

Final Documents
for
Annexation to
Tualatin Hills Park & Recreation District

WA1307
Ordinance: 5740
Annexation:
DOR: 34-1863-2007
Secretary of State: SD 2007-0081



May 14, 2007

Metro
Linda Martin
600 NE Grand Ave
Portland, Oregon 97232-2736

Dear Ms. Martin:

Please be advised that we have received and filed, as of May 14, 2007, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
2007-270 (Clackamas)	SD 2007-0079
2007-271 (Clackamas)	SD 2007-0080
07-71 (Washington)	SD 2007-0081

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
Official Public Documents

cc: County Clerk(s)
Department of Revenue
ODOT
Population Research Center



April 27, 2007

Metro Data Resource Center
Ms. Joanna Mensher
600 NE Grand Ave.
Portland, OR 97232-2736

Re: Notice of Decision for Proposal No. WA-1307

Dear Ms. Mensher,

On April 3, 2007, the Washington County Board of Commissioners approved an annexation of approximately 44 acres into Tualatin Hills Park and Recreation District (WA-1307). The Oregon Department of Revenue approved the final review on April 10, 2007. I enclosed the mapping fee, DOR Final Review, signed R&O with exhibits, the county staff report, and the notice of decision. A GIS map and legal description of the subject properties are included in the Resolution and Order, Exhibit B and C, respectively.

If you have any questions on this request please contact me at 503-846-3963 or via e-mail at laurie_harris@co.washington.or.us.

Sincerely,

Laurie Harris
Planning Assistant

Notice to Taxing Districts

ORS 308.225



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

Description and Map Approved
April 10, 2007
As Per ORS 308.225

Tualatin Hills Park and Rec. Dis
 Budget Officer
 15707 SW Walker Road
 Beaverton, OR 97006

Description Map received from: COUNTY
 On: 4/6/2007

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

ANNEX TO TUALATIN HILLS PARK AND RECRFEATION DISTRICT (WA-1307)

RES. AND ORDER #07-71

has been: Approved 4/10/2007
 Disapproved

Notes:

Department of Revenue File Number: 34-1863-2007

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

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Department of Land Use & Transportation (CPO 7)

Agenda Title: CONSIDER THE ANNEXATION OF PROPERTY ENCOMPASSING APPROXIMATELY 44.9 ACRES TO TUALATIN HILLS PARK & RECREATION DISTRICT (WA-1307)

Presented by: Brent Curtis, Planning Division Manager

SUMMARY:

The County has received a request to annex property consisting of 44.9 acres located on the north side of NW Laidlaw Road between NW 130th Avenue on the east and the Dogwood Park subdivision on the west. The property is currently being developed with a detached single family residential subdivision (Arbor Heights).

Notice of today's hearing has been made in accordance with the state law requirements. The staff report (File Number: WA-1307) will be provided to you under separate cover and will also be available at the clerk's desk. Staff will be available to answer any questions. A Resolution and Order approving the annexation is attached to the agenda.

Attachments: Resolution and Order which includes:

1. Findings (Exhibit A)
2. Site Map (Exhibit B)
3. Legal Description (Exhibit C)

DEPARTMENT'S REQUESTED ACTION:

Hold a public hearing to consider the annexation of this property into the Tualatin Hills Park & Recreation 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 07-71

Agenda Item No. 5.a.

Date: 4-03-07

1
2 IN THE BOARD OF COUNTY COMMISSIONERS
3
4 FOR WASHINGTON COUNTY, OREGON
5

6
7 In the Matter of Approving Boundary) RESOLUTION AND ORDER
8
9 Change Proposal No. WA-1307) No. 07-71
10

11
12 The above-entitled matter (WA-1307) came before the Board at its
13 regular meeting on April 3, 2007; and

14 It appearing to the Board that this proposal involves the annexation of
15 several tax lots located on the north side of NW Laidlaw Road between NW
16 130th Avenue on the east and the Dogwood Park subdivision on the west. to
17 the Tualatin Hills Park & Recreation District; and

18 It appearing to the Board that WA-1307 was initiated by a consent
19 petition of the property owners and registered voters and meets the
20 requirement for initiation set forth in ORS 198.855 (3), ORS 198.750 and
21 Metro Code 3.09.040 (a); and

22 It appearing to the Board that the proposal has not been contested by
23 any necessary party; and

24 It appearing to the Board that the Board is charged with deciding
25 petitions for boundary changes pursuant to ORS Chapter 198 and Metro Code
26 Chapter 3.09; and

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

29 It appearing to the Board that County staff have reviewed the proposed
30 boundary change and determined that it complies with the applicable
31 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 1307, 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 Tualatin Hills Park & Recreation 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 3rd day of April, 2007.

15 BOARD OF COUNTY COMMISSIONERS
16 FOR WASHINGTON COUNTY, OREGON
17
18
19
20

	AYE	NAY	ABSENT
21			
22 BRIAN	✓	—	—
23 SCHOUTEN	✓	—	—
24 STRADER	✓	—	—
25 ROGERS	✓	—	—
26 DUYCK	✓	—	—
27			

21 Tom Bruin
22 CHAIRMAN

23 Barbara Hejtmanek
24 RECORDING SECRETARY

25 Date Signed: 4/3/07

26 Approved as to form:

27 [Signature]
28 Sr. County Counsel for
29 Washington County, Oregon
30

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 is inside the Regional Urban Growth Boundary and also inside Metro's jurisdictional boundary.
3. The property to be annexed consists of several parcels encompassing approximately 44.9 acres, including rights-of-way internal to the approved single family residential development (Arbor Heights). The property is located on the north side of NW Laidlaw Road between Dogwood Park subdivision to the west and NW 130th Avenue to the east. The property maintains approximately 1,200 feet of street frontage along NW Laidlaw Road.
4. The property is designated R-6 Residential. To the west of the property is the existing Dogwood Park subdivision (designated R-5 Residential). To the north are larger underdeveloped parcels designated R-6 Residential. To the south of the property (across Laidlaw Road) is a large vacant parcel designated R-6. To the east are R-6 lands, most of which are developed with detached single family homes.
5. The property slopes to the south towards NW Laidlaw Road with slopes ranging generally between 10 to 20%. Prior to development, the property supported a nursery. There are no significant natural or historical & cultural resources located on the property.
6. The property is currently being platted to accommodate 229 single-family dwellings. The applicant obtained land use approval to develop the property with 229 detached single family homes through two separate land use applications (Casefiles 05-108, 196 units and 05-515, 33 units). Each development application was conditioned to annex into the District in accordance with Ordinance 624 (Ordinance 624 requires developing properties to annex to the District). Approval of the requested minor boundary change satisfies the conditions of approval.
7. 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. An urban service agreement between the City of Beaverton, the County and service districts has not yet been adopted for this area.]
- 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. A cooperative agreement for park and recreation service provision by the District with Washington County and cities, including the City of Beaverton, has been adopted. The District would be the provider of park and recreation service to the property, as they provide these services to other urban lands within the City of Beaverton. Additionally, at time of writing, a necessary party is not contesting this boundary change. Therefore, these additional criteria need not be addressed.

