

Final Documents
for
Annexation to
Clean Water Services District

WA3707
Order/Res: 08-113

DOR: 34-1922-2008
Secretary of State: SD 2008-0170



November 7, 2008

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

Dear Ms. Martin:

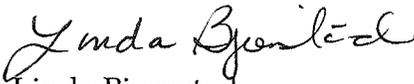
Please be advised that we have received and filed, as of November 7, 2008, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
2008-151 [Tri-City Service District #4]	SD 2008-0168
2008-152 [Tri-City Service District #4]	SD 2008-0169
08-113 [Clean Water Services District]	SD 2008-0170
08-116 [Clean Water Services District]	SD 2008-0171

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

October 24, 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. WA-3707. If you have any questions please let me know.

Ken Martin

Notice to Taxing Districts

ORS 308.225

DOR 34-1922-2008



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
October 22, 2008
As Per ORS 308.225

Description Map received from: KEN MARTIN
On: 10/17/2008

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

ANNEX TO CLEAN WATER SERVICES DIST. (WA-3707)

RES. AND ORDER #08-113

has been: Approved 10/22/2008
 Disapproved

Notes:

Items for your consideration that do not affect approval:
Line 13: Typo, spelling of "angle".
Lines 14 & 17: Typo, spelling of "extension".

Department of Revenue File Number: 34-1922-2008

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

**DOR 34-P467-2008
Preliminary Review**



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

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

Date: 10/3/2008

This letter is to inform you that the map and description for your PLANNED Annex to Clean Water Services District (1S2W25) (Proposal #3707) 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.

Items for your consideration that do not affect approval:

Line 13: Check spelling of "angle".

Lines 14 & 17: Check spelling of "extension".

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



COMMUNITY DEVELOPMENT

EXHIBIT "A"

SHEET 1 OF 2

August 13, 2008

LEGAL DESCRIPTION

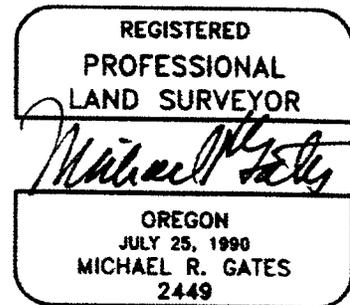
JOB NO. 0991-0002

ANNEXATION

CLEAN WATER SERVICES AND URBAN ROAD MAINTENANCE DISTRICT

A TRACT OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON. BEING A PORTION OF THE PROPERTY DESCRIBED IN DOCUMENT NO. 2007-085810, WASHINGTON COUNTY DEED RECORDS, THE BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

