

Final Documents

For

Annexation to the
Clean Water Services District

WA0902
Ordinance: 02-60
DOR: 3-1547-2002

Final to DOR: _____

Signature:

 _____

Date of
Mailing: 6/18/02

Final to Secretary of State: _____

Signature:

 _____

Date of
Mailing: 8/5/01

WA0902

Sent

Received

DOR:

6/18/02

7/15/02

Sec. State:

8/5/02

Assessor:

8/5/02

Elections:

8/5/02

Mapped:

Yes

Posted to Web:

Addresses:

21E30A 01700

5360 SW Borland Rd

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
July 15, 2002
As Per ORS 308.225

Description Map received from: METRO
On: 6/20/2002

This is to notify you that your boundary change in Clackamas County for
ANNEX TO THE CLEAN WATER SERVICES DIST.

ORD. #02-06 (WA0902)

has been: Approved 7/15/2002
 Disapproved

Notes:

Department of Revenue File Number: 3-1547-2002

Prepared by: Jennifer Dudley, 503-945-8666

Boundary: Change Proposed Change
The change is for:

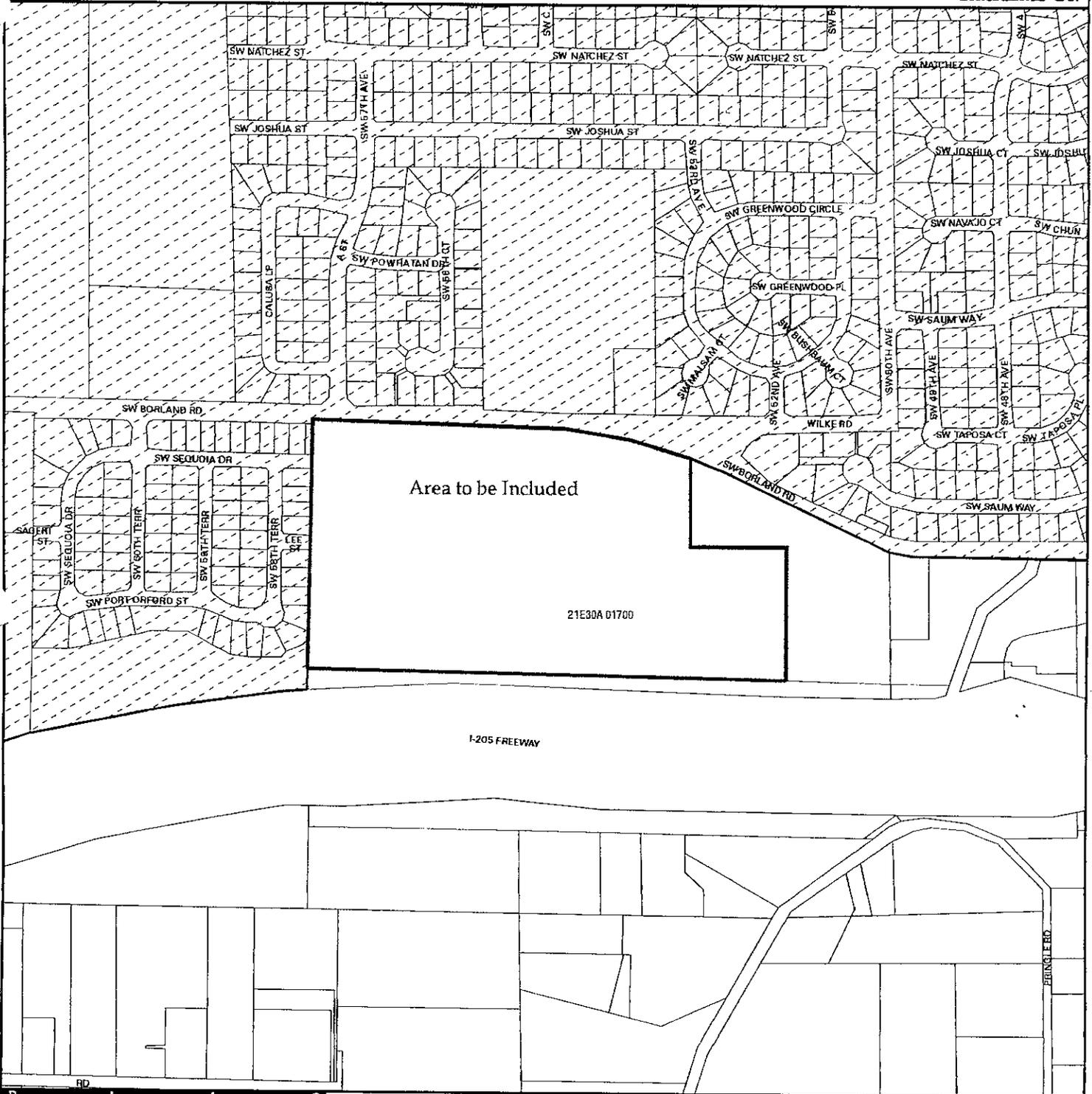
- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge

Proposal No. WA0902

2S1E19, 30

Annexation to the Clean Water Services District

Clackamas Co.



