Final Documents

for

Annexation to

Metro

WA1408

Order/Res: 08-1199

Annexation: AN-02-08

DOR: 34-1926-2008

Secretary of State: AN 2008-0204

Office of the Secretary of State

BILL BRADBURY
Secretary of State

Archives Division
MARY BETH HERKERT
Director

800 Summer St. NE
Salem, Oregon 97310
(503) 373-0701

Facsimile (503) 373-0953

December 8, 2008

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 December 1, 2008, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
2008-16 (Tigard)	AN 2008-0203
08-1199 (Metro)	AN 2008-0204
2513 & 2528 (Lake Oswego)	AN 2008-0205

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

Linda Bjornstad
Official Public Documents

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

November 14, 2008

Linda Martin
Metro
Data Resources Department
600 N.E. Grand Avenue
Portland, Oregon 97232

RE: Final Boundary Change Documents

Dear Linda,

Attached is the final packet for Boundary Change Proposal No. AN-02-08, annexation to Metro. If you have any questions please let me know.

Ken Martin

DOR 34-1926-2008

Notice to Taxing Districts

ORS 308.225

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

Metropolitan Service Dist. (Metro)
Budget Officer
600 NE Grand Ave
Portland, OR 97232-2736

Description and Map Approved
November 13, 2008
As Per ORS 308.225

☒ Description ☒ Map received from: KEN MARTIN
On: 10/31/2008

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

ANNEX TO METRO JURISDICTIONAL BOUNDARY(AN-02-08)

ORD. #08-1199/ WA-1408

has been: ☒ Approved 11/13/2008
☐ Disapproved

Notes:

Parcel 1, Lines 4 & 23: Typo: "Lennox" should be "Lenox".
Parcel 2, Lines 24 & 25: Typo: "Lennox" should be "Lenox".
Parcel 2, Line 24: Typo: Delete "an".
These changes need to be amended into the final documents.

Department of Revenue File Number: 34-1926-2008

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

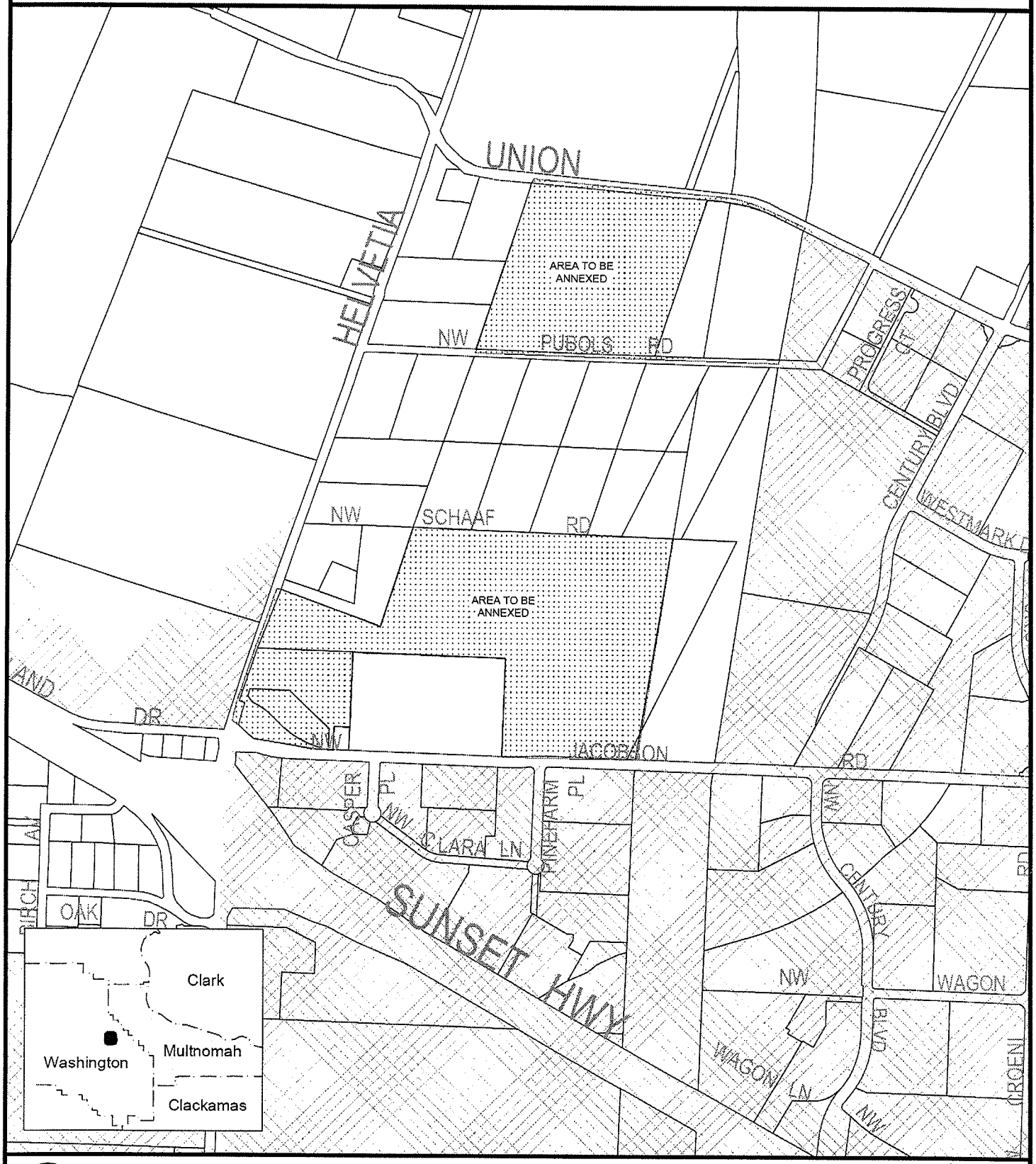
AN-02-08

Attachment 2
Ordinance No. 08-1199

1N2W15

Annexation to Metro Boundary

WASHINGTON COUNTY



Data Resource Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
http://www.metro-region.org/drc

