

Final Documents

For

Annexation to the
Clean Water Services District

WA0705
Ordinance 05-109
DOR 34-1754-2005
Sec. State: SD-2005-0095

Final to DOR: _____

Signature:

 _____

Date of

Mailing: 7/6/05

Final to Secretary of State: _____

Signature:

 _____

Date of

Mailing: 7/25/05

WA0705

Sent

Received

DOR: 7/6/05 7/20/05

Sec. State: 7/25/05 8/1/05

Assessor: 7/25/05

Elections: 7/25/05

Mapped: Yes

Address Information:

1N4250000800
1N4250000801
1N4250000802
1N4250000900

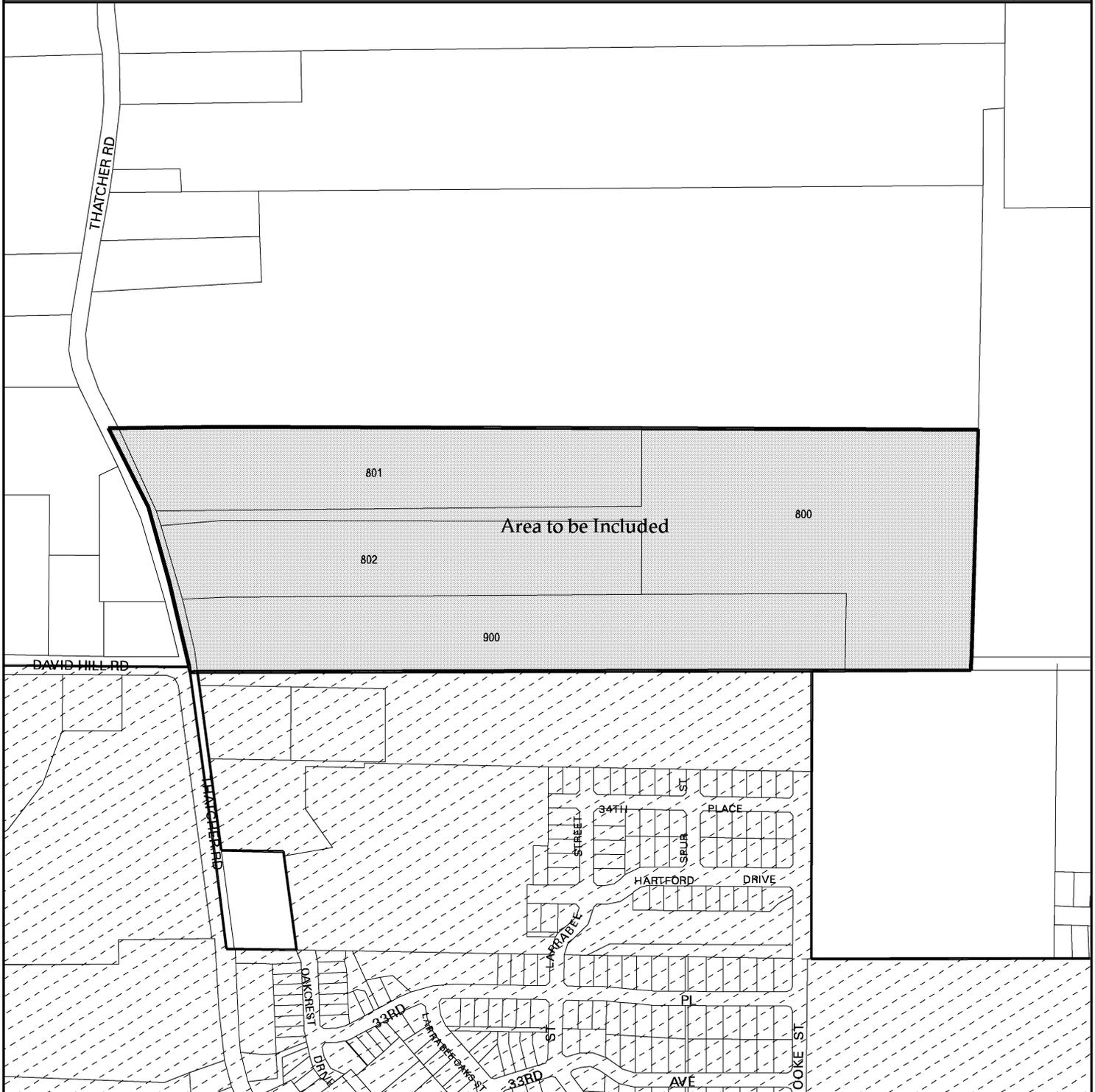
No Site Address
2862 NW Thatcher Road
No Site Address
2720 NW Thatcher Road