8. The proposed minor boundary change is subject to the County's Comprehensive Plan. The individual elements to the Comprehensive Plan were examined and found to contain policies or implementation strategies relating to urban services. Policies 14, 15, 33 and 34 of the *Comprehensive Framework Plan for the Urban Area* (CFP) address the issue of park and recreation service. Policies 15 and 33 specifically address park and recreation services in the context of service district annexations (i.e., annexation to [park and recreation] service district). Policies 14 and 34 do not specifically address the issues of annexation of property to a service district that provides park and recreation facilities. Consequently, the findings demonstrate compliance with the key Implementing Strategies of CFP Policies 15 and 33 applicable to the proposed minor boundary change.

Policy 15:

POLICY 15, ROLES AND RESPONSIBILITIES FOR SERVING GROWTH:

It is the policy of Washington County to work with service providers, including cities and special service districts, and Metro, to ensure that facilities and services required for growth will be provided when needed by the agency or agencies best able to do so in a cost effective and efficient manner.

Implementing Strategies

The County will:

- h. *Not oppose proposed annexations to a special service district:*
1. *That are consistent with an urban service agreement; or*
 2. *If no urban service agreement applies to the property, the property lies within an area for which the district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020 and the district has adopted a Master Plan for the area [emphasis added].*

Annexations to special service districts that are consistent with an adopted urban service agreement are deemed to be consistent with the Washington County Comprehensive Plan.

Implementing Strategy h. states that the County will not oppose an annexation to a city or special service district (e.g., Tualatin Hills Park & Recreation District) when such annexations are in accordance with an adopted Urban Service Agreement (1) **or**, *if no urban service agreement applies to the property, the property lies within an area for which the district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020 and the district has adopted a Master Plan for the area.* At this time, an urban service agreement that addresses the District's designated long-term service area has not been adopted. However, the properties to be annexed are located within an area for which the District is designated a party in a cooperative agreement adopted pursuant to ORS 195.020. The District also has in place an adopted a Master Plan for the properties proposed to be annexed. The proposed minor boundary change is consistent with Implementing Strategy h. of Policy 15.

- p. *Identify the Tualatin Hills Park and Recreation District as the park and recreation provider to urban unincorporated properties lying between the Hillsboro, Tigard and Portland Urban Service Boundaries, excluding properties outside of THPRD that were added to the Regional Urban Growth Boundary after 2001.*

The District is the identified park and recreation provider for most of urban unincorporated Washington County, excluding properties outside of the District that were added to the UGB after 2001. The District was identified as the park and recreation provider to these areas in 2004 with the adoption of Ordinance 624. Therefore, the District is the identified park and recreation provider for each the property proposed to be annexed located within unincorporated Washington County. The proposed minor boundary change is consistent with Implementing Strategy p. of Policy 15.

The proposed minor boundary change is consistent with the key Implementing Strategies of CFP Policies 15 and is therefore consistent with CFP Policy 15.

Policy 33:

POLICY 33, QUANTITY AND QUALITY OF RECREATION FACILITIES AND SERVICES:

It is the policy of Washington County to work to provide residents and businesses in the urban unincorporated area with adequate park and recreation facilities and services and open space.

The key implementing strategies under Policy 33 applicable to the proposed Minor Boundary Change are as follows:

Implementing Strategies

The County will:

a. *Work with cities, special districts and the public to identify the long-term service providers of park, recreation and open space services. The County recognizes park districts and cities as the appropriate long-term providers of these park, recreation, and open space services. If an urban service agreement does not apply to an area, the County may identify the long-term service provider to the area:*

1. *When the area lies within an area for which a park district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020; and*
2. *After consulting with local governments that provide or declare an interest in providing service to the area prior to identifying the service provider. [emphasis added]*

An urban service agreement that addresses the District's designated long-term service area has not been adopted. However, the property to be annexed is located within an area for which the District is designated a party in a cooperative agreement adopted pursuant to ORS 195.020 (a.1.). In developing the Implementing Strategies relating to park and recreation services the County also consulted with local municipalities (a.2.). Consequently, the County, as stated in the above-findings pertaining to Implementing Strategy p. under Policy 15, has identified the District as the long-term park and recreation provider to urban unincorporated Washington County. Therefore, the District is the identified long-term park and recreation provider for each of the properties proposed to be annexed located within unincorporated Washington County. The proposed minor boundary change is consistent with Implementing Strategy a. of Policy 33.

The proposed minor boundary change is consistent with the key Implementing Strategy of CFP Policy 33 and is therefore consistent with CFP Policy 33. Consequently, the proposed minor boundary change is consistent with the County's comprehensive plan governing urbanization and provision of park and recreation service.

9. Washington County has an established Urban Planning Area Agreement (UPAA) with Beaverton. The UPAA addresses annexations from the county to the city, but does not address annexation of properties to service districts, such as is being proposed by the applicant. Therefore, staff finds that the proposed annexation is not inconsistent with the adopted Beaverton-Washington County UPAA.
10. 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).
11. Sanitary sewer service is available to the property by connecting to the existing CWS sanitary sewer main. Sanitary sewer lines designed to CWS specifications are currently being installed throughout the development to provide each lot with sanitary sewer service. Clean Water Services 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.
12. The property is located in the Tualatin Valley Water District (TVWD). TVWD has the responsibility for providing the property with public water. Water lines designed to TVWD

specifications are currently being installed throughout the development to provide water service to the new residences.