METRO

Metro Boundary
Areas to be annexed

Ken Martin Consulting
P.O. Box 29079
Portland, OR 97296-9079
(503) 222-0955

KMC

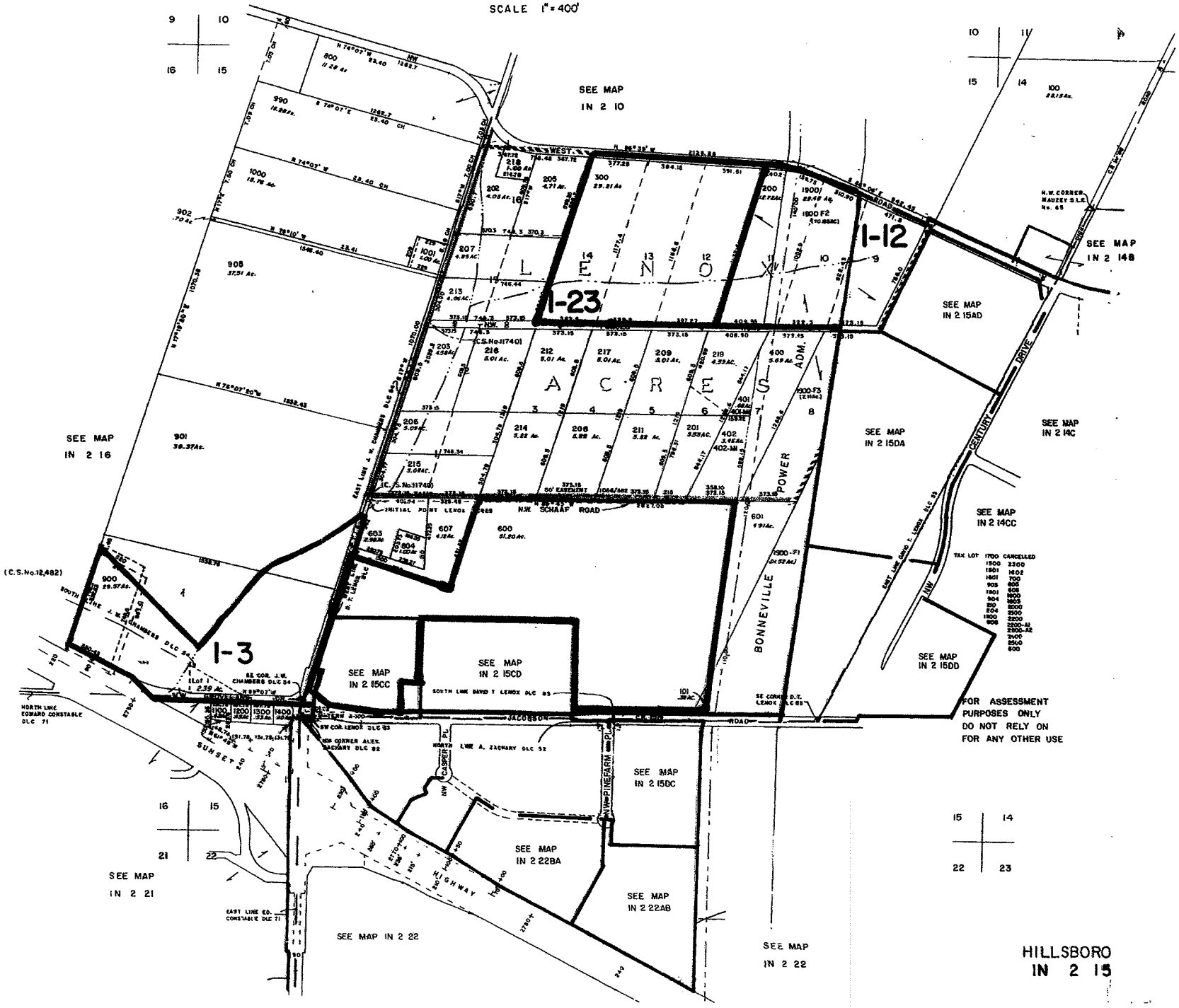
1:10,000

SECTION 15 T1N R2W WM

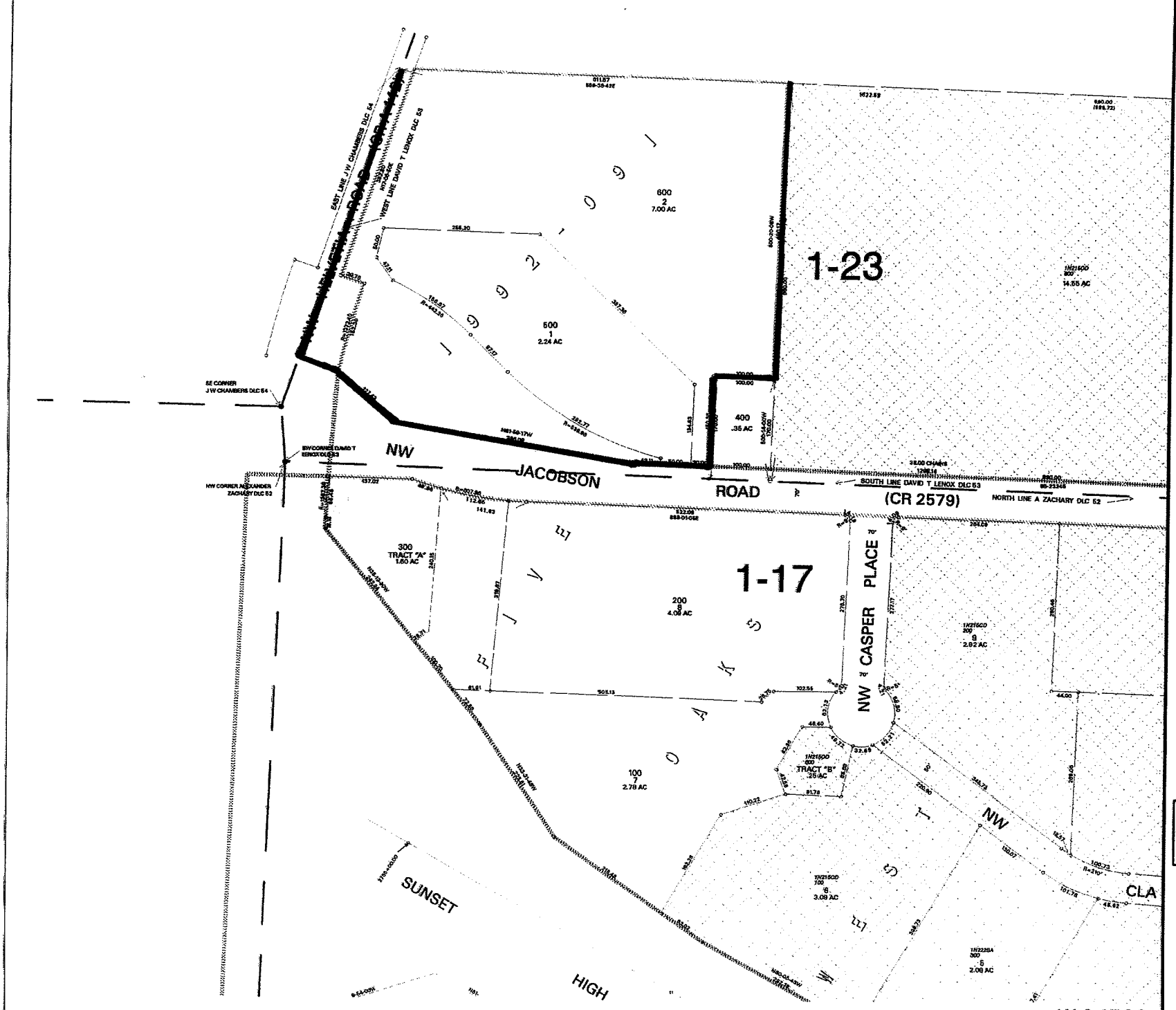
WASHINGTON COUNTY OREGON

SCALE 1" = 400'

IN 2 15



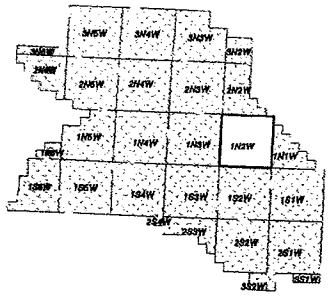
HILLSBORO
IN 2 15



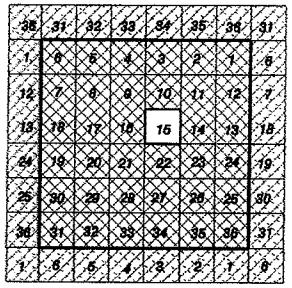
dlg1n2w15

1N 2 15CC

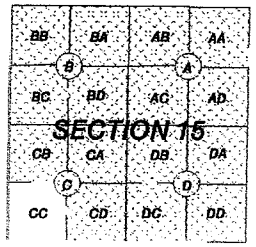
1N 2 15CC



WASHINGTON COUNTY OREGON
SW1/4 SW1/4 SECTION 15 T1N R2W W.M.
SCALE 1" = 100'



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us



Assessment
CARTOGRAPHY
Taxation

PLOT DATE: February 18, 2005
FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE

Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

HILLSBORO
1N 2 15CC

DOR 34-P464-2008
Preliminary Review

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

Ken Martin Consulting
Ken Martin
Attn: Ken Martin
P.O. Box 29079
Portland, OR 97296-9079

Date: 10/17/2008

This letter is to inform you that the map and description for your PLANNED Annex to Metro(1N2W15--Helvetia Rd area) (WA-1408 (AN-02-08)) 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 in final form before March 31, 2009 per ORS 308.225.

Preliminary Review

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

DOR 34-P464-2008
Preliminary Review

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

Ken Martin Consulting
Ken Martin
Attn: Ken Martin
P.O. Box 29079
Portland, OR 97296-9079

Date: 10/1/2008

This letter is to inform you that the map and description for your PLANNED Annex to Metro(1N2W15--Helvetia Rd area) in Washington County have been reviewed per your request. They DO NOT MEET the requirements for use with an Order, Ordinance, or Resolution in accordance ORS 308.225.

Parcel 2, Lines 15 & 18: Map and description do not match. Map 1N2W15 is highlighted along east right-of-way line, description follows the centerline of NW Helvetia Road.

Parcel 2, Line 24: Delete "an".

Parcel 2, Line 28-30: Map and description do not match. Map 1N2W15 is highlighted along centerline, description follows north right-of-way line of NW Jacobson Road.

Items for your consideration that do not affect approval:
If there is a survey with the bearings and distances used in this description, could you send it?