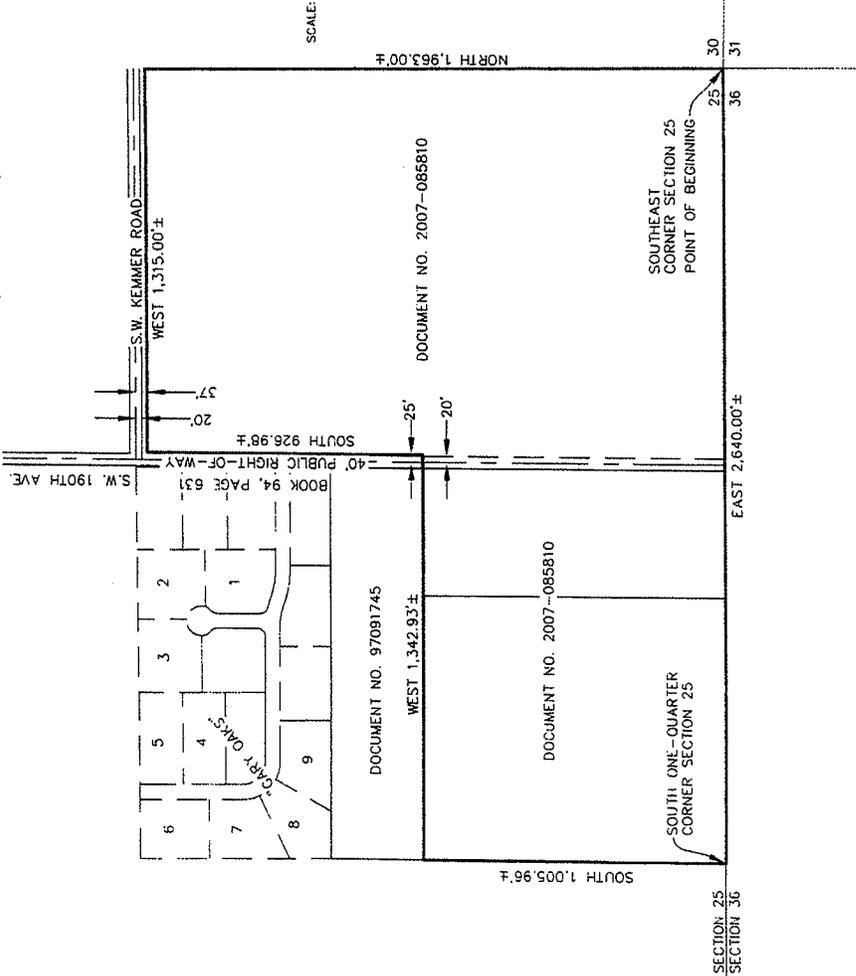
BEGINNING AT THE SOUTHEAST CORNER OF SECTION 25; THENCE ALONG THE EAST LINE OF SAID SECTION, NORTH, 1,963.00 FEET MORE OR LESS, TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF S.W. KEMMER ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, BEING PARALLEL WITH AND 37.00 FEET SOUTH OF, RIGHT-ANGLE MEASURE, THE CENTERLINE THEREOF, WEST 1,315.00 FEET MORE OR LESS, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF S.W. 190TH AVENUE; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE, ALONG SAID EAST RIGHT-OF-WAY LINE, BEING PARALLEL WITH AND 25.00 FEET EAST OF, RIGHT-ANGLE MEASURE, THE CENTERLINE THEREOF, SOUTH, 926.98 FEET MORE OR LESS, TO A POINT ON THE EASTERLY EXTENTION OF THE SOUTH LINE OF THE PROPERTY DESCRIBED IN DOCUMENT NO. 97091745; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE, ALONG SAID SOUTH LINE AND ITS EASTERLY EXTENTION, WEST, 1,342.93 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 25; THENCE ALONG SAID WEST LINE, SOUTH, 1,005.96 FEET, MORE OR LESS, TO THE SOUTH ONE-QUARTER CORNER OF SAID SECTION; THENCE ALONG THE SOUTH LINE OF SAID SECTION, EAST, 2,640.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.



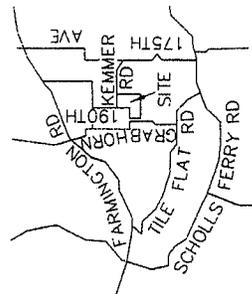
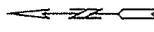
VALID UNTIL 6-30-09

EXHIBIT A

A PORTION OF THE PROPERTY DESCRIBED IN DOCUMENT NO. 2007-085810, WASHINGTON COUNTY DEED RECORDS, IN THE SOUTHEAST ONE-QUARTER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN WASHINGTON, COUNTY, OREGON



SCALE: 1" = 200'



