

Final Documents

For

Annexation to the
Washington County
Service District #1 for Street Lights

WA1602

Ordinance: R0-02-42

DOR: 34-1557-2002

Final to DOR: _____

Signature:

Date of

Mailing: 4/19/02

Final to Secretary of State: _____

Signature:

Date of

Mailing: 5/7/02

WA1602

Sent

Received

DOR:

3/18/02

4/29/02

Sec. State:

5/7/02

Assessor:

5/7/02

Elections:

5/7/02

Mapped:

Yes

Posted to Web:

5/22/02

Addresses:

1N214D001202

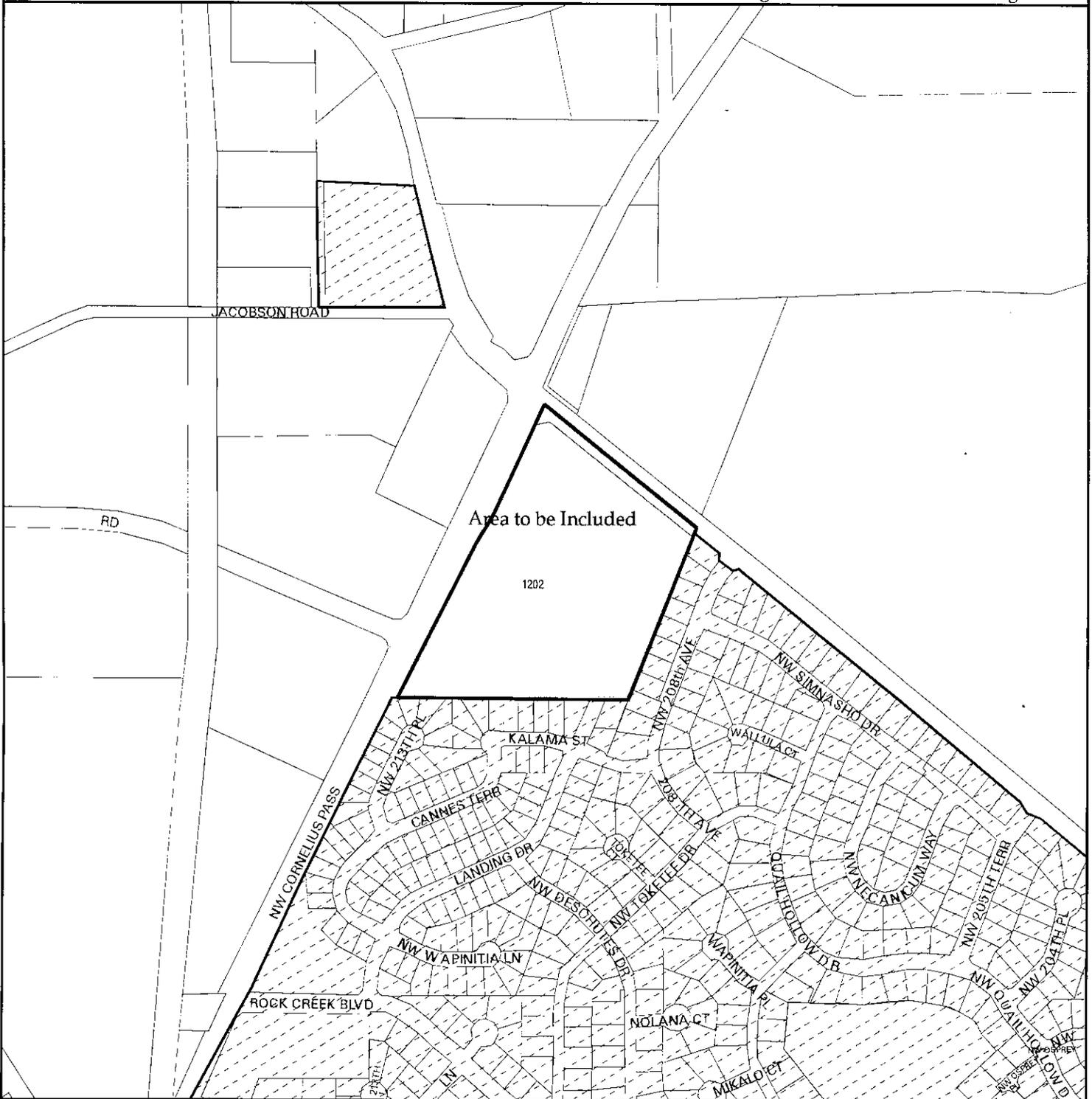
No Site Address

Proposal No. WA1602

1N2W14D

Annexation to the Service Dist. #1 for Street Lights

Washington Co.



