

Final Documents

For

Annexation to the
Tualatin Valley Water District

WA0703
Ordinance #03-34
DOR 34-1604-2003

Final to DOR: _____

Signature:

 _____

Date of

Mailing: 4/28/03

Final to Secretary of State _____

Signature:

 _____

Date of

Mailing: 5/22/03

WA0703

Sent

Received

DOR:	4/28/03	5/6/03
Sec. State:	5/22/03	
Assessor:	5/22/03	
Elections:	5/22/03	
Mapped:	Yes	

Addresses:	1N1210000101	No Site Address
	1N1210000104	5303 NW 124 TH AVE
	1N1210000102	12975 NW LAIDLAW RD
	1N1210000100	12835 NW LAIDLAW RD
	1N1210000103	12965 NW LAIDLAW RD
	1N1210000906	12955 NW LAIDLAW RD
	1N1210000902	12875 NW LAIDLAW RD
	1N1210000904	12805 NW LAIDLAW RD

Proposal No. WA0703

1N1W21

Annexation to the Tualatin Valley Water Dist.

Washington Co.



R L I S
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

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

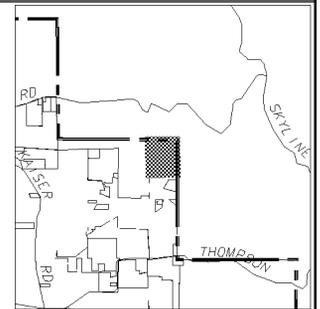
District

Urban Growth Boundary

Proposal No. WA0703
TUALATIN VALLEY WATER DIST.
Figure 1

Scale: 1" = 500'

0 500 1000





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

CASE FILE NO.: WA-0703

BOARD OF COUNTY COMMISSIONERS NOTICE OF DECISION

APPLICANT:

Robert Minshall
 5303 NW 124th Avenue
 Portland, OR 97229-2574

CPO: 7

COMMUNITY PLAN: Bethany

EXISTING LAND USE DISTRICT: R-6

ASSESSOR MAP NO(S): 1N1 21

SITE SIZE: 47.7 acres

TAX LOT NO(S): 100, 101, 102, 103, 104, 902, 904, 906

ADDRESS: Multiple Addresses – see case file

LOCATION: Approximately 1100 feet north of the intersection of NW Laidlaw and NW Saltzman Roads

PROPOSED MINOR BOUNDARY CHANGE:

Annexation to Tualatin Valley Water District of 47.7 acres of land located approximately 1100 feet north of the intersection of NW Laidlaw and NW Saltzman Roads.

APPLICANT'S REPRESENTATIVE:

Robert Minshall
 5303 NW 124th Avenue
 Portland, OR 97229-2574

OWNERS:

Multiple Property Owners – see case file

Notice is hereby given that the County Board of Commissioners **APPROVED** the request for the above-stated proposed Minor Boundary Change at a public hearing on **April 15, 2003**.

APPEAL PERIOD:

FROM: 4/18/2003 (Date Notice Mailed)

TO: 4/28/2003 (Appeal Due Date) by 5:00 p.m.

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.

THIS DECISION MAY BE APPEALED AND A PUBLIC HEARING HELD BY FILING A NOTICE OF APPEAL WITH THE METRO APPEALS BOARD, AS DESCRIBED IN CHAPTER 3.09 OF THE METRO CODE, WITHIN 10 CALENDAR DAYS OF THE DATE THIS NOTICE WAS MAILED. **ONLY THOSE NECESSARY PARTIES WHO MADE AN APPEARANCE OF RECORD (INCLUDING SUBMISSION OF WRITTEN COMMENTS OR TESTIMONY) ARE ENTITLED TO FILE A NOTICE OF APPEAL (APPEAL).** A NECESSARY PARTY MAY NOT CONTEST A BOUNDARY CHANGE WHERE THE BOUNDARY CHANGE IS EXPLICITELY AUTHORIZED BY AN URBAN SERVICES AGREEMENT ADOPTED PURSUANT TO ORS 195.065.

THIS DECISION WILL BE FINAL IF NO APPEAL IS FILED BY THE DUE DATE.

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)

Notice to Taxing Districts

ORS 308.225



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

Tualatin Valley Water Dist.
Budget Officer
PO Box 745
Beaverton, OR 97075

Description and Map Approved
May 6, 2003
As Per ORS 308.225

Description Map received from: METRO
On: 4/30/2003

This is to notify you that your boundary change in Washington County for
ANNEX TO THE TUALATIN VALLEY WATER DIST.

