

Final Documents
for
Annexation to
Clean Water Services District

WA0107
Ordinance: 07-40
Annexation:
DOR: 34-1850-2007
Secretary of State: SD 2007-0045



March 29, 2007

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 March 29, 2007, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
2007-02 (Forest Grove)	AN 2007-0170
06-1015 (Oregon City)	AN 2007-0157
1229-07 (Tualatin)	AN 2007-0158
5725 (Hillsboro)	AN 2007-0159
5737 (Hillsboro)	AN 2007-0160
5708 (Hillsboro)	AN 2007-0161
5721 (Hillsboro)	AN 2007-0162
5723 (Hillsboro)	AN 2007-0163
06-1017 (Oregon City)	AN 2007-0164
06-1016 (Oregon City)	AN 2007-0165
06-1014 (Oregon City)	AN 2007-0166
07-18 (Clean Water Services District)	SD 2007-0044
07-40 (Clean Water Services District)	SD 2007-0045
07-19 (Tualatin Hills Parks & Recreation)	SD 2007-0046
2007-68 (Clackamas River Water District)	SD 2007-0047
2007-69 (Sunrise Water Authority)	SD 2007-0048
2007-84 (Tri-City Service District #4)	SD 2007-0049

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



March 9, 2007

Metro
Carol Hall, Data Resource Center
600 NE Grand Ave.
Portland, OR 97232-2736

Re: Notice of Decision for Proposal WA-0107

Dear Ms. Hall,

On February 27, 2007, the Washington County Board of Commissioners approved an annexation into Clean Water Services District (WA-0107). The Oregon Department of Revenue approved the final review on March 5, 2007. I enclosed the mapping fee, DOR Final Review, signed Resolution and Order, and Washington County Notice of Decision. A GIS map and legal description of the subject properties are included in the Resolution and Order, Exhibit B and C, respectively.

If you have any questions on this request please contact me at 503-846-3963 or via e-mail at laurie_harris@co.washington.or.us.

Sincerely,

Laurie Harris
Planning Assistant

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
March 5, 2007
As Per ORS 308.225

Description Map received from: COUNTY
 On: 3/2/2007

This is to notify you that your boundary change in Washington County for
 ANNEX TO CLEAN WATER SERVICES DISTRICT (WA-0107)

RES. AND ORDER #07-40

has been: Approved 3/5/2007
 Disapproved

Notes:

Department of Revenue File Number: 34-1850-2007

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

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Department of Land Use & Transportation (CPO 10)

Agenda Title: CONSIDER THE ANNEXATION OF PROPERTY
ENCOMPASSING APPROXIMATELY 9.3 ACRES TO CLEAN
WATER SERVICES DISTRICT (WA-0107)

Presented by: Brent Curtis, Planning Division Manager

SUMMARY:

The County has received a request to annex property consisting of two parcels, plus right-of-way, to the Clean Water Services District (District). The property is located generally east of SW 234th Avenue at its intersection with SW Davis Road, in the City of Hillsboro and also includes adjoining SW 234th Avenue right-of-way. The property is further identified as tax map and lot numbers 1S2 10DC / 1200 and 1300, plus right-of-way (See Exhibit B).

The property was annexed into the City of Hillsboro on February 6, 2007. In order for the property to receive the necessary sanitary and storm sewer service from the District, it must be annexed to the District. The City of Hillsboro has endorsed this minor boundary change.

Notice of today's hearing has been made in accordance with the state law requirements. The staff report (File Number: WA-0107) 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 this property 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.

