

Final Documents

For

Annexation to the  
**Unified Sewerage Agency**

WA0701  
DOR 34-1492-2001  
Ordinance #01-34

Final to DOR:

Signature:

  
\_\_\_\_\_

Date of

Mailing: 03/23/01

Final to Secretary of State:

Signature:

  
\_\_\_\_\_

Date of

Mailing: 04/02/01

**WA0701**

Sent

Received

DOR: 03/23/01 03/28/01

Sec. State: 04/02/01 N/A

Assessor: 04/02/01

Elections: 04/02/01

Mapped: Yes

Posted to Web:

Addresses:	2S134AA02200	22261 SW 108 <sup>th</sup> Avenue
	2S134AA02100	22265 SW 108 <sup>th</sup> Avenue
	2S134AA02000	22335 SW 108 <sup>th</sup> Avenue
	2S134AA01800	10875 SW Marilyn Street
	2S134AA01800	No Site Address

# Notice to Taxing Districts

ORS 308.225



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

Unified Sewer Agency  
Support Services Manager  
155 N First Ave, Suite 270  
Hillsboro, OR 97124

**Description and Map Approved**  
**March 28, 2001**  
**As Per ORS 308.225**

Description     Map received from: METRO  
On: 3/27/01

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

ANNEX TO THE UNIFIED SEWERAGE AGENCY

RES. #01-34

has been:     Approved            3/28/01  
                   Disapproved

Notes:

Department of Revenue File Number: 34-1492-2001

Prepared by: Jennifer Dudley, 503-945-8666

Boundary:     Change     Proposed Change  
The change is for:

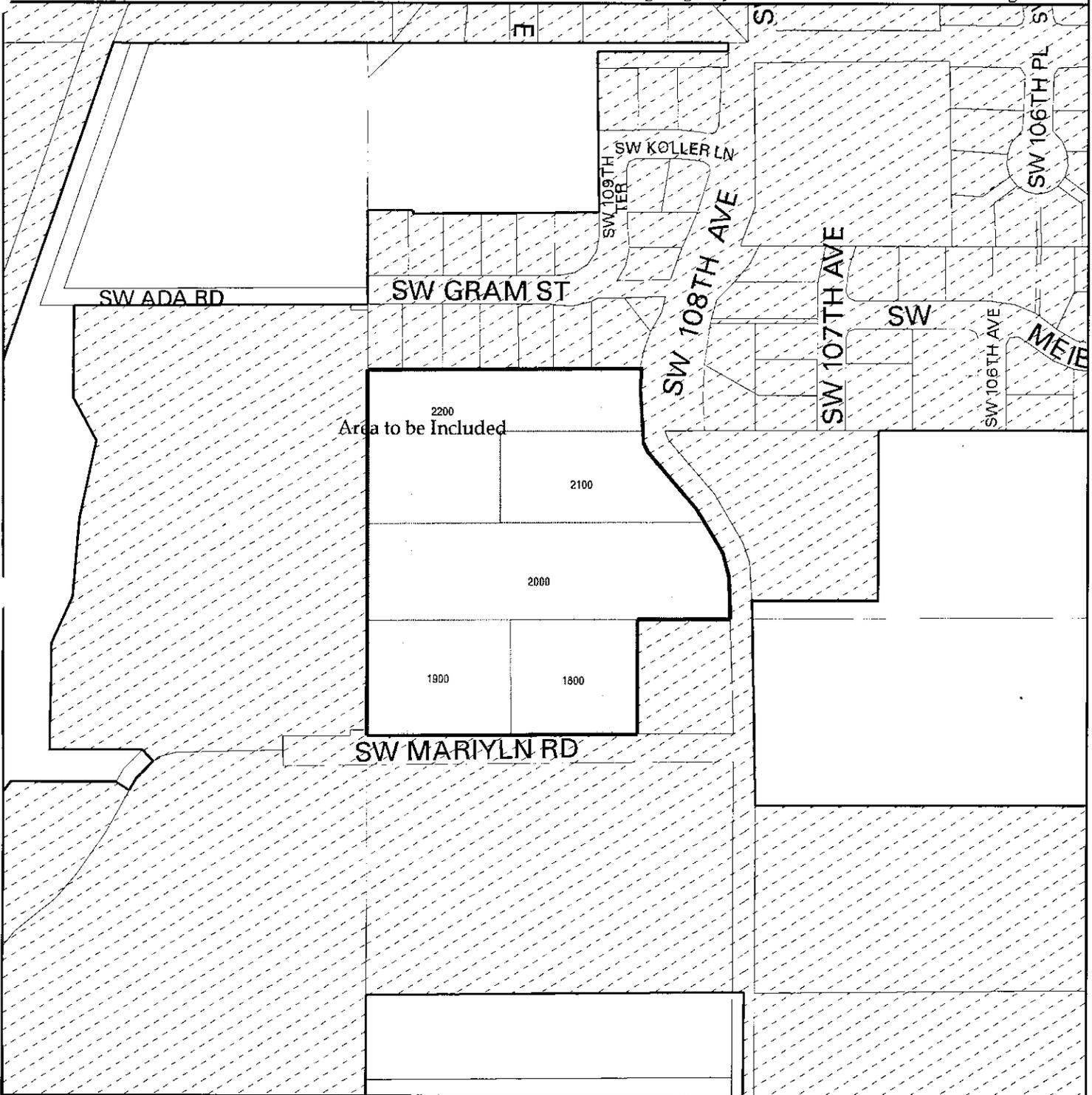
- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge

