

Final Documents

For

Annexation to the
City of Cornelius

WA1004
Ord. #843
DOR 34-1655-2004
Sec. State AN-2004-0047

Final to DOR: _____

Signature:

Date of
Mailing: 3/1/04

Final to Secretary of State: _____

Signature:

Date of
Mailing: 3/5/04

WA1004

Sent

Received

DOR:

3/1/04

3/3/04

Sec. State:

3/5/04

3/16/04

Assessor:

3//5/04

Elections:

3/5/04

Mapped:

Yes

Addresses:

1S302A000700

33550 SW Tualatin Valley Hwy

1S302B000300

33580 SW Tualatin Valley Hwy

1S302B000400

33666 SW Tualatin Valley Hwy

1S302B000401

33760 SW Tualatin Valley Hwy

1S302B000402

No Site Address

1S302B000404

33830 SW Tualatin Valley Hwy

1S302B000500

33930 SW Tualatin Valley Hwy

1S302B000600 (part)

34120 SW Tualatin Valley Hwy

Proposal No. WA1004

1S3W02

Annexation to the City of Cornelius

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

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County lines

City

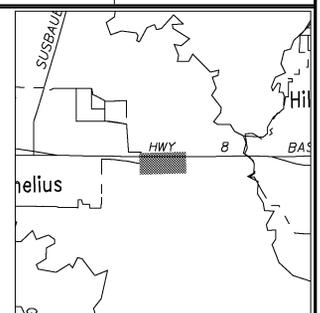
Annexation boundary

Urban Growth Boundary

Proposal No. WA1004
CITY OF CORNELIUS
Figure 1

Scale: 1" = 500'

0 500 1000



Office of the Secretary of State

Bill Bradbury
Secretary of State



Archives Division
ROY TURNBAUGH
Director

800 Summer Street NE
Salem, Oregon 97310
(503) 373-0701

Facsimile (503) 373-0953

March 9, 2004

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

Dear Mr. Knight:

Please be advised that we have received and filed on March 9, 2004 the following Annexation(s).

Ordinance(s):	Jurisdiction:	Our File Number(s):
ORD NO 843	City of Cornelius	AN 2004-0047
ORD NO 04-01	City of Tigard	AN 2004-0048

Determination of the effective date for all the above Final Order(s) is subject to ORS199.461 and/or ORS 222.180 and/or ORS 222.750.

Our assigned file number(s) are included with the above information.

Sincerely,

Linda Bjornstad
Linda Bjornstad
Official Public Documents

cc: County Clerk
ODOT/Highway Dept
PSU/Population Research Ctr.
Revenue Cartography Section

Notice to Taxing Districts

ORS 308.225



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

City of Cornelius
City Recorder
PO Box 607
Cornelius, OR 97113

Description and Map Approved
March 3, 2004
As Per ORS 308.225

Description Map received from: METRO
On: 3/2/2004

This is to notify you that your boundary change in Washington County for
ANNEX TO THE CITY OF CORNELIUS & WITHDRAWAL FROM SEVERAL DIST.

ORD. #843

has been: Approved 3/3/2004
 Disapproved

Notes:

Department of Revenue File Number: 34-1655-2004

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

COPY

THE CITY OF CORNELIUS, OREGON
ORDINANCE NO. 843

AN ORDINANCE ANNEXING (WITH CONDITIONS) CERTAIN TRACTS OF LAND (MAP # 1S3-2B - TAX LOT #'S 300, 400, 401, 402, 404, 500, AND A PORTION OF 600; MAP # 1S3-2A - TAX LOT # 700 AND PUBLIC ROAD RIGHT-OF-WAY) INTO THE CITY LIMITS OF CORNELIUS AND WITHDRAWING THE TRACT FROM WASHINGTON COUNTY ENHANCED LAW ENFORCEMENT DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY SERVICE DISTRICT NO. 1 FOR STREET LIGHTS, THE CORNELIUS RURAL FIRE PROTECTION DISTRICT, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT.