100-601000

RO 07-40

Agenda Item No.	<u>4.a.</u>
Date:	<u>2-27-07</u>

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IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

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In the Matter of Approving Boundary) RESOLUTION AND ORDER
Change Proposal No. WA-0107) No. 07-40

The above-entitled matter (WA-0107) came before the Board at its regular meeting on February 27, 2007; and

It appearing to the Board that this proposal involves the annexation of two tax lots (1S2 10DC / 1200 and 1300) located generally east of SW 234th Avenue at its intersection with SW Davis Road, in the City of Hillsboro to the Clean Water Services District; and

It appearing to the Board that WA-0107 was initiated by a consent petition of the property owners and registered voters and meets the requirement for initiation set forth in ORS 198.855 (3), ORS 198.750 and Metro Code 3.09.040 (a); and

It appearing to the Board that the proposal has not been contested by any necessary party; 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

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 0107, 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 the minor boundary change approval
12 shall be effective immediately; and it is further

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

15 DATED this 27th day of February, 2007.

16 BOARD OF COUNTY COMMISSIONERS
17 FOR WASHINGTON COUNTY, OREGON
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	AYE	NAY	ABSENT
22 BRIAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23 SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24 STRADER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25 ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26 BUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Tam Bevin
CHAIRMAN

Maureen Lockin
RECORDING SECRETARY

Date Signed: 2/27/07

Approved as to form:

Bevin
Assistant County Counsel for
Washington County, Oregon

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 to be annexed consists of two parcels encompassing approximately 9.3 acres, including right-of-way. Excluding right-of-way, the property encompasses approximately 8.63 acres. The property is located on the east side of SW 234th Avenue, near its intersection with SW Davis Road in the City of Hillsboro. The property is also inside Metro's jurisdictional boundary. The property is further identified as tax map and lot numbers 1S2 10DC / 1200 and 1300.
3. Tax lots 1200 and 1300 maintain street frontage along SW 234th Avenue. There are no dwellings on either tax lot; however, several outbuildings are located on each tax lot. Tax lot 1200 is predominantly clear of trees and has been used in the past for agricultural purposes, whereas the majority of tax lot 1300 is forested especially in proximity to the creek corridor. The property slopes from the northwest corner to the southeast corner of the property towards Gordon Creek. The creek traverses (i.e., flows) generally northeast to southwest across the eastern portion of tax lot 1300. There are no known historical resources present on the property.
4. On February 6, 2007, the City of Hillsboro City Council approved the annexation of the property into the city, with the approval becoming effective immediately. Annexation of the property into the city serves as the city's endorsement.
5. As a result of the subject property's annexation to the City of Hillsboro, the subject property was given a city comprehensive plan designations of RM - Medium Density Residential and OS -Open Space. Subsequent action by the City Council designated the property A-1 Duplex Residential and applied the Significant Natural Resource Overlay District (SNRO) to the portion of the property containing significant natural resources associated with Gordon Creek. The property was previously designated FD-20 on the East Hillsboro Community Plan.
6. The applicant desires sanitary and storm sewer service to facilitate the future development of the property. The property is anticipated to be developed with between 25 and 79 residential dwelling units, consistent with the adopted Witch Hazel Village Community Plan. The property must be brought into the Clean Water Services District (District) in order to be provided the necessary sanitary and storm sewer service.
7. 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. The property is located within the Regional UGB and in the City of Hillsboro. Upon annexation into the City of Hillsboro, the property became subject to the city's comprehensive plan and development regulations.

Notwithstanding, Policy 15 of the *Comprehensive Framework Plan for the Urban Area* identifies the roles and responsibilities that governmental entities and service districts have in serving

growth in Washington County. Implementation strategy h. (under Policy 15) applies directly to service district annexations and reads as follows:

Implementing Strategies

The County will:

h. Not oppose proposed annexations to a special service district:

- 1. That are consistent with an urban service agreement; or*
- 2. If no urban service agreement applies to the property, the property lies within an area for which the district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020 and the district has adopted a Master Plan for the area.*

Annexations to special service districts that are consistent with an adopted urban service agreement are deemed to be consistent with the Washington County Comprehensive Plan.

