

Final Documents

For

Annexation to the
Clean Water Services District

WA1704
Ord. #04-54
DOR 34-1674-2004
Sec. State: SD-2004-0055

Final to DOR: _____

Signature:

 _____

Date of

Mailing: 6/8/04

Final to Secretary of State: _____

Signature:

 _____

Date of

Mailing: 7/6/04

WA1704

Sent

Received

DOR:

6/8/04

6/30/04

Sec. State:

7/6/04

7/12/04

Assessor:

7/6/04

Elections:

7/6/04

Mapped:

Yes

Addresses:

1S109DC00200

3670 SW RIVER RD

1S209DC00300

3720 SW RIVER RD

1S209DC00400

3860 SW RIVER RD

1S209DC00500

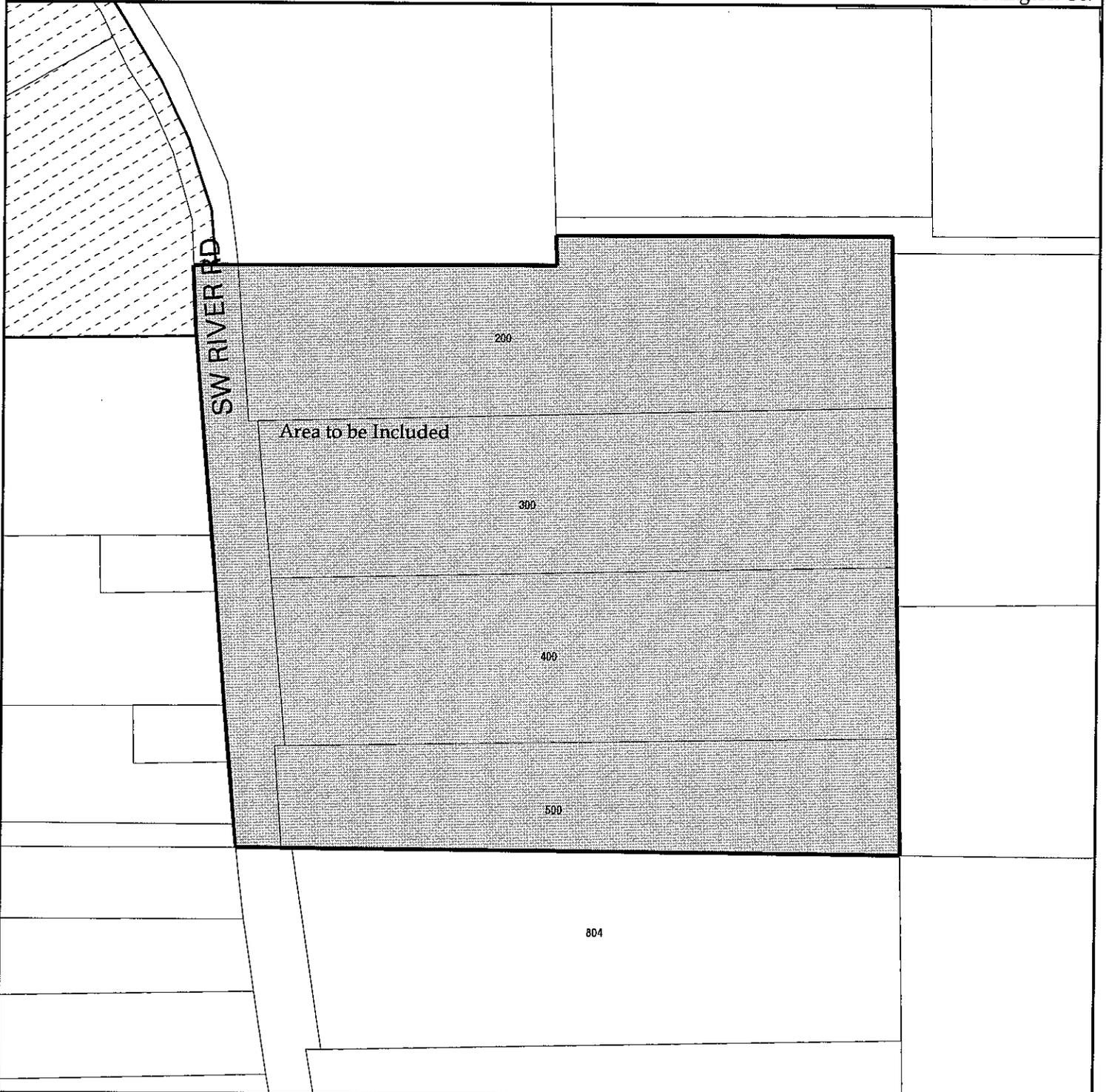
3940 SW RIVER RD

Proposal No. WA1704

1S2W09

Annexation to the Clean Water Services Dist.

