

Final Documents
for
Annexation to
Hillsboro

Metro proposal number WA1611

Ordinance/Resolution: 5988

Annexation: AN 4-11

DOR: 34-1994-2011

Secretary of State: AN 2011-0085

Secretary of State Effective Date: 12/1/2011

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

December 2, 2011

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

Dear Ms. Martin:

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

Ordinance/ Resolution Number(s)	Date	Our File Number
5988 [Hillsboro]	12/ 01/ 2011	AN 2011-0085

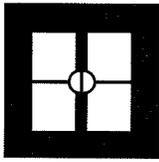
For your records please verify the effective date through the applicable ORS.

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

Sincerely,

Linda Bjornstad
Official Public Documents

Cc: Department of Revenue
ODOT
Population Research Center



BOUNDARY CHANGE SUBMISSION FORM
FINAL METRO APPROVAL

DATE: November 28, 2011

TO:

**Metro
Data Resource Center
Attn: Linda Martin
600 NE Grand Avenue
Portland, OR 97232-2736
Phone: (503) 797-1843**

FROM:

**City of Hillsboro
Planning Department
Attn: Ruth Klein
150 E. Main Street
Fourth Floor
Hillsboro, OR 97123
Phone: (503) 681-6465
Fax: (503) 681-6245**

**RE: Case File No. AN 4-11: Tellez
Ordinance No. 5988**

ATTACHED PLEASE FIND:

**Filing fee
Final letter of DOR approval
Final certified ordinances with exhibits:
 legal description, findings and County assessor tax map**

This is being sent to you as required by Metro Code 3.09.030(e).

Notice to Taxing Districts

ORS 308.225



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

City of Hillsboro
Planning Department
150 E Main St, 4th floor
Hillsboro, OR 97123

Description and Map Approved
November 23, 2011
As Per ORS 308.225

Description Map received from: Ruth Klein
On: 11/7/2011

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

ANNEX TO CITY OF HILLSBORO; WITHDRAW FROM SEVERAL DISTRICTS

ORD 5988 (AN 4-11)

has been: Approved 11/23/2011
 Disapproved

Notes:

Department of Revenue File Number: 34-1994-2011

Prepared by: Tammy Keen tammy.e.keen@state.or.us

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

ORDINANCE NO. 5988

AN 4-11: TELLEZ

AN ORDINANCE ANNEXING CERTAIN TRACTS OF LAND INTO THE CITY LIMITS OF HILLSBORO AND WITHDRAWING THE TRACTS FROM THE TERRITORIES OF WASHINGTON COUNTY RURAL FIRE PROTECTION DISTRICT NO. 2 AND WASHINGTON COUNTY SERVICE DISTRICT #1 FOR STREET LIGHTS

WHEREAS, the City received a complete petition from the property owner of certain tracts of land, described in Exhibit "A" attached to this Ordinance, requesting that the property be annexed into the City Limits of Hillsboro;

WHEREAS, the petition represented 100 percent of the property owners of the territory requesting to be annexed into the City Limits of Hillsboro as required by ORS 222.125 in order to consent to an annexation;

WHEREAS, the tracts of land can be served by City services;

WHEREAS, as permitted by ORS 222.120(2) and Metro Code Sections 3.09.045(a) the City Council dispenses with submitting the question of the proposed annexation to the electors of the City for their approval or rejection;

WHEREAS, the tracts of land are located within the Hillsboro Urban Service Area identified in the Hillsboro Urban Service Agreement (April, 2003) between and among the City of Hillsboro, Washington County, the City of Beaverton, Metro and several special service districts and is contemplated by the Agreement ultimately to become a part of the City of Hillsboro by eventual annexation of tracts of land to the City of Hillsboro;

WHEREAS, the tracts of land lie within the following districts: Washington County Rural Fire Protection District No. 2 and Washington County Service District #1 for Street Lights;

WHEREAS, notice of the proposed annexation and withdrawals has been published, mailed and posted in the manner provided by law;

WHEREAS, the City Council conducted a public hearing on this matter on October 18, 2011, and does hereby favor the annexation of the subject tracts of land and withdrawals from the districts based on the findings attached hereto as Exhibit "B";

WHEREAS, the annexation and withdrawals are not contested by any necessary party;

NOW, THEREFORE, THE CITY OF HILLSBORO ORDAINS AS FOLLOWS:

Section 1. The tracts of land, described in Exhibit "A", are declared to be annexed to the City of Hillsboro, Oregon.