R L I S
REGIONAL LAND INFORMATION SYSTEM



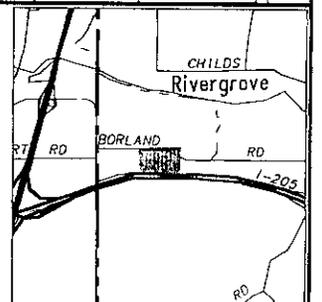
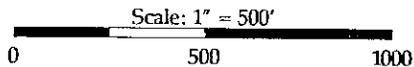
600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

METRO

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- County lines
- Annexation boundary
- District

Proposal No. WA0902
CLEAN WATER SERVICES DISTRICT
Figure 1



AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Department of Land Use and Transportation

Agenda Title: ANNEXATION OF ONE PARCEL ENCOMPASSING 29.93 ACRES TO THE CLEAN WATER SERVICES DISTRICT

Presented by: Brent Curtis, Planning Division Manager

SUMMARY (Attach Supporting Documents if Necessary)

The County received a request to annex a single parcel encompassing a total of 29.93 acres to the Clean Water Services District (District). The property is located entirely within Clackamas County. The applicant proposes to develop the parcel with a single-family residential subdivision but the parcel first needs to annex into the District in order to be served by the Clean Water Services. ORS 198 dictates that the decision-maker for the annexation to a special service district is the county board of the county within which the largest portion of the assessed value of the district lies. The largest portion of the District's assessed value lies within Washington County; therefore the Washington County Board is the boundary Board for the District.

The Board on April 2, 2002 opened the hearing on WA-0902. After a brief discussion, the Board voted to continue the hearing to May 7, 2002 in order to allow staff time to contact Clackamas County to find out whether or not they had any comments regarding the proposed annexation. Staff has not yet received any comments from the Clackamas County Board. However, Clackamas County staff noted that the area is presently within the Clackamas County Service District for Surface Water Management (Surface Water Management Agency-SWMA). ORS 198.720 (2), however, prohibits overlaying Clean Water Services on top of SWMA because both districts are formed under the same principle act and provide the same service. The solution to this problem is to remove this area from SWMA.

(Continued)

Attachments: Resolution and Order
Findings, Exhibit A
Proposal No. WA-0902, Exhibit B
Legal Description, Exhibit C

DEPARTMENT'S REQUESTED ACTION: *mb*

Open the continued public hearing to consider the annexation of this property into Clean Water Services District; approve the annexation; and adopt the attached Resolution and Order memorializing the approval.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

RO 02-60

| | |
|-----------------|-------------|
| Agenda Item No. | <u>4.6.</u> |
| Date: | 06-04-02 |

Annexation of One Parcel Encompassing 29.93 Acres to the Clean Water Services District

June 4, 2002

Page 2

Consequently, the May 7th hearing was continued to June 4, 2002 in order to allow the City of Tualatin time to remove the area from SWMA. The parcel was removed by ordinance from SWMA by the City of Tualatin City Council on May 13, 2002. The effective date of removal is May 22, 2002. Staff recommends that the Board approve the requested annexation to Clean Water Services District and adopt the attached resolution and order memorializing the approval.

1 The hearing was continued to June 4, 2002 in order to allow the City
2 of Tualatin time to remove the area from SWMA; and

3 On May 13, 2002 the City of Tualatin City Council removed the parcel
4 by ordinance from SWMA with an effective removal date of May 22, 2002;
5 and

6 It appearing to the Board that the Board is charged with deciding
7 petitions for boundary changes pursuant to ORS Chapter 198 and Metro
8 Code Chapter 3.09; and

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

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

1 RESOLVED AND ORDERED that Boundary Change Proposal No.
2 WA-0902, as described in the staff report, is hereby approved, based on the
3 analysis, findings and conclusions set forth in Exhibit "A" of the staff report,
4 incorporated herein by reference; and it is further

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

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

11 DATED this 4th day of June 2002.

12 BOARD OF COUNTY COMMISSIONERS
13 FOR WASHINGTON COUNTY, OREGON

| | AYE | NAY | ABSENT |
|-------------|-----|-----|--------|
| 17 BRIAN | | | |
| 18 SCHOUTEN | ✓ | — | ✓ |
| 19 LEEPER | ✓ | — | — |
| 20 ROGERS | ✓ | — | — |
| 21 DUYCK | ✓ | — | — |

