

Final Documents

For

Annexation to the  
**Clean Water Services District**

WA0406

Resolution 06-38

DOR: 34-1793-2006

Sec. State: SD-2006-0048

Property Information:

33580 SW Tualatin Valley Hwy (1S302B000300)

33666 SW Tualatin Valley Hwy (1S302B000400)

33760 SW Tualatin Valley Hwy (1S302B000401)

No Site Address (1S302B000402)

33830 SW Tualatin Valley Hwy (1S302B000404)

33930 SW Tualatin Valley Hwy (1S302B000500)

34120 SW Tualatin Valley Hwy (1S302B000600)

33550 SW Tualatin Valley Hwy (1S302A000700)



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May 3, 2006

Metro  
Robert Knight  
600 NE Grand Ave  
Portland, Oregon 97232-2736

Dear Mr. Knight:

Please be advised that we have received and filed, as of May 3, 2006, the following records annexing territory to the following:

| Ordinance/Resolution Number(s)         | Our File Number |
|--|-----------------|
| 06-62 (Clean Water Services District)  | SD 2006-0046    |
| 06-63 (Tualatin Valley Water District) | SD 2006-0047    |
| 06-38 (Clean Water Services District)  | SD 2006-0048    |
| 5606 (City of Hillsboro)               | AN 2006-0147    |
| 5610 (City of Hillsboro)               | AN 2006-0148    |
| 5620 (City of Hillsboro)               | AN 2006-0149    |
| 5622 (City of Hillsboro)               | AN 2006-0150    |

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

# Proposal No. WA0406

1S3W02

Annexation to the Clean Water Services District

Washington Co.



R L I S  
REGIONAL LAND INFORMATION SYSTEM



600 NE Grand Ave.  
Portland, OR 97232-2736  
Voice 503 797-1742  
FAX 503 797-1909  
Email drc@metro-region.org

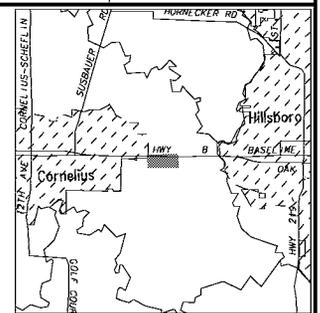
**METRO**

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

- County lines
- Annexation boundary
- District

Proposal No. WA0406  
CLEAN WATER SERVICES DISTRICT  
Figure 1

Scale: 1" = 500'



# 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**  
**April 21, 2006**  
**As Per ORS 308.225**

Description     Map received from: METRO  
On: 4/14/2006

This is to notify you that your boundary change in Washington County for  
ANNEX TO CLEAN WATER SERVICES DISTRICT WA-0406

RES. \$ ORDER #06-38

has been:     Approved            4/21/2006  
                   Disapproved

Notes:

Department of Revenue File Number: 34-1793-2006

Prepared by: Carolyn Sunderman, 503-945-8882

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

|   |   |   |
|---|---|---|
|    | WASHINGTON COUNTY<br>DEPARTMENT OF LAND USE AND TRANSPORTATION<br>PLANNING DIVISION<br>ROOM 350-14<br>155 NORTH FIRST AVENUE<br>HILLSBORO, OREGON 97124<br>(503) 846-3519 fax: (503) 846-4412 | <b>Applicant:</b>   |
| <b>NOTICE OF DECISION</b>   |   | Robert Evans Company<br>1200 NE 48 <sup>th</sup> Avenue, Suite 1250<br>Hillsboro, OR 97124-5020 |
| <b>CPO:</b> Cornelius 12C   |   | <b>Applicant's Representative:</b>  |
| <b>Existing Land Use District:</b> C2 Highway Commercial  |   | Group Mackenzie<br>0690 SW Bancroft Street<br>PO Box 69309<br>Portland, OR 97239                |
| <b>Community Plan:</b> Not Applicable, City of Cornelius  |   | <b>Contact Person:</b> Preston R. Beck  |
| <b>Assessor Map No(s):</b> 1S3 02B (300, 401, 402, 404, 500, 600) and 1S3 02A (700).  |   | <b>Petitioners/Owners:</b>  |
| <b>Site Size:</b> Approx. 16.03 acres   |   | Warz Investments, LLC<br>16255 SW Holly Hill Rd<br>Hillsboro, OR 97123                          |
| <b>Tax Lot No(s):</b> 1S3 02B (300, 400, 401, 402, 404, 500, 600) and 1S3 02A (700).  |   | Jim and Phyllis Richards, Family LL<br>PO Box 159<br>Albany, OR 97321                           |
| <b>Address:</b> 33550 - 34120 SW Tualatin Valley  |   | Coastal Farm Reality Estate Inc.<br>PO Box 99<br>Albany, OR 97321                               |
| <b>Location:</b> SW Tualatin Valley Highway (33580 block).<br>South side of the Tualatin Valley Highway. East limit of City of Cornelius. North of the Southern Pacific Railway Right of Way.                                 |   | John and Wendy Olson<br>20580 SW Westside St.<br>Aloha, OR 97007                                |
| <b>Proposed Minor Boundary Change:</b> Annexation to the Clean Water Services District of Approximately 16.03 acres, plus T.V. Highway Right-of-way (Tax Lots 1S3 02B 300, 400, 401, 402, 404, 500, 600, and 1S3 02A 000700). |   |   |