Proposal No. WA0705

1N4W25

Annexation to the Clean Water Services District

Washington Co.



R
E
G
I
O
N
A
L
L
A
N
D
I
N
F
O
R
M
A
T
I
O
N
S
Y
S
T
E
M



600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

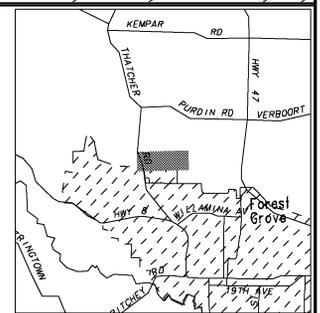
METRO

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

Proposal No. WA0705
CLEAN WATER SERVICES DISTRICT
Figure 1

Scale: 1" = 500'





July 27, 2005

Metro
Robert Knight
600 NE Grand Ave
Portland, Oregon 97232-2736

Dear Mr. Knight:

Please be advised that we have received and filed, as of July 27, 2005, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
OR NO 4357 (City of Beaverton)	AN 2005-0170
OR NO 4358 (City of Beaverton)	AN 2005-0171
OR NO 05-109 (Clean Water Services District)	SD 2005-0095
OR NO 05-110 (Clean Water Services District)	SD 2005-0096

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

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
July 20, 2005
As Per ORS 308.225

Description Map received from: METRO
 On: 7/8/2005

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

ANNEX TO CLEAN WATER SERVICES DISTRICT WA-0705

RES AND ORDER #05-109

has been: Approved 7/20/2005
 Disapproved

Notes:

Department of Revenue File Number: 34-1754-2005

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



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-0705

BOARD OF COUNTY COMMISSIONERS NOTICE OF DECISION

APPLICANT:

David Hill Development LLC
 Tim McDonald
 233 SE Second Ave.
 Hillsboro, OR 97123

APPLICANT'S REPRESENTATIVE:

LDC Design Group,
 20085 NW Tanasbourne Drive
 Hillsboro, OR 97124

CONTACT PERSON: Lauren Leese

OWNERS:

David Hill Development Co., LLC (TL 800, 802, 900)
 Tim McDonald
 233 SE Second Ave.
 Hillsboro, OR 97123

Janet A. Mullen (TL 801)
 2862 NW Thatcher Road
 Forest Grove, OR 97116

CPO: 12F

COMMUNITY PLAN: N/A

EXISTING LAND USE DISTRICT: FD-10, Future Development
 10-Acre District

ASSESSOR MAP NO(S): 1N4 25

SITE SIZE: Approximately 57.0 acres

TAX LOT NO(S): 800, 801, 802 and 900

ADDRESS: 2720 & 2862 NW Thatcher Rd.

LOCATION: Northeast corner of the intersection of
 Thatcher RD. and David Hill Rd., north of the city of Forest
 Grove.

PROPOSED MINOR BOUNDARY CHANGE:

Annexation to Clean Water Services (CWS) of approximately 57.0 acres (Tax Lots 800, 801, 802, 900).

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 **June 28, 2005**.