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



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

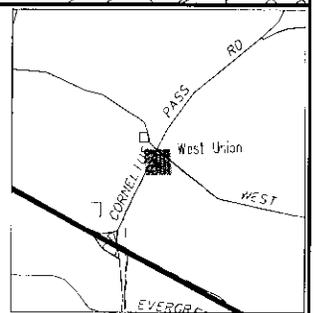
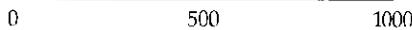
METRO

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-  County lines
-  Annexation boundary
-  District

Proposal No. WA1602
SERVICE DIST. #1 FOR STREET LIGHTS
Figure 1

Scale: 1" = 500'



Notice to Taxing Districts

ORS 308.225



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

Washington Co. Street Lighting Dist.
 2470 SE River Rd.
 Hillsboro, OR 97123

Description and Map Approved
April 29, 2002
As Per ORS 308.225

Description Map received from: METRO
 On: 4/24/02

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

ANNEX TO WASHINGTON COUNTY SERVICE DIST. #1 FOR STREET LIGHTING

RES. & ORDER #02-42

has been: Approved 4/29/02
 Disapproved

Notes:

Department of Revenue File Number: 34-1557-2002

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

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Land Use and Transportation (CPO 7)

Agenda Title: ANNEXATION OF A 15.54 ACRE PARCEL TO THE SERVICE DISTRICT FOR LIGHTING (SDL)

Presented by: Brent Curtis, Planning Division Manager

SUMMARY (Attach Supporting Documents if Necessary)

As your Board is aware, the 1997 Legislature passed Senate Bill 947 that abolished the Boundary Commission and passed the boundary change function back to the local level. Effective January 1, 1999, the County became responsible for district boundary changes. Cities process their own boundary changes.

Service District for Lighting (District) is responsible for assisting developers ensure that street lighting installed as part of a development is maintained. The District ensures that an identified revenue source exists to fund the long-term maintenance of said street lighting.

The County has received a request to annex 15.54 acres to the Service District for Lighting (District). The applicant proposes to construct both detached single family residences and multi-family units (apartments) on the parcel upon annexation into the District. The property is located at the southeast corner of the intersection of NW Cornelius Pass Road and NW West Union Road. The parcel in question, plus one-half of the abutting right-of-way, was brought into the Urban Growth Boundary through Ordinance 99-811, which was adopted by the Metro Council on July 15, 1999. Subsequent to the annexation, the rural plan designation (AF-5) was changed to

Attachments: Resolution and Order
Findings, Exhibit A
Proposal No. WA1602, Exhibit B
Legal Description, Exhibit C

DEPARTMENT'S REQUESTED ACTION:

Hold a public hearing to consider the annexation of this property to the Service District for Lighting (SDL). Adopt a Resolution and Order approving the annexation.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 02-42

Agenda Item No.	<u>5.d.</u>
Date:	<u>4/16/02</u>

ANNEXATION OF A 15.54 ACRE PARCEL TO THE SERVICE DISTRICT FOR LIGHTING
(SDL)

April 16, 2002

Page 2

R-15 Residential through approval of Casefile 00-475-PA by the Washington County Planning Commission.

Notice of today's hearing has been made in accordance with the state law requirements. Ken Martin, with the Local Government Boundary Office at Metro, who is on contract with the County, has prepared a staff report. This report (File Number: WA-1602) is available at the clerk's desk. Mr. Martin will be available to answer any questions. A Resolution and Order approving the annexation is attached to the agenda.

1 IN THE BOARD OF COUNTY COMMISSIONERS

2
3 FOR WASHINGTON COUNTY, OREGON

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5
6 In the Matter of Approving Boundary) RESOLUTION AND ORDER
7 Change Proposal No. WA-1602) No. 02-42

8
9
10 The above-entitled matter came regularly before the Board at its
11 public hearing on April 16, 2002; and

12 It appearing to the Board that the Board is charged with deciding
13 petitions for boundary changes pursuant to ORS Chapter 198 and Metro
14 Code Chapter 3.09; and

15 It appearing to the Board that staff retained by the County have
16 reviewed the proposed boundary change and determined that it complies
17 with the applicable procedural and substantive standards and should be
18 approved; and