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 **March 21, 2006**.

**NOTICE MAILING DATE: March 24, 2006**

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.

**NECESSARY PARTIES:** THIS DECISION MAY BE CONTESTED BY A NECESSARY PARTY AND A PUBLIC HEARING HELD BY FILING A NOTICE OF APPEAL IN ACCORDANCE WITH METRO CODE CHAPTER 3.09.070 WITHIN 10 CALENDAR DAYS OF THE DATE THIS NOTICE WAS MAILED. A NECESSARY PARTY MAY NOT CONTEST A BOUNDARY CHANGE WHERE THE BOUNDARY CHANGE IS EXPLICITELY AUTHORIZED BY AN URBAN SERVICES AGREEMENT ADOPTED PURSUANT TO ORS 195.065.

**NON-NECESSARY PARTIES:** 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 DATES.

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:

**Paul Schaefer, Senior Planner**  
 WASHINGTON COUNTY  
 DEPARTMENT OF LAND USE & TRANSPORTATION  
 (503) 846-3519.

(SEE REVERSE SIDE FOR SITE MAP)

# EXHIBIT B

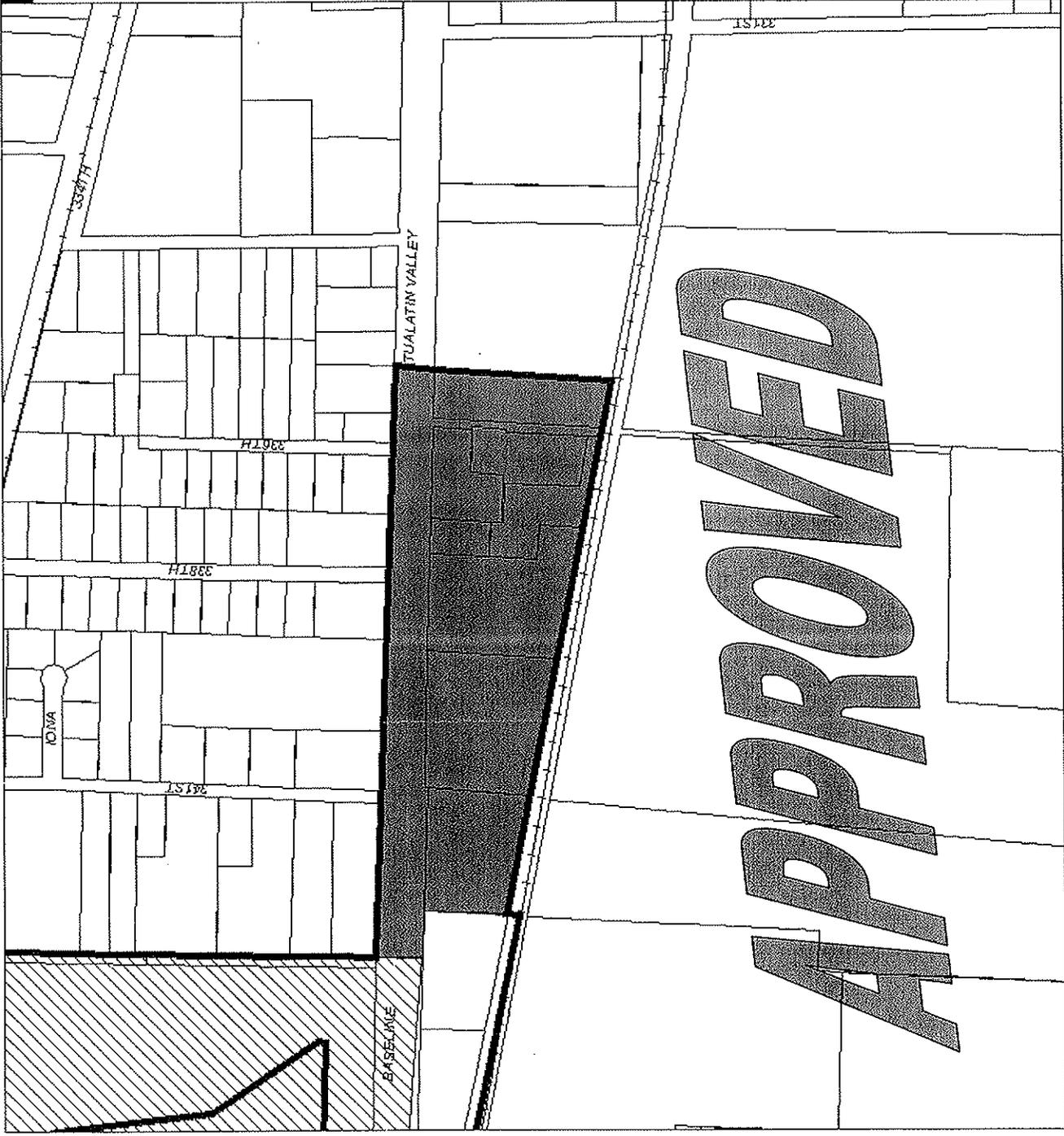
## WA-0406

Annexation to  
Clean Water Services

-  Subject Taxlot
-  Clean Water Services
-  Urban Growth Boundary



This map was derived from public records. The County cannot accept responsibility for any errors. Therefore, it is not a warranty or a product. However, if you have any questions, please contact the office.



LUT  
Plan

# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Public Hearing – Department of Land Use & Transportation (CPO 12C)

