

Final Documents
for
Annexation to
Clean Water Services District

WA1111

Ordinance/Resolution: 11-56

Annexation: 11-001 LRP/BC

DOR: 34-1989-2011

Secretary of State: SD 2011-0065

Secretary of State Effective Date: 9/29/2011

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

September 30, 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	Date	Our File Number
11-56 (Clean Water Services District)	09/ 29/ 2011	SD 2011-0065

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

Notice to Taxing Districts

ORS 308.225



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

Clean Water Services Dist.
Support Services Manager
155 N First Ave, Suite 270
Hillsboro, OR 97124

Description and Map Approved
September 26, 2011
As Per ORS 308.225

Description Map received from: WASH. CO. PLANNING
On: 8/26/2011

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

ANNEX TO CLEAN WATER SERVICES DISTRICT

RES./ORDER 11-56(11-001)

has been: Approved 9/26/2011
 Disapproved

Notes:

The maps, legal descriptions 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: 34-1989-2011

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

mtg.

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Land Use & Transportation (CPO 12F)

Agenda Title: CONSIDER THE ANNEXATION OF APPROXIMATELY 19.80 ACRES TO CLEAN WATER SERVICES DISTRICT (CASE FILE 11-001 LRP/BC)

Presented by: Andrew Singelakis, Director

SUMMARY:

The county received a request to annex one parcel to the Clean Water Services District. The property owner, Forest Grove School District, has consented to the annexation. The property is in the City of Forest Grove. The site is located at the southeast corner of the intersection of SW Brooke Street and David Hill Road. It is further identified as tax map and lot number 1N4 25 / 1003 (see Exhibit B).

The parcel was brought into the City of Forest Grove on May 8, 2000 under city Ordinance No. 2000-02, Case File No. ANX-00-01. In order for the property to receive the necessary sanitary and storm sewer service from the District, it must be annexed to the District. The City of Forest Grove has endorsed this minor boundary change.

If the Board approves this proposal, the boundary change would become effective immediately. 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 property into the Clean Water Services 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 Case File 11-001 LRP/BC.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

RO 11-56

Agenda Item No.	<u>3.a.</u>
Date:	08-23-11

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IN THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

In the Matter of Approving Boundary) RESOLUTION AND ORDER
Change Proposal No. 11-001 LRP/BC) No. Ro 11-56

The above-entitled matter (Case File 11-001 LRP/BC) came before the Board at its regular meeting on August 23, 2011; and

It appearing to the Board that this proposal involves the annexation of one tax lot (1N4 25 / 1003) located at the southeast corner of the intersection of SW Brooke Street and David Hill Road to the Clean Water Services District; and

It appearing to the Board that Case File 11-001 LRP/BC 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 RESOLVED AND ORDERED that Boundary Change Proposal Case
2 File 11-001 LRP/BC is hereby approved, based on the analysis and findings in
3 the Staff Report set forth in Exhibit A, incorporated herein by reference; and it
4 is further

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

8 RESOLVED AND ORDERED that the minor boundary change approval
9 shall be effective on August 23, 2011; and it is further

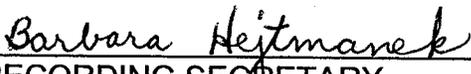
10 RESOLVED AND ORDERED that the County Administrator, or his
11 designee, shall mail this decision to all necessary parties, file a map in final
12 approved form with the Department of Revenue as soon as practicable but not
13 later than March 31, 2012 and take such other steps as are required by law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

15 DATED this 23rd day of August, 2011.

16 BOARD OF COUNTY COMMISSIONERS
17 FOR WASHINGTON COUNTY, OREGON

18 
19 _____
20 CHAIRMAN

	AYE	NAY	ABSENT
21			
22			
23			
24			
25	✓	—	—
26	✓	—	—
27	✓	—	—
28	✓	—	—
29	—	—	✓
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26 _____
27 RECORDING SECRETARY

28 Date Signed: 8-23-11

29 Approved as to form:

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32 _____
33 Sr. County Counsel for
34 Washington County, Oregon
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WASHINGTON COUNTY

OREGON

August 9, 2011

To: Board of County Commissioners

From: Brent Curtis, Planning Manager *BC*

Subject: **MINOR BOUNDARY CHANGE PROPOSAL, CASE FILE: 11-001 LRP/BC
ANNEXATION TO THE CLEAN WATER SERVICES DISTRICT**

STAFF REPORT

**For the August 23, 2011 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 11-001 LRP/BC with the approval becoming effective immediately.