13. Tualatin Valley Fire & Rescue is responsible for serving the property. Fire service will not change as a result of annexation to the District.
14. The property is located within the Enhanced Sheriff's Patrol District (ESPD). The ESPD provides an augmented level of service, which would approach the recommended minimum level of service of approximately one sworn officer per one thousand population. With voter approval the district was formed and funded in 1987. The District provides services for Washington County residents living in the unincorporated area, outside city limits, but within the County's adopted Urban Growth Boundary.
15. Annexation to the District will not affect transportation through unincorporated Washington County. Access to this site will be provided from NW Laidlaw Road. The County is responsible for reviewing all county developments that access County public roads for compliance with the adopted Transportation Plan and Article V. of the Community Development Code.
16. The property is located within the Clean Water Services District (CWS). Storm sewer lines and water quality facilities designed to CWS specifications are currently being installed to provide the development with storm sewer service. CWS provides the storm water treatment through major storm drain lines as well as storm sewer service for lands within unincorporated Washington County. Storm sewer service will not change as a result of annexation to the District.
17. The Tualatin Hills Park & Recreation District (District) is the park and recreation provider for urban unincorporated Washington County. However, the property is **not** currently located within the District's service boundary. Approval of WA-1307 will add the property into the District, which is a requirement to develop the property pursuant to Ordinance No. 624.
18. The property is located within the Beaverton School District. The annexation to the District will not affect that fact.
19. The property is located within the Washington County Service District for Urban Road Maintenance (URMD), which provides financing for maintenance of local streets.
20. The property is not located within the Washington County Service District for Lighting (SDL), which is responsible for assisting developers ensure that street lighting installed as part of a development is maintained. SDL ensures that an identified revenue source exists to fund the long-term maintenance of said street lighting. The property may need to be annexed to SDL in order to ensure that street lighting installed as part of the future residential development is maintained. Alternatively, the applicant can ensure the maintenance of street lighting through other measures approved by the Washington County Operations Division; thus potentially eliminating the need for the property to be annexed to the SDL. The applicant was conditioned through both land development applications to either annex to the SDL or ensure through other measures approved by the Operations Division the funding for all required street lighting.
21. The District Board of Directors has endorsed this request as required by statute. On February 5, 2007 the District Board passed a resolution endorsing the annexation of the property into the District's service boundary.

22. A necessary party has not contested this boundary change.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Commission concludes:

1. The Metro Code at 3.09.050 (d) (4) calls for consistency between the Board decision and any *"specific directly applicable standards or criteria for boundary changes contained in . . . regional framework and functional plans . . ."* There are no directly applicable criteria in Metro's regional framework plan or in the two adopted functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan.
2. ORS 198 and the Metro Code at 3.09.050 (d) (3) call for consistency between the Board decision and any *"specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ."* The Board has reviewed the applicable comprehensive plan, which is the Washington County Comprehensive Plan, and finds that the annexation is consistent with said document.
3. The Metro Code also requires that the decision address consistency between this decision and any urban service agreements under ORS 195. [ORS 195 agreements are cooperative agreements and urban service agreements.] The required cooperative agreement between service districts, cities 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.
4. Metro Code 3.09.050 (e) (3) states that another criteria to be addressed is *"Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services."* The Board finds that the District can serve this area. Therefore the Board finds that the annexation is a logical step towards making urban services available to the property and will not interfere with the timely provision of those services.
5. The District Board of Directors has endorsed this request as required by statute. On February 5, 2007, the District Board passed a resolution endorsing the annexation of the property into the District's service boundary.
6. A necessary party has not contested this boundary change. Therefore, the change may become effective immediately upon adoption by the Board pursuant to Metro Code Section 3.09.050 (f).

EXHIBIT B

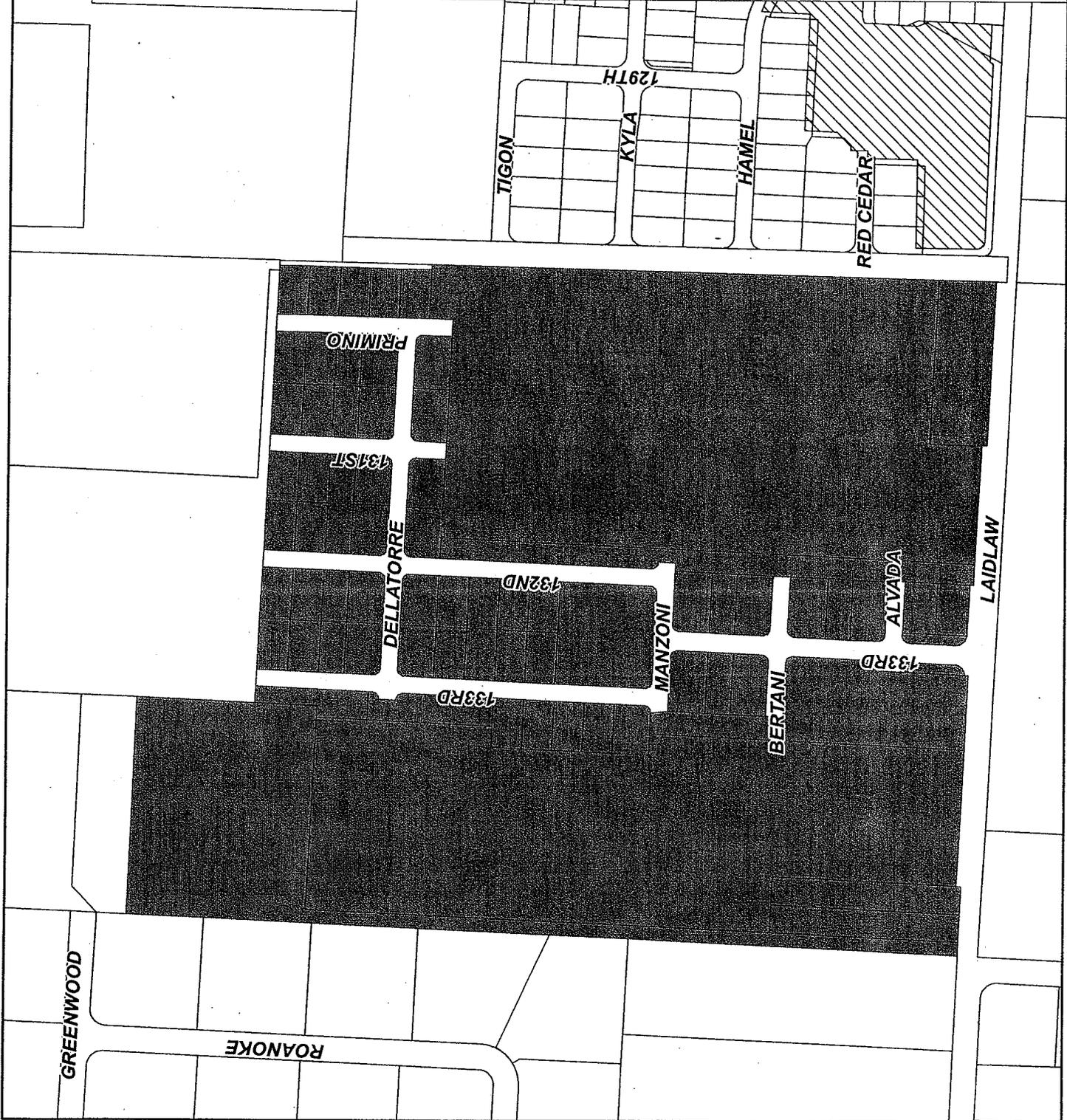
WA-1307

Annexation to
Tualatin Hills Parks &
Recreation District
(THPRD)

-  Subject Taxlot(s)
-  THPRD
-  Urban Growth Boundary



This map was derived from several databases. The County cannot accept responsibility for any errors. Therefore, there are no warranties for this product. However, notification of errors would be appreciated.