NOTICE MAILING DATE: July 1, 2005

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 EXPLICITELY 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:

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

(SEE REVERSE SIDE FOR SITE MAP)

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Land Use and Transportation (CPO 12F)

Agenda Title: CONSIDER THE ANNEXATION OF APPROXIMATELY 57 ACRES TO THE CLEAN WATER SERVICES DISTRICT (WA-0705)

Presented by: Brent Curtis, Planning Division Manager

SUMMARY:

The County has received a request to annex four parcels, comprising an area approximately 57 acres in size, to the Clean Water Services District (District). The property is located at the northeast corner of the intersection of Thatcher Road and David Hill Road, north of the City of Forest Grove, and is further identified as tax map and lot numbers 1N4 25 #800, 801, 802, and 900. Three of the parcels (tax lots 800, 802 and 900) were annexed into the City of Forest Grove in January 2005. Annexation of the fourth parcel (Tax Lot 801) into the City of Forest Grove was approved on May 23, 2005, and will become effective 30 days later (by June 22, 2005). In order for the subject property to receive the necessary sanitary and storm sewer service from the District, it must be annexed to the District.

On May 24, 2005, the Board opened the continued public hearing and received testimony. Staff recommended a continuance to June 28, 2005, in order for the city annexation of Tax Lot 801 to be effective prior to the Board's decision on the annexation to the District. The Board continued the hearing to June 28, 2005. The addendum staff report contains staff's revised recommendation. The addendum staff report will be provided to the Board under separate cover and will be available at the clerk's desk. Staff will be available to answer any questions.

- 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 05-109

Agenda Item No.	<u>4.b.</u>
Date:	06/28/05

1 IN THE BOARD OF COUNTY COMMISSIONERS

2
3 FOR WASHINGTON COUNTY, OREGON

4
5 In the Matter of Approving Boundary) RESOLUTION AND ORDER
6 Change Proposal No. WA-0705) No. 05-109
7

8 The above-entitled matter (WA-0705) came before the Board at its
9 regular public hearings on May 17, 2005 and May 24, 2005 and was
10 continued to June 28, 2005; and

11 It appearing to the Board that this annexation to the Clean Water
12 Services District involves four tax lots (1N4 25 #800, 801, 802, and 900, in the
13 City of Forest Grove), located at the northeast corner of the intersection of
14 Thatcher Road and David Hill Road; and

15 It appearing to the Board that WA-0705 was initiated by a consent
16 petition of the property owners and registered voters and meets the
17 requirement for initiation set forth in ORS 198.855 (3), ORS 198.750 and
18 Metro Code 3.09.040 (a); and

19 It appearing to the Board that pursuant to ORS 198.850 the
20 Washington County Board is authorized to approve annexations to the Clean
21 Water Services District; and

22 It appearing to the Board that the Board is charged with deciding
23 petitions for special service districts' boundary changes pursuant to ORS
24 Chapter 198 and Metro Code Chapter 3.09; and

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

27 It appearing to the Board that County staff have reviewed the proposed
28 boundary change and determined that it complies with the applicable
29 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 0705, 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

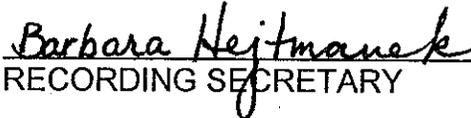
11 RESOLVED AND ORDERED that this boundary change proposal shall
12 be effective upon adoption and that the County Administrator or his designees
13 shall take all necessary steps to effectuate this proposal.