# Proposal No. WA0701

2S1W34

Annexation to the Unified Sewerage Agency

Washington Co.



REGIONAL LAND INFORMATION SYSTEM



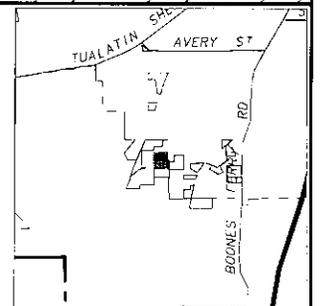
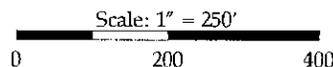
600 NE Grand Ave.  
 Portland, OR 97232-2736  
 Voice 503 797-1742  
 FAX 503 797-1909  
 Email [drc@metro-region.org](mailto:drc@metro-region.org)

**METRO**

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

-  County lines
-  Annexation boundary
-  District

Proposal No. WA0701  
 UNIFIED SEWERAGE AGENCY  
 Figure 1



metro

**WASHINGTON COUNTY BOARD OF COMMISSIONERS**

**Agenda Category** Public Hearing - County Administrative Office

**Agenda Title** ANNEXATION OF 8.1 ACRES TO THE UNIFIED SEWERAGE AGENCY

**To be presented by** Charles Cameron, County Administrator

**SUMMARY (Attach Support Documents if Necessary)**

As your Board is aware, the 1997 Legislature passed Senate Bill 947 that abolished the Boundary Commission and passed the boundary change function back to the local level. Effective January 1, 1999, the County became responsible for district boundary changes. Cities handle their own boundary changes.

The County has received a request to annex 8.1 acres to the Unified Sewerage Agency. The applicant desires sewer service to facilitate development of a residential subdivision with a density of five units to the acre. The property has recently been annexed to the City of Tualatin. The property is located on the south edge of the District on the southwest edge of the City of Tualatin, on the west edge of SW 108<sup>th</sup> Ave. south of Ibach Street and north of Marilyn Street.

The Unified Sewerage Agency will be considering endorsement of the annexation on March 20, 2001. Notice of today's hearing has been made in accordance with state law requirements. A staff report has been prepared by the County's contractor, Ken Martin, Metro, Local Government Boundary Office. This report (File WA 0701) is available at the clerk's desk. Mr. Martin will be available to answer any questions.

**COUNTY ADMINISTRATOR'S REQUESTED ACTION:**

Hold a public hearing to consider the annexation of this property to the Unified Sewerage Agency. Adopt a Resolution and Order approving the annexation.