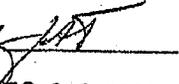
**ARBOR HEIGHTS
PHASES 1-4 DESCRIPTION
December 18, 2006**

A tract of land in the northeast one-quarter of Section 21, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, and being described as follows:

Beginning at the southwesterly corner of that tract of land described in Document No. 2005-61368, Washington County Records, and bearing N.02°38'05"E., 551.23 feet from the southeast corner of the John Brugger DLC No. 49; thence N.02°38'07"E. along the westerly line of said Document No. 2005-61368, 1,640.27 feet to the northwest corner thereof; thence S.87°48'48"E. along the northerly line said Document No. 2005-61368, 427.90 feet to the northeast corner thereof; thence S.02°38'07"W. along the easterly line of said Document No. 2005-61368, 232.13 feet to the most northerly northwest corner of that tract of land described in Document No. 2005-103191, Washington County Records; thence S.87°12'21"E. along the northerly line of said Document No. 2005-103191, 879.13 feet to the westerly line of the 50.00 foot wide access easement described in Document No. 2003-034143, Washington County Deed Records; thence S.01°27'48"W. along said westerly line, 1,418.45 feet to the northerly right-of-way line of Northwest Laidlaw Road, County Road No. 276; thence tracing said northerly right-of-way line along the following courses: N.86°58'28"W., 327.00 feet; thence N.01°27'48"E., 10.00 feet; thence N.86°58'28"W., 871.85 feet; thence S.02°38'06"W., 10.00 feet; thence N.86°58'28"W., 137.00 feet to the Point of Beginning.

Contains 44.996 acres, more or less.

ANNEXATION CERTIFIED

BY 

DEC 20 2006

WASHINGTON COUNTY A & T
CARTOGRAPHY

**TUALATIN HILLS PARK & RECREATION
DISTRICT ANNEXATION**

Boundary Change Proposal No. WA-1307

Staff Report

**For the April 3, 2007
Board of Commissioners' Hearing**



WASHINGTON COUNTY OREGON

March 20, 2007

To: Board of County Commissioners
From: Brent Curtis, Planning Manager *BC*
Subject: **MINOR BOUNDARY CHANGE PROPOSAL NO. WA-1307 - ANNEXATION
TO THE TUALATIN HILLS PARK & RECREATION DISTRICT**

**STAFF REPORT
For the April 3, 2007 Board of Commissioners Hearing
(The public hearing will begin no sooner than 10:00 AM)**

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-1307 with the approval becoming effective immediately.

REQUESTED ACTION

The applicant requests that several parcels totaling approximately 44.9 acres, plus rights-of-way, be annexed to the Tualatin Hills Park & Recreation District (District) in order to provide park and recreation services provided by the District to the future residents of the development.

Petitioners / Applicant / Property Owner: Arbor Heights, LLC

Applicant's Representative: West Hills Development / Contact: Terry Kinney

ENDORSEMENTS

On February 5, 2007, the District Board passed a resolution endorsing the annexation of the property into the District's service boundary.

CITIZEN PARTICIPATION

Notice of this hearing inviting testimony from interested parties was provided as required by statute and Metro Code. Notice consisted of: 1) Posting notices near the property and in the Public Services Building at least 40 days prior to the hearing; 2) Publishing notice twice in The Oregonian; 3) Mailing notices to all affected local governments and all property owners within 100 feet of the area to be annexed. At the time of writing this staff report, no comments were received.

FINANCIAL IMPACT

Properties added to the District's service boundary will begin to be assessed the District's permanent tax rate, which is currently \$1.4425 per \$1,000 of Assessed Value regardless of where the property is located within the District's service boundary, once they are added to the tax roll. For example, the owner of a detached single family dwelling with an Assessed Value of \$200,000 would pay a maximum of \$288.50 per year in new property taxes earmarked for the District. This amount could be compressed by Measure 5 if the total tax rate for government services (without bonds) increased over \$10.00 per \$1,000 of assessed value.

The current cumulative tax Assessed Value of the properties to be annexed is approximately \$10,203,590, which if approved, would generate \$14,718.68 in new property tax revenue per year. However, when the current residential development is fully platted and new single family homes built, the development would generate significantly more in new property tax revenues per year as well as in park System Development Charges (SDC's). The District's current park SDC per new detached singly family dwelling unit is \$3,574.00 SDC. Assuming a total of 229 new single family homes, the development could generate \$818,446.

In order to be included on the 2008-09 tax roll, the Final Order will have to be filed with the Secretary of State and Oregon Dept. of Revenue by March 31, 2008. The hearing schedule will allow the filing of the Final Order before the March 31, 2008 deadline. Therefore, if approved, the properties will be added to the 2008-09 tax roll.

LEGAL ISSUES

There are no known legal issues associated with this minor boundary change that would prevent the Board of Commissioners (Board) from approving the annexation. The requested annexation would result in a noncontiguous annexation. However, pursuant to ORS 198.720, a district may consist of contiguous or noncontiguous property. Additionally, the District Board of Directors has endorsed the proposed minor boundary change.

BACKGROUND

Proposal No. WA-1307 was initiated by a consent petition of the property owners (100-percent) and no registered voters (**Note:** There are no registered voters living on the property). The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law) and ORS 198.750 (section of statute which specifies contents of petition). If the Board approves the proposal and there are no objections from necessary parties, the boundary change can become effective immediately. However, the change would become effective 30 days following approval if a necessary party were to contest the petition. At the time of writing, a necessary party is **not** contesting this boundary change.

The property to be annexed consists of several parcels encompassing approximately 44.9 acres, plus rights-of-way (see Exhibit B). The property is located on the north side of NW Laidlaw Road between Dogwood Park subdivision to the west and NW 130th Avenue to the east.

REASON FOR ANNEXATION

The applicant obtained land use approval to develop the property with 229 detached single family homes through two separate land use applications (Casefiles 05-108, 196 units and 05-515, 33 units). Each development application was conditioned to annex into the District in accordance with Ordinance 624 (Ordinance 624 requires developing properties to annex to the District). Approval of the requested minor boundary change satisfies the conditions of approval.

CRITERIA

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 (see findings under *County Planning* below).

A second set of review criteria is also found in the Metro Code. The Metro Code states that a final decision by the Board 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.

1. Consistency with directly applicable provisions in ORS 195 agreements (cooperative agreements and urban service agreements) or ORS 195 annexation plans.
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 Plan 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 property 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.

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. A cooperative agreement between the District, Washington County, and the cities has been adopted. Furthermore, at time of writing, a necessary party is **not** contesting this boundary change. Therefore, these additional criteria need not be addressed.