14 DATED this 28th day of June, 2005.

15 BOARD OF COUNTY COMMISSIONERS
16 FOR WASHINGTON COUNTY, OREGON
17
18
19

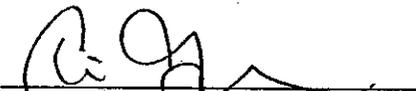
20 

21 CHAIRMAN

22
23 
24 RECORDING SECRETARY

25 Date Signed: 6-28-05

26 Approved as to form:

27
28 
29 Assistant County Counsel for
30 Washington County, Oregon
31
32

	AYE	NAY	ABSENT
BRIAN	—	—	✓
SCHOUTEN	✓	—	—
LEEPER	✓	—	—
ROGERS	✓	—	—
DUYCK	✓	—	—

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 four (4) parcels encompassing approximately 57 acres in size. The property is collectively located at the northeast corner of the intersection of Thatcher Road and David Hill Road, north of the city of Forest Grove, and is further identified as tax maps and lot numbers 1N4 25 #800, 801, 802 and 900.
3. Three of the four parcels that comprise the subject property (Tax Lots 800, 802, and 900) were annexed into the City of Forest Grove in January 10, 2005, via Ordinance 2005-01. Upon the effective date of the annexation, the properties were designated with the City of Forest Grove zoning designation of R-10, an urban single-family residential zoning designation. The city annexation of the fourth parcel, Tax Lot 801, was approved on May 23, 2005. Per the City's Community Development Director, the annexation of Tax Lot 801 into the City of Forest Grove will become effective 30 days after the city council approval, which is June 22, 2005.
4. One of the lots (Tax Lot 801) contains a single-family dwelling; the other three lots contain no improvements. The tax lots are generally level, with slopes of less than 10 percent. All four tax lots have public street frontage on NW Thatcher Road.

To the north and east of the subject properties are rural properties outside of the regional Urban Growth Boundary (UGB) that have an Exclusive Farm Use (EFU) designation and are employed as farmland. To the west of the subject property, on the west side of NW Thatcher Road, are unincorporated properties within the UGB having an FD-10 designation; these properties are characterized by a mixture of rural residences and smaller-scale farm uses. To the south of the subject property is a vacant parcel which appears to be in farm use (Tax Lot 600), and a vacant parcel that is slated to be a future elementary school site (Tax Lot 1003); these properties are within the City of Forest Grove. Further south, abutting Tax Lot 600, is an existing single-family residential development, "Oak Hill Settlement", also within the City of Forest Grove.

5. The applicant desires storm and sanitary sewer service to facilitate future development of the property in accordance with the City of Forest Grove's standards.

After the effective date of the City annexation, the applicant proposes the development of a 217-lot single-family detached residential subdivision. The property must be brought into the District in order to be provided with the necessary sanitary and storm sewer service.

6. 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.

7. The City of Forest Grove endorses the proposed annexation of the subject property to the District. The submittal for this District annexation request includes an endorsement letter from the Forest Grove City Manager.
8. 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. The required cooperative agreement for sanitary sewer service provision by the District with cities (including the City of Forest Grove) and Washington County has been adopted.]
- 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 property 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.

Additionally, 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. However, a cooperative agreement for sanitary sewer service provision by the District with cities, including the city of Forest Grove, and Washington County, has been adopted. Additionally, the subject properties are within the Forest Grove Urban Planning Area identified in the Forest Grove Urban Planning Area Agreement (UPAA), which was adopted in 1988. The District would be the provider of sanitary sewer service to the property, as they provide sanitary sewer service to the

surrounding lands inside the UGB. Furthermore, at time of writing, a necessary party is **not** contesting this boundary change. Therefore, these additional criteria need not be addressed.

9. This property is within 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. 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. These were examined and found not to contain any directly applicable standards and criteria for boundary changes.