Section 2. The tracts of land annexed by this ordinance and described in Section 1 are withdrawn from the following districts upon the effective date of the annexation: Washington County Rural Fire Protection District No. 2 and Washington County Service District #1 for Street Lights.

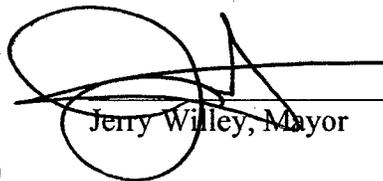
Section 3. The findings attached as Exhibit "B" are adopted. The City Recorder shall immediately file a certified copy of this Ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(f) and ORS 222.005. The annexation and withdrawals shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

Section 4. This ordinance shall be effective from and after 30 days following its passage and approval by the Mayor.

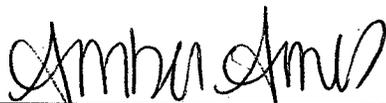
First approval of the Council on this 18th day of October 2011.

Second approval and adoption by the Council on this 1st day of November 2011.

Approved by the Mayor this 1st day of November 2011.



Jerry Willey, Mayor

ATTEST: 

Amber Ames, City Recorder

EXHIBIT A

City of Hillsboro Annexation
Annexation AN 4-11, Tellez
Proposed Legal Description
September 13, 2011, MF

A tract of land located in the southwest one-quarter of Section 10, Township 1 South, Range 2 West of the Willamette Meridian, Washington County, Oregon, being a portion of Davis Sub-Division a duly recorded subdivision in said county, said portion being more particularly described as follows:

Beginning at the southwest corner of Lot 13, Davis Sub-Division;

thence North 89°41'46" East, along the south boundary of Lots 13 and 16, of Davis Sub-Division and easterly projection thereof, a distance of 283.50 feet to the centerline of the easterly portion of SE Davis Court as dedicated by said subdivision;

thence North 1°00'00" West, along said centerline, a distance of 80.0 feet to the westerly projection of the south boundary of the Lot 28, Davis Sub-Division;

thence North 89°41'46" East, along said projection, a distance of 25.00 feet to the southwest corner of said Lot 28;

thence North 1°00'00" West, along the west boundary of said Lot 28, a distance of 69.69 feet to an angle point therein;

thence continuing along said west boundary, along the arc of a 25.00 foot radius curve to the right with an arc distance of 39.57 feet to a point on the south right-of-way line of SE Davis Road as dedicated by said subdivision;

thence South 89°41'46" West, along said south right-of-way line, a distance of 358.79 feet more or less to the centerline of the westerly portion of SE Davis Court as dedicated by said subdivision;

thence South 1°00'00" East, along said centerline, a distance of 175.00 feet to the westerly projection of the south boundary of Lot 13, Davis Sub-Division;

thence North 89°41'46" East, along said projection, a distance of 25.00 feet to the place of beginning.

EXHIBIT B

FINDINGS IN SUPPORT FILE NO. AN 4-11 TELLEZ

I. BACKGROUND INFORMATION AND SITE DESCRIPTION

A petitioner representing a property requested City Council approval for annexation of approximately 1.04 acres into the City Limits of Hillsboro. The property owner is interested in annexing due to a failed septic system and a desire to hook up to City services.

The property under consideration for annexation and concurrent zone change (File No. ZC 9-11) is located generally east of SE Brookwood Avenue, south of SE Davis Road and at the northern end of SE Davis Court. The property can be specifically identified as Tax Lots 800 and 901 on Washington County Assessor's Tax Map 1S2-10CC. The total Taxable Assessed Value is \$127,680. The property is relatively flat with a single family residential structure, detached garage and scattered trees. The property has a Washington County plan designation of FD-20 (Future Development – 20 Acre District).

The property has frontage on SE Davis Court and SE Davis Road. SE Davis Court is identified as Local Street and SE Davis Road as a Collector Street in the City of Hillsboro Transportation System Plan (TSP).