LAND USE PLANNING

SITE CHARACTERISTICS

The property to be annexed is comprised of several tax lots, plus rights-of-way internal to the approved single family residential development (Arbor Heights). The property maintains approximately 1,200 feet of street frontage along NW Laidlaw Road and is currently being platted to accommodate 229 single-family dwellings.

The property slopes to the south towards NW Laidlaw Road with slopes ranging generally between 10 to 20%. Prior to development, the property supported a nursery. There are no significant natural or historical & cultural resources located on the property.

The property is designated R-6 Residential. To the west of the property is the existing Dogwood Park subdivision (designated R-5 Residential). To the north are larger underdeveloped parcels designated R-6 Residential. To the south of the property (across Laidlaw Road) is a large vacant parcel designated R-6. To the east are R-6 lands, most of which are developed with detached single family homes.

REGIONAL PLANNING

This property is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

Regional Framework Plan

ORS 268.354 requires that Metro adopt criteria for boundary changes and that the adopted criteria include ". . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while Metro adopted regional goals and objectives independent of its functional plan, these two documents are now part of Metro's Regional Framework Plan. The 2040 Growth Concept is also now an element of the Framework Plan. The Framework Plan has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan, which were examined and found not to contain any directly applicable standards and criteria for boundary changes.

COUNTY PLANNING

The property is located in unincorporated Washington County. Consequently, the proposed minor boundary change is subject to the County's Comprehensive Plan. The Comprehensive Plan is made up of the following documents: the *Resource Document*, the *Comprehensive Framework Plan for the Urban Area*, the *Rural / Natural Resource Plan*, the *Community Development Code*, the *Transportation Plan*, the *Community Plans and Background Documents*, and the *Unified Capital Improvements Program*.

The individual elements to the Comprehensive Plan were examined and found to contain policies or implementation strategies relating to urban services. Policies 14, 15, 33 and 34 of the *Comprehensive Framework Plan for the Urban Area* (CFP) address the issue of park and

recreation service. Policies 15 and 33 specifically address park and recreation services in the context of service district annexations (i.e., annexation to [park and recreation] service district). Policies 14 and 34 do not specifically address the issues of annexation of property to a service district that provides park and recreation facilities. Consequently, the findings presented below are limited to demonstrating compliance with the key Implementing Strategies of CFP Policies 15 and 33 applicable to the proposed minor boundary change.

Policy 15:

POLICY 15, ROLES AND RESPONSIBILITIES FOR SERVING GROWTH:

It is the policy of Washington County to work with service providers, including cities and special service districts, and Metro, to ensure that facilities and services required for growth will be provided when needed by the agency or agencies best able to do so in a cost effective and efficient manner.

Implementing Strategies

The County will:

h. Not oppose proposed annexations to a special service district:

- 1. That are consistent with an urban service agreement; or*
- 2. If no urban service agreement applies to the property, the property lies within an area for which the district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020 and the district has adopted a Master Plan for the area [emphasis added].*

Annexations to special service districts that are consistent with an adopted urban service agreement are deemed to be consistent with the Washington County Comprehensive Plan.

Implementing Strategy h. states that the County will not oppose an annexation to a city or special service district (e.g., Tualatin Hills Park & Recreation District) when such annexations are in accordance with an adopted Urban Service Agreement (1) **or**, *if no urban service agreement applies to the property, the property lies within an area for which the district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020 and the district has adopted a Master Plan for the area.* At this time, an urban service agreement that addresses the District's designated long-term service area has not been adopted. However, the properties to be annexed are located within an area for which the District is designated a party in a cooperative agreement adopted pursuant to ORS 195.020. The District also has in place an adopted a Master Plan for the properties proposed to be annexed. The proposed minor boundary change is consistent with Implementing Strategy h. of Policy 15.

- p. Identify the Tualatin Hills Park and Recreation District as the park and recreation provider to urban unincorporated properties lying between the Hillsboro, Tigard and Portland Urban Service Boundaries, excluding properties outside of THPRD that were added to the Regional Urban Growth Boundary after 2001.*

The District is the identified park and recreation provider for most of urban unincorporated

Washington County, excluding properties outside of the District that were added to the UGB after 2001. The District was identified as the park and recreation provider to these areas in 2004 with the adoption of Ordinance 624. Therefore, the District is the identified park and recreation provider for each the property proposed to be annexed located within unincorporated Washington County. The proposed minor boundary change is consistent with Implementing Strategy p. of Policy 15.

The proposed minor boundary change is consistent with the key Implementing Strategies of CFP Policies 15 and is therefore consistent with CFP Policy 15.

Policy 33:

POLICY 33, QUANTITY AND QUALITY OF RECREATION FACILITIES AND SERVICES:

It is the policy of Washington County to work to provide residents and businesses in the urban unincorporated area with adequate park and recreation facilities and services and open space.

The key implementing strategies under Policy 33 applicable to the proposed Minor Boundary Change are as follows:

Implementing Strategies

The County will:

- a. *Work with cities, special districts and the public to identify the long-term service providers of park, recreation and open space services. The County recognizes park districts and cities as the appropriate long-term providers of these park, recreation, and open space services. If an urban service agreement does not apply to an area, the County may identify the long-term service provider to the area:*
 1. *When the area lies within an area for which a park district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020; and*
 2. *After consulting with local governments that provide or declare an interest in providing service to the area prior to identifying the service provider. [emphasis added]*

As stated previously, an urban service agreement that addresses the District's designated long-term service area has not been adopted. However, the property to be annexed, as stated previously, is located within an area for which the District is designated a party in a cooperative agreement adopted pursuant to ORS 195.020 (a.1.). In developing the Implementing Strategies relating to park and recreation services the County also consulted with local municipalities (a.2.). Consequently, the County, as stated in the above-findings pertaining to Implementing Strategy p. under Policy 15, has identified the District as the long-term park and recreation provider to urban unincorporated Washington County. Therefore, the District is the identified long-term park and recreation provider for each of the properties proposed to be annexed located within unincorporated Washington County. The proposed minor boundary change is consistent with Implementing Strategy a. of Policy 33 (see also findings addressing compliance with Policy 15 above).

The proposed minor boundary change is consistent with the key Implementing Strategy of CFP Policy 33 and is therefore consistent with CFP Policy 33.

Staff finds that the proposed minor boundary change is consistent with the County's comprehensive plan governing urbanization and provision of park and recreation service.

URBAN PLANNING AREA AGREEMENTS (UPAA)

The Washington County has an established Urban Planning Area Agreement (UPAA) with Beaverton. The property is located within City of Beaverton urban planning area. The UPAA addresses annexations from the county to the city, but does not address annexation of properties to service districts, such is being proposed by the applicant. Therefore, staff finds that the proposed annexation is not inconsistent with the adopted Beaverton-Washington County UPAA.