**Agenda Title:** **CONSIDER THE ANNEXATION OF SIX PARCELS ENCOMPASSING APPROXIMATELY 16.03 ACRES, PLUS RIGHT-OF-WAY, TO THE CLEAN WATER SERVICES DISTRICT (WA-0406)**

**Presented by:** Brent Curtis, Planning Division Manager

**SUMMARY:**

The County has received a request to annex eight parcels, plus right-of-way, to the Clean Water Services District (District). The properties are located on the south side of Tualatin Valley Highway in the City of Cornelius. The properties are further identified as tax maps and lot numbers 1S302B 300, 400, 401, 402, 404, 500, and 600 and 1S302A 700. The property is within the regional Urban Growth Boundary. In order for the subject properties to receive the necessary sanitary and storm sewer service from the District, they must be annexed to the District.

Notice of today's hearing has been made in accordance with the state law requirements. The staff report (File Number: WA-0406) will be provided to you under separate cover and will also be available at the clerk's desk. Staff will be available to answer any questions. A Resolution and Order approving the annexation is attached to the agenda.

Attachments: Resolution and Order which includes:

1. Findings (Exhibit A)
2. Site Map (Exhibit B)
3. Legal Description (Exhibit C)

**DEPARTMENT'S REQUESTED ACTION:**

Hold a public hearing to consider the annexation of these properties into the Clean Water Services District. Adopt a Resolution and Order approving the annexation with the approval becoming effective immediately.

**COUNTY ADMINISTRATOR'S RECOMMENDATION:**

I concur with the requested action.