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

City of Hillsboro
Annex 3-08: Baker et. al.
Proposed legal description
MF June 2, 2008

Exhibit 'A', page 1

PARCEL 1

A tract of land located in the northeast one-quarter and northwest one-quarter of Section 15, Township 1 North, Range 2 West, Willamette Meridian, Washington County, Oregon, being more particularly described as follows:

Beginning at the southwest corner Lot 14, Lennox Acres, a duly recorded subdivision in said county;

thence North 17°06'41" East, along the west boundary of said lot, a distance of 1198.76 feet to centerline of NW West Union Road;

thence South 86°30'55" East, along the centerline of said road, a distance of 1264.42 feet to a point of curvature therein;

thence, continuing along said centerline, along the arc of a 718.89 foot radius curve to the right, through a central angle of 20°38'30" an arc distance of 258.99 feet, the chord of which bears South 76°11'40" East, 257.59 feet to a point of tangency therein;

thence continuing along said centerline, South 65°52'25" East a distance of 261.18 feet to its intersection with the east boundary of the 500 foot wide Bonneville Power Administration power line right-of-way as described in Book 702,Page 303, in deed records of said county;

thence South 7°17'33" West, along said east boundary, a distance of 31.34 feet to the south right-of-way line of NW West Union Road;

thence along said south right-of-way line, North 65°52'25" West a distance of 270.25 feet to a point of curvature therein;

thence, continuing along south right-of-way line, along the arc of a 688.89 foot radius curve to the left, through a central angle of 20°38'30" an arc distance of 248.18 feet, the chord of which bears North 76°11'40" West, 246.84 feet to a point of tangency therein;

thence, continuing along south right-of-way line, North 86°30'55" West a distance of 119.22 feet to the east boundary Lot 12, Lennox Acres;

thence South 17° 06'10" West, along said east boundary, a distance of 1081.26 feet to the north right-of-way line of NW Pubols Road;

thence South 89° 38' 40" East, along said right-of-way line, a distance of 813.06 feet to its intersection with the east boundary of the 500 foot wide Bonneville Power Administration power line right-of-way as described in Book 702,Page 303, in deed records of said county;

thence South 7°17'33" West, along said east boundary, a distance of 20.15 feet to the centerline of NW Pubols Road;

thence North 89°38'40" West, along said centerline, a distance of 1986.52 feet to the place of beginning.

PARCEL 2

A tract of land located in the southeast one-quarter and southwest one-quarter of Section 15, Township 1 North, Range 2 West, Willamette Meridian, Washington County, Oregon, being more particularly described as follows:

Beginning at the northeast corner of Parcel 2, Partition Plat 1992-091, a duly recorded subdivision in said county;

thence tracing the boundary of said plat through the following seven courses:

South 0°20'08" West a distance of 490.17 feet to an angle point therein;
North 89°39'52"West a distance of 100.00 feet to an angle point therein;
South 0°19'25" West a distance of 150.35 feet to an angle point therein;
North 89°40'13" West a distance of 123.11 feet to an angle point therein;
North 81°59'17" West a distance of 396.08 feet to an angle point therein;
North 50°13'55" West a distance of 127.43 to a point;

thence, leaving said boundary, North 72°53'10" West a distance of 60.36 feet to the centerline of NW Helvetia Road (C.R. A-142);

thence along said centerline, tracing the arc of a 1432.40 foot radius non-tangent curve to the right, an arc distance of 126.10 feet, through a central angle of 5°02'38", the chord of which bears North 13°32'35" East, 126.06';

thence North 17°06'50" East, along the said centerline, a distance of 799.79 feet to the projection of the southerly boundary of that tract of land described in deed to Junhi and Haesoon Hong, recorded 12/06/1994 as document number 94109096 in deed records of said county;

thence South 72°53'10" East, along said projection and southerly boundary, a distance of 710.0 feet to the southeast corner of said Hong tract;

thence North 17°06'50" East, along the east boundary of said Hong tract, a distance of 621.68 feet to the northeast corner thereof a point on the south boundary of Lennox Acres;

thence South 89° 39'30" East, along the south boundary of said Lennox Acres, a distance of 1697.18 feet to its intersection with the west boundary of the 500 foot wide Bonneville Power Administration power line right-of-way as described in Book 702, Page 303, in deed records of said county;

thence South 7°17'33" West, along said west boundary, a distance of 1425.33 feet to the north right-of-way line of NW Jacobson Road (C.R. 2579);

thence North 89°40'16" West, along said right-of-way line, a distance of 535.84 feet to a point of curvature therein;

thence, tracing said right-of-way line, along the arc of a 2035.0 foot radius curve to the left, through a central of 4°57'49", an arc distance of 176.29 feet , the chord of which bears South 87°50'49" West, 176.24 feet, to a point of reverse curvature;

thence, tracing said right-of-way line, along the arc of a 1965.0 foot radius curve to the right, through a central of 4°57'26", an arc distance of 170.01 feet , the chord of which bears South 87°50'38" West, 169.96 feet, to the east boundary of the Coan tract as described in document number 2003-079510, recorded 5-19-2003 in deed record of said county ;

thence North 0°20'08" East, along said east boundary, a distance of 640.05 feet to the northeast corner thereof;

thence North 89°38'42" West, along the north boundary of said Coan tract, a distance of 990.00 feet to the place of beginning.