FACILITIES AND SERVICES

ORS 195 Urban Service Agreements. ORS 195 requires agreements between providers of urban services, such as sanitary sewers, water, fire protection, **parks, open space, recreation** and streets. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the development of these agreements. This statute was enacted in 1993. Cooperative agreements and urban service agreements are ORS 195 agreements. A cooperative agreement for park and recreation service provision by the District with Washington County and cities, including the City of Beaverton, has been adopted.

Storm Sewer. The property is located within the Clean Water Services District (CWS). Storm sewer lines and water quality facilities designed to CWS specifications are currently being installed to provide the development with storm sewer service. CWS provides the storm water treatment through major storm drain lines as well as storm sewer service for lands within unincorporated Washington County. Storm sewer service will not change as a result of annexation to the District.

Water. The property is located in the Tualatin Valley Water District (TVWD). TVWD has the responsibility for providing the property with public water. Water lines designed to TVWD specifications are currently being installed throughout the development to provide water service to the new residences.

Fire. Tualatin Valley Fire & Rescue is responsible for serving the property. Fire service will not change as a result of annexation to the District.

Sanitary Sewer. The property is located within the CWS service boundary. Sanitary sewer lines designed to CWS specifications are currently being installed throughout the development to provide each lot with sanitary sewer service. CWS will provide the sewage treatment and transmission of effluent to the regional treatment plant through major trunks and interceptors.

Police. The property is located within the Enhanced Sheriff's Patrol District (ESPD). The ESPD provides an augmented level of service, which would approach the recommended minimum level of service of approximately one sworn officer per one thousand population. With voter approval the district was formed and funded in 1987. The District provides services for Washington County residents living in the unincorporated area, outside city limits, but within

the County's adopted Urban Grown Boundary.

Transportation. Annexation to the District will not affect transportation through unincorporated Washington County. Access to this site will be provided from NW Laidlaw Road. The County is responsible for reviewing all county developments that access County public roads for compliance with the adopted Transportation Plan and Article V. of the Community Development Code.

Road Maintenance. The property is located within the Washington County Service District for Urban Road Maintenance (URMD), which provides financing for maintenance of local streets.

Street Lighting. The property is not located within the Washington County Service District for Lighting (SDL), which is responsible for assisting developers ensure that street lighting installed as part of a development is maintained. SDL ensures that an identified revenue source exists to fund the long-term maintenance of said street lighting. The property may need to be annexed to SDL in order to ensure that street lighting installed as part of the future residential development is maintained. Alternatively, the applicant can ensure the maintenance of street lighting through other measures approved by the Washington County Operations Division; thus potentially eliminating the need for the property to be annexed to the SDL. The applicant was conditioned through both land development applications to either annex to the SDL or ensure through other measures approved by the Operations Division the funding for all required street lighting.

Parks. The Tualatin Hills Park & Recreation District (District) is the park and recreation provider for urban unincorporated Washington County. However, the property is **not** currently located within the District's service boundary. Approval of WA-1307 will add the property into the District, which is a requirement to develop the property pursuant to Ordinance No. 624.

Schools. The Beaverton School District currently services this area. Service by the school district to the property will not change as a result of annexation to the District.

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 is inside the Regional Urban Growth Boundary and also inside Metro's jurisdictional boundary.
3. The property to be annexed consists of several parcels encompassing approximately 44.9 acres, including rights-of-way internal to the approved single family residential development (Arbor Heights). The property is located on the north side of NW Laidlaw Road between Dogwood Park subdivision to the west and NW 130th Avenue to the east. The property maintains approximately 1,200 feet of street frontage along NW Laidlaw Road.
4. The property is designated R-6 Residential. To the west of the property is the existing Dogwood Park subdivision (designated R-5 Residential). To the north are larger underdeveloped parcels designated R-6 Residential. To the south of the property (across Laidlaw Road) is a large vacant parcel designated R-6. To the east are R-6 lands, most of which are developed with detached single family homes.
5. The property slopes to the south towards NW Laidlaw Road with slopes ranging generally between 10 to 20%. Prior to development, the property supported a nursery. There are no significant natural or historical & cultural resources located on the property.
6. The property is currently being platted to accommodate 229 single-family dwellings. The applicant obtained land use approval to develop the property with 229 detached single family homes through two separate land use applications (Casefiles 05-108, 196 units and 05-515, 33 units). Each development application was conditioned to annex into the District in accordance with Ordinance 624 (Ordinance 624 requires developing properties to annex to the District). Approval of the requested minor boundary change satisfies the conditions of approval.
7. 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. An urban service agreement between the City of Beaverton, the County and service districts has not yet been adopted for this area.]
- 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. A cooperative agreement for park and recreation service provision by the District with Washington County and cities, including the City of Beaverton, has been adopted. The District would be the provider of park and recreation service to the property, as they provide these services to other urban lands within the City of Beaverton. Additionally, at time of writing, a necessary party is not contesting this boundary change. Therefore, these additional criteria need not be addressed.

8. The proposed minor boundary change is subject to the County's Comprehensive Plan. The individual elements to the Comprehensive Plan were examined and found to contain policies or implementation strategies relating to urban services. Policies 14, 15, 33 and 34 of the *Comprehensive Framework Plan for the Urban Area* (CFP) address the issue of park and recreation service. Policies 15 and 33 specifically address park and recreation services in the context of service district annexations (i.e., annexation to [park and recreation] service district). Policies 14 and 34 do not specifically address the issues of annexation of property to a service district that provides park and recreation facilities. Consequently, the findings demonstrate compliance with the key Implementing Strategies of CFP Policies 15 and 33 applicable to the proposed minor boundary change.

Policy 15:

POLICY 15, ROLES AND RESPONSIBILITIES FOR SERVING GROWTH:

It is the policy of Washington County to work with service providers, including cities and special service districts, and Metro, to ensure that facilities and services required for growth will be provided when needed by the agency or agencies best able to do so in a cost effective and efficient manner.

Implementing Strategies

The County will:

- h. Not oppose proposed annexations to a special service district:*
- 1. That are consistent with an urban service agreement; or*
 - 2. If no urban service agreement applies to the property, the property lies within an area for which the district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020 and the district has adopted a Master Plan for the area [emphasis added].*

Annexations to special service districts that are consistent with an adopted urban service agreement are deemed to be consistent with the Washington County Comprehensive Plan.