RO 06-38

|                 |             |
|-----------------|-------------|
| Agenda Item No. | <u>7.b.</u> |
| Date:           | 03-21-06    |

1 IN THE BOARD OF COUNTY COMMISSIONERS

2  
3 FOR WASHINGTON COUNTY, OREGON

4  
5 In the Matter of Approving Boundary ) RESOLUTION AND ORDER  
6 Change Proposal No. WA-0406 ) No. 06-38

7  
8 The above-entitled matter (WA-0406) came before the Board at its  
9 regular meeting on March 21, 2006; and

10 It appearing to the Board that this proposal involves the annexation of  
11 eight tax lots (1S302B 300, 400, 401, 402, 404, 500, and 600 and 1S302A  
12 700) located on the south side of Tualatin Valley Highway (TV Hwy.) in the  
13 City of Cornelius, plus right-of-way, to the Clean Water Services District; and

14 It appearing to the Board that WA-0406 was initiated by a consent  
15 petition of the property owners and registered voters and meets the  
16 requirement for initiation set forth in ORS 198.855 (3), ORS 198.750 and  
17 Metro Code 3.09.040 (a); and

18 It appearing to the Board that the proposal has not been contested by  
19 any necessary party and therefore may become effective immediately upon  
20 adoption pursuant to Metro Code Section 3.09.050 (f); and

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

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

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

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

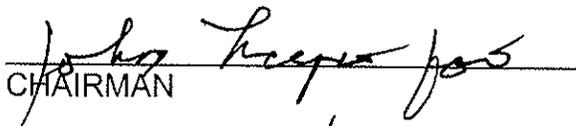
4 RESOLVED AND ORDERED that Boundary Change Proposal No. WA-  
5 0406, as described in the staff report, is hereby approved, based on the  
6 analysis, findings and conclusions set forth in Exhibit A, incorporated herein  
7 by reference; and it is further

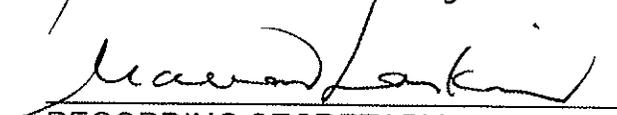
8 RESOLVED AND ORDERED that the property depicted in Exhibit B  
9 and legally described in Exhibit C is hereby declared to be annexed to the  
10 Clean Water Services District; and it is further

11 RESOLVED AND ORDERED that this boundary change proposal shall  
12 be effective upon adoption and that the County Administrator or his designees  
13 shall take all necessary steps to effectuate this proposal.

14 DATED this 21<sup>st</sup> day of March, 2006.

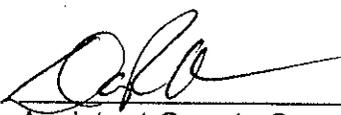
15 BOARD OF COUNTY COMMISSIONERS  
16 FOR WASHINGTON COUNTY, OREGON  
17  
18  
19  
20

21   
22 CHAIRMAN

23   
24 RECORDING SECRETARY  
25  
26

27 Date Signed: 3/21/06  
28  
29

30 Approved as to form:  
31  
32

33   
34 Assistant County Counsel for  
35 Washington County, Oregon  
36  
37  
38

## **FINDINGS**

Based on the study and the public hearing, the Board of County Commissioners (Board) finds:

1. 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). At the time of writing, a necessary party is not contesting this boundary change.
2. The property consists of eight tax lots encompassing approximately 16.03 acres, plus right-of-way. The property is located on the south side of Tualatin Valley Highway in the City of Cornelius. The property was annexed to the City of Cornelius on December 15, 2003 (Ordinance 843) and is further identified as tax maps and lot numbers 1S302B 300, 400, 401, 402, 404, 500, and 600 and 1S302A 700.
3. The property encompasses 16.03 acres and maintains street frontage along Tualatin Valley Highway, which forms the northern boundary of the property. Five of the tax lots, approximately 75-percent of the property, are developed, while the remaining three tax lots are undeveloped/farmland.

The majority of the property is generally flat. The topography of tax lot 600, however, slopes down (east to west) towards a small tributary creek to Council Creek, which is located to the north. The western portion of tax lot 600 is also designated as flood plain. It is worth noting that no development is proposed on any of the lots involved in the District annexation besides tax lots 300, 400, 402 and 700.

4. The applicant desires sanitary sewer service to facilitate the future development of 40,000 square feet of retail space on tax lots 300, 400, 402 and 700. The property was annexed into the City of Cornelius on December 15, 2003 (Ordinance No. 843). Annexation of the property into the city serves as the city's endorsement of the proposed minor boundary change. The annexation became effective on January 14, 2004. Therefore the property is effectively within the City of Cornelius. Additionally, the property must first be brought into the Clean Water Services District (District) in order to be provided the necessary sanitary sewer service to the proposed retail development as well as all future development of the remaining tax lots.
5. Oregon Revised Statute 198.852 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 (Code) that states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The findings and conclusions shall address, at minimum, the seven criteria listed below.