16
17 John L. Leeper
18 CHAIR

19
20
21 Barbara Heitmanek
22 RECORDING SECRETARY

23
24 Date Signed: 6-4-02

25
26 Approved as to form:

27
28 Al C. [Signature]
29 Assistant County Counsel for
30 Washington County, Oregon
31

FINDINGS

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

1. The territory to be annexed contains 29.93 acres, 1 single family dwelling, a population of 1 and is evaluated at \$1,342,760.
2. The applicants desire sewer service to facilitate development of 75-85 single family homes on lots of 5,000 to 8,000 square feet. The development will be within the City of Tualatin. Annexation to the City is currently in process.
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 from Borland Road in the north at elevation of 200-210 feet to Saum Creek in the south at elevation 140 feet. The northern portion of the site is an agricultural field and there is a fir forest along Saum Creek in the south portion of the site.
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.

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.

7. 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 is in the process of being annexed to the City of Tualatin.

8. The City of Tualatin will provide collector sewer service from lines in the subdivision to the west. There are 8-inch lines stubbed to the western edge of the site in Sequoia Drive and between Lots 77 and 78 of the adjacent Sequoia Ridge subdivision approximately 160 feet south of SW Lee Street. These sewers drain to a temporary lift station within the Sequoia Ridge subdivision which was designed to accommodate up to 81 lots on the subject site. A portion of the site may be developed to drain east approximately 1600 feet to the existing Saum Creek lift station. Clean Water Services will provide the sewage treatment and transmission of effluent to the regional treatment plant through major trunks and interceptors.
9. The City of Tualatin has 8 inch water lines in SW Sequoia and SW Lee to the west and a 12 inch water line in SW Borland adjacent to the site.
10. This area is within the Tualatin Valley Fire and Rescue.
11. The territory will receive police protection from the City of Tualatin.
12. Access to this site can be provided from SW Borland Road. This issue would be addressed in detail as a part of the City of Tualatin's subdivision review process.
13. The Clean Water Services District has responsibility for surface water management within the Washington County urban growth boundary. Clean Water Services has entered into an intergovernmental agreement with Tualatin for allocation of the City and the District responsibilities. The City has responsibilities for operations and maintenance of storm and surface water facilities within the City.

The territory lies within the non-functioning Atfalati County Service District for Parks & Recreation. The annexation to Clean Water Services will not affect that fact. Tualatin has the ability to withdraw the territory from the Atfalati District as a part of the City annexation. If the City does so, then the territory will receive park & recreation service from 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 Clean Water Services District, 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 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 territory and does not interfere with the timely provision of those services.