Implementing Strategy h. states that the County will not oppose an annexation to a city or special service district (e.g., Tualatin Hills Park & Recreation District) when such annexations are in accordance with an adopted Urban Service Agreement (1) **or**, *if no urban service agreement applies to the property, the property lies within an area for which the district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020 and the district has adopted a Master Plan for the area.* At this time, an urban service agreement that addresses the District's designated long-term service area has not been adopted. However, the properties to be annexed are located within an area for which the District is designated a party in a cooperative agreement adopted pursuant to ORS 195.020. The District also has in place an adopted a Master Plan for the properties proposed to be annexed. The proposed minor boundary change is consistent with Implementing Strategy h. of Policy 15.

- p. Identify the Tualatin Hills Park and Recreation District as the park and recreation provider to urban unincorporated properties lying between the Hillsboro, Tigard and Portland Urban Service Boundaries, excluding properties outside of THPRD that were added to the Regional Urban Growth Boundary after 2001.*

The District is the identified park and recreation provider for most of urban unincorporated Washington County, excluding properties outside of the District that were added to the UGB after 2001. The District was identified as the park and recreation provider to these areas in 2004 with the adoption of Ordinance 624. Therefore, the District is the identified park and recreation provider for each the property proposed to be annexed located within unincorporated Washington County. The proposed minor boundary change is consistent with Implementing Strategy p. of Policy 15.

The proposed minor boundary change is consistent with the key Implementing Strategies of CFP Policies 15 and is therefore consistent with CFP Policy 15.

Policy 33:

POLICY 33, QUANTITY AND QUALITY OF RECREATION FACILITIES AND SERVICES:

It is the policy of Washington County to work to provide residents and businesses in the urban unincorporated area with adequate park and recreation facilities and services and open space.

The key implementing strategies under Policy 33 applicable to the proposed Minor Boundary Change are as follows:

Implementing Strategies

The County will:

- a. *Work with cities, special districts and the public to identify the long-term service providers of park, recreation and open space services. The County recognizes park districts and cities as the appropriate long-term providers of these park, recreation, and open space services. If an urban service agreement does not apply to an area, the County may identify the long-term service provider to the area:*
 1. *When the area lies within an area for which a park district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020; and*
 2. *After consulting with local governments that provide or declare an interest in providing service to the area prior to identifying the service provider. [emphasis added]*

An urban service agreement that addresses the District's designated long-term service area has not been adopted. However, the property to be annexed is located within an area for which the District is designated a party in a cooperative agreement adopted pursuant to ORS 195.020 (a.1.). In developing the Implementing Strategies relating to park and recreation services the County also consulted with local municipalities (a.2.). Consequently, the County, as stated in the above-findings pertaining to Implementing Strategy p. under Policy 15, has identified the District as the long-term park and recreation provider to urban unincorporated Washington County. Therefore, the District is the identified long-term park and recreation provider for each of the properties proposed to be annexed located within unincorporated Washington County. The proposed minor boundary change is consistent with Implementing Strategy a. of Policy 33.

The proposed minor boundary change is consistent with the key Implementing Strategy of CFP Policy 33 and is therefore consistent with CFP Policy 33. Consequently, the proposed minor boundary change is consistent with the County's comprehensive plan governing urbanization and provision of park and recreation service.

9. Washington County has an established Urban Planning Area Agreement (UPAA) with Beaverton. The UPAA addresses annexations from the county to the city, but does not address annexation of properties to service districts, such as is being proposed by the applicant. Therefore, staff finds that the proposed annexation is not inconsistent with the adopted Beaverton-Washington County UPAA.
10. 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).
11. Sanitary sewer service is available to the property by connecting to the existing CWS sanitary sewer main. Sanitary sewer lines designed to CWS specifications are currently being installed throughout the development to provide each lot with sanitary sewer service. Clean Water Services 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.
12. The property is located in the Tualatin Valley Water District (TVWD). TVWD has the responsibility for providing the property with public water. Water lines designed to TVWD

specifications are currently being installed throughout the development to provide water service to the new residences.

13. Tualatin Valley Fire & Rescue is responsible for serving the property. Fire service will not change as a result of annexation to the District.
14. The property is located within the Enhanced Sheriff's Patrol District (ESPD). The ESPD provides an augmented level of service, which would approach the recommended minimum level of service of approximately one sworn officer per one thousand population. With voter approval the district was formed and funded in 1987. The District provides services for Washington County residents living in the unincorporated area, outside city limits, but within the County's adopted Urban Grown Boundary.
15. Annexation to the District will not affect transportation through unincorporated Washington County. Access to this site will be provided from NW Laidlaw Road. The County is responsible for reviewing all county developments that access County public roads for compliance with the adopted Transportation Plan and Article V. of the Community Development Code.
16. The property is located within the Clean Water Services District (CWS). Storm sewer lines and water quality facilities designed to CWS specifications are currently being installed to provide the development with storm sewer service. CWS provides the storm water treatment through major storm drain lines as well as storm sewer service for lands within unincorporated Washington County. Storm sewer service will not change as a result of annexation to the District.
17. The Tualatin Hills Park & Recreation District (District) is the park and recreation provider for urban unincorporated Washington County. However, the property is **not** currently located within the District's service boundary. Approval of WA-1307 will add the property into the District, which is a requirement to develop the property pursuant to Ordinance No. 624.
18. The property is located within the Beaverton School District. The annexation to the District will not affect that fact.
19. The property is located within the Washington County Service District for Urban Road Maintenance (URMD), which provides financing for maintenance of local streets.
20. The property is not located within the Washington County Service District for Lighting (SDL), which is responsible for assisting developers ensure that street lighting installed as part of a development is maintained. SDL ensures that an identified revenue source exists to fund the long-term maintenance of said street lighting. The property may need to be annexed to SDL in order to ensure that street lighting installed as part of the future residential development is maintained. Alternatively, the applicant can ensure the maintenance of street lighting through other measures approved by the Washington County Operations Division; thus potentially eliminating the need for the property to be annexed to the SDL. The applicant was conditioned through both land development applications to either annex to the SDL or ensure through other measures approved by the Operations Division the funding for all required street lighting.
21. The District Board of Directors has endorsed this request as required by statute. On February 5, 2007 the District Board passed a resolution endorsing the annexation of the property into the District's service boundary.