8. The property is located within the urban service area for the District as well as the City of Hillsboro. Consequently, the proposed annexation (WA-0107) is consistent with an adopted urban service agreement and therefore consistent with the Washington County Comprehensive Plan.
9. The City of Hillsboro's comprehensive plan contains provisions governing special service district annexations. The sanitary and storm sewer service (and service district annexation) policies in place are consistent with the adopted Hillsboro Urban Service Area Agreement between the city, the county and special service districts, including the District.
10. Subsection A of Section IV (Special Policies) of the Hillsboro-Washington County UPAA requires that properties in Urban Area A annex to the City of Hillsboro prior to development. The property has been annexed into the City of Hillsboro. At time of annexation to the city, the property was designated FD-20. Upon annexation, the subject property was given the city's A-1 Duplex Residential zoning designations. The property was also designated RM - Medium Density Residential and OS - Open Space on the city's comprehensive plan map.
11. An 8-inch public sanitary sewer line is in SW 234th Avenue north of the property. This service line will be extended to serve the future residential development. The District will provide the sewage treatment and transmission of effluent to the regional treatment plant through major trunks and interceptors. The District has also endorsed the proposed minor boundary change.
12. The City of Hillsboro has a domestic 10-inch water line in SW 234th Avenue that is capable of serving the future residential development.
13. The City Council, as authorized by ORS 222.520 (1), withdrew the property from the County's Rural Fire Protection District No. 2 at the same time that it annexed the property to the city. Consequently, upon the effective date of the annexation to the City of Hillsboro, the City of Hillsboro Fire Department became the provider of emergency protection to the property.
14. Upon annexation to the City of Hillsboro, the city became the provider of police protection to the property.

15. New public roads developed as part of the future residential development will be maintained by the city. In addition, access will be addressed in detail as a part of the City of Hillsboro's subdivision review process.

Annexation to the District will also not effect transportation through unincorporated Washington County. The County is responsible for reviewing all county developments that access County public roads for compliance with the adopted Transportation Plan and Article V. of the Community Development Code.

16. The City Council, as authorized by ORS 222.520 (1), withdrew the property from the County's Service District for Lighting (District #1) at the same time that it annexed the property to the city. Consequently, upon annexation to the City of Hillsboro, the city became the provider of public street lighting.
17. The District has responsibility for surface water management within the Washington County urban growth boundary. The District has entered into an intergovernmental agreement with the City of Hillsboro for allocation of City and District responsibilities. The City has responsibilities for operations and maintenance of storm and surface water facilities within the City of Hillsboro.
18. The City of Hillsboro maintains its own Park & Recreation Department. The annexation to the District will not affect that fact.
19. The property is located within the Hillsboro School District.
20. The District supports the proposed annexation to its boundary. The Board of County Commissioners has endorsed this annexation as the Board of Directors of Clean Water Services District.
21. A necessary party has not contested this boundary change.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Commission concludes:

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 Board has reviewed the applicable comprehensive plan which is the Hillsboro comprehensive plan and finds that the proposed minor boundary change is consistent with the City's comprehensive plan. The City's comprehensive plan contains provisions governing special service district annexations. The sanitary and storm sewer service (and service district annexation) policies in place are consistent with the adopted Hillsboro Urban Service Area Agreement between the city, the

county and special service districts, including the District. Additionally, the city has endorsed the minor boundary change.

Notwithstanding, the proposed minor boundary change is consistent with Implementing Strategy h. of Policy 15 of the Washington County *Comprehensive Framework Plan for the Urban Area*. Policy 15 identifies the roles and responsibilities that governmental entities and service districts have in serving growth in Washington County. Implementation strategy h. (under Policy 15) states that annexations to special service districts that are consistent with an adopted urban service agreement are deemed to be consistent with the Washington County Comprehensive Plan.

3. 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 agreement between service districts, cities and Washington County has 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. Additionally, an urban service agreement for the Hillsboro urban service area has been adopted. Both agreements identify the District's service area within these urban service areas. The District would be the provider of sanitary as well as storm sewer service to the property, as they provide sanitary and storm sewer service to other urban lands within the City of Hillsboro.
4. 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 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 will not interfere with the timely provision of those services.
5. The District supports the proposed annexation to its boundary. The Board of County Commissioners has endorsed this request as the Board of Directors of Clean Water Services District.
6. A necessary party has not contested this boundary change. The change can become effective immediately upon adoption by the Board pursuant to Metro Code Section 3.09.050 (f) if there are no objections from necessary parties. At time of writing, no necessary part has contested the annexation request.

EXHIBIT B

WA-0107
Annexation to
Clean Water Services
(CWS)

- Subject Taxlot(s)
- CWS
- 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.