10. The City of Forest Grove will provide sanitary sewer service for the property with a 15-inch sanitary sewer line located within the Brooke Street right-of-way (south of the subject property). The applicant is proposing to extend this existing line through Tax Lot 1003 (owned by the Forest Grove School District) to the subject property to provide the necessary sanitary sewer service. The District provides the sewage treatment and transmission of effluent to the regional treatment plants through major trunks and interceptors as well as sanitary sewer service for lands within unincorporated Washington County.
11. The City of Forest Grove will serve the subject property via extension of an existing 8-inch water line that is located in Brooke Street, south of the subject property. The applicant is proposing to extend that existing water line north to the subject property through Tax Lot 1003, which is owned by the Forest Grove School District. The applicant is also proposing to connect the subject property to an existing 12-inch water line located within the NW Thatcher Road right-of-way.
12. The Forest Grove Fire District presently serves the property. Fire service will not change as a result of annexation to the District.
13. Three of the four tax lots comprising the subject property have been annexed to the City of Forest Grove and therefore receive police protection from the City of Forest Grove. The fourth lot presently receives police protection from the Washington County Sheriff's Department. This service will not be affected by the annexation to the District. Once the property has been annexed to the City of Forest Grove, the City will provide the property with police protection.
14. Access to the future development will be required to be in accordance with the City's development standards. Annexation of the subject property to the District will not affect transportation through the City of Forest Grove or unincorporated Washington County.

15. The District has responsibility for surface water management within urban Washington County. Clean Water Services has entered into an intergovernmental agreement with the City of Forest Grove for allocation of City and District responsibilities. The City has responsibilities for operations and maintenance of storm and surface water facilities within the City. The City will provide storm sewer service to the property from an existing 12-inch storm line located in the NW David Hill Road right-of-way, east of the property. The applicant is proposing to extend a drain line from NW David Hill Road to the subject property. The District provides the storm water treatment through major storm drain lines as well as storm sewer service for lands within unincorporated Washington County.
16. The City of Forest Grove maintains its own Park & Recreation Department. The annexation to the District will not affect that fact.
17. On May 17, 2005, the Board opened the public hearing and received testimony. Staff recommended that the Board continue the hearing to June 21, 2005, so that the outcome of the city's annexation decision for Tax Lot 801 would be known prior to the Board's decision for the District annexation. Mr. Tim McDonald, the applicant, testified and requested that the Board approve the District annexation rather than continuing the hearing to June 21. The Board continued the hearing to May 24, 2005, and requested that Staff consult with County Counsel regarding feasibility of issuing a service district approval prior to June 21.

The addendum staff report prepared for the May 24, 2005 hearing recommended that the Board continue the hearing and decision to a date subsequent to the effective date of the city annexation of Tax Lot 801. The addendum staff report recommended that the hearing be continued to June 28, 2005, which would be the first Board hearing after the June 22, 2005 effective date of the city annexation of Tax Lot 801.

18. On May 24, 2005, the Board opened the continued public hearing. The Board continued the public hearing to June 28, 2005.
19. On June 28, 2005, the Board opened the continued public hearing.

CONCLUSIONS AND REASONS FOR DECISION

Based on the above Findings, the Board 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 Washington County Comprehensive Plan is no longer applicable to 3 of the 4 parcels comprising the subject property (Tax Lots 800, 802, and 900), since these were annexed to the City of Forest Grove in January 2005. Annexation of these properties to the District is consistent with the City of Forest Grove's Comprehensive Plan. At time of writing, however, the Washington County Comprehensive Plan is still applicable to Tax Lot 801. The Board has reviewed the Washington County Comprehensive Plan, and finds that the annexation of Tax Lot 801 to the District is consistent with said document. Upon the effective date of the city annexation of Tax Lot 801, the Washington County Comprehensive Plan will no longer be applicable to that parcel.
3. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements (UPAA). The subject property is located within the Forest Grove urban planning area identified in the Forest Grove Urban Planning Area Agreement, adopted in 1988. The requested annexation is consistent with the UPAA.
4. 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 the District, cities (including the City of Forest Grove) 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.
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 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 does not interfere with the timely provision of those services.
6. 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.
7. The City of Forest Grove supports the proposed annexation to the District's boundary. The submittal for this District annexation request includes an endorsement letter from the City Manager of Forest Grove.