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

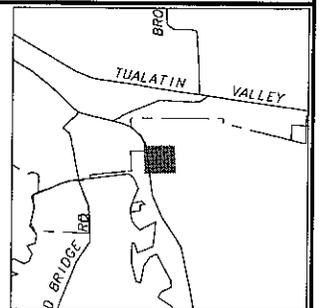
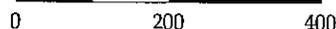
METRO

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- County lines
- Annexation boundary
- District

Proposal No. WA1704
CLEAN WATER SERVICES DIST.
Figure 1

Scale: 1" = 250'



Bill Bradbury
SECRETARY OF STATE



ARCHIVES DIVISION
ROY TURNBAUGH
DIRECTOR

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

Facsimile (503) 373-0953

July 7, 2004

Washington County Clerk
Washington County Courthouse, Room 110
155 N First Ave, MS #9
Hillsboro, Oregon 97124-3072

Dear County Clerk:

Please be advised that we have received and filed as of July 7, 2004, the following records annexing territory to special districts within your county.

Order No.	Our File No.	Jurisdiction
ORD NO 04-38	SD 2004-0051	Clean Water Services District
ORD NO 04-47	SD 2004-0052	Clean Water Services District
ORD NO 04-52	SD 2004-0053	Clean Water Services District
ORD NO 04-53	SD 2004-0054	Clean Water Services District
ORD NO 04-54	SD 2004-0055	Clean Water Services District

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

Please verify the effective date(s) for these annexations through the application of ORS 199.519.

Sincerely,

Linda Bjornstad
Official Public Documents

cc: ODOT/Highway Division
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

Clean Water Services Dist.
Support Services Manager
155 N First Ave, Suite 270
Hillsboro, OR 97124

Description and Map Approved
June 30, 2004
As Per ORS 308.225

Description Map received from: METRO
On: 6/10/2004

This is to notify you that your boundary change in Washington County for
ANNEXATION TO CLEAN WATER SERVICES DISTRICT

RES. #04-54 (WA-1704)

has been: Approved 6/30/2004
 Disapproved

Notes:

Department of Revenue File Number: 34-1674-2004

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



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

BOARD OF COUNTY COMMISSIONERS NOTICE OF DECISION

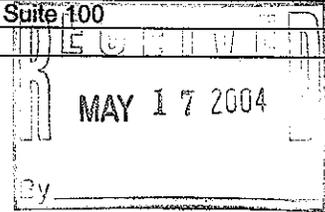
CASE FILE NO.: WA-1704

APPLICANT:

Centex Homes
Contact: Andy Tiemann
16520 SW Upper Boones Ferry Road, #200
Portland, OR 97224

APPLICANT'S REPRESENTATIVE:

WRG Design, Inc.
Contact: Dennis Lisk
5415 SW Westgate Drive, Suite 100
Portland, OR 97221



CPO: 9

COMMUNITY PLAN: City of Hillsboro

EXISTING LAND USE DISTRICT: AF-10 (County designation)

ASSESSOR MAP NO(S): 1S2 09DC

SITE SIZE: 28.69 acres

TAX LOT NO(S): 200, 300, 400 and 500

ADDRESS: See Owner Addresses

LOCATION: Hillsboro, Oregon

OWNERS:

Robert & Claudia Hale 3745 SW River Road Hillsboro, OR 97123 (Tax Lot 200)	Donald & Regina Odermott 3720 SW River Road Hillsboro, OR 97123 (Tax Lot 300)
Melvin & Antoinette Beattie 3860 SW River Road Hillsboro, OR 97123 (Tax Lot 400)	Edward & Glenna Bartlett 3940 SW River Road Hillsboro, OR 97123 (Tax Lot 500)

PROPOSED MINOR BOUNDARY CHANGE:

Annexation to Clean Water Services District of 28.69 acres of land, including right-of-way, in Hillsboro.