ANNEXATION CERTIFIED
BY _____
JUN 0 3 2008
WASHINGTON COUNTY A & T
CARTOGRAPHY

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING LANDS ON THE EAST SIDE OF NW HELVETIA RD. SOUTH OF WEST UNION RD. AND NORTH OF JACOBSON RD. TO THE METRO JURISDICTIONAL BOUNDARY	)	ORDINANCE NO. 08-1199
	)	Introduced by Council President, David Bragdon

WHEREAS, the duty and authority to review and approve annexations to the Metro jurisdictional boundary is granted to Metro pursuant to Oregon Revised Statute 268.354 (3) (c); and

WHEREAS, Metro received a complete petition from the property owners and registered voters of a certain tract of land depicted on the attached map and described in Exhibit A to this ordinance, requesting that their property be annexed to Metro; and

WHEREAS, Metro received written consent from a majority of the electors in the territory to be annexed and owners of more than half the land in the territory proposed to be annexed, as required by ORS 198.855 (3); and

WHEREAS, Metro Council in Ordinance No. 04-1040B, For the Purpose of Amending the Metro Urban Growth Boundary, the Regional Framework Plan and the Metro Code to Increase the Capacity of the Boundary to Accommodate Growth in Industrial Employment to the Year 2022 adopted on June 24, 2004 to include the territory described in Exhibit A; and

WHEREAS, a report was prepared as required by law and Metro having considered the report and the testimony at the public hearing, does hereby favor annexation of the subject property based on the findings and reasons for decision attached hereto as Exhibit B; now therefore

THE METRO COUNCIL ORDAINS;

The territory described in Exhibit A and depicted on the attached map is hereby annexed to the Metro jurisdictional boundary.

ADOPTED by the Metro Council this 18th day of September 2008.

David Bragdon, Council President

Officially Approved
Consiglio Metropolitano
Approvato Ufficialmente
METRO COUNCIL
Metro Council

ATTEST:

Christina Billington, Recording Secretary

Approved as to Form

Daniel Cooper, Metro Attorney

Ordinance No. 08-1199
Exhibit A
Legal/Territorial Description of Property

City of Hillsboro
Annex 3-08; Baker et. al.
Proposed legal description
MF June 2, 2008

Exhibit 'A', page 1

PARCEL 1

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thence South 86°30'55" East, along the centerline of said road, a distance of 1264.42 feet to a point of curvature therein;

thence, continuing along said centerline, along the arc of a 718.89 foot radius curve to the right, through a central angle of 20°38'30" an arc distance of 258.99 feet, the chord of which bears South 76°11'40" East, 257.59 feet to a point of tangency therein;

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thence along said south right-of-way line, North 65°52'25" West a distance of 270.25 feet to a point of curvature therein;

thence, continuing along south right-of-way line, along the arc of a 688.89 foot radius curve to the left, through a central angle of 20°38'30" an arc distance of 248.18 feet, the chord of which bears North 76°11'40" West, 246.84 feet to a point of tangency therein;

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thence South 89° 38' 40" East, along said right-of-way line, a distance of 813.06 feet to its intersection with the east boundary of the 500 foot wide Bonneville Power Administration power line right-of-way as described in Book 702,Page 303, in deed records of said county;

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thence tracing the boundary of said plat through the following seven courses:

South 0°20'08" West a distance of 490.17 feet to an angle point therein;
North 89°39'52"West a distance of 100.00 feet to an angle point therein;
South 0°19'25" West a distance of 150.35 feet to an angle point therein;
North 89°40'13" West a distance of 123.11 feet to an angle point therein;
North 81°59'17" West a distance of 396.08 feet to an angle point therein;
North 50°13'55" West a distance of 127.43 to a point;

thence, leaving said boundary, North 72°53'10" West a distance of 60.36 feet to the centerline of NW Helvetia Road (C.R. A-142);

thence along said centerline, tracing the arc of a 1432.40 foot radius non-tangent curve to the right, an arc distance of 126.10 feet, through a central angle of 5°02'38", the chord of which bears North 13°32'35" East, 126.06';

thence North 17°06'50" East, along the said centerline, a distance of 799.79 feet to the projection of the southerly boundary of that tract of land described in deed to Junhi and Haesoon Hong, recorded 12/06/1994 as document number 94109096 in deed records of said county;

thence South 72°53'10" East, along said projection and southerly boundary, a distance of 710.0 feet to the southeast corner of said Hong tract;

thence North 17°06'50" East, along the east boundary of said Hong tract, a distance of 621.68 feet to the northeast corner thereof an a point on the south boundary of Lennox Acres;

thence South 89° 39'30" East, along the south boundary of said Lennox Acres, a distance of 1697.18 feet to its intersection with the west boundary of the 500 foot wide Bonneville Power Administration power line right-of-way as described in Book 702, Page 303, in deed records of said county,

thence South 7°17'33" West, along said west boundary, a distance of 1425.33 feet to the north right-of-way line of NW Jacobson Road (C.R. 2579);

thence North 89°40'16" West, along said right-of-way line, a distance of 535.84 feet to a point of curvature therein;

thence, tracing said right-of-way line, along the arc of a 2035.0 foot radius curve to the left, through a central of 4°57'49", an arc distance of 176.29 feet , the chord of which bears South 87°50'49" West, 176.24 feet, to a point of reverse curvature;

thence, tracing said right-of-way line, along the arc of a 1965.0 foot radius curve to the right, through a central of 4°57'20", an arc distance of 170.01 feet , the chord of which bears South 87°50'38" West, 169.96 feet, to the east boundary of the Coan tract as described in document number 2003-079510, recorded 5-19-2003 in deed record of said county ;

thence North 0°20'08" East, along said east boundary, a distance of 640.05 feet to the northeast corner thereof;

thence North 89°38'42" West, along the north boundary of said Coan tract, a distance of 990.00 feet to the place of beginning.

ANNEXATION CERTIFIED
BY _____
JUN 0 3 2008
WASHINGTON COUNTY A & T.
CARTOGRAPHY

Ordinance No. 08-1199
Exhibit B

FINDINGS

Based on the study and the public hearing, the Council found:

1. The territory is located on the west edge of the District on the east side of NW Helvetia Rd. north of NW Jacobson Rd. and south of West Union Road. The territory contains 99.41 acres and 2 single family dwellings, two commercial structures and is valued at $255,630.