RES. #03-34 (WA-0703)

has been: Approved 5/6/2003
 Disapproved

Notes:

Department of Revenue File Number: 34-1604-2003

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

LUT
Plan

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Land Use and Transportation (CPO 7)

Agenda Title: CONSIDER THE ANNEXATION OF APPROXIMATELY 47.7 ACRES TO TUALATIN VALLEY WATER DISTRICT

Presented by: Brent Curtis, Planning Division Manager

SUMMARY (Attach Supporting Documents if Necessary)

As the 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 process their own boundary changes.

The County has received a request to annex several parcels encompassing a total of 47.7 acres to Tualatin Valley Water District (District). The property is located approximately 1100 feet north of the intersection NW Laidlaw Road and NW Saltzman Road. The parcels are developed with six single family detached residences. In order for the parcels to be served by the District, they first need to annex into the District.

Notice of today's hearing has been made in accordance with the state law requirements. The staff report (File Number: WA-0703) 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 Tualatin Valley Water District. Adopt a Resolution and Order approving the annexation.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 03-34

Agenda Item No.	<u>5.a.</u>
Date:	<u>4/15/03</u>

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2
3 IN THE BOARD OF COUNTY COMMISSIONERS
4 FOR WASHINGTON COUNTY, OREGON

5
6 In the Matter of Approving Boundary) RESOLUTION AND ORDER
7 Change Proposal No. WA-0703) No. 03-34
8

9
10 The above-entitled matter came regularly before the Board at its
11 public hearing on April 15, 2003; and

12 It appearing to the Board that the annexation involves several tax lots
13 within unincorporated Washington County; and

14 It appearing to the Board that the annexation has not been contested
15 by any necessary party and therefore may become effective immediately
16 upon adoption pursuant to Metro Code Section 3.09.050 (f); and

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

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

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

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RESOLVED AND ORDERED that Boundary Change Proposal No. WA-0703, as described in the staff report, is hereby approved, based on the analysis, findings and conclusions set forth in Exhibit "A" of the staff report, incorporated herein by reference; and it is further

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

RESOLVED AND ORDERED that this boundary change proposal shall be effective upon adoption and that the County Administrator or his designees shall take all necessary steps to effectuate this proposal.

DATED this 15th day of April 2003.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

	AYE	NAY	ABSENT
BRIAN	✓	---	---
SCHOUTEN	✓	---	---
DEEMER	✓	---	---
ROGERS	---	---	✓
DUYOK	✓	---	---

Tom Burin
CHAIRMAN

Barbara Heitmanek
RECORDING SECRETARY

Date Signed: 4-15-03

Approved as to form:
ChC Ryan
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 territory to be annexed is located in unincorporated Washington County approximately 1100 feet north of its intersection with NW Laidlaw and NW Saltzman Roads. The territory encompasses 47.7 acres and is valued at approximately \$1,623,640. The territory is currently developed with six single family detached dwelling units. The territory also supports a tree farm, otherwise the territory is undeveloped.
3. The applicant desires public water service to facilitate the future development of the territory with single family residences. The territory must be brought into the Tualatin Valley Water District (District) in order to be provided the necessary public water service.
4. 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 (Code) that 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, at minimum, the seven criteria listed below.

- a. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans [ORS 195 agreements are cooperative agreements and urban service agreements. Urban service agreements between local jurisdictions, the County and service districts have not yet been adopted. Annexation plans are timelines for annexations that can only be done after all required ORS 195 agreements are in place. Registered voters within the City and registered voters from the area to be annexed must approve Annexation plans.]
- b. Consistency with directly applicable provisions of *urban planning area agreements* between the annexing entity and a necessary party.
- c. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
- d. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.

- e. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
- f. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria.
- g. Consistency with other applicable criteria for the boundary change in question under state and local law.

In addition, the Metro Code 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. As noted previously, urban service agreements have not yet been adopted. At time of writing, a necessary party is not contesting this boundary change. Therefore, these additional criteria need not be addressed.

- 5. The territory maintains a mild slope across the entirety of the territory. Significant natural resources associated with Bannister Creek are also present in the territory.
- 6. 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 the 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 now part of Metro's Regional Framework Plan. The 2040 Growth Concept is also now an element of the Framework Plan. 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, which we examined and found not to contain any directly applicable standards and criteria for boundary changes.

