

Final Documents

For

Annexation to the
Clean Water Services Dist.

WA0803
Ordinance #03-35
DOR 34-1605-2003

Final to DOR:

Signature:

Date of

Mailing: 4/25/03

Final to Secretary of State

Signature:

Date of

Mailing: 5/19/03

WA0803

Sent

Received

DOR:

4/25/03

5/6/03

Sec. State:

5/19/03

Assessor:

5/19/03

Elections:

5/19/03

Mapped:

Yes

Addresses:

2S135BD00200
2S135BD00300

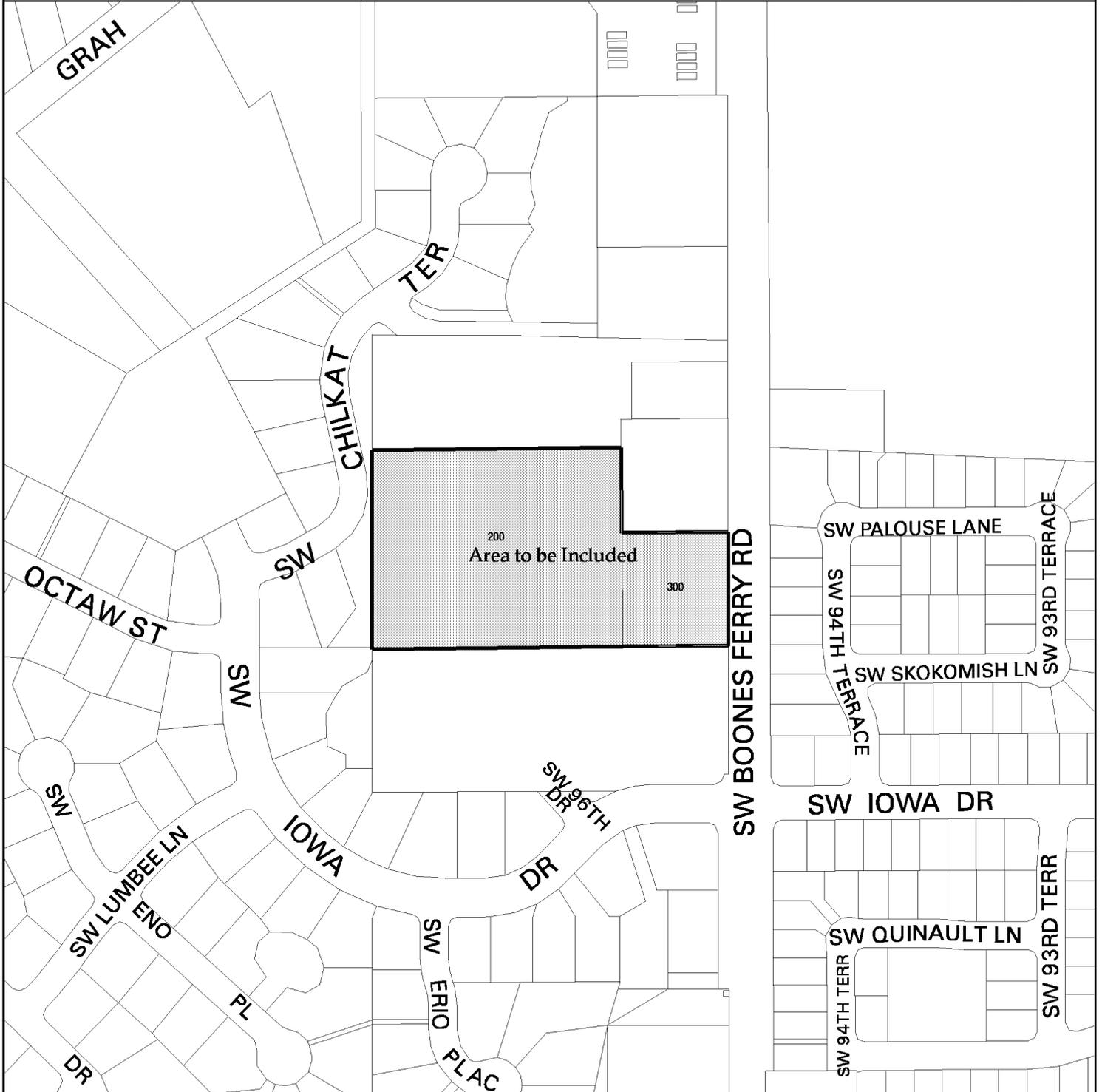
No Site Address
22635 SW Boones Ferry Rd

Proposal No. WA0803

2S1W35BD

Annexation to the Clean Water Services Dist.