2. The annexation is being sought to continue the process which will lead to development of the property. The property has been included in the Urban Growth Boundary and annexed to the City of Hillsboro. The City developed the Concept Plan for the area (Helvetia Area Industrial Plan) and adopted it on February 5, 2008. The Metro Functional Plan requires that the entity responsible for the Concept Plan make annexation to the Metro jurisdictional boundary a requirement of the Plan. This annexation will meet that requirement.

3. Oregon Revised Statute 198.850 (2) directs the Council 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 Chapter 3.09 of the Metro Code. That Code states:

   > (e) The following criteria shall apply in lieu of the criteria set forth in subsection (d) of section 3.09.050. The Metro Council's final decision on a boundary change shall include findings and conclusions that demonstrate:
   >
   > 1. The affected territory lies within the UGB;
   > 2. The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services; and
   > 3. The proposed change is consistent with any applicable cooperative or urban service agreements adopted pursuant to ORS chapter 195.

   Additionally Metro Code 3.09.050 (b) requires issuance of a report that addresses:

   (1) The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;
   (2) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and
   (3) The proposed effective date of the boundary change."

a. Tax Lot 300 abutting West Union Road slopes gradually to the south. The other properties

adjacent to NW Jacobson Rd., slope towards the north west and contain agricultural fields.

To the south (across NW Jacobson) lies an industrial subdivision. To the east, inside the Urban Growth Boundary (UGB), is farmland. To the north and west, outside the UGB, lies farmland.

5. This territory abuts the Metro jurisdictional boundary on the south and east.

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 Plan and the Regional Transportation Plan.

The Urban Growth Management Functional Plan contains only one provision in its Title 11 component which speaks to annexations and prescribes a directly applicable standard or criterion for an annexation boundary change. Title 11, Section 3.07.1110.A, Interim Protection of Areas Brought into the Urban Growth Boundary, concerns "annexations" of land added to the UGB. It requires local comprehensive plan amendments for land added to the UGB to include "provisions for annexation to the (Metro) district and to a city or any necessary service district prior to urbanization of the territory . . . to provide all required urban services". By its terms, this Title 11 provision requires local comprehensive plans to assure the provision of adequate public facilities and services to land added to the UGB. This is to be accomplished through annexation of such lands to the Metro District, the affected city and/or any special service district responsible for providing such facilities and services to the land prior to its urban development. The land has been annexed to a City which can provide adequate urban services.

The Regional Transportation Plan was examined and found not to contain any directly applicable standards and criteria for boundary changes.

This area was added to the UGB by the Metro Council in 2004 (Metro Ordinance No. 04-1040B).

6. The territory was annexed to the City of Hillsboro on June 17, 2008. The territory has been designated HSID –Helvetia Area Special Industrial District. Because this area was only recently added to the Regional Urban Growth Boundary it was not included Urban Service Agreement adopted pursuant to ORS 195.

7. Water service is available from a Tualatin Valley Water district line in NW West Union Road 2000 feet west of the site. Sewer service is available from a City line along the western City limit line 1000 feet east of the site. The City has storm sewer lines adjacent in NW Jacobson Road and

2000 feet west in NW West Union Road. NW Helvetia Rd., West Union Rd. and Jacobson Road serve the site.

8. Metro provides a number of services on the regional level. Primary among these is regional land use planning and maintenance of the regional Urban Growth Boundary. Metro has provided this service to this site through the process of reviewing and approving the inclusion of this area in the UGB.

Metro provides some direct park service at what are basically regional park facilities and has an extensive green spaces acquisition program funded by the region's voters. Metro is responsible for solid waste disposal including the regional transfer stations and contracting for the ultimate disposal at Arlington. The District runs the Oregon Zoo and other regional facilities such as the Convention Center and the Performing Arts Center. These are all basically regional services provided for the benefit of and paid for by the residents within the region. These facilities are funded through service charges, excise taxes and other revenues including a small tax base for operating expenses at the Zoo and tax levies for bonded debt.

Metro has no service agreements with local governments that would be relative to district annexation in general or to this particular site.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Council concluded:

1. Oregon Revised Statutes 198 requires the Council to consider the local comprehensive plan when deciding a boundary change. The Council has reviewed the applicable comprehensive plan which is the Hillsboro Comprehensive Plan and finds that it contains no directly applicable criteria for making district boundary change decisions.

2. Oregon Revised Statutes 198 also requires consideration of "any service agreement executed between a local government and the affected district." As noted in Finding No. 6 the no Urban Service Agreement is in effect for this area.

3. Metro Code 3.09.070 (e) (1) establishes inclusion of the territory within the Urban Growth Boundary as one criterion for any annexation subject to the Metro rules. The Council has made such a determination as noted in Finding No. 5. Therefore the Council finds this proposed annexation to be consistent with that criterion.

4. The final criterion to be considered under the Metro Code 3.09.120 (e) (2) is "The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services." As noted in Finding 6 the territory has been annexed to Hillsboro and as stated in Finding 7 the City has necessary urban services available. The Council concludes this criterion is met.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 08-1199 FOR THE PURPOSE OF ANNEXING LANDS ON THE EAST SIDE OF NW HELVETIA RD. SOUTH OF WEST UNION RD. AND NORTH OF JACOBSON RD. TO THE METRO JURISDICTIONAL BOUNDARY

Date: August 28, 2008

Prepared by: Ken Martin, Annexation Staff

SECTION I: APPLICATION SUMMARY

CASE:	AN-0208, Annexation To Metro Jurisdictional Boundary
APPLICANT:	Owners of 100% Land Area of Three Properties
PROPOSAL:	The petitioners are requesting annexation to the Metro boundary following the Metro Council's addition of the property to the Urban Growth Boundary and the subsequent annexation of the property to the city of Hillsboro on June 17, 2008.
LOCATION:	The territory is located on the north edge of the District on the east side of NW Helvetia Rd. north of NW Jacobson Rd. and south of West Union Road. (See Figure 1).
PLAN/ZONING	City of Hillsboro HSID – Helvetia Area Special Industrial District.
APPLICABLE REVIEW CRITERIA:	ORS Chapter 198, Metro Code 3.09

SECTION II: STAFF RECOMMENDATION

Staff recommends adoption of Ordinance No. 08-1199 approving Boundary Change Proposal No. AN-0208, annexation to Metro.