Notice is hereby given that the County Board of Commissioners **APPROVED** the request for the above-stated proposed Minor Boundary Change at a public hearing on **May 11, 2004**.

APPEAL PERIOD:

FROM: 5/14/2004 (Date Notice Mailed)
TO: 5/24/2004 (Appeal Due Date) by 5:00 p.m.

THE APPROVED MINOR BOUNDARY CHANGE DOES NOT AUTHORIZE OR PREVENT ANY SPECIFIC USE OF LAND. CURRENT COUNTY PLANNING DESIGNATIONS WILL NOT BE AFFECTED BY THIS PROPOSED CHANGE.

THIS DECISION MAY BE APPEALED AND A PUBLIC HEARING HELD BY FILING A NOTICE OF APPEAL WITH THE METRO APPEALS BOARD, AS DESCRIBED IN CHAPTER 3.09 OF THE METRO CODE, WITHIN 10 CALENDAR DAYS OF THE DATE THIS NOTICE WAS MAILED. **ONLY THOSE NECESSARY PARTIES WHO MADE AN APPEARANCE OF RECORD (INCLUDING SUBMISSION OF WRITTEN COMMENTS OR TESTIMONY) ARE ENTITLED TO FILE A NOTICE OF APPEAL (APPEAL).** A NECESSARY PARTY MAY NOT CONTEST A BOUNDARY CHANGE WHERE THE BOUNDARY CHANGE IS EXPLICITELY AUTHORIZED BY AN URBAN SERVICES AGREEMENT ADOPTED PURSUANT TO ORS 195.065.

THIS DECISION WILL BE FINAL IF NO APPEAL IS FILED BY THE DUE DATE.

THE COMPLETE APPLICATION, REVIEW STANDARDS, RECORD OF PROCEEDINGS, FINDINGS FOR THE DECISION AND DECISION ARE AVAILABLE AT THE COUNTY FOR REVIEW.

FOR FURTHER INFORMATION, PLEASE CONTACT:

Paul Schaefer, Senior Planner
WASHINGTON COUNTY DEPARTMENT OF LAND USE & TRANSPORTATION (503) 846-3519.

(SEE REVERSE SIDE FOR SITE MAP)