Tax Lots 800, 801, 802 and 900 of Tax Map 1N4 25 Washington County**Legal Description**

A tract of land situated in Section 25, Township 1 North, Range 4 West of the Willamette Meridian, County of Washington, State of Oregon, being more particularly described as follows:

Beginning at the centerline intersection of David Hill and Thatcher Roads, also being the southwest corner of the Orus Brown Donation Land Claim; thence along the centerline of said Thatcher Road, N 12°19'34" W, 557.98 feet; thence N 27°58'00" W, 356.40 feet to the northwest corner of that tract of land described in Book 1066, Page 272, said county records; thence along the north boundary thereof, and the easterly projection thereof, N89°53'30"E, 3057.00 feet to the Northeast corner of that tract of land described in Document Number 78046305; thence along the easterly line of said land, S 00°12'00" W, 863.26 feet to the Southeast corner of said tract; thence along the southerly line thereof, and the westerly projection thereof, S 89°57'00" W, 2767.73 feet to the Point of Beginning.

Containing 57.0 Acres

***ANNEXATION TO
CLEAN WATER SERVICES DISTRICT***

Boundary Change Proposal No. WA-0705

Addendum Staff Report

For the June 28, 2005
Board of Commissioners' Hearing



June 9, 2005

To: Board of County Commissioners
From: Brent Curtis, Planning Manager *AB*
Subject: **MINOR BOUNDARY CHANGE PROPOSAL NO. WA-0705 - ANNEXATION
TO THE CLEAN WATER SERVICES DISTRICT**

ADDENDUM STAFF REPORT
For the June 28, 2005 Board of Commissioners Hearing
(The public hearing will begin no sooner than 6:30 PM)

STAFF RECOMMENDATION

Based on the analysis in this staff report and in the attached Findings and Conclusions (Exhibit A), staff recommends that the Board approve Minor Boundary Change WA-0705, with the approval becoming effective immediately.

BACKGROUND

The applicant requests that four parcels totaling approximately 57 acres be annexed to the Clean Water Services District (District) in order to facilitate the future development of the property. The property is collectively located at the northeast corner of the intersection of Thatcher Road and David Hill Road, north of the city of Forest Grove, and is further identified as tax maps and lot numbers 1N4 25 #800, 801, 802, and 900. The applicant proposes to develop a 217-lot single-family detached residential subdivision on the subject property. The property must be brought into the District in order to be provided with the necessary sanitary and storm sewer service.

Three of the subject four tax lots (Tax lots 800, 802, and 900) were annexed into the City of Forest Grove on January 10, 2005 via Ordinance 2005-01. The fourth tax lot, Tax Lot 801, was approved to be annexed into the City of Forest Grove on May 23, 2005 via Ordinance 2005-10. According to Jon Holan, the City of Forest Grove's Community Development Director, the city annexation of Tax Lot 801 will be effective 30 days after the May 23rd decision, which is June 22, 2005.

On May 24, 2005, the Board opened the public hearing and received testimony. Staff recommended that the Board continue the public hearing to June 28, 2005, in order for the city annexation of Tax Lot 801 to be effective prior to the Board's decision on the annexation of the properties to the District. The Board continued the public hearing to June 28, 2005.

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 four (4) parcels encompassing approximately 57 acres in size. The property is collectively located at the northeast corner of the intersection of Thatcher Road and David Hill Road, north of the city of Forest Grove, and is further identified as tax maps and lot numbers 1N4 25 #800, 801, 802 and 900.
3. Three of the four parcels that comprise the subject property (Tax Lots 800, 802, and 900) were annexed into the City of Forest Grove in January 10, 2005, via Ordinance 2005-01. Upon the effective date of the annexation, the properties were designated with the City of Forest Grove zoning designation of R-10, an urban single-family residential zoning designation. The city annexation of the fourth parcel, Tax Lot 801, was approved on May 23, 2005. Per the City's Community Development Director, the annexation of Tax Lot 801 into the City of Forest Grove will become effective 30 days after the city council approval, which is June 22, 2005.
4. One of the lots (Tax Lot 801) contains a single-family dwelling; the other three lots contain no improvements. The tax lots are generally level, with slopes of less than 10 percent. All four tax lots have public street frontage on NW Thatcher Road.