SECTION III: BACKGROUND INFORMATION

Initiation: Proposal No. AN-0208 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).

Site Information: The territory is located on the west edge of the District on the east side of NW Helvetia Rd. north of NW Jacobson Rd. and south of West Union Road. The territory contains 99.41 acres and 2 single family dwellings, two commercial structures and is valued at $255,630.

REASON FOR ANNEXATION

The annexation is being sought to continue the process which will lead to development of the property. The property has been included in the Urban Growth Boundary and annexed to the City of Hillsboro. The City developed the Concept Plan for the area (Helvetia Area Industrial Plan) and adopted it on February 5, 2008. The Metro Functional Plan requires that the entity responsible for the Concept Plan make annexation to the Metro jurisdictional boundary a requirement of the Plan. This annexation will meet that requirement.

CRITERIA

Oregon Revised Statute 198.850 (2) directs the Council 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 Chapter 3.09 of the Metro Code. That Code states:

> (e) The following criteria shall apply in lieu of the criteria set forth in subsection (d) of section 3.09.050. The Metro Council's final decision on a boundary change shall include findings and conclusions that demonstrate:
>
> 1. The affected territory lies within the UGB;
> 2. The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services; and
> 3. The proposed change is consistent with any applicable cooperative or urban service agreements adopted pursuant to ORS chapter 195.

Additionally Metro Code 3.09.050 (b) requires issuance of a report that addresses:

(1) The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;
(2) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and
(3) The proposed effective date of the boundary change."

LAND USE PLANNING

SITE CHARACTERISTICS

Tax Lot 300 abutting West Union Road slopes gradually to the south. The other properties adjacent to NW Jacobson Rd., slope towards the north west and contain agricultural fields.

To the south (across NW Jacobson) lies an industrial subdivision. To the east, inside the Urban Growth Boundary (UGB), is farmland. To the north and west, outside the UGB, lies farmland.

REGIONAL PLANNING

This territory abuts the Metro jurisdictional boundary on the south and east.

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 Plan and the Regional Transportation Plan.

The Urban Growth Management Functional Plan contains only one provision in its Title 11 component which speaks to annexations and prescribes a directly applicable standard or criterion for an annexation boundary change. Title 11, Section 3.07.1110.A, Interim Protection of Areas Brought into the Urban Growth Boundary, concerns "annexations" of land added to the UGB. It requires local comprehensive plan amendments for land added to the UGB to include "provisions for annexation to the (Metro) district and to a city or any necessary service district prior to urbanization of the territory . . . to provide all required urban services". By its terms, this Title 11 provision requires local comprehensive plans to assure the provision of adequate public facilities and services to land added to the UGB. This is to be accomplished through annexation of such lands to the Metro District, the affected city and/or any special service district responsible for providing such facilities and services to the land prior to its urban development. The land has been annexed to a City which can provide adequate urban services.

The Regional Transportation Plan was examined and found not to contain any directly applicable standards and criteria for boundary changes.

Urban Growth Boundary Change

This area was added to the UGB by the Metro Council in 2004 (Metro Ordinance No. 04-1040B).

CITY PLANNING

The territory was annexed to the City of Hillsboro on June 17, 2008. The territory has been designated HSID – Helvetia Area Special Industrial District. Because this area was only recently added to the Regional Urban Growth Boundary it was not included Urban Service Agreement adopted pursuant to ORS 195.

FACILITIES AND SERVICES

Public Services. Water service is available from a Tualatin Valley Water district line in NW West Union Road 2000 feet west of the site. Sewer service is available from a City line along the western City limit line 1000 feet east of the site. The City has storm sewer lines adjacent in NW Jacobson Road and 2000 feet west in NW West Union Road. NW Helvetia Rd., West Union Rd. and Jacobson Road serve the site.

Metro Services. Metro provides a number of services on the regional level. Primary among these is regional land use planning and maintenance of the regional Urban Growth Boundary. Metro has provided this service to this site through the process of reviewing and approving the inclusion of this area in the UGB.

Metro provides some direct park service at what are basically regional park facilities and has an extensive green spaces acquisition program funded by the region's voters. Metro is responsible for solid waste disposal including the regional transfer stations and contracting for the ultimate disposal at Arlington. The District runs the Oregon Zoo and other regional facilities such as the Convention Center and the Performing Arts Center. These are all basically regional services provided for the benefit of and paid for by the residents within the region. These facilities are funded through service charges, excise taxes and other revenues including a small tax base for operating expenses at the Zoo and tax levies for bonded debt.

Metro has no service agreements with local governments that would be relative to district annexation in general or to this particular site.

SECTION IV: ANALYSIS/INFORMATION

1. **Known Opposition** - There is no known opposition to this annexation. No one has contacted staff on this matter despite extensive notification which included posting and publishing of notices and notices to surrounding property owners.
2. **Legal Antecedents** - This annexation is a follow-up to the UGB change passed by the Council as Ordinance 04-1040B. The annexation is being processed under provisions of ORS 198 and Metro Code 3.09.
3. **Anticipated Effects** - No significant effect is anticipated. The uses allowed on this site will be under the control of the City of Hillsboro and as anticipated by the Metro UGB expansion.
4. **Budget Impacts** - None

SECTION V: SUMMARY AND RECOMMENDATION

This petition seeks to annex approximately 99.41 acres of land into the Metro Jurisdictional boundary in order to provide for future industrial development within the City of Hillsboro. Based on the study above and the proposed Findings and Reasons For Decision found in Attachment A, the staff recommends that Proposed Annexation No. AN-0208 be ***approved***. This approval should be implemented by adoption of Ordinance No. 08-1199 (attached).