NOVEMBER 30, 2006

LEGAL DESCRIPTION

JOB NO. 0309-0304

ANNEXATION TO CLEAN WATER SERVICES

TAX LOTS 1200 AND 1300 1S210DC AND ADJACENT RIGHT-OF-WAY

A PARCEL OF LAND LOCATED IN SECTION 10, TOWNSHIP 1 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, AND BEING PARCELS 1 AND 2 OF PARTITION PLAT 1995-122 AND ADJACENT RIGHT-OF-WAY OF SW 234TH AVENUE, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL 1; THENCE SOUTH 74°21'19" EAST 671.86 FEET TO THE NORTHEAST CORNER OF PARCEL 1; THENCE SOUTH 01°00'41" WEST 385.41 FEET ALONG THE EAST LINE OF PARCELS 1 AND 2 TO THE SOUTHEAST CORNER OF PARCEL 2; THENCE ALONG THE SOUTH LINE OF PARCEL 2 AND ITS WESTERLY EXTENSION NORTH 89°00'00" WEST 926.02 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SW 234TH AVENUE (COUNTY ROAD NO. 1253), 20.00 FEET WESTERLY, RIGHT ANGLE MEASURE OF THE CENTERLINE; THENCE ALONG SAID RIGHT OF WAY NORTH 08°49'17" EAST 254.71 FEET; THENCE NORTH 46°21'28" EAST 252.66 FEET; THENCE NORTH 08°24'21" EAST 138.00 FEET; THENCE LEAVING SAID RIGHT-OF-WAY ALONG THE WESTERLY EXTENSION OF THE NORTH LINE OF PARCEL 1 SOUTH 74°21'19" EAST 45.32 FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 9.295 ACRES.

www.alphacommunity.com

ANNEXATION CERTIFIED

BY *JG*

DEC 14 2006

WASHINGTON COUNTY A & T
CARTOGRAPHY



VALID UNTIL 6-30-07

N:\proj\309-304\survey\Word\CWS Annexation Legal on Letterhead.doc



WASHINGTON COUNTY
DEPARTMENT OF LAND USE AND TRANSPORTATION
PLANNING DIVISION
ROOM 350-14
155 NORTH FIRST AVENUE
HILLSBORO, OREGON 97124
(503) 846-3519 fax: (503) 846-4412
www.co.washington.or.us

NOTICE OF DECISION

CPO: 10

Existing Land Use District: FD 20

Community Plan: East Hillsboro

Assessor Map No(s): 1S2 10DC

Tax Lot No(s): 1200 and 1300

Site Size: Approximately 9.3 acres

Address: 3450 SW 234th Ave., Hillsboro, OR 97123

Location: Near the northeast corner of SW 234th Avenue and SW Davis Road

Proposed Minor Boundary Change: Annexation to the Clean Water Services District of 9.30 acres.

Applicant:

Centex Homes
16520 SW Upper Boones Ferry Rd., Suite 200
Portland, OR 97224

Applicant's Representative:

Alpha Community Development
9200 SW Nimbus Ave
Beaverton, OR 97008

Contact Person: Jennifer Curkendall

Petitioners/Owners:

W.R. Sands & M.P. Barnhart
13224 NE Couch
Portland, OR 97230
Matt Theim
3450 SW 234th Ave
Hillsboro, OR 97123
Marlin Starr
3450 SW 234th Ave
Hillsboro, OR 97123

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 **February 27, 2007**.

NOTICE MAILING DATE: March 2, 2007

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 EXPLICITLY 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:

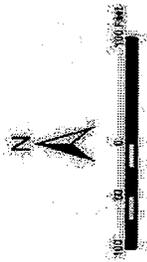
Paul Schaefer, Senior Planner
WASHINGTON COUNTY
DEPARTMENT OF LAND USE & TRANSPORTATION
(503) 846-3519.

(SEE REVERSE SIDE FOR SITE MAP)

EXHIBIT B

WA-0107
Annexation to
Clean Water Services
(CWS)

- Subject Taxlot(s)
- CWS
- Urban Growth Boundary



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