REQUESTED ACTION

It is proposed that one parcel be annexed to the Clean Water Services District (District).

Applicant / Owner: Forest Grove School District #15

Applicant's Representative: Mimi Doukas, Carrdno WRG

Affected Property: 1549 Hartford Drive, Forest Grove (1N4 25 1003)

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 the Clean Water Services District as required by statute.

This property was brought into the City of Forest Grove on May 8, 2000 under city Ordinance No. 2000-02, ANX-00-01. Annexation of the property 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 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

This proposal, Case File 11-001 LRP/BC, was initiated by a consent petition of the property owner. 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 western part of the District inside the City of Forest Grove. It is located at the southeast corner of the intersection of SW Brooke Street and David Hill Road. The territory consists of 19.80 acres and is currently vacant. It is valued at \$5,607,200.

REASON FOR ANNEXATION

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

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 property was annexed to the City of Forest Grove on May 8, 2000 under city Ordinance No. 2000-02, Case File No. ANX-00-01. 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 Forest Grove, and Clean Water Services are parties to cooperative agreements under ORS 195. Under the District's master plan the area is identified as appropriate for receipt of sewer service from the District and the City. 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's comprehensive plan policies governing urbanization (Chapter X) states:

Local Policies

- 2. All lands within the Urban Growth Boundary shall be assigned priorities for urban development. Priorities shall be based on the City's ability to provide urban services and the orderly and efficient timing of service extension. These priorities shall be the basis for making decisions on all development proposals and requests for annexation. (Amended by Ord. 87-7)*
- 3. Provide for an Urban Growth Management Strategy to set forth policies on the urbanization of vacant and agricultural land. The policies should cover the extension of water and sewer service, land partitioning requirements, zoning, and annexations within the Urban Growth Boundary. The strategy shall provide for the orderly and cost-efficient*

accommodation of anticipated urban growth for the next 10 years. (Amended by Ord. 87-7)

4. *Trunk lines for utilities shall be extended only to service areas which are adjacent to existing development. (Amended by Ord. 87-7)*
5. *Sewer and water utilities shall not be extended beyond the City's corporate limits and shall be provided only after annexation....*

The property is within the UGB. The City's comprehensive plan identifies the area as appropriate for Institutional development and annexation to the District would allow such development. Service from the District and the City are adjacent to the property which promotes the timely, orderly and economic provision of such services.

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. As noted above this area is covered by an urban service agreement.

Sewer The bulk of the City of Forest Grove (but not this site) is within the Clean Water Services District. An 8-inch sanitary sewer line in SW Hartford Drive and a 12-inch sanitary sewer line in SW Brooke Street can serve this property.

Water An 8-inch water line in Brooke Street can serve this property.