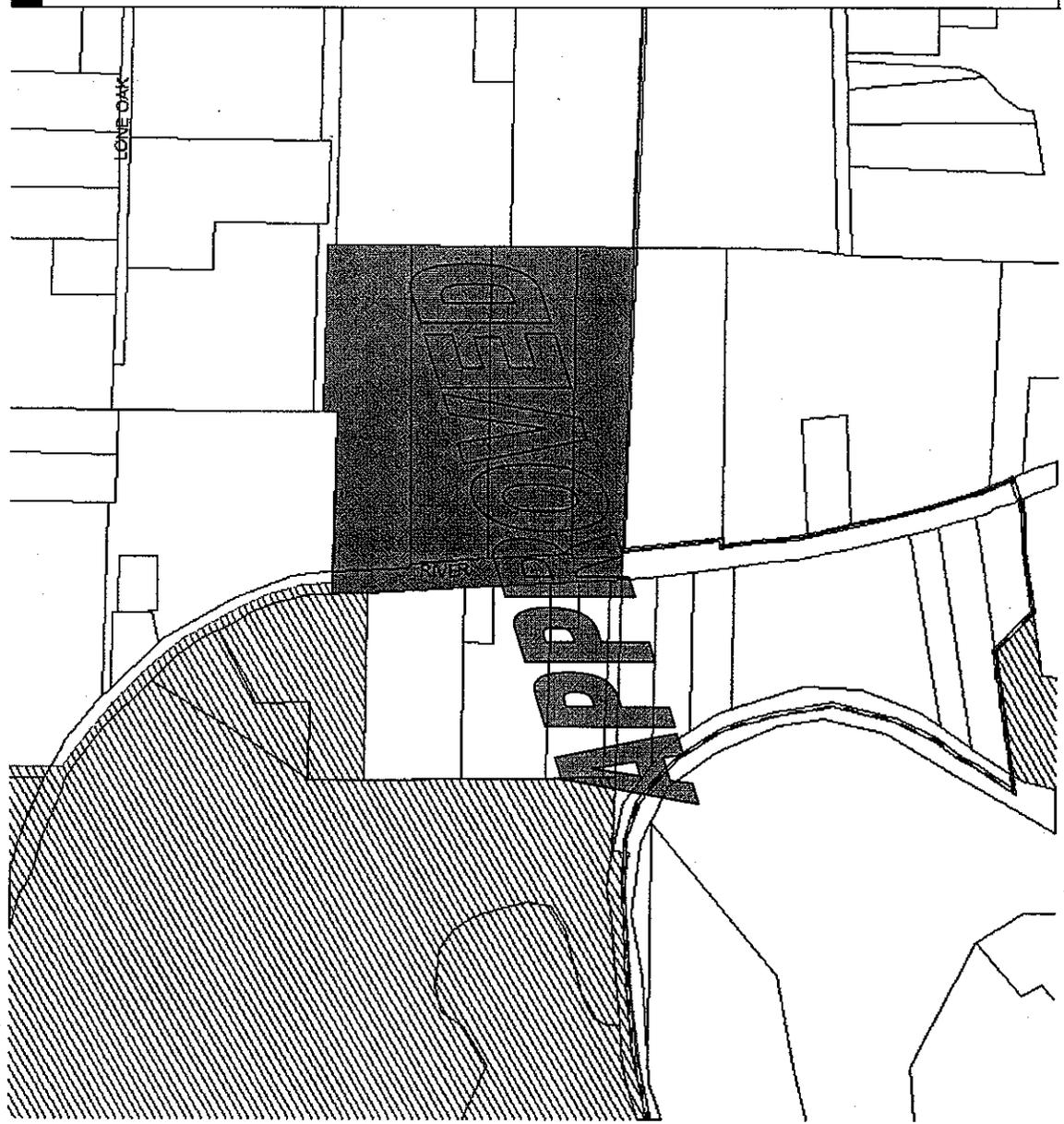
WA-1704

EXHIBIT B

-  Subject Taxlot
-  CRAI Water Subject Boundary
-  Urban Growth Boundary



Scale: 1" = 100' (100' x 100' grid)
The map was created from aerial photographs. The County cannot accept responsibility for any errors. Therefore, there are no warranties for the product. However, notification of errors would be appreciated.



AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Department of Land Use & Transportation (CPO 9)

Agenda Title: **CONSIDER THE ANNEXATION OF APPROXIMATELY 28.69 ACRES TO CLEAN WATER SERVICES DISTRICT (WA-1704)**

Presented by: Brent Curtis, Planning Division Manager

SUMMARY (Attach Supporting Documents if Necessary)

The County has received a request to annex four parcels and right-of-way encompassing 28.69 acres to Clean Water Services District (District). The property is located east of SW River Road and south of the planned extension of SW Davis Road and is further identified as tax map and lot numbers 1S209DC 200, 300, 400, and 500. This property is inside the regional UGB and was recently annexed into the City of Hillsboro. (See Exhibit B) The applicants desire to be provided sanitary and storm sewer service from Clean Water Services to facilitate the future development of the property in accordance with the Witch Hazel Village Community Plan (Hillsboro). In order for these parcels to receive service from the District, they need to be annexed to the District.

Notice of today’s hearing has been made in accordance with the state law requirements. The staff report (File Number: WA-1704) 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 Clean Water Services District. Adopt a Resolution and Order approving the annexation with the approval becoming effective immediately.

COUNTY ADMINISTRATOR’S RECOMMENDATION:

I concur with the requested action.

R004-54

Agenda Item No.	<u>4.c.</u>
Date:	<u>5/11/04</u>

1 IN THE BOARD OF COUNTY COMMISSIONERS

2
3 FOR WASHINGTON COUNTY, OREGON

4
5 In the Matter of Approving Boundary) RESOLUTION AND ORDER
6 Change Proposal No. WA-1704) No. 04-54
7

8 The above-entitled matter (WA-1704) came before the Board at its
9 regular public meeting on May 11, 2004; and

10 It appearing to the Board that this annexation to the Clean Water
11 Services District involves four tax lots (1S209DC 200, 300, 400, and 500),
12 including right-of-way, located east of SW River Road and south of the
13 planned extension of SW Davis Road in unincorporated Washington County;
14 and

15 It appearing to the Board that WA-1704 was initiated by a consent
16 petition of the property owners and registered voters and meets the
17 requirement for initiation set forth in ORS 198.855 (3), ORS 198.750 and
18 Metro Code 3.09.040 (a); and

19 It appearing to the Board that pursuant to ORS 198 the Washington
20 County Board is the boundary Board for Clean Water Services; and

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

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

26 It appearing to the Board that County staff have reviewed the proposed
27 boundary change and determined that it complies with the applicable
28 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 1704, 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 Clean Water Services 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 11th day of May, 2004.