22. A necessary party has not contested this boundary change.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Commission concludes:

1. The Metro Code at 3.09.050 (d) (4) calls for consistency between the Board decision and any *"specific directly applicable standards or criteria for boundary changes contained in . . . regional framework and functional plans . . ."* There are no directly applicable criteria in Metro's regional framework plan or in the two adopted functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan.
2. ORS 198 and the Metro Code at 3.09.050 (d) (3) call for consistency between the Board decision and any *"specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ."* The Board has reviewed the applicable comprehensive plan, which is the Washington County Comprehensive Plan, and finds that the annexation is consistent with said document.
3. The Metro Code also requires that the decision address consistency between this decision and any urban service agreements under ORS 195. [ORS 195 agreements are cooperative agreements and urban service agreements.] The required cooperative agreement between service districts, cities 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.
4. Metro Code 3.09.050 (e) (3) states that another criteria to be addressed is *"Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services."* The Board finds that the District can serve this area. Therefore the Board finds that the annexation is a logical step towards making urban services available to the property and will not interfere with the timely provision of those services.
5. The District Board of Directors has endorsed this request as required by statute. On February 5, 2007, the District Board passed a resolution endorsing the annexation of the property into the District's service boundary.
6. A necessary party has not contested this boundary change. Therefore, the change may become effective immediately upon adoption by the Board pursuant to Metro Code Section 3.09.050 (f).

EXHIBIT B

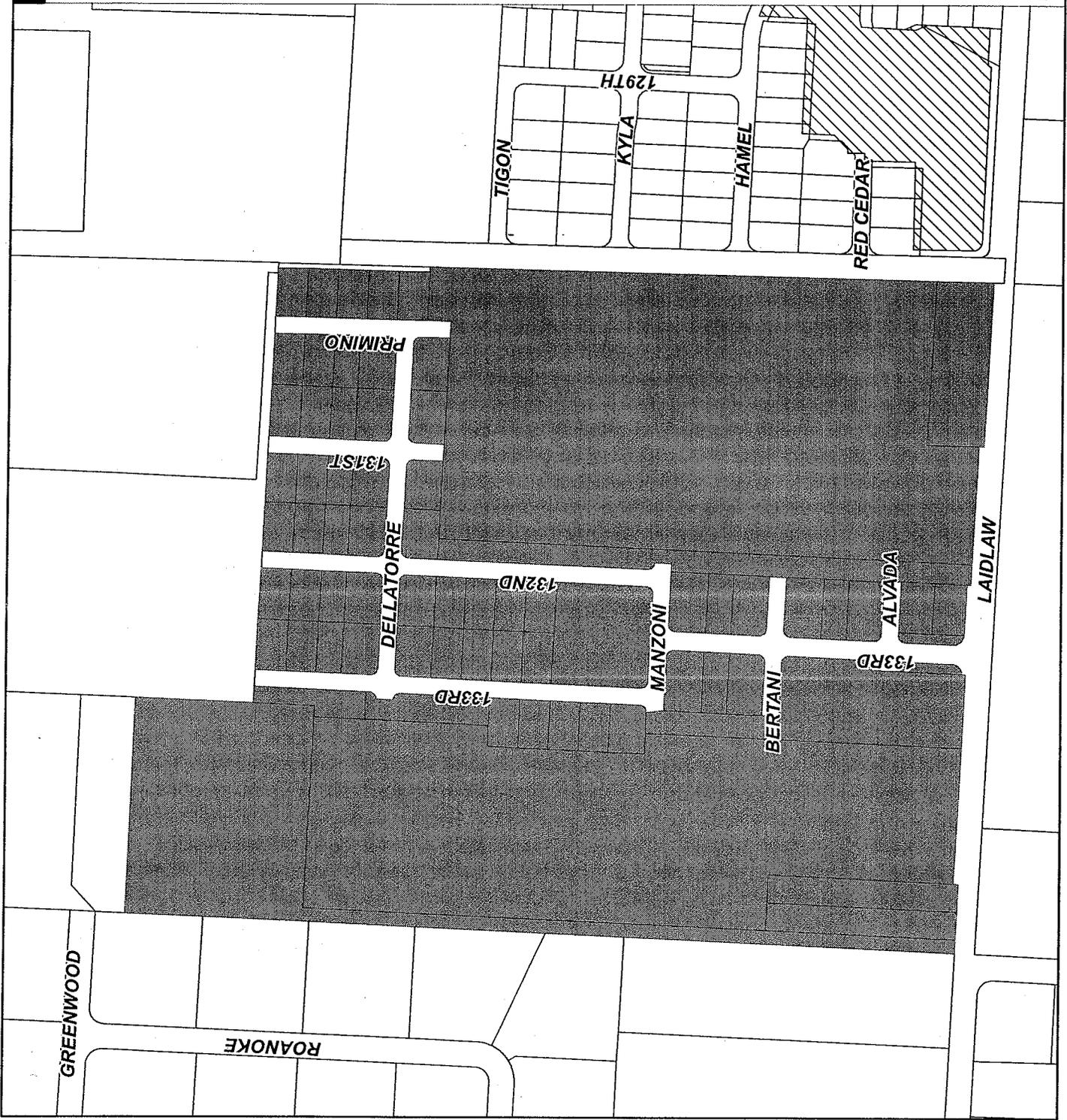
WA-1307

Annexation to
Tualatin Hills Parks &
Recreation District
(THPRD)

-  Subject Taxlot(s)
-  THPRD
-  Urban Growth Boundary



This map was derived from several databases. The County cannot accept responsibility for any errors. Therefore, there are no warranties for this product. However, notification of errors would be appreciated.





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
www.co.washington.or.us

NOTICE OF DECISION

CPO: 7 – Sunset West / Rock Creek / Bethany

Existing Land Use District: R-6, Residential 5-6 units/acre

Community Plan: Bethany

Assessor Map No(s): 1N1 21AC

Tax Lot No(s): Multiple, see site map on reverse side

Site Size: 44.9 acres

Address: Multiple

Location: North side of NW Laidlaw Road between NW 130th Avenue on the east and the Dogwood Park subdivision to the west.

Proposed Minor Boundary Change: Annexation to the (Name of District) District of 44.9 acres.

Applicant:

Arbor Heights, LLC / West Hills Development
735 SW 158th Ave
Beaverton, OR 97006

Applicant's Representative:

Arbor Heights, LLC / West Hills Development
735 SW 158th Ave
Beaverton, OR 97006

Contact Person: Terry Kinney

Petitioners/Owners:

Arbor Heights, LLC
735 SW 158th Ave
Beaverton, OR 97006

Notice is hereby given that the County Board of Commissioners **APPROVED** the request for the above-stated proposed Minor Boundary Change at a meeting on **April 3, 2007**.

NOTICE MAILING DATE: April 5, 2007

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 EXPLICITLY 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:

Paul Schaefer, Senior Planner

WASHINGTON COUNTY
DEPARTMENT OF LAND USE & TRANSPORTATION
(503) 846-3519.

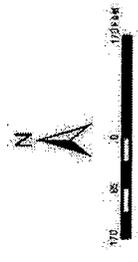
(SEE REVERSE SIDE FOR SITE MAP)

EXHIBIT B

WA-1307

Annexation to
Tualatin Hills Parks &
Recreation District
(THPRD)

-  Subject Taxlot(s)
-  THPRD
-  Urban Growth Boundary



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