Agenda Item No. 4.c.  
Date 3/20/01

RO 01-34

**000033**

1 IN THE BOARD OF COUNTY COMMISSIONERS  
2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Approving Boundary ) RESOLUTION AND ORDER  
4 Change Proposal No. WA-0701 ) No. 01-34

5  
6 This matter having come before the Board at its public hearing on March 20, 2001; and  
7 It appearing to the Board that the Board is charged with deciding petitions for boundary  
8 changes pursuant to ORS Chapter 198 and Metro Code Chapter 3.09; and

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

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

14 RESOLVED AND ORDERED that Boundary Change Proposal No. WA-0701, as  
15 described in the staff report hereby is approved, based on the analysis, findings and conclusions  
16 set forth in Exhibit 'A' of the staff report, incorporated herein by reference; and, it is further

17 RESOLVED AND ORDERED that the boundaries of said proposal are as set forth in  
18 Exhibits 'B' and 'C', incorporated herein by reference; and it is further

19 ////

20 ////

21 ////

22 ////

1 RESOLVED AND ORDERED that this boundary change proposal shall be effective 30  
2 days following the date that this decision is mailed to all necessary parties and that the County  
3 Administrator or his designees shall take all necessary steps to effectuate this proposal.

4 DATED this 20th day of March, 2001.

6 BOARD OF COUNTY COMMISSIONERS  
7 FOR WASHINGTON COUNTY, OREGON

8 Tom Bruin  
9 CHAIRMAN

	AYE	NAY	ABSENT
10 BRUN	✓	---	---
11 COUGHTEN	✓	---	---
12 LIESPER	✓	---	---
13 ROGERS	✓	---	---
14 DUYCK	✓	---	---

15 Barbara Hejmanek  
16 RECORDING SECRETARY

## FINDINGS

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

1. The territory to be annexed contains 8.1 acres, 4 single family houses, an estimated population of 6 and is evaluated at \$905,200.
2. The applicant desires sewer service to facilitate development of a residential subdivision with a density of five units to the acre.
3. Oregon Revised Statute 198.852 directs the Board to consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.

A second set of criteria can be found in the Metro Code. That Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The findings and conclusions shall address seven minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans [ORS 195 agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place. Annexation plans are timelines for annexation which can only be done after all required 195 agreements are in place and which must have been voted on by the City residents and the residents of the area to be annexed.]
2. Consistency with directly applicable provisions of *urban planning area agreements* between the annexing entity and a necessary party.
3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria.
7. Consistency with other applicable criteria for the boundary change in question under state and local law.

The Metro Code also contains a second set of 10 factors which are to be considered where no ORS 195 agreements have been adopted and the boundary

change is being contested by a necessary party. This boundary change is not being contested by a necessary party so these additional criteria need not be addressed.

4. The land slopes gently to moderately to the north and northwest. Residential subdivisions lie to the north, east and south. To the west is additional land inside the UGB which is soon to be developed.
5. This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

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

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

6. The Washington County Comprehensive Plan was searched for criteria relative to annexations. No directly applicable criteria were found. Policy 14 speaks generally to the issue of sewer service. It provides that sewer service is a critical service. It also states that the standards established by the district will be the measurement of acceptability for -the level of service provided.

Under the Washington County/Tualatin Urban Planning Area Agreement (UPAA), the City of Tualatin was responsible for preparing the comprehensive plan within the regional urban growth boundary surrounding the City limits, and the County adopted the City's Plan map and text. In the UPAA the County agreed that:

- E. The COUNTY shall not approve land divisions within the unincorporated Urban Planning Area that are inconsistent with the provisions of the Future Development 10 acre District (FD-10).
- F. The COUNTY shall not approve a development proposal in the Urban Planning Area if the proposal would not provide for, nor be conditioned to provide for, an enforceable plan for redevelopment to urban densities consistent with the CITY'S Comprehensive Plan in the future upon annexation to the City as indicated by the CITY Comprehensive Plan.

- G. The COUNTY shall not oppose annexations to the CITY within the CITY'S Urban Planning Area.

\* \* \*

- I. The Tualatin Comprehensive Plan employs a one-map system wherein the Comprehensive Plan Map fulfills a dual role by serving as both the Plan Map and Zone Map, thus eliminating the need for a separate Zone Map. The CITY's Comprehensive Plan Map establishes land use designations for unincorporated portions of the Urban Planning Area. Upon annexation of any property within the Urban Planning Area to the CITY, the Planning District specified by the Tualatin Comprehensive Plan Map is automatically applied to the property on the effective date of the annexation (as authorized by ORS 215.130(2)(a)).

If a property owner, contract purchaser, the authorized representative of a property owner or contract purchaser, or the CITY desire a Planning District different from that shown on the Comprehensive Plan Map, an application for a Plan Map Amendment may be filed with the CITY at the time of or following annexation.