The Clean Water Services Sensitive Areas Pre-Screen Map identifies potential sensitive areas on the northwest portion of the site. The City of Hillsboro Significant Natural Resource Overlay identify no potentially sensitive areas within the sites.

II. PROCEDURAL REQUIREMENTS

In accordance with ORS 222.125 the petition for annexation from the property owners constituted 100 percent of the property owners and at least 50 percent of the registered voters residing on the property. Notice of the proposed annexation was given as specified by Metro Code Chapter 3.09.030 and ORS 222.120. A staff report was prepared and available 15 days prior to the hearing as stipulated by Metro Code Chapter 3.09.050. A public hearing on the matter was conducted by the City Council on October 18, 2011.

III. APPLICABLE APPROVAL CRITERIA

Metro Code Chapter 3.09.050(d) specifies the minimum review criteria for a proposed annexation. The six minimum applicable criteria are as follows:

- 1) *Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;*

FINDING: The Hillsboro Urban Service Agreement was adopted April 2, 2003 between the City of Hillsboro and Washington County. The subject property is part of the Hillsboro Urban Service Area and is thus subject to the terms and conditions that are contained in the Urban Service Agreement. Approval of this Petition for Annexation would be consistent with the intent and stated objectives of the Agreement. Section I.B. and I.D. designate the City as the “appropriate” and “ultimate service provider” for those areas within the Hillsboro Urban Service Boundary. Section I.G.1 states that the “City, County and Special Service Districts will develop a program for the eventual annexation of all unincorporated properties into the cities.” As an unincorporated area, annexation of the subject property would be consistent with this provision. The Witch Hazel Village Community Plan establishes the program and conditions for annexation of the site. Finally, annexation of the subject property would bring about the transition of services from County to City as specified in Section V.A. and B and Exhibits A through G.

- 2) *Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;*

FINDING: The annexation is consistent with the applicable Comprehensive Plan policies and implementation measures listed on pages 2 and 3. In particular, the annexation would be consistent with Section 23. General Development Policies (II)(I), supporting annexation phasing for land within the Witch Hazel Village Community Plan area, represented by Witch Hazel Village Figure 16: Composite Phasing Plan.

The *Hillsboro Urban Service Agreement* adopted in April, 2003 pursuant to ORS 195.065, automatically covers this site as shown on map A-1 of the Agreement. The Agreement establishes a common boundary between the Hillsboro and Beaverton Urban Service Areas called the *Beaverton/Hillsboro Urban Service Boundary* (“Boundary”). For the majority of its length the boundary follows the common school district boundary of the Beaverton and Hillsboro School Districts or the existing city limits that are east of the school district boundary. Section IV of the Agreement clearly demarcates this Boundary as the ultimate divide between the Cities of Hillsboro and Beaverton wherein land west of the Boundary is generally acknowledged under the Agreement as ultimately coming into Hillsboro while lands east of the Boundary ultimately would come into Beaverton.

Approval of the annexation is consistent with, and carries out the intent and stated purposes and objectives of the entire *Hillsboro Urban Service Agreement*. Specifically, it fulfills Sections IV.A and IV.B of the Agreement which generally declare that areas west of the Beaverton/Hillsboro Urban Service Boundary and shown on Map Exhibit A-1 to the Agreement would become part of the City of Hillsboro Urban Service Area upon its addition to the UGB.

- 3) *Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;*

FINDING: The annexation is consistent with regional framework and functional plans. Annexation approval would bring the site into Hillsboro's planning and land use regulatory jurisdiction. On February 5, 2004, the City Council approved Hillsboro Comprehensive Plan amendment, HCP 5-03, incorporating goals, policies and implementation measures, along with the Witch Hazel Community Plan document in its entirety, to guide future urbanization of the area.

In addition, the annexation is consistent with the following Comprehensive Plan policies and implementation measures:

Section 2. Urbanization Policy (III)(A) Urbanization within the planning area shall be consistent with the goals and policies of this Plan. Development shall occur according to the availability of urban services and within the context of the Urban Planning Area Agreement. The City and other government agencies shall encourage property owners to maintain the present rural use and character of undeveloped or underdeveloped lands within the Hillsboro Planning Area until such land is required and proposed for urban use and the necessary urban services are available.