VICINITY MAP
NOT TO SCALE



9200 SW Minerva Ave.
Beaverton, OR 97008
P: 503.493.8303 F: 503.427.8343
WWW.ALPHA-CD.COM

DATE	DESCRIPTION
08/14/08	REVISIONS
	NO. DATE DESCRIPTION

ANNEXATION
EXHIBIT

CLEAN WATER
SERVICES AND
URBAN ROAD
MAINTENANCE
DISTRICT



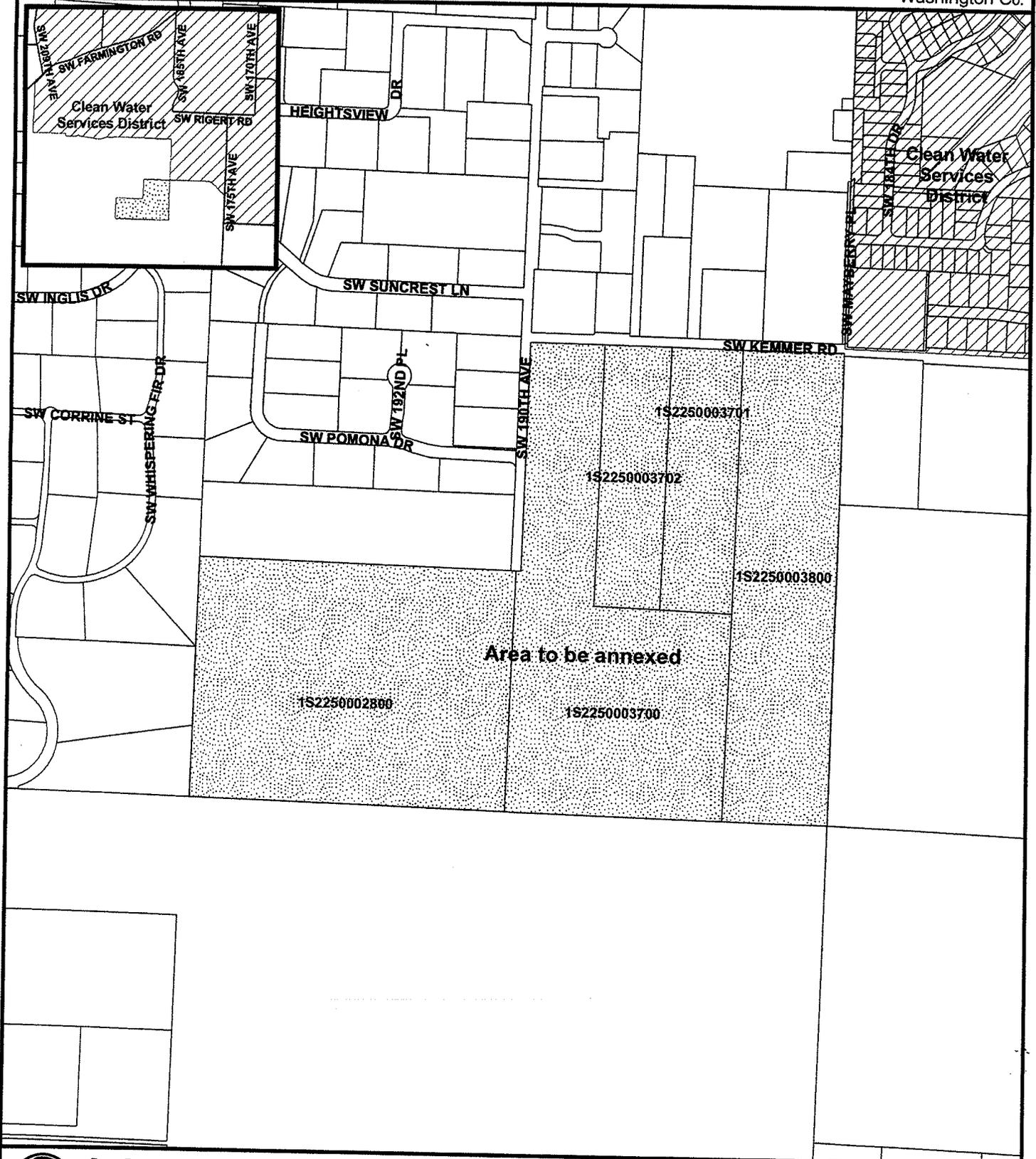
PROJECT NO.	091-002
TYPE	
REVIEWED BY	

Proposal No. WA3707

1S2W25

Annexation to Clean Water Services District

Washington Co.



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

-  Area to be annexed
-  Clean Water Services District

Figure 1

1:6,400

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Department of Land Use & Transportation (CPO 6)

Agenda Title: APPROVE THE ANNEXATION OF PROPERTY ENCOMPASSING APPROXIMATELY 89.3 ACRES TO THE CLEAN WATER SERVICE DISTRICT (WA-3707)

Presented by: Brent Curtis, Planning Manager

SUMMARY:

The county received a request from METRO to annex two parcels to the Clean Water Service District (District) in order to fulfill a condition of development approval in Casefile 07-472-D/DHA. In order for the property to receive the necessary sanitary and storm sewer service from the District, it must be annexed to the District. The properties are located generally on both sides of SW 190th Avenue and south of SW Kemmer Road. They are further identified as tax map and lot numbers 1S225/ 2800 and 3702 as depicted in Exhibit B.

Notice of today's hearing has been made in accordance with state statutory requirements. The staff report will be provided to you prior to the hearing and it will also be available at the clerk's desk. A Resolution and Order to approve 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:

Conduct the public hearing to consider the annexation of the subject property into the Clean Water Service District. Adopt a Resolution and Order approving the annexation with the approval becoming effective on November 5, 2008. Authorize the Chair to sign Resolution and Order for Service District Annexation WA-3707.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

RO 08-113

Agenda Item No.	<u>4.a.</u>
Date:	10-07-08

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IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Approving Boundary) RESOLUTION AND ORDER
Change Proposal No. WA-3707) No. 08-113

The above-entitled matter (WA-3707) came before the Board at its regular meeting on October 7, 2008; and

It appearing to the Board that this proposal involves the annexation of two tax lots (1S2250003702 and 1S2250002800) located on both sides of SW 190th Avenue, south of SW Kemmer Road, to the Clean Water Services District; and

It appearing to the Board that WA-3707 was initiated by a consent petition of all of the property owners and meets the requirement for initiation set forth in ORS 198.855 (1), ORS 198.750 and Metro Code 3.09.040 (a); and

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

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

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

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

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RESOLVED AND ORDERED that Boundary Change Proposal No. WA-3707, as described in the staff report, is hereby approved, based on the analysis, findings and conclusions set forth in Exhibit A, incorporated herein by reference; and it is further

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

RESOLVED AND ORDERED that the minor boundary change approval shall be effective on November 5, 2008 in accord with the requirements of ORS 198.747 (1) (a); and it is further

RESOLVED AND ORDERED that the County Administrator or his designees shall take all necessary steps to effectuate this proposal.