To the north and east of the subject properties are rural properties outside of the regional Urban Growth Boundary (UGB) that have an Exclusive Farm Use (EFU) designation and are employed as farmland. To the west of the subject property, on the west side of NW Thatcher Road, are unincorporated properties within the UGB having an FD-10 designation; these properties are characterized by a mixture of rural residences and smaller-scale farm uses. To the south of the subject property is a vacant parcel which appears to be in farm use (Tax Lot 600), and a vacant parcel that is slated to be a future elementary school site (Tax Lot 1003); these properties are within the City of Forest Grove. Further south, abutting Tax Lot 600, is an existing single-family residential development, "Oak Hill Settlement", also within the City of Forest Grove.

5. The applicant desires storm and sanitary sewer service to facilitate future development of the property in accordance with the City of Forest Grove's standards.

After the effective date of the City annexation, the applicant proposes the development of a 217-lot single-family detached residential subdivision. The property must be brought into the District in order to be provided with the necessary sanitary and storm sewer service.

6. 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

surrounding lands inside the UGB. Furthermore, at time of writing, a necessary party is **not** contesting this boundary change. Therefore, these additional criteria need not be addressed.

9. This property is within 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. 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. These were examined and found not to contain any directly applicable standards and criteria for boundary changes.

10. The City of Forest Grove will provide sanitary sewer service for the property with a 15-inch sanitary sewer line located within the Brooke Street right-of-way (south of the subject property). The applicant is proposing to extend this existing line through Tax Lot 1003 (owned by the Forest Grove School District) to the subject property to provide the necessary sanitary sewer service. The District provides the sewage treatment and transmission of effluent to the regional treatment plants through major trunks and interceptors as well as sanitary sewer service for lands within unincorporated Washington County.
11. The City of Forest Grove will serve the subject property via extension of an existing 8-inch water line that is located in Brooke Street, south of the subject property. The applicant is proposing to extend that existing water line north to the subject property through Tax Lot 1003, which is owned by the Forest Grove School District. The applicant is also proposing to connect the subject property to an existing 12-inch water line located within the NW Thatcher Road right-of-way.
12. The Forest Grove Fire District presently serves the property. Fire service will not change as a result of annexation to the District.
13. Three of the four tax lots comprising the subject property have been annexed to the City of Forest Grove and therefore receive police protection from the City of Forest Grove. The fourth lot presently receives police protection from the Washington County Sheriff's Department. This service will not be affected by the annexation to the District. Once the property has been annexed to the City of Forest Grove, the City will provide the property with police protection.
14. Access to the future development will be required to be in accordance with the City's development standards. Annexation of the subject property to the District will not affect transportation through the City of Forest Grove or unincorporated Washington County.

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 Washington County Comprehensive Plan is no longer applicable to 3 of the 4 parcels comprising the subject property (Tax Lots 800, 802, and 900), since these were annexed to the City of Forest Grove in January 2005. Annexation of these properties to the District is consistent with the City of Forest Grove's Comprehensive Plan. At time of writing, however, the Washington County Comprehensive Plan is still applicable to Tax Lot 801. The Board has reviewed the Washington County Comprehensive Plan, and finds that the annexation of Tax Lot 801 to the District is consistent with said document. Upon the effective date of the city annexation of Tax Lot 801, the Washington County Comprehensive Plan will no longer be applicable to that parcel.
3. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements (UPAA). The subject property is located within the Forest Grove urban planning area identified in the Forest Grove Urban Planning Area Agreement, adopted in 1988. The requested annexation is consistent with the UPAA.
4. 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 the District, cities (including the City of Forest Grove) 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.
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 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 does not interfere with the timely provision of those services.
6. 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.
7. The City of Forest Grove supports the proposed annexation to the District's boundary. The submittal for this District annexation request includes an endorsement letter from the City Manager of Forest Grove.