Attachment 1
Proposal No. AN-0208

Ordinance No. 08-1199 Attachment 2
FINDINGS

Based on the study and the public hearing, the Council found:

1. The territory is located on the west edge of the District on the east side of NW Helvetia Rd. north of NW Jacobson Rd. and south of West Union Road. The territory contains 99.41 acres and 2 single family dwellings, two commercial structures and is valued at $255,630.

2. The annexation is being sought to continue the process which will lead to development of the property. The property has been included in the Urban Growth Boundary and annexed to the City of Hillsboro. The City developed the Concept Plan for the area (Helvetia Area Industrial Plan) and adopted it on February 5, 2008. The Metro Functional Plan requires that the entity responsible for the Concept Plan make annexation to the Metro jurisdictional boundary a requirement of the Plan. This annexation will meet that requirement.

3. Oregon Revised Statute 198.850 (2) directs the Council 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 Chapter 3.09 of the Metro Code. That Code states:

   > (e) The following criteria shall apply in lieu of the criteria set forth in subsection (d) of section 3.09.050. The Metro Council's final decision on a boundary change shall include findings and conclusions that demonstrate:
   >
   > 1. The affected territory lies within the UGB;
   > 2. The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services; and
   > 3. The proposed change is consistent with any applicable cooperative or urban service agreements adopted pursuant to ORS chapter 195.

   Additionally Metro Code 3.09.050 (b) requires issuance of a report that addresses:

   (1) The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service;
   (2) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and
   (3) The proposed effective date of the boundary change."

a. Tax Lot 300 abutting West Union Road slopes gradually to the south. The other properties adjacent to NW Jacobson Rd., slope towards the north west and contain agricultural fields.

To the south (across NW Jacobson) lies an industrial subdivision. To the east, inside the Urban

Growth Boundary (UGB), is farmland. To the north and west, outside the UGB, lies farmland.

5. This territory abuts the Metro jurisdictional boundary on the south and east.

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 Plan and the Regional Transportation Plan.

The Urban Growth Management Functional Plan contains only one provision in its Title 11 component which speaks to annexations and prescribes a directly applicable standard or criterion for an annexation boundary change. Title 11, Section 3.07.1110.A, Interim Protection of Areas Brought into the Urban Growth Boundary, concerns "annexations" of land added to the UGB. It requires local comprehensive plan amendments for land added to the UGB to include "provisions for annexation to the (Metro) district and to a city or any necessary service district prior to urbanization of the territory . . . to provide all required urban services". By its terms, this Title 11 provision requires local comprehensive plans to assure the provision of adequate public facilities and services to land added to the UGB. This is to be accomplished through annexation of such lands to the Metro District, the affected city and/or any special service district responsible for providing such facilities and services to the land prior to its urban development. The land has been annexed to a City which can provide adequate urban services.

The Regional Transportation Plan was examined and found not to contain any directly applicable standards and criteria for boundary changes.

This area was added to the UGB by the Metro Council in 2004 (Metro Ordinance No. 04-1040B).

6. The territory was annexed to the City of Hillsboro on June 17, 2008. The territory has been designated HSID –Helvetia Area Special Industrial District. Because this area was only recently added to the Regional Urban Growth Boundary it was not included Urban Service Agreement adopted pursuant to ORS 195.

7. Water service is available from a Tualatin Valley Water district line in NW West Union Road 2000 feet west of the site. Sewer service is available from a City line along the western City limit line 1000 feet east of the site. The City has storm sewer lines adjacent in NW Jacobson Road and 2000 feet west in NW West Union Road. NW Helvetia Rd., West Union Rd. and Jacobson Road serve the site.

8. Metro provides a number of services on the regional level. Primary among these is regional land use planning and maintenance of the regional Urban Growth Boundary. Metro has provided this service to this site through the process of reviewing and approving the inclusion of this area in the UGB.

   Metro provides some direct park service at what are basically regional park facilities and has an extensive green spaces acquisition program funded by the region's voters. Metro is responsible for solid waste disposal including the regional transfer stations and contracting for the ultimate disposal at Arlington. The District runs the Oregon Zoo and other regional facilities such as the Convention Center and the Performing Arts Center. These are all basically regional services provided for the benefit of and paid for by the residents within the region. These facilities are funded through service charges, excise taxes and other revenues including a small tax base for operating expenses at the Zoo and tax levies for bonded debt.

   Metro has no service agreements with local governments that would be relative to district annexation in general or to this particular site.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Council concluded:

1. Oregon Revised Statutes 198 requires the Council to consider the local comprehensive plan when deciding a boundary change. The Council has reviewed the applicable comprehensive plan which is the Hillsboro Comprehensive Plan and finds that it contains no directly applicable criteria for making district boundary change decisions.

2. Oregon Revised Statutes 198 also requires consideration of "any service agreement executed between a local government and the affected district." As noted in Finding No. 6 the no Urban Service Agreement is in effect for this area.

3. Metro Code 3.09.070 (e) (1) establishes inclusion of the territory within the Urban Growth Boundary as one criterion for any annexation subject to the Metro rules. The Council has made such a determination as noted in Finding No. 5. Therefore the Council finds this proposed annexation to be consistent with that criterion.

4. The final criterion to be considered under the Metro Code 3.09.120 (e) (2) is "The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services." As noted in Finding 6 the territory has been annexed to Hillsboro and as stated in Finding 7 the City has necessary urban services available. The Council concludes this criterion is met.