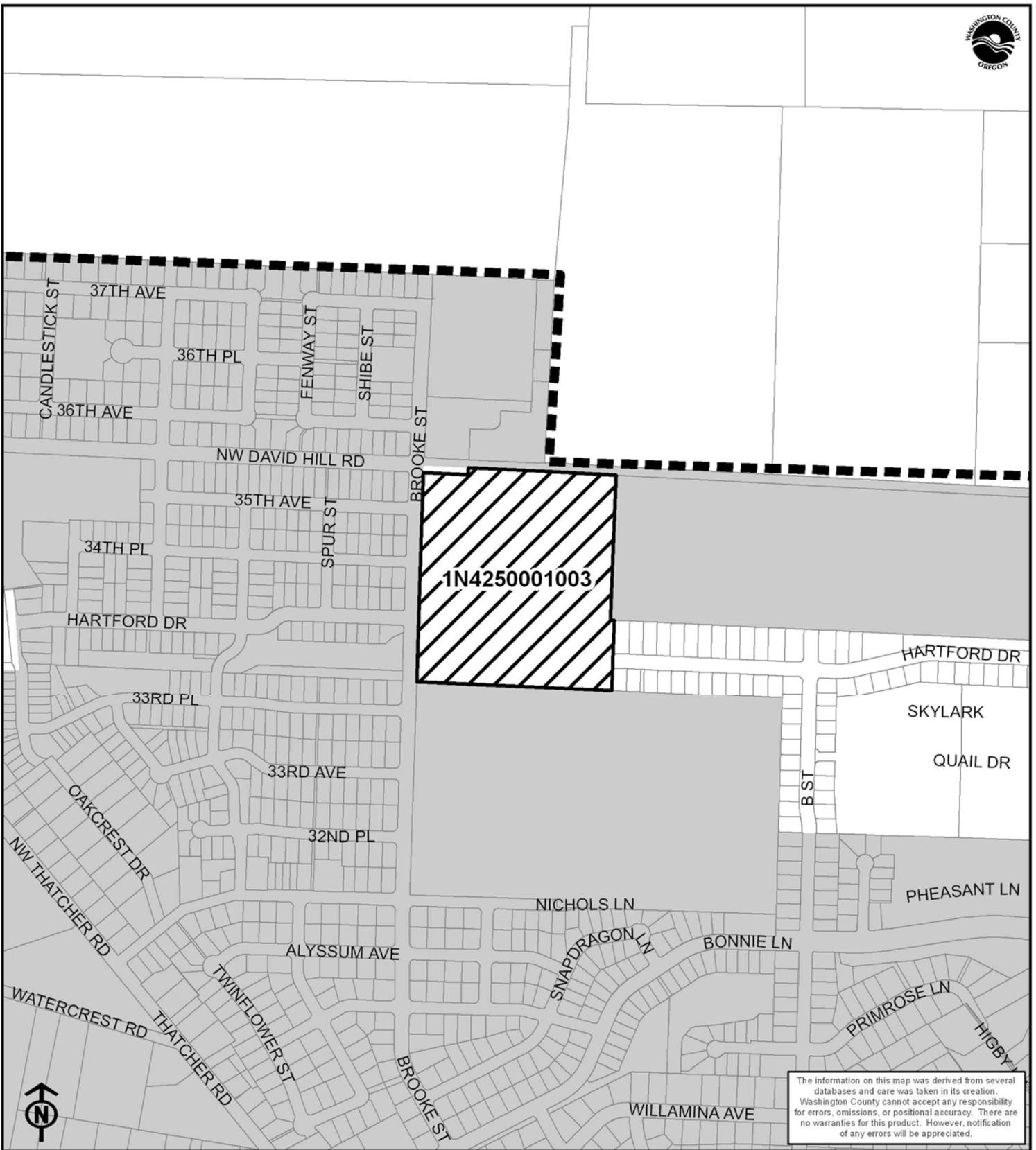
Storm Drainage The District has responsibility for surface water management within the Washington County urban growth boundary. The District has entered into an intergovernmental agreement with the City of Forest Grove for allocation of City and District responsibilities. The City has responsibility for operations and maintenance of storm and surface water facilities within Forest Grove. A 12-inch storm drainage line in SW Hartford Drive can service this property.

Parks and Recreation The City of Forest Grove provides parks & recreation services.

Transportation The property is served by SW David Hill Road, SW Brooke Street, and SW Hartford Drive.

Fire The area to be annexed is served by the City's Fire Department

Police The City of Forest Grove provides police service to the area.

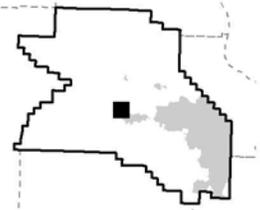


The information on this map was derived from several databases and care was taken in its creation. Washington County cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties for this product. However, notification of any errors will be appreciated.

Washington County- Long Range Planning

Exhibit B

**Casefile: 11-001 LRP/BC
to Clean Water Services (CWS)**



- Subject Property
- UGB
- Tax Lots
- CWS Boundary

Legal Description

A tract of land being a portion of the Benjamin Catching D.L.C. Number 41 and being in the SE ¼ of Section 25, Township 1 North, Range 4 West, Willamette Meridian in the City of Forest Grove, Washington County, Oregon, and more particularly described as follows:

That portion of the land described in that certain Bargain and Sale Deed between Mae Spiesschaert and the Spiesschaert Limited Partnership, dated December 23, 1992 and recorded December 30, 1992 as Document No. 92093584 of the Records of Washington County, Oregon, which portion is easterly of the northerly extension of the eastern right-of-way line of Brooke Street, being also described as:

Beginning at 5/8-inch iron rod per County Survey Number 6379, said iron rod being on the line between the north line of the Benjamin Catching D.L.C. Number 41 and the south line of the Orus Brown D.L.C. Number 40, and also being in the center of the Thatcher County Road;

thence S89°28'39"E 2221.32 feet along said line between said D.L.C.'s to a 5/8-inch iron rod set in County Survey Number 28112, said point being the TRUE POINT OF BEGINNING;

thence continuing S89°28'39"E 17.87 feet along said line between said D.L.C.'s to a 1-inch steel shaft set per County Survey Number 10446;

thence S89°28'03"E 456.79 feet along said line between said D.L.C.'s to a 5/8-inch iron rod set in County Survey Number 28112, said iron rod being on the western edge of the Bonneville Power Administration (BPA) right-of-way;

thence continuing S89°28'03"E 71.76 feet along said line between said D.L.C.'s to a ¼-inch iron rod per County Survey Number 2762;

thence S89°33'39"E 28.24 feet along said line between said D.L.C.'s to a 5/8-inch iron rod set in County Survey Number 28112, said point being on the eastern edge of the BPA right-of-way;

thence continuing S89°33'39"E 315.10 feet along said line between said D.L.C.'s to a 5/8-inch iron rod set in County Survey Number 28112;

thence S00°05'38"E 609.54 feet along the west boundary of the tracts of land described in Document No. 86-32536 of the Records of Washington County, Oregon to a point from which a 5/8-inch iron rod set in County Survey Number 28112 bears S89°33'02"E 3.00 feet, and said point being on the northern edge of the BPA right-of-way;

thence continuing S00°05'38"E 50.26 feet along the west boundary of the tract of land described in Document No. 88-32536 of the Records of Washington County, Oregon to a 5/8-inch iron rod per County Survey Number 27188;

thence continuing S00°05'38"E 49.74 feet along the west boundary of the tract of land described in Document No. 88-27202 of the Records of Washington County, Oregon to a 5/8-inch iron rod per County Survey Number 28112, said point being on the southern edge of the BPA right-of-way;

ANNEXATION CERTIFIED

BY ATN

JUN 28 2011

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

thence continuing $S00^{\circ}05'38''E$ 269.74 feet along the west boundary of the tract of land described in Document No. 88-27202 of the Records of Washington County, Oregon to a 5/8-inch iron rod set in County Survey Number 27188;

thence $N89^{\circ}36'34''W$ 884.36 feet along the north boundary of the Forest Grove High School described in Book 705 at Page 270 of the Records of Washington County, Oregon to a 5/8-inch iron rod per County Survey Number 17734, said point being the northeast corner of Brooke Street in the City of Forest Grove;

thence $N00^{\circ}24'28''W$ 980.98 feet along the northerly extension of the eastern right-of-way of Brooke Street to the TRUE POINT OF BEGINNING.

SpiesschaertLegalDescription:05/26/00

ANNEXATION CERTIFIED

BY AJN

JUN 28 2011

WASHINGTON COUNTY A & T
CARTOGRAPHY



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

CASE FILE 11-001 LRP/BC

NOTICE OF DECISION

APPLICANT:

Forest Grove School District #15
1728 Main Street
Forest Grove OR 97116

APPLICANT'S REPRESENTATIVE:

Mimi Doukas, Carrdno WRG

PROCEDURE TYPE III

CPO: 12F

ASSESSOR MAP No: 1N4 25

TAX LOT No: TL 1003

SITE SIZE: 19.80 total acres

ADDRESS: 1549 Hartford Drive, Forest Grove

LOCATION: Southeast corner of the intersection of SW
Brooke Street and David Hill Road.

PROPOSED MINOR BOUNDARY CHANGE:

Annexation to Clean Water Services District (CWS) of 19.80 acres of land within the City of Forest Grove.

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 23, 2011**.

NOTICE MAILING DATE: August 25, 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.