THE CORNELIUS CITY COUNCIL MAKES THE FOLLOWING FINDINGS:

WHEREAS, the City received a complete petition from property owners and registered voters of certain tracts of land, depicted on the attached map in Exhibit 1 to this ordinance, requesting that their property be annexed to the city limits of Cornelius; and

WHEREAS, the annexation shall include the right-of-way of Tualatin Valley Highway (State Highway No. 8), which abuts the subject tax lots located with the Urban Growth Boundary; and

WHEREAS, the annexation shall include the dedicated public right-of-way located south of Tualatin Valley Highway (State Highway No. 8), north of the Union Pacific Railroad right-of-way (Old Southern Pacific Railroad Line) and between MAP # 1S3-2A, TAX # 700 AND MAP # 1S3-2B - TAX LOT #'S 300, 400, 402; and

WHEREAS, the City received written consent from a majority of the electors in the territory proposed to be annexed and owners of more than half the land in the territory proposed to be annexed, before the date of the public hearing, as required by ORS 222.170(2); and

WHEREAS, the tracts of land will be contiguous to the City; and

WHEREAS, the tract of land lies within the boundary of the Washington County Enhanced Law Enforcement District; and

WHEREAS, the tract of land lies within the boundary of the Washington County Urban Roads Maintenance District; and

WHEREAS, the tract of land lies within the boundary of the Washington County Service District No. 1 for street lights; and

WHEREAS, the tract of land lies within the boundary of the Cornelius Rural Fire Protection District; and

WHEREAS, the tract of land lies within the boundary of the Washington County Vector Control District; and

WHEREAS, the City conducted a public hearing and mailed, published and posted notice of the public hearing as required by law; and

WHEREAS, a report was prepared as required by law, and the City Council having considered the report and the testimony at the public hearing does hereby favor the annexation of the subject tract of land and withdrawal from the County districts based on findings and conclusions attached hereto as Exhibit 2;

WHEREAS, the annexation and withdrawals are not contested by any necessary party;

NOW THEREFORE, THE CITY OF CORNELIUS ORDAINS AS FOLLOWS:

SECTION 1. The City Council for the City of Cornelius hereby approves the proposed annexation (with conditions) of the tract of land, described in Exhibit 1 and depicted on the attached map.

SECTION 2. The tract of land described in Section 1 shall be withdrawn from Washington County Enhanced Law Enforcement District, Washington County Urban Roads Maintenance District, Washington County Service District No. 1 for street lights, the Cornelius Rural Fire Protection District and the Washington County Vector Control District.

SECTION 3. The findings and conclusions attached as Exhibit 2 are adopted. The City Recorder shall immediately file a certified copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(g) and ORS 222.005.

SECTION 4. This Ordinance will become effective 30 days from adoption.

PASSED and APPROVED this 15th day of December 2003.

By:


Steve Heinrich, Mayor

ATTEST:

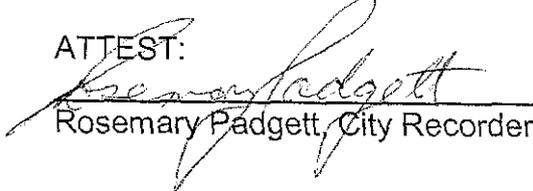

Rosemary Padgett, City Recorder

EXHIBIT 1

LEGAL DESCRIPTION
City of Cornelius
Annexation Ord.# 843

The following described real property situated in the Northwest 1/4 of Section 2, Township 1 South, Range 3 West, Willamette Meridian, Washington County, Oregon.

Beginning at the Northeast corner of Section 2, Township 1 South, Range 3 West; thence South 33.65 feet to the relocated center line of Tualatin Valley Highway as established in recorded Surveys of Washington County numbers: 19330, 24581, and 25481. Thence; west along the centerline of said Highway 2883.40 feet to a point. Thence, South 60 feet and East 137 feet to the true **Point of Beginning**. Thence, N 2° E approximately 120 feet to the North Right-of-way of Tualatin Valley Highway. Thence, following said Right-of-way westerly approximately 1875 feet to a point on the North Right-of-way of Tualatin Valley Highway and the West Right-of-way of an unnamed Private street. Thence South along the City Limits of the City of Cornelius approximately 120 feet to the South Right-of-way of Tualatin Valley Highway. Thence, East along the said Right-of-way and the City limits approximately 181 feet. Thence, South 279.19 feet along the Cornelius City Limits to the North Right-of-way of the Southern Pacific Railway. Thence, South 80° 39' 38" E along said Right-of-way approximately 818 feet to the Southwest corner of Parcel III as shown on Washington County Survey #19330. Thence, South 80° 39' 38" E along said Right-of-way 717.09 feet to the Southeast corner of Parcel II show on Washington County Survey #19330 being a point on the West Right-of-way of a unnamed Public roadway. Thence, following the same course (South 80° 39' 38" E) crossing said Public roadway approximately 35 feet to its East Right-of-way and following the same course 138.2 feet. Thence, N 0° 22' E 557 feet to the **Point of Beginning**.