- a. Consistency with directly applicable provisions in ORS 195 agreements (cooperative agreements and urban service agreements) or ORS 195 annexation plans.
- b. Consistency with directly applicable provisions of *urban planning area agreements* between the annexing entity and a necessary party.
- c. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
- d. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
- e. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
- f. If the boundary change is to Metro, determination by Metro Council that property should be inside the UGB shall be the primary criteria.
- g. Consistency with other applicable criteria for the boundary change in question under state and local law.

The proposed annexation is consistent with the adopted cooperative agreement for sanitary sewer service provision by the District with cities, including the cities of Cornelius, Hillsboro, Beaverton and Tigard, and Washington County.

Additionally, the Metro Code contains a second set of 10 factors which are to be considered where no ORS 195 agreements have been adopted and the boundary change is being contested by a necessary party. A cooperative agreement for sanitary sewer service provision by the District with cities and the Washington County has been adopted. At time of writing, a necessary party is **not** contesting this boundary change. Therefore, these additional criteria need not be addressed.

6. The proposed minor boundary change is consistent with the Policy 4 of the City of Cornelius comprehensive plan. Policy 4 of Chapter II (Urbanization) reads as follows:
  4. *In order to ensure orderly development in conformance with the Comprehensive Plan, the city adopts these policies for annexation:*
    - a. *Annexation will be permitted if:*
      - (1) *The City is able to provide adequate services to the area, including sewer, water, administration, and fire protection. The new area can meet city standards for roads, sewers, water, and other services, and appropriate amendments to the City's Public Facilities Master Plans have been considered.*

- (2) *The proposed use of the area to be annexed conforms with the Comprehensive Plan, or has been Master Planned, including all adjacent and intervening properties. The City does not intend to support piece-meal annexations.*
- (3) *A substantial portion of the area to be annexed is contiguous to the City and represents a logical direction for city expansion.*

In the city's review of the annexation of the property to the city, which was approved by the Cornelius City Council on December 15, 2003, city staff determined that the proposed city annexation was consistent with the above-noted annexation policy and "represented a logical direction for City expansion." In reaching this conclusion, city staff determined that adequate infrastructure and urban services including, water, **sewer**, police, administration, fire and streets are available and can be coordinated to provide and serve the property.

Annexation of the property into the District constitutes one of the steps necessary to coordinate the provision of sanitary and storm sewer to the tax lots involved in the annexation. Staff finds that the proposed minor boundary change meets the intent of Policy 4. a. as it relates to providing these tax lots with sanitary and storm sewer.

7. This property is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

The law that dictates that Metro adopt criteria for boundary changes requires those criteria to include ". . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are actually now part of Metro's Regional Framework Plan. The 2040 Growth Concept is also now an element of the Framework Plan. The Framework Plan has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

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

8. The City of Cornelius will provide storm sewer service to the property. The District provides the storm water treatment through major storm drain lines as well as storm sewer service for lands within unincorporated Washington County.
9. The City of Cornelius will provide water service to the property via a 12-inch water line located approximately 1,700 feet west of the property. The cost for extending water and sanitary sewer service, estimated at \$175,000, will be paid by private development.
10. The City of Cornelius Fire Department serves the property.
11. The City of Cornelius will provide sanitary sewer service to the property via an 8-inch

sanitary sewer line located approximately 1,700 feet west of the property. The cost for extending sanitary sewer and water service, estimated at \$175,000, will be paid by private development. The District provides the sewage treatment and transmission of effluent to the regional treatment plants through major trunks and interceptors as well as sanitary sewer service for lands within unincorporated Washington County.

12. The City of Cornelius provides the property with police protection. This service will not be affected by the annexation to the District.
13. Annexation to the District will not effect transportation through the City of Cornelius or unincorporated Washington County. Access to the future development will be in accordance with the City of Cornelius' Transportation Plan and will require approval from Oregon Department of Transportation.
14. The City of Cornelius Parks and Recreation Department serves lands within Cornelius. Park and recreation service will not change as a result of annexation to the District.
15. The Hillsboro School District services this property.
16. The District supports the proposed annexation to its boundary. The Board of County Commissioners has endorsed this as the Board of Directors of Clean Water Services District.