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



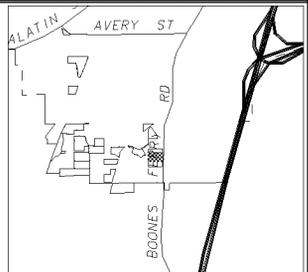
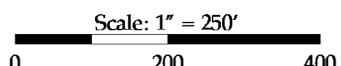
600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

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,

- County lines
- Annexation boundary
- District

Proposal No. WA0803
CLEAN WATER SERVICES DIST.
Figure 1



Notice to Taxing Districts

ORS 308.225



Cartographic 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
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 CLEAN WATER SERVICES

RES. #03-35 (WA-0803)

has been: Approved 5/6/2003
 Disapproved

Notes:

Department of Revenue File Number: 34-1605-2003

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



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-0803

BOARD OF COUNTY COMMISSIONERS NOTICE OF DECISION

APPLICANT:

SR Management Company
22914 SW Hosier Way
Sherwood, OR 97140

CPO: 5

COMMUNITY PLAN:

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

ASSESSOR MAP NO(S): 2S1 35BD

SITE SIZE: 4.54 acres

TAX LOT NO(S): 200 and 300

ADDRESS: 22635 SW Boones Ferry Road, Tualatin

LOCATION: West side of SW Boones Ferry Road, north
of Iowa Drive

PROPOSED MINOR BOUNDARY CHANGE:

Annexation to Clean Water Services of 4.54 acres of land located in unincorporated Washington County.

APPLICANT'S REPRESENTATIVE:

Jeff Bolton
Multi/Tech Engineering
1155 13th Street SE
Salem, OR 97302

OWNERS:

John & Sheila Brown
22635 SW Boones Ferry Road
Tualatin, OR 97062

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)

AGENDA

LUT
Plan

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Land Use and Transportation (CPO 5)

Agenda Title: CONSIDER THE ANNEXATION OF APPROXIMATELY 4.54 ACRES TO CLEAN WATER SERVICES 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, which abolished the Boundary Commission and passed the boundary change function back to the local level. Effective January 1, 1999, the County became responsible for local boundary changes (i.e., special service district annexations). Cities process their own boundary changes.

The County has received a request to annex two parcels encompassing 4.54 acres to Clean Water Services District (District). The property is located west of Boones Ferry Road and north of Iowa Street and is further identified as tax map and lot numbers 2S1 35BD 200 and 300. This property is inside the regional UGB and currently in the process of being annexed into the City of Tualatin. (See Exhibit B) The applicant desires to be provided sanitary sewer service from Clean Water Services. In order for these parcels to receive service from the District, it needs to be annexed to the District.

Notice of today's hearing has been made in accordance with the state law requirements. The staff report (File Number: WA-0803) 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 these properties 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.

RO 03-35

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

1 IN THE BOARD OF COUNTY COMMISSIONERS

2
3 FOR WASHINGTON COUNTY, OREGON

4
5
6 In the Matter of Approving Boundary) RESOLUTION AND ORDER
7 Change Proposal No. WA-0803) No. 03-35
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 two parcels
13 within unincorporated Washington County and pursuant to ORS 198 the
14 Washington County Board is the boundary Board for Clean Water Services;
15 and

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

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

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

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

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RESOLVED AND ORDERED that Boundary Change Proposal No. WA-0803, 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

Tom Brian
CHAIRMAN

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

Barbara Heitmanek
RECORDING SECRETARY

Date Signed: 4-15-03

Approved as to form:

Al C. Royal
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 into the District is currently located in unincorporated Washington County. However, the property owners are in the process of annexing the property into the City of Tualatin.
3. The property is located west of Boones Ferry Road and north of Iowa Street and is further identified as tax map and lot numbers 2S1 35BD 200 and 300. The property encompasses 4.54 acres and is valued at \$353,000. The property slopes from east to west and contains the upper headwaters of Hedges Creek, including associated wetlands. The eastern portion of the property supports a single-family residence, a barn and significant trees.
4. The applicant desires sanitary sewer service to facilitate the future development of an 8-lot single family residential development. The property must first be brought into the Clean Water Services District (District) in order to be provided the necessary sanitary sewer service.
5. 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 agreements between the City of Tualatin, service districts and Washington County have been adopted. An urban service agreement for the City of Tualatin has not 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 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. As noted previously, cooperative agreements between the City of Tualatin, service districts and Washington County have been adopted. Additionally, at time of writing, a necessary party is not contesting this boundary change. Therefore, these additional criteria need not be addressed.

- 6. The property maintains approximately 200 feet of frontage along SW Boones Ferry Road and encompasses 4.54 acres. The property slopes from east to west and contains the upper headwaters of Hedges Creek, including associated wetlands. The eastern portion of the property supports a single-family residence, a barn and significant trees.
- 7. This property 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. 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.

- 8. The property is in the process of being annexed into the City of Tualatin. Until the effective date of the annexation the property will be subject to the County's land use planning requirements, including the Washington County Transportation Plan and the Washington

County/Tualatin Urban Planning Area Agreement (UPAA). The County's Transportation Plan was examined and found not to contain any directly applicable policies or implementation strategies for boundary changes.

9. An 8-inch public sanitary sewer line located east of the property in SW Boones Ferry Road will 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.
10. The City of Tualatin has a 12-inch domestic water line east of the property in SW Boones Ferry Road to serve the future residential development.
11. This area is served by the Tualatin Valley Fire & Rescue.
12. The property receives police protection from the City of Tualatin.
13. Access to this site is provided from SW Boones Ferry Road, a state facility. This issue will be addressed in detail as a part of the City of Tualatin's subdivision review process – after the property is annexed into the city.
14. 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 Tualatin for allocation of City and District responsibilities. The City has responsibilities for operations and maintenance of storm and surface water facilities within the City.
15. The City of Tualatin maintains its own Park & Recreation Department. The annexation to Clean Water Services will not affect that fact.
16. The District supports the proposed annexation to its boundary. The Board of County Commissioners has endorsed this as the Board of Directors of Clean Water Services District.

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. Additionally, the property is in the process of being annexed into the City of Tualatin.
3. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements (UPAA). There is a UPAA between Washington County and the City of Tualatin that addresses the property until it is annexed to the city. Should the annexation be approved, the UPAA would no longer be applicable to the planning of the property.
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 agreements between the City of Tualatin, service districts and Washington County have 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. An urban service agreement for the City has not been adopted.
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 Clean Water Services 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.

EXHIBIT C

(Tax Lots 200 & 300)

A tract of land located in the Northwest Quarter of Section 35, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and more particularly described as follows:

Beginning at a point in S.W. Boones Ferry Road (C.R. 125) on the north – south centerline of Section 35, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, said point is 1475.45 south of the North Quarter Corner of Section 35, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, said point is also 200.00 feet south of the Northeast corner of Deed Book 350 Page 342, Deed Records of Washington County, Oregon; thence leaving said north – south centerline of section 35, West parallel with the north line of said deed, a distance of 220.00 feet to a point; thence North, parallel with the centerline of said Section 35, a distance of 150.00 feet to the southeast corner of Deed Book 733 Page 444, Deed Records; thence West, along the south line of said deed, parallel with the north line of Deed Book 350 Page 342, a distance of 440.00 feet, to the southwest corner of Deed Book 733 Page 444, coincident with the west line of Deed Book 350 Page 342; thence South along the west line of Deed Book 350 Page 342, parallel with the centerline of Section 35, a distance of 350.00 feet to the southwest corner of said deed; thence East, parallel with the north line of said deed, a distance of 660.00 feet to a point in S.W. Boones Ferry Road (C.R. 125) on the north – south centerline of Section 35, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon; thence North, along said centerline, a distance of 200.00 feet to the point of beginning.

Save & Except:

The easterly 30.00 feet of the above described tract, for road right-of-way purposes.
(Boones Ferry Road County Road No. 125)

Containing 4.54 Acres more or less