Washington County has adopted urban growth management policies that require urban development be accompanied by adequate urban services. The growth management policies define both urban development and necessary urban services. Public sewer, public water, and a balanced urban-level transportation system are the primary urban services considered.

7. In its County 2000 program Washington County has adopted a policy favoring a service delivery system which distinguishes between municipal and countywide services. The reason for the policy is to achieve tax fairness and expenditure equity in the provision of public services. The County policy favors municipal services being provided by cities or special districts.
8. The territory is within the City of Tualatin's Urban Planning Area as identified on the acknowledged Tualatin Comprehensive Land Use Plan and the Tualatin/Washington County Urban Planning Area Agreement. The City Plan designates the territory as Low Density Residential (RL), 1 to 5 units per acre. The City has a one map planning and zoning system, so zoning on the site is RL as well. This property has recently been annexed to the City of Tualatin.

9. The City of Tualatin will provide collector sewer service from lines in the surrounding area. The Unified Sewerage Agency will provide the sewage treatment and transmission of effluent to the regional treatment plant through major trunks and interceptors.
10. The City of Tualatin has water lines available in adjacent subdivisions on the east, south and north.
11. This area is within the Tualatin Valley Fire and Rescue.
12. The territory will receive police protection from the City of Tualatin.
13. Access to this site can be provided from SW 108<sup>th</sup> Avenue. This issue would be addressed in detail as a part of the City of Tualatin's subdivision review process.
14. The USA has responsibility for surface water management within the Washington County urban growth boundary. USA has entered into an intergovernmental agreement with Tualatin for allocation of the City and the USA responsibilities. The City has responsibilities for operations and maintenance of storm and surface water facilities within the City.

### CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Commission concluded:

1. The Metro Code at 3.09.050 (d) (4) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in . . . regional framework and functional plans . . ." There are no directly applicable criteria in Metro's regional framework plan or in the two adopted functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan.
2. ORS 198 and the Metro Code at 3.09.050 (d) (3) call for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ." The Board has reviewed the applicable comprehensive plan which is the Washington County Comprehensive Plan and finds that it contains no directly applicable criteria for making district boundary change decisions.

3. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements. There is an urban planning area agreement between Washington County and the City of Tualatin covering the territory to be annexed. That agreement calls for notice to be provided to one unit of government when the other unit is taking an action such as an annexation. While this agreement is between Washington County and the City of Tualatin and therefore might not technically apply to an action by U.S.A., none-the-less the City was notified of this annexation.
4. The Metro Code also requires that the decision address consistency between this decision and any urban service agreements under ORS 195. There are no ORS 195 agreements in place in this area. Therefore the Board concludes that its decision is not inconsistent with any such agreements.
5. Metro Code 3.09.050 (e) (3) states that another criteria to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services." The Board finds that Unified Sewerage Agency can serve this area. As noted in Findings 9-14 other urban services are either available or will be available when the area is annexed into the City of Tualatin. Therefore the Board finds that the annexation is a logical step towards making urban services available to the territory and does not interfere with the timely provision of those services.

# EXHIBIT B

Proposal No. WA-0701

A tract of land situated in the NE 1/4, NE 1/4, Section 34, Township 2 South, Range 1 West, of the Willamette Meridian, in the County of Washington, and State of Oregon, more particularly described as follows:

Beginning at the SW corner of PARK RIDGE WEST, a duly recorded plat, Washington County Records, thence along the South line of said plat, N 89°44'03" E, 483.67 feet to a point on the West right of way for SW 108<sup>th</sup> Avenue (CR 1395); thence along said right of way, S 14°16'40" W, 13.01 feet more or less to a point of curvature; thence along a 170 foot radius curve to the left a distance of 146.39 feet more or less to a point of tangency; thence S 36°13'10" E, 185.26 feet more or less to a point of curvature; thence along a 130 foot radius curve to the right a distance of 82.34 feet more or less to a point of tangency; thence S 01°35'47" W, 65.90 feet more or less to a point on the North line of Lot 10, according to the duly recorded plat of COMTE & KOHLMAN'S LITTLE HOMES NO.3, Washington County Records; thence S 89°51'30" W, 190.19 feet to a point; thence leaving said North line, S 01°35'04" W, 223.92 feet more or less to a point on the North right of way for SW Marilyn Street; thence along said right of way S 89°46'02" W, 453.68 feet more or less to a point on the West line of said Lot 10, thence N 00°02'00" E, 668.14 feet more or less to the point of beginning.