DATED this 7th day of October, 2008.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

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

Tom Brian
CHAIRMAN

Barbara Hejmanek
RECORDING SECRETARY

Date Signed: October 7, 2008

Approved as to form:

[Signature]
Sr. County Counsel for
Washington County, Oregon

FINDINGS

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

1. The proposal was initiated by a consent petition of the property owner. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (which lists minimum requirements for petitions).
2. The territory to be annexed is located generally on the south edge of the District, east and west of S.W. 190th Avenue, and south of SW Kemmer Road. The territory to be annexed consists of approximately 89.3 acres.
3. According to the application:

The lands serve as the headwater drainage to Lindow Creek. Topographic features include shallow, rocky soils with seasonally perched seeps and wetland. Vegetation includes oaks and madrone woodlands, mixed coniferous forests and a diverse prairie community. Slopes range from 3-20%.
4. The property owner desires annexation to meet a condition of approval of the development review for the Cooper Mountain Nature Park, Washington County Case File 07-472-D/DHA.
5. Oregon Revised Statute Chapter 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."

A second set of criteria can be found in the Metro Code. To approve a boundary change, the reviewing entity, the County Board, must apply the criteria and consider the factors set forth in the Code. To approve a boundary change the County must:

- (1) Find that the change is consistent with expressly applicable provisions in:
 - (A) Any applicable urban service agreement adopted pursuant to ORS 195.205;
 - (B) Any applicable annexation plan adopted pursuant to ORS 195.205;
 - (C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;
 - (D) Any applicable public facility plan adopted pursuant to a statewide

- planning goal on public facilities and services; and
- (E) Any applicable comprehensive plan; and
- (2) Consider whether the boundary change would:
 - (A) Promote the timely, orderly and economic provision of public facilities and services;
 - (B) Affect the quality and quantity of urban services; and
 - (C) Eliminate or avoid unnecessary duplication of facilities and services.
- 6. The property to be annexed is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

The law that requires Metro to adopt criteria for boundary changes specifically states that Metro shall ". . . ensure that a boundary change is in compliance with the Metro regional framework plan as defined in ORS 197.015 and cooperative agreements and urban service agreements adopted pursuant to ORS 195." ORS 197.015 says "Metro regional framework plan means the regional framework plan required by the 1992 Metro Charter or its separate components." The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

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

- 7. Conditions of Approval on the Development Review of the Cooper Mountain Nature Park & Drainage Hazard Area Alteration (Washington County Case File 07-472-D/DHA) include:

II. PRIOR TO FINAL APPROVAL:

- A. Commence annexation proceedings to the Clean Water Services District. . .
- B. Commence annexation proceedings to the Tualatin Hills Park & Recreation District (THPRD). . .
- C. The Portions of the property within the Urban Growth Boundary shall be annexed into the Washington County Urban Roads Maintenance District (URMD).

Policy 25 of the County Plan says that ". . . whenever feasible all areas within the

Urban Growth Boundary (UGB) will be served with sanitary sewer service as provided in the Regional Wastewater Treatment Management Plan."

Implementing Strategies *a* and *b* of Policy 25 designate Clean Water Services as the appropriate agency to provide service to the unincorporated areas of the County and encourage adjustments to the District's boundary to enable that service.

8. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The County comprehensive Plan identifies Clean Water Services District as the appropriate provider of service for the unincorporated urban areas of the County.
9. Sanitary sewer service is provided to the urban unincorporated area by Clean Water Services District.
10. Tax Lot 2800 (the westernmost tax lot) is in the Tualatin Valley Water District. Tax Lot 3702 is not within the Water District.
11. The Clean Water Services District has responsibility for surface water management within the Washington County urban growth boundary.
12. Tualatin Hills Park and Recreation District serves much of lands adjacent to the area to be annexed.
13. Transportation services are provided by the County.
14. Local streets in the urban areas of Washington County are maintained through the Urban Roads Maintenance County Service District. The District's current levy is \$.2456 per \$1,000 Assessed Value.
15. The area to be annexed is served by Tualatin Valley Fire & Rescue.
16. The County provides police services through the County Sheriff's office.
17. As part of its regional Parks and Greenspaces program Metro is developing the area to be annexed and adjacent non-urban parcels as the Cooper Mountain Nature Park. Metro is proposing to develop a 3.5 mile trail system and a trailhead that includes a 1500 square foot maintenance building and paved 40 space parking lot. The overall acreage (including the areas to be annexed and the non-urban lots) is 232 acres. Currently the site contains a dwelling with a septic system and a garage.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Board determined:

1. The Metro Code calls for consistency with expressly applicable provisions of urban service agreements adopted pursuant to ORS 195. The annexing entity (Clean Water Services District) does not have an urban service agreement adopted pursuant to ORS 195 relative to this area. Therefore this boundary change is not inconsistent with any such agreement.
2. The Metro Code requires consistency with expressly applicable provisions of any applicable annexation plan adopted pursuant to ORS 195.205. No city or district annexation plan covers this area. Therefore the boundary change is not inconsistent with any such plan.
3. Metro Code 3.09.045 (d) (1) (C) requires the County to find that the boundary change is consistent with any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party. No such agreements covering this area exist. The Board therefore finds no inconsistencies.
4. The Metro Code at 3.09.045 (d) (1) (C) calls for consistency between the Board decision and any "expressly applicable provisions" contained in any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services. There is no such public facility plan covering the area to be annexed. Therefore there are no inconsistencies relative to sewer service.
5. The Metro Code calls for consistency with expressly applicable provisions in any applicable comprehensive land use plans. ORS 198 requires consideration of the applicable comprehensive plan and any service agreements affecting the area. The Board has reviewed the applicable comprehensive plan, which is the Washington County Comprehensive Plan and concludes this proposal complies with it. As noted in Findings 7, the Plan calls for Clean Water Services District to be the appropriate provider of sanitary sewer service in the urban unincorporated area of Washington County.
6. Metro Code 3.09.045 (d) (2) (A) requires consideration of whether the boundary change would "Promote the timely, orderly and economic provision of public facilities and services." The District already provides service to surrounding areas. The Board therefore concludes that annexation promotes the timely, orderly and economic provision of this service.
7. The Metro Code at 3.09.045 (d) (2) (B) calls for consideration of whether the boundary change will affect the quality and quantity of urban services. This property will be a park

which is not operated by the Tualatin Hills Park & Recreation District and which will not be developed and become a draw on the Clean Water Services District. Therefore the annexation will have little or no impact on the District's ability to provide service.

8. The Board is to consider whether the boundary change would "Eliminate or avoid unnecessary duplication of facilities or services." As noted in Reason 7 the annexation will cause little impact on the District. Therefore the Board concludes this criterion is met.
9. The annexation is needed to comply with conditions of approval of Washington County Casefile 07-472-D/DHA.



COMMUNITY DEVELOPMENT

EXHIBIT C

Proposal No. WA-3707

August 13, 2008

LEGAL DESCRIPTION

JOB NO. 0991-0002

ANNEXATION

CLEAN WATER SERVICES AND URBAN ROAD MAINTENANCE DISTRICT

A TRACT OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 25, TOWNSHIP 1 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON. BEING A PORTION OF THE PROPERTY DESCRIBED IN DOCUMENT NO. 2007-085810, WASHINGTON COUNTY DEED RECORDS, THE BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 25; THENCE ALONG THE EAST LINE OF SAID SECTION, NORTH, 1,963.00 FEET MORE OR LESS, TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF S.W. KEMMER ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, BEING PARALLEL WITH AND 37.00 FEET SOUTH OF, RIGHT-ANGLE MEASURE, THE CENTERLINE THEREOF, WEST 1,315.00 FEET MORE OR LESS, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF S.W. 190TH AVENUE; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE, ALONG SAID EAST RIGHT-OF-WAY LINE, BEING PARALLEL WITH AND 25.00 FEET EAST OF, RIGHT-ANGLE MEASURE, THE CENTERLINE THEREOF, SOUTH, 926.98 FEET MORE OR LESS, TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF THE PROPERTY DESCRIBED IN DOCUMENT NO. 97091745; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE, ALONG SAID SOUTH LINE AND ITS EASTERLY EXTENSION, WEST, 1,342.93 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 25; THENCE ALONG SAID WEST LINE, SOUTH, 1,005.96 FEET, MORE OR LESS, TO THE SOUTH ONE-QUARTER CORNER OF SAID SECTION; THENCE ALONG THE SOUTH LINE OF SAID SECTION, EAST, 2,640.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 25, 1890
MICHAEL R. GATES
2449

VALID UNTIL 6-30-09