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

22 RESOLVED AND ORDERED that Boundary Change Proposal No.
23 WA-1602, as described in the staff report, is hereby approved, based on the
24 analysis, findings and conclusions set forth in Exhibit "A" of the staff report,
25 incorporated herein by reference; and it is further

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

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

DATED this 16th day of April 2002.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

Tom Bruin
CHAIR

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

Barbara Heitmanek
RECORDING SECRETARY

Date Signed: 4-16-02

Approved as to form:
Alan A. Reynolds
Assistant County Counsel for
Washington County, Oregon

FINDINGS

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

1. The territory to be annexed contains 15.54 acres and is vacant.
2. The applicant desires street lighting service to serve the area which will be developed with 34 single family houses and 180 apartment units. A two-acre park site is also proposed.
3. Oregon Revised Statute 198 provides that the Board is to consider the local comprehensive plan for the area, and any service agreements executed between a local government and the affected district when deciding an annexation proposal to a 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.
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 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.

4. The land slopes gently to the northeast and is currently occupied by a filbert orchard.
5. This territory is inside of 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. The region's two adopted functional plans (Urban Growth Management Functional Plan, Regional Transportation Plan) were examined and found not to contain any directly applicable standards and criteria for boundary changes of county service districts.

6. The area is identified as Residential 15 Units Per Acre which permits detached and attached residential development with densities up to 15 units per acre.

Because this property was only very recently brought within the UGB it is not covered by the Washington County-City of Hillsboro Urban Planning Area Agreement (UPAA). Surrounding properties on the south and east are covered by this agreement. Property to the west is inside the City. The properties which are covered by the UPAA are in "Area D" which is identified as "... a potential area for annexation and the future provision of urban services by the City."

When this property was brought into Metro and the UGB it was anticipated that it would be annexed to the City of Hillsboro. This has not happened to date because the City and the Tualatin Hills Park & Recreation District have been unable to arrive at the agreement required by ORS 195. Should this property ultimately be annexed to Hillsboro, the City could withdraw the property from the Street Lighting District at that time.

The Washington County Comprehensive Plan was searched for criteria relative to annexations. No directly applicable criteria were found.

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 Street Lighting District provides a mechanism for acquiring street lights and for contracting with utilities for power and/or equipment. An area must be within the District in order to acquire service but not all territory within the District has service. Service is usually provided through formation of a local improvement district (LID). Service is paid for by the property owners through annual assessments on property.
8. The territory currently receives a rural level of police service from the County. The territory is currently being annexed to the Enhanced Law Enforcement District. The Enhanced Law Enforcement District provides additional service which in combination with the County-wide level provides .94 officers per 1000 population.
9. The territory is within the Tualatin Valley Water District which has lines available to serve the development.
10. The property was recently annexed to the Clean Water Services District. The District has sewer lines available to serve this site in the subdivision on the east and south.
11. This area is within the Tualatin Valley Fire and Rescue.
12. Access to this site can be provided from West Union Road and Cornelius Pass Road as well as through extension of streets within the adjacent subdivision. The territory will need to be annexed to the Washington County Service District for Urban Road Maintenance if it is not annexed to the City of Hillsboro.
13. Clean Water Services has responsibility for surface water management within the Washington County urban growth boundary.
14. Washington County provides planning and zoning services, libraries, general administration, jails, community corrections, taxation, elections, and community health services.

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 between the affected entity and a necessary party. There are no urban planning area agreements between the County Service District and any necessary party.
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 the County Service District For Street Lights 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.

EXHIBIT B

Proposal No. WA-1602

A tract of land situated in the SE $\frac{1}{4}$ of Section 14, Township 1 North, Range 2 West, of the Willamette Meridian, in the County of Washington, and State of Oregon, more particularly described as follows:

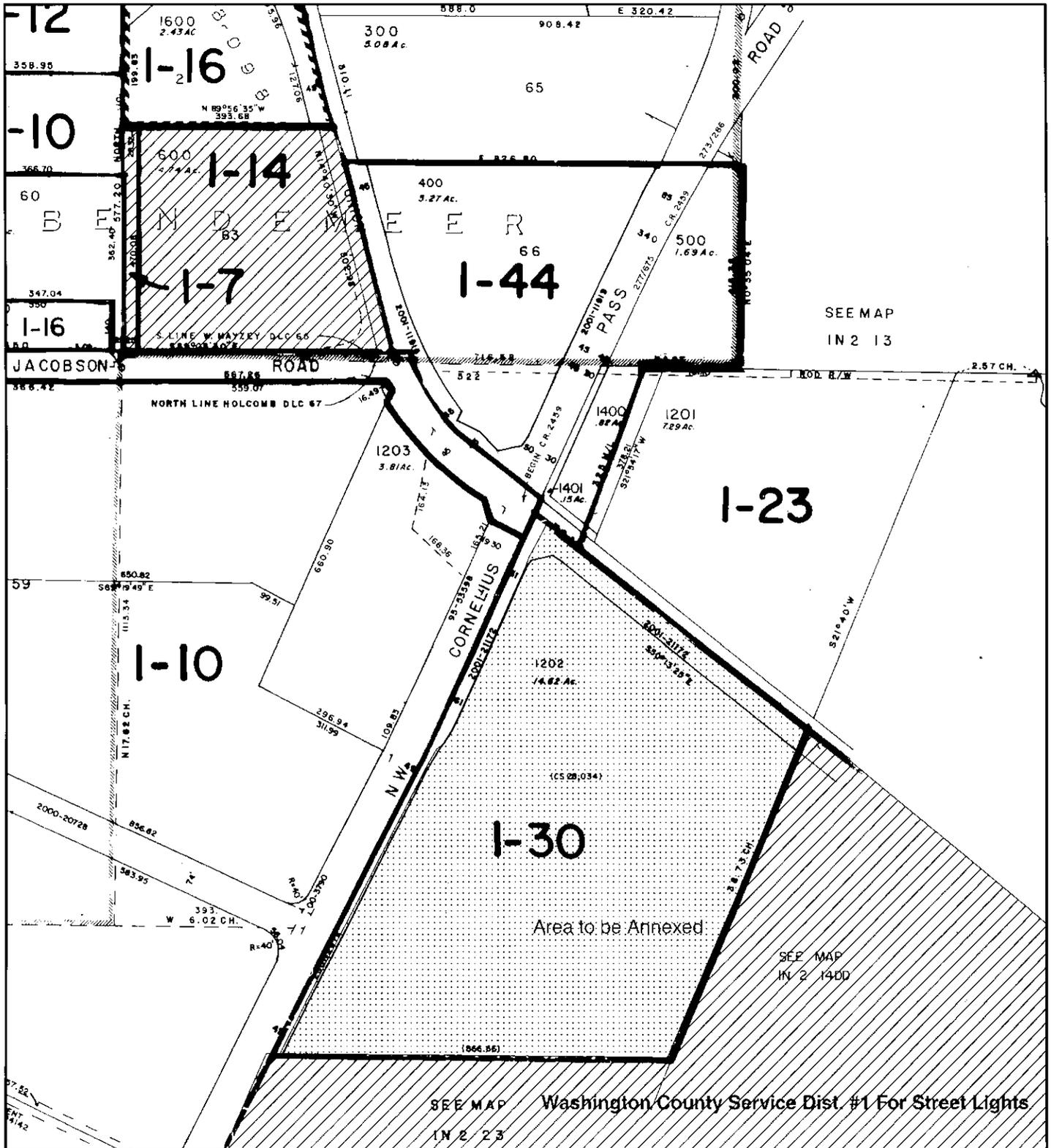
Beginning at the NW corner of Lot 210, according to the duly recorded plat of ROCK CREEK RANCH NO.3, Washington County Records, thence S 23°06'05" W, 640.05 feet more or less to a point on the North line of the duly recorded plat of LANDING NO.3, Washington County Records; thence along the North line of LANDING NO.3 and extension thereof N87°59'51" W, 866.66 feet to a point on the East right of way for NW Cornelius Pass Road; thence along said right of way, N 28°43'52" E, 637.57 feet to a point of curvature; thence along a 2875.90 foot radius curve to the left a distance of 111.96 feet; thence N 26°30'02" E, 435.41 feet to a point on the South right of way for NW West Union Road; thence continuing N 26°30'02" E, 30.82 feet more or less to a point on the centerline for NW West Union Road; thence along said centerline, S 50°13'25" E, 740.71 feet more or less to a point; thence leaving said centerline, S 23°06'05" W, 46.95 feet to the point of beginning.

PROPOSAL WA1602



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 drg@metro.net
 www.metro.net

Annexation to the Service Dist. #1 for Street Lights.
 Washington Co.
 Map 1N2W14D



PROPOSAL NO. WA1502
 WASHINGTON COUNTY SERVICE DIST. #1 FOR STREET LIGHTS
 Figure 2