Section 2. Urbanization Implementation Measure (IV)(A)(5) The infill of vacant, bypassed lands, between areas of development, at an urban level, shall be encouraged. Appropriate measures shall be taken to insure that new development in infill areas is compatible with existing developed areas. The City will support a proposed annexation of infill areas and allow subsequent development to occur under the clear and objective standards in its implementing ordinances, including the Zoning and Subdivision ordinances.

Section 2. Urbanization Implementation Measure (IV)(F) All land in the Hillsboro Planning Area is assumed to be available for annexation and/or development, consistent with the Comprehensive Plan, zoning, subdivision regulations, and the Urban Planning Area Agreement.

Section 12. Public Services Implementation Measure (V)(C)(2) The City shall require properties to annex to the City prior to the provision of sanitary sewer service.

Section 12. Public Services Implementation Measure (V)(I)(2) The City shall require properties in the urban area to annex to the City prior to the provision of water service.

In particular, the annexation would be consistent with Section 2. Urbanization Implementation Measure (IV)(A)(5), supporting the annexation of infill areas; and Section 2. Urbanization Implementation Measure (F), all land in the Hillsboro Planning Area is assumed to be available for annexation.

- 4) *Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;*

FINDING: The annexation is consistent with regional framework and functional plans. The City's current plan designation for the property is RM – Residential Medium Density which is consistent with the regional urban growth goals and objectives. The property will be rezoned to A-1 Duplex Residential pursuant to Section 97 of Hillsboro Zoning Ordinance No. 1945.

- 5) *Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;*

FINDING: There is a 10 inch City water line located in the SE Davis Road right-of-way approximately 1,000 feet west of the site. There is a 24 inch City sanitary sewer line in the SE Davis Road right-of-way adjacent to the site. There is 24 inch City storm line in the SE Davis Road right-of-way approximately 1,000 feet west of the site.

Fire and police protection would be provided by the City of Hillsboro and the property would be withdrawn from the Washington County Rural Fire Protection District No. 2 and Washington County Service District No. 1 for Street Lights as of the effective date of the annexation.

Annexation of the subject property will not interfere with the provisions of public facilities and services.

- 6) *Consistency with other applicable criteria for the boundary change in question under state and local law.*

FINDING: Pursuant to ORS 222.524, the City of Hillsboro has determined that withdrawal of the property from the Washington County Rural Fire Protection District No. 2 and Washington County Service District No. 1 for Street Lights is in the best interest of the City.

IV. TESTIMONY FROM NECESSARY PARTIES

No written testimony was received prior to or at the public hearing from a necessary party as defined in Metro Code Chapter 3.09.020(j), nor was oral testimony received by the City Council from a necessary party at the public hearing.

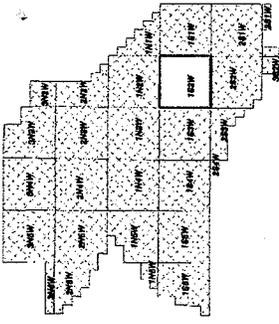
V. ADDITIONAL MATERIALS CITED BY REFERENCE AND INCLUDED IN FINDINGS

- Staff Report dated October 8, 2011.

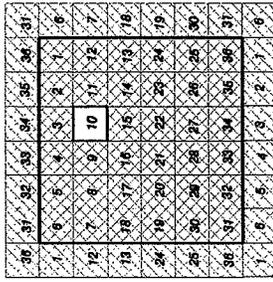
AN 4-11

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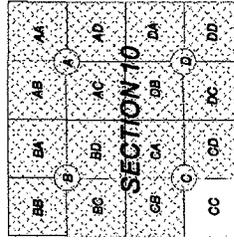
1S 2 10CC



WASHINGTON COUNTY OREGON
 SW 1/4 SW 1/4 SECTION 10 T1S R2W W.M.
 SCALE 1" = 100'



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



Cancelled Tenders For: 1S210CC
 300A-1,500,1500,1101.

SCALE 1" = 100'



PLOT DATE: May 31, 2011
 FOR ASSESSMENT PURPOSES
 ONLY - DO NOT RELY ON
 FOR OTHER USE

Map Areas delineated by either crew 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.