- 7. The territory is within unincorporated Washington County and is designated R-6 residential.
- 8. The territory is located within Clean Water Services boundary. Sanitary sewer lines needed to serve the future development of the territory will be extended from the sanitary sewer line that serves the Saltzman Heights I & II development located south of the territory.
- 9. The District has the responsibility for providing the territory and the immediate environs with public water. The District currently maintains a 24-inch water main in NW Saltzman and NW Laidlaw Roads. A public water line needed to serve the future development of the territory will be extended from the 24-inch line that serves the Saltzman Heights I & II development located south of the territory.

10. Tualatin Valley Fire & Rescue serves this area with fire protection.
11. The territory receives police protection from the Washington County Sheriff Department.
12. Access to this site will be provided from the extension of the public road through the Saltzman Heights I & II development located south of the territory. 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. All access-related issues will be reviewed through the subsequent land use actions needed to develop the territory.
13. Clean Water Services has responsibility for surface water management within urban Washington County.
14. Tualatin Hills Park and Recreation District (THPRD) is the parks and recreation provider for unincorporated Washington County. However, the territory is not currently located within THPRD's service boundary. The annexation to Tualatin Valley Water District will not affect THPRD. In order to take advantage of services provided by THPRD, the property owners would need to petition for annexation in Tualatin Hills Park and Recreation District.
15. The District supports the proposed annexation to its boundary. Endorsement was given via Resolution No. 20-02, which was adopted by the District on December 18, 2002.
16. A necessary party has not contested this boundary change. Therefore, the change may become effective immediately upon adoption by the Board pursuant to Metro Code Section 3.09.050 (f).

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 Washington County Comprehensive Plan and finds that there are no directly applicable criteria.
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.] Urban service agreements between local jurisdictions, the County and service districts have not yet been adopted. Annexation plans are timelines for annexations that can only be done after all required ORS 195 agreements are in place. Registered voters within the City and registered voters from the area to be annexed must approve Annexation plans. The Board therefore concludes that its decision is consistent with ORS 195.
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 territory and does not interfere with the timely provision of those services.
5. The District supports the proposed annexation to its boundary. Endorsement was given via Resolution No. 20-02, which was adopted by the District on December 18, 2002.
6. A necessary party has not contested this boundary change. Therefore, the change may become effective immediately upon adoption by the Board pursuant to Metro Code Section 3.09.050 (f).

EXHIBIT C

LEGAL DESCRIPTION FOR NORTHEAST CORNER OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 1 WEST

THE FOLLOWING DESCRIBED PROPERTY BEING LOCATED IN THE NORTHEAST ONE QUARTER OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON.

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 21;

THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION 21, 1552.50 FEET TO A POINT;

THENCE NORTH 88° 46' 15" WEST 404.16 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF A DEDICATED PUBLIC ROAD;

THENCE CONTINUING NORTH 88° 46' 15" WEST 50 FEET MORE OR LESS TO THE WEST RIGHT-OF-WAY OF SAID ROAD;

THENCE ALONG SAID WEST RIGHT-OF-WAY, SOUTH 12° 30' 11" WEST 58.12 FEET MORE OR LESS TO A POINT;

THENCE NORTH 88° 46' 15" WEST 858.55 FEET, TO A POINT BEING 50.00 FEET EAST OF THE EAST LINE OF THE SOUTHWEST ONE QUARTER, OF THE NORTHEAST ONE QUARTER OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 1 WEST;

THENCE PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST ONE QUARTER, OF THE NORTHEAST ONE QUARTER, NORTH 00° 06' 00" EAST 292.00 FEET;

THENCE NORTH 88° 46' 15" WEST 50.01 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST ONE QUARTER, OF THE NORTHEAST ONE QUARTER;

THENCE NORTH ALONG THE WEST LINE OF THE NORTHEAST ONE QUARTER, OF THE NORTHEAST ONE QUARTER OF SAID SECTION 21, 884.40 FEET TO A POINT. SAID POINT BEING THE SOUTHEAST CORNER OF THE JACOB FRENCH DLC. #57;

THENCE CONTINUING NORTH 426.64 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST ONE QUARTER OF THE NORTHEAST ONE QUARTER OF SAID SECTION 21;

THENCE EAST ALONG THE NORTHERLY LINE OF SAID SECTION 21, 1320.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.