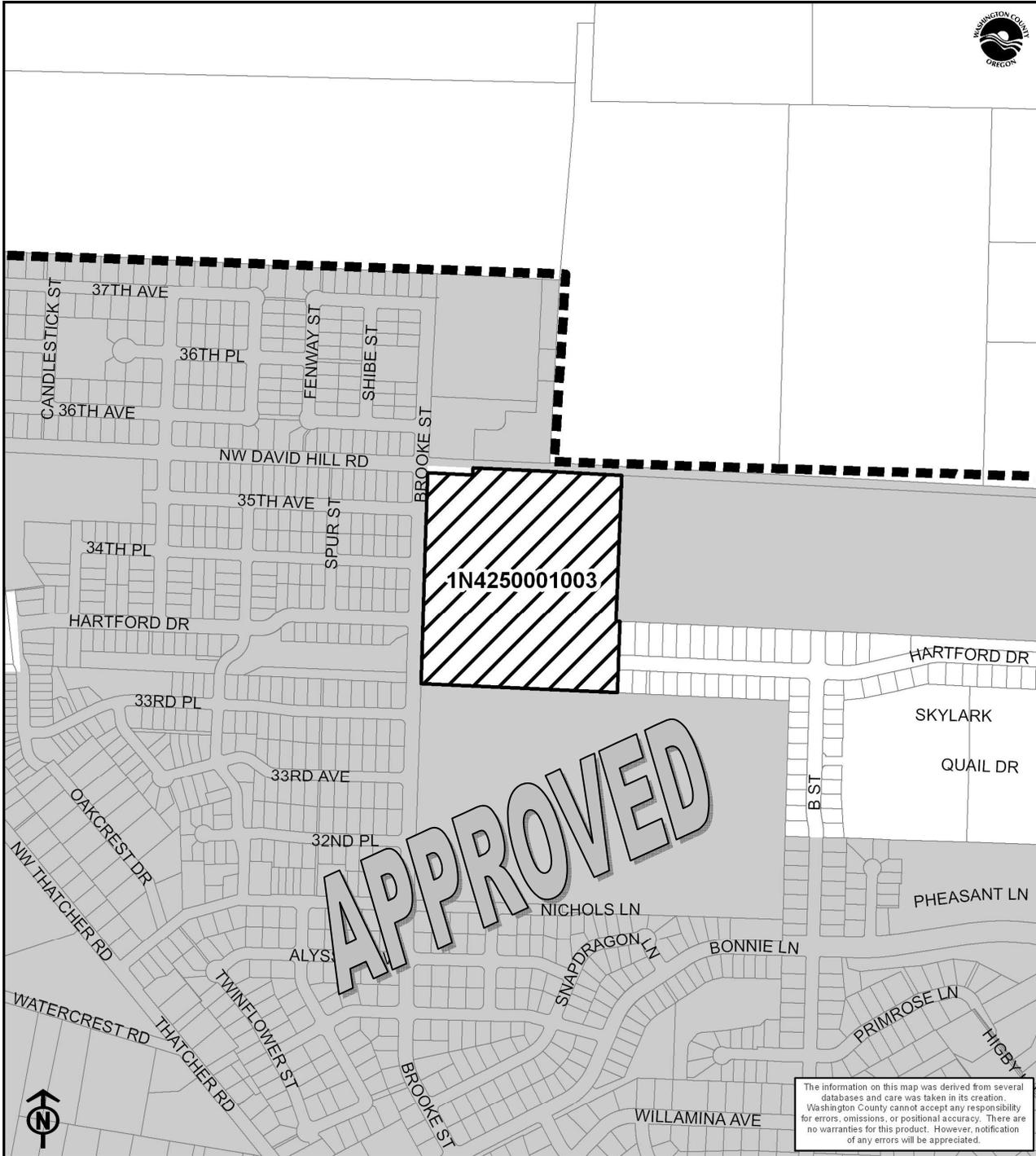
FOR FURTHER INFORMATION, PLEASE CONTACT:

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

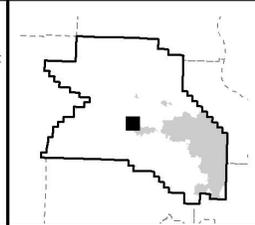
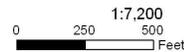


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Washington County- Long Range Planning

Casefile: 11-001 LRP/BC
to Clean Water Services (CWS)

-  Subject Property
-  UGB
-  Tax Lots
-  CWS Boundary



**DOR 34-P525-2011
Preliminary Review**



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

Clean Water Services Dist.
Support Services Manager
Attn: Joy Chang
155 N First Ave, Suite 270
Hillsboro, OR 97124

Date: 8/4/2011

This letter is to inform you that the map and description for your PLANNED Annex to Clean Water Services (11-001-LRP/BC) 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.