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# Proposal No. WA0701

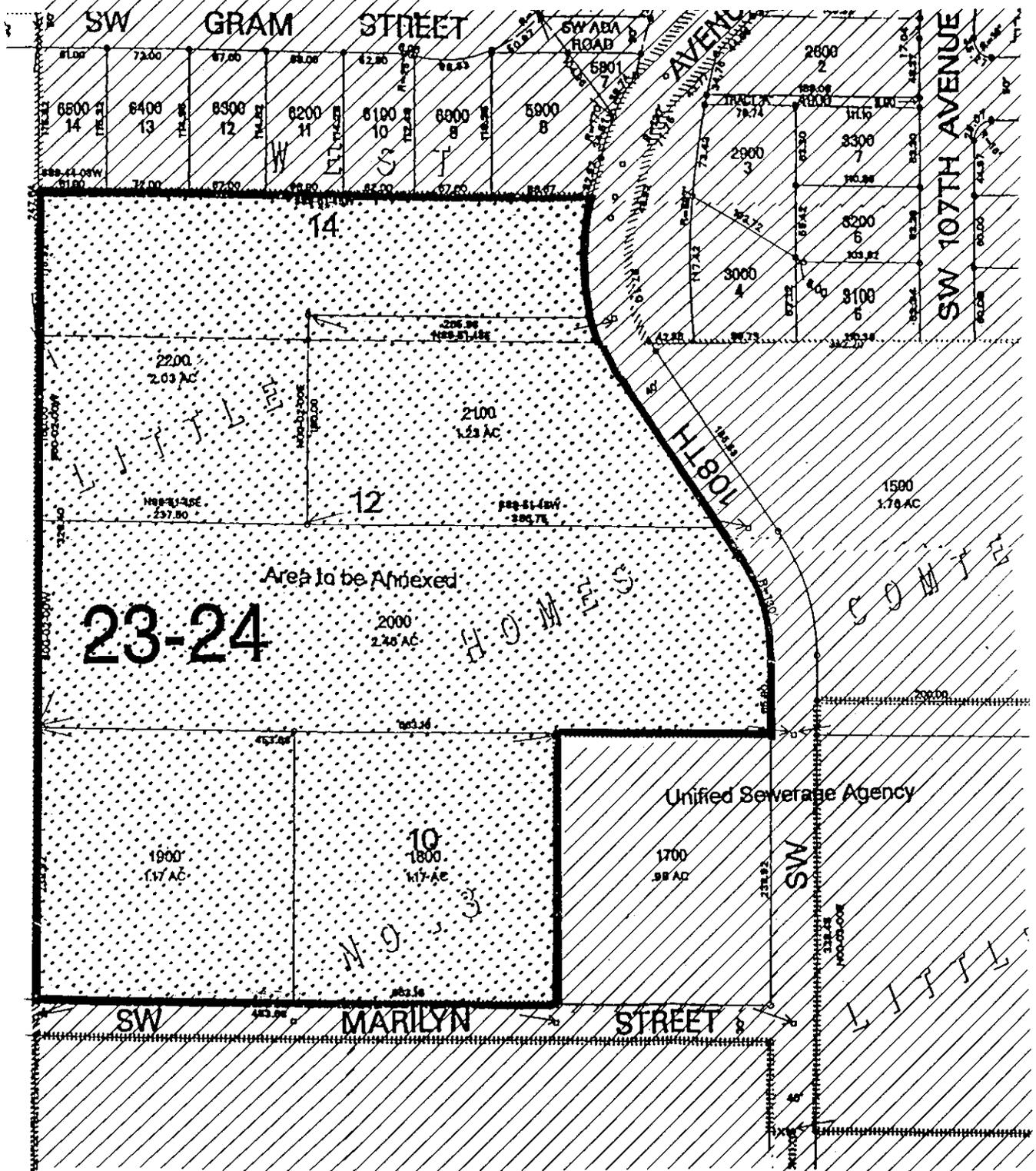


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Email drc@metro-region.org

Annexation to the Unified Sewerage Agency  
Washington Co.  
Section 2S1W34

## EXHIBIT C

Proposal No. WA-0701



PROPOSAL NO. WA0701  
UNIFIED SEWERAGE AGENCY  
Figure 2

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