as distance of 183.83 feet to the point of beginning.

ANNEXATION CERTIFIED

BY Wes

JUN 30 2010

WASHINGTON COUNTY A & T
CARTOGRAPHY