Proposal No. WA0902

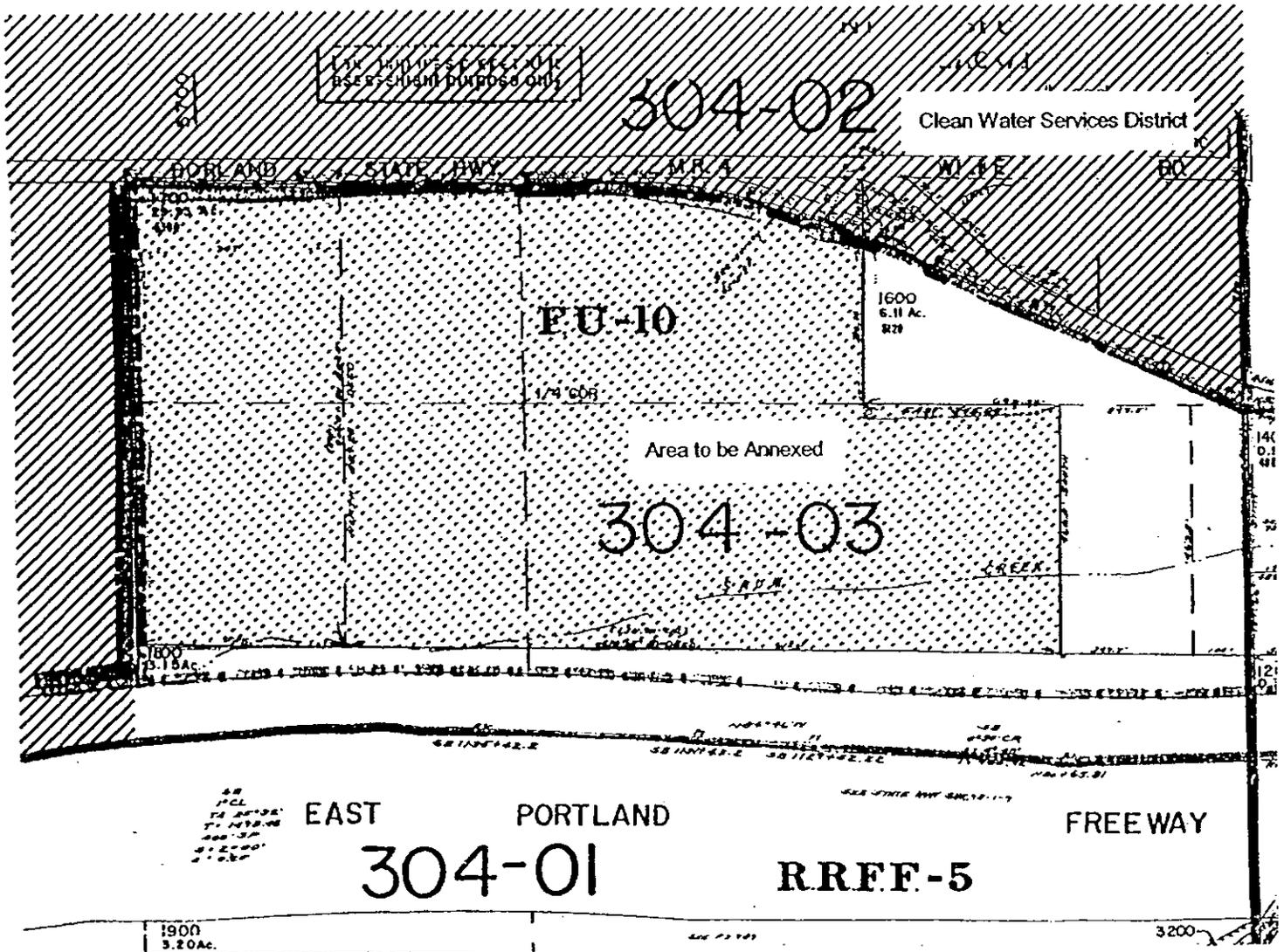


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Annexation to the Clean Water Services District
Clackamas Co.
Map 2S1E19, 30

EXHIBIT B

Proposal No. WA-0902



PROPOSAL NO. WA0902
CLEAN WATER SERVICES DISTRICT
Figure 2

EXHIBIT C
LEGAL DESCRIPTION

Two parcels of land in the South one-half of Section 19 and the North one-half of Section 30, T. 2 S., R. 1 E., W.M., Clackamas County, Oregon, said parcel is being more particularly described as:

Parcel I (Book 491 Page 48).

Part of Sections 19 and 30, T, 2 S., R 1 E., of the W .M., in the County of Clackamas and State of Oregon, to-wit:

Beginning at the NE corner of a tract of land conveyed to Katie Klinger by deed recorded August 30, 1933, in Book 293, page 291, Deed Records, said point being 6.69 chains North and 30.87 chains East of the NW corner of said Section 30; thence East 387 feet; thence South 900.3 ft. to the North line of a tract conveyed to Justus E. Holder et ux, by deed recorded September 19, 1951, in Book 448, Page 707, Deed Records; thence West 387 feet to the East line of said Klinger tract; thence North tracing the East line of said Klinger tract 900.3 feet to the place of beginning; except that portion lying within public roads as described in the Circuit Court of the State of Oregon for the County of Clackamas file No.89-8-296 Condemnation.

Parcel II (Book 458 Page 239).

Part of Sections 19 and 30, T. 2 S., R: 1 E., of the W. M., in the County of Clackamas and State of Oregon, to-wit:

Beginning at the Northeast corner of a tract of land conveyed to Katie Klinger by deed recorded August 30, 1933, in Book 293, page 291, Deed Records, said point being 6.69 chains North and 30.87 chains East of the Northwest corner of said Section 30; thence East 387 feet to the true place of beginning, of the tract herein to be conveyed; thence Easterly tracing the center line of Market Road No. 4, 966-86 feet to a point directly North of the Northwest corner of a tract conveyed to Stephen W. Saum et ux, by deed recorded April 7, 1934, in Book 222, page 411, Deed Records; thence South tracing the West line of said Saum tract 417.97 feet to the Southwest corner of said Saum tract; thence East tracing the South line of Section 19, 345.06 feet to the Northwest corner of a tract conveyed to Stephen W. Saum et ux by deed recorded August 15, 1944, in book 330, page 89, Deed Records; thence South tracing the West line of said last mentioned Saum tract 462.8 feet to the North line of a tract conveyed to Justus E. Holder et ux, by deed recorded September 19, 1951, in Book 448, page 707, Deed Records; thence West tracing the North line of said Holder tract 1410.78 feet, more or less, to a point which is 387 feet East of the East line of the Klinger tract mentioned above; thence North 889.28 feet to the point of beginning; except that portion lying within the boundaries of public roads as described in the Circuit Court of the State of Oregon for the County of Clackamas file No.89-8-296 Condemnation.