EXHIBIT 2



CITY OF CORNELIUS

FINDINGS REPORT

East/South TV Hwy Annexation/AN-02-03 Annexation of Approximately 16 Acres into the City of Cornelius

Date: December 15, 2003
To: City Council
Applicant: Bruce Vincent, Bedsaul/Vincent Consulting
Owner: Western Farm Service, Inc., Fisher Implement Company, WARZ Investments, LLC, John & Wendy Olson and Bradley Young
Address: 32830, 33580, 33666, 33930, 34120 and 33550 SW Tualatin Valley Highway

Project: A request for approval of a boundary change that would result in annexation of approximately 16 acres east of City and south of Tualatin Valley Highway.

Legal Description: Map # 1S3-2B - Tax Lot #'s 300, 400, 402, 404, 500, and a portion of 600.
Map # 1S3-2A - Tax Lot # 700

Land Area: Approximately 16 Acres
Existing Zoning: Agriculture/Forestry, AF-5 and Rural Commercial, RC (County Zoning)

Process: The proposal AN-02-03 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirements of initiation set forth in ORS 222.170 (2), Double Majority Annexation Law and Metro Code 3.09.40.(a), Metro Minimum Requirements for a Petition. The City Council shall review the proposal and determine whether it is in compliance with all applicable criteria.

APPEAL RIGHTS

The Planning Commission will make a recommendation to City Council concerning the request. City Council will make a decision. An appeal of a decision by City Council shall be made to the State Land Use Board of Appeals (LUBA) per ORS 197.830. In order for an issue to be considered for appeal to the Land Use Board of Appeals, it must be raised before the close of the record of the Public Hearing. Such issues must be raised with sufficient specificity so as to afford the hearing body and the parties an adequate opportunity to respond to each issue. If there is no continuance granted at the hearing, any participant in the hearing may request that the record remain open for at least seven days after the hearing.

APPLICABLE CRITERIA

There are no specific criteria for deciding city boundary changes within state statutes. However, the Legislature has directed Metro Regional Services (Metro) to establish criteria, which must be used by all cities within the Metro boundary.

BACKGROUND FACTS

1. The subject properties are located east of the City boundary, south of Tualatin Valley Highway and north of the Union Pacific Railroad line (See Exhibit A)
2. The area proposed for annexation consists of eight (8) tax lots zoned by Washington County as Agriculture-Forestry 5 and Rural Commercial.
3. The Washington County Soil Survey identifies the following soils on the subject properties: Cove silty clay loam (13), Labish mucky clay (27), Quatama loam 0-3 slope (37A), Quatama loam 7-12 slope (37C) and Verboort silty clay loam (42).
4. Six (6) of the properties are or have been used for commercial/industrial type uses and two (2) of the properties are being used for rural residential and small lot agriculture.
5. All of the subject property owners have provided signatures authorizing the request for annexation.
6. The Planning Commission held a public hearing and reviewed the request at its November 25 meeting and unanimously recommended approval of annexing the subject properties into the City.

FINAL FINDINGS

The City Comprehensive Plan identifies the following annexation policies in *Chapter II, Urbanization, Policies, 4*:

a. Annexation will be permitted if:

- (1) *The City is able to provide adequate services to the area, including sewer, water, administration, and fire protection. The new area can meet city standards for roads, sewers, water, and other services and appropriate amendments to the City's Public Facilities Master Plans have been considered.*

The analysis in the attached Planning Commission Staff Report (See Exhibit B) demonstrates the City is able to provide adequate services to the area proposed for annexation. The services analyzed in the Planning Commission Staff Report include water, sewer, storm drainage, fire, police, parks & recreation, transportation, street lights and vector control.

Staff find that as demonstrated in Exhibit B adequate infrastructure and services including, water, sewer, police, administration, fire and streets are available and can be coordinated to provide and serve the subject area.