## **CONCLUSIONS AND REASONS FOR DECISION**

Based on the Findings, the Commission concluded:

1. The Metro Code at 3.09.050 (d) (4) calls for consistency between the Board decision and any *"specific directly applicable standards or criteria for boundary changes contained in . . . regional framework and functional plans . . ."* There are no directly applicable criteria in Metro's regional framework plan or in the two adopted functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan.
2. ORS 198 and the Metro Code at 3.09.050 (d) (3) call for consistency between the Board decision and any *"specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ."* The Washington County Comprehensive Plan is no longer directly applicable since the property was annexed to the City of Cornelius on December 15, 2003. Annexation of the property to the District is consistent with Policy 4 of Chapter II, Urbanization, of the City of Cornelius' Comprehensive Plan.
3. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements (UPAA). The property was annexed into the City of Cornelius on December 15, 2003. Notwithstanding, the Cornelius-Washington County UPAA does not contain any provisions directly addressing service districts annexation, such

is being proposed by the applicant. Therefore, staff finds that the proposed annexation is not inconsistent with the adopted Cornelius-Washington County UPAA.

4. The Metro Code also requires that the decision address consistency between this decision and any urban service agreements under ORS 195. [ORS 195 agreements are cooperative agreements and urban service agreements.] The required cooperative agreements between the City of Cornelius, service districts and Washington County have been adopted. The advertisement of the public hearing for the proposed annexation was consistent with the adopted cooperative agreement. The Board therefore concluded that its decision is not inconsistent with the adopted cooperative agreement.
5. Metro Code 3.09.050 (e) (3) states that another criteria to be addressed is *"Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services."* The Board finds that the Clean Water Services District can serve this area. Therefore the Board finds that the annexation is a logical step towards making urban services available to the property and does not interfere with the timely provision of those services.
6. The District supports the proposed annexation to its boundary. The Board of County Commissioners has endorsed this as the Board of Directors of Clean Water Services District.

# EXHIBIT B

WA-0406

Annexation to  
Clean Water Services

Subject Taxlot

Clean Water Services

Urban Growth Boundary



This map was derived from several databases. The County cannot accept responsibility for any errors. Therefore, there are no warranties for this product. However, notification of errors would be appreciated.



**LEGAL DESCRIPTION**  
**City of Cornelius**  
**Annexation Ord.# 843**

The following described real property situated in the Northwest 1/4 of Section 2, Township 1 South, Range 3 West, Willamette Meridian, Washington County, Oregon.

Beginning at the Northeast corner of Section 2, Township 1 South, Range 3 West; thence South 33.65 feet to the relocated center line of Tualatin Valley Highway as established in recorded Surveys of Washington County numbers: 19330, 24581, and 25481. Thence; west along the centerline of said Highway 2883.40 feet to a point. Thence, South 60 feet and East 137 feet to the true **Point of Beginning**. Thence, N 2° E approximately 120 feet to the North Right-of-way of Tualatin Valley Highway. Thence, following said Right-of-way westerly approximately 1875 feet to a point on the North Right-of-way of Tualatin Valley Highway and the West Right-of-way of an unnamed Private street. Thence South ~~along the City Limits of the City of Cornelius~~ approximately 120 feet to the South Right-of-way of Tualatin Valley Highway. Thence, East along the said Right-of-way and the City limits approximately 181 feet. Thence, South 279.19 feet along the Cornelius City Limits to the North Right-of-way of the Southern Pacific Railway. Thence, South 80° 39' 38" E along said Right-of-way approximately 818 feet to the Southwest corner of Parcel III as shown on Washington County Survey #19330. Thence, South 80° 39' 38" E along said Right-of-way 717.09 feet to the Southeast corner of Parcel II show on Washington County Survey #19330 being a point on the West Right-of-way of a unnamed Public roadway. Thence, following the same course (South 80° 39' 38" E) crossing said Public roadway approximately 35 feet to its East Right-of-way and following the same course 138.2 feet. Thence, N 0° 22' E 557 feet to the **Point of Beginning**.

**ANNEXATION CERTIFIED**

BY 

JAN 27 2006

**WASHINGTON COUNTY A&T**  
**CARTOGRAPHY**