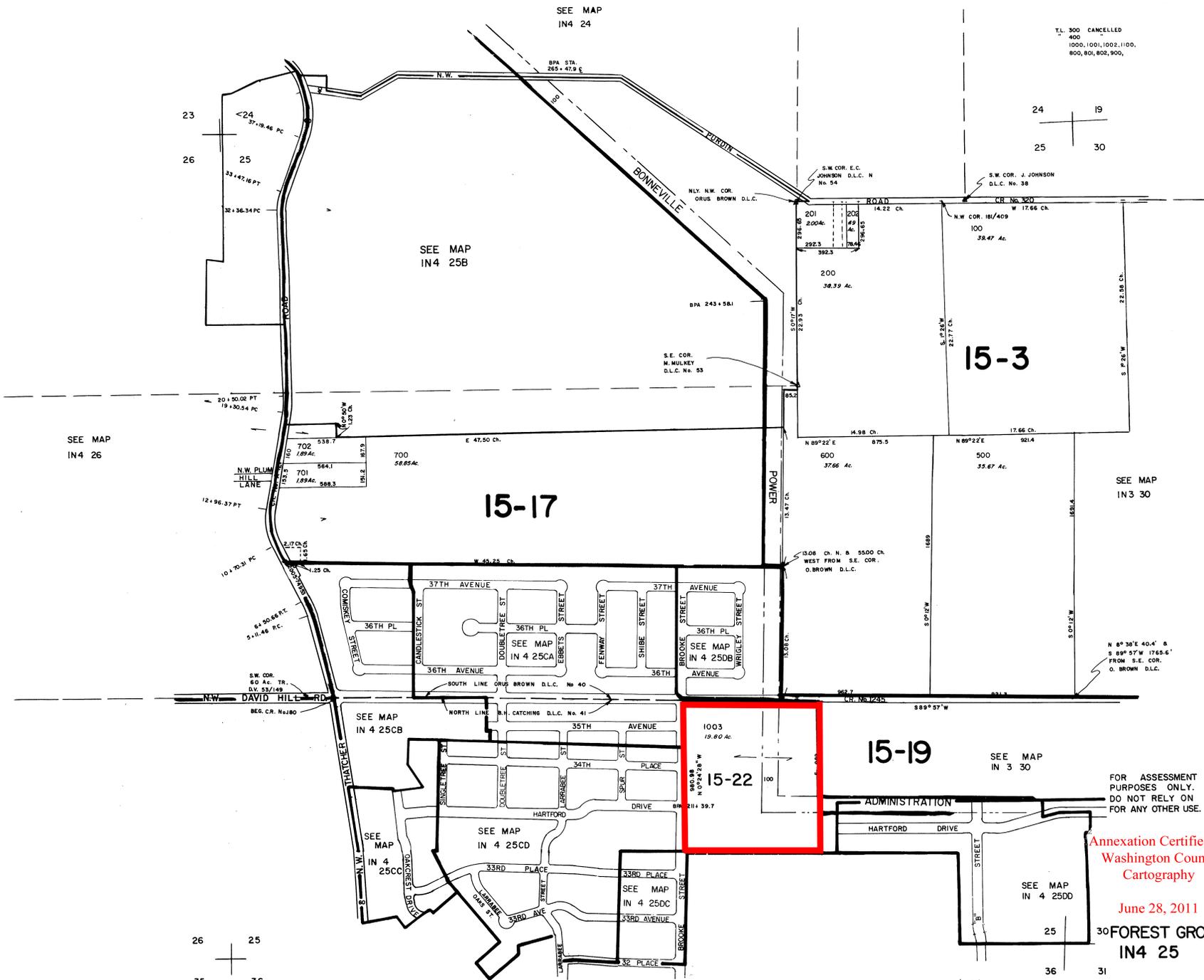
In the future, please send copies of the surveys referenced in the legal descriptions of boundary changes.

**Preliminary
Review**

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

SECTION 25 TIN R4W W.M.
 WASHINGTON COUNTY OREGON
 SCALE 1"=400'

IN4 25



T.L. 300 CANCELLED
 400
 1000, 1001, 1002, 1100,
 800, 801, 802, 900,

24 19
 25 30

SEE MAP
 IN 4 26

SEE MAP
 IN 4 24

SEE MAP
 IN 4 25B

SEE MAP
 IN 3 30

FOR ASSESSMENT
 PURPOSES ONLY.
 DO NOT RELY ON
 FOR ANY OTHER USE.

Annexation Certified by
 Washington County
 Cartography

June 28, 2011

30 FOREST GROVE
 IN 4 25

26 25
 35 36

J. Chan