- (2) *The proposed use of the area to be annexed conforms with the Comprehensive Plan, or has been Master Planned, including all adjacent and intervening properties. The City does not intend to support piecemeal annexations.*

Washington County granted the City of Cornelius comprehensive planning authority within the regional urban growth boundary (See Urban Planning Area Agreement, provision III.2). As stated in the Planning Commission Staff Report (Exhibit B), the City's Comprehensive Plan has not been amended to this date for designation of the subject properties for an urban use. The

applicant is proposing to amend the comprehensive plan and zoning to City commercial. Upon annexation the City may change the zoning on the annexed lands to a City zoning designation.

The fact that six (6) of these properties abut or are adjacent to Tualatin Valley Highway a major arterial that currently supports approximately 35,000 - 40,000 vehicle trips per day does appear to be associated with a more intense urban use. This amount of vehicle traffic on the only road providing access to the subject properties is of an urban intensity and less compatible for agricultural and rural uses. The subject parcels are located abutting the east city boundary and sandwiched between Tualatin Valley Highway and the Union Pacific Railroad Line. This location does create constraints for efficient agriculture uses due to parcel shape, access, urban traffic and barriers to irrigation.

The City Comprehensive Plan identifies requirements for citizen involvement in Chapter I. Upon receipt of a complete application from the applicant the City prepared and published a public notice announcing public hearings to be held before the Planning Commission and the City Council concerning the request. Notice was sent to the surrounding property owners within 250 feet of the subject property of the hearing before the Planning Commission. The Planning Commission hearing was conducted on Tuesday, March 25, 2003. The City Council hearing shall be held on December 15, 2003 in the "Old Fire Hall", 120 N. 13th Avenue, Cornelius. Notice was provided in a local newspaper twenty (20) days prior to the Planning Commission hearing and two consecutive weeks prior to the City Council hearing. Citizens shall have the opportunity to submit comment, testimony, ask questions, receive answers or challenge the proposed request. Once a decision is rendered an appeal period follows, which allows the opportunity to request a review of the decision at the Land Use Board of Appeals.

Exhibit B also identifies compliance with the Metropolitan Regional Service Code and with the Statewide Planning Goals.

Therefore, the staff finds that the proposed annexation is consistent with the Comprehensive Plan.

(3) *A substantial portion of the area to be annexed is contiguous to the City and represents a logical direction for city expansion.*

The subject properties abut the east City boundary (Tax Lot # 600) on the south side of Tualatin Valley Highway. The property (Tax Lot # 1500) within the City, which abuts the subject properties is designated for commercial use and zoned Highway Commercial, C-2. The general design and plan of the City infrastructure and services support expansion in this direction. Consequently, the proposed annexation would expand the City boundary in a logical direction.

Staff find the proposed annexation is consistent with the annexation policies and represents a logical direction for City expansion.

CONCLUSION

The request is for approval of an annexation AN-02-03 (East/South TV Hwy Annexation) to change the City boundary by adding approximately 16 acres, as identified in the Exhibit A. The territory proposed for annexation is located within the Urban Growth Boundary. Washington County identifies the subject property as land for future urbanization that is located adjacent to cities. The proposal is consistent with the Urban Planning Area Agreement between the City and the County for comprehensive planning and

zoning of the subject property. The proposed annexation is consistent with the Comprehensive Plan and is in compliance with Metro and the Statewide Planning Goals.

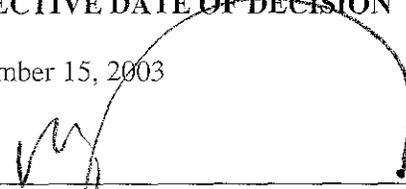
RECOMMENDATION

Based upon the facts, findings, conclusions and exhibits in the staff report, testimony and evidence presented at hearing to the Planning Commission the City Council approves File # AN-02-03 (East/South TV Hwy Annexation), subject to the following conditions:

1. The only area to be annexed into the City shall be the properties that are located within the Urban Growth Boundary as identified in Exhibit A.
2. All facts, findings, conclusions and conditions of approval found in the Planning Commission Staff Report (Exhibit B) are valid and applicable to this approval, unless changed or modified by this Findings Report.
3. Adoption of the annexation shall be by ordinance.

EFFECTIVE DATE OF DECISION

December 15, 2003


Richard Meyer, Comm. Development Dir.


Steve Heinrich, Mayor