15 BOARD OF COUNTY COMMISSIONERS
16 FOR WASHINGTON COUNTY, OREGON
17

18
19
20 *Dick Schouten*
21 Vice CHAIRMAN

	AYE	NAY	ABSENT
22			
23			
24 BRIAN			✓
25 SCHOUTEN	✓	—	—
26 LEEPER	✓	—	—
27 ROGERS	✓	—	—
28 DUYCK	✓	—	—

29
30
31 *Barbara Hejtmanek*
32 RECORDING SECRETARY

33 Date Signed: 5-11-04

34 Approved as to form:

[Signature]
Assistant County Counsel for
Washington County, Oregon

FINDINGS

Based on the study and the public hearing, the Board of County Commissioners (Board) finds:

1. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (which lists minimum requirements for petition). At the time of writing, a necessary party is **not** contesting this boundary change.
2. The property to be annexed consists of four (4) parcels encompassing approximately 28.69 acres and approximately 2.16 acres of right-of-way - for a total of 30.85 acres. The property is collectively located east of SW River Road and south of the planned extension of SW Davis Road. The area to be annexed is further identified as tax map 1S209DC, lot numbers 200, 300, 400 and 500.
3. The applicant desires sanitary and storm sewer service to facilitate the future development of the property in accordance with the adopted Witch Hazel Village Community Plan. The property is to be developed (through a Planned Unit Development) with a total of 181 single-family detached housing units. The property must be brought into the Clean Water Services District (District) in order to be provided the necessary sanitary and storm sewer service. The property was annexed into the City of Hillsboro on February 17, 2004.
4. The District supports the proposed annexation to its boundary. The Board of County Commissioners has endorsed this request as the Board of Directors of Clean Water Services District.
5. Oregon Revised Statute 198.852 directs the Board to consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.

A second set of criteria can be found in the Metro Code (Code) that states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The findings and conclusions shall address, at minimum, the seven criteria listed below.

- a. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans [ORS 195 agreements are cooperative agreements and urban service agreements. The required cooperative agreements between the City of Hillsboro, service districts and Washington County have been adopted. An urban service agreement for the City of Hillsboro has also been adopted.]
- b. Consistency with directly applicable provisions of *urban planning area agreements* between the annexing entity and a necessary party.
- c. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.

- d. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
- e. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
- f. If the boundary change is to Metro, determination by Metro Council that property should be inside the UGB shall be the primary criteria.
- g. Consistency with other applicable criteria for the boundary change in question under state and local law.

Additionally, the Metro Code contains a second set of 10 factors which are to be considered where no ORS 195 agreements have been adopted and the boundary change is being contested by a necessary party. As noted previously, cooperative agreements between the City of Hillsboro, service districts and Washington County have been adopted. Additionally, an urban service agreement for the City of Hillsboro has also been adopted. At time of writing, a necessary party is **not** contesting this boundary change. Therefore, these additional criteria need not be addressed.

6. The property is presently supports rural residential uses (4 residences) and is generally flat. Much of the property was kept in agricultural production. The property also has street frontage along SW River Road. The adopted Witch Hazel Village Community Plan calls for SW Davis Road, which runs along a portion of the northern boundary, to be extended to the west to intersect with SW River Road.
7. This property is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

The law that dictates that Metro adopt criteria for boundary changes requires those criteria to include ". . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are actually now part of Metro's Regional Framework Plan. The 2040 Growth Concept is also now an element of the Framework Plan. The Framework Plan has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

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

8. The property is currently designated AF-10, a Washington County land use designation. As a result of the annexation to the City of Hillsboro, however, the applicant is currently seeking a zone change from the city to change the designation to R-7 and A-1, in accordance with the adopted Witch Hazel Village Community Plan. The proposed Hillsboro zoning districts will accommodate the planned residential use and densities envisioned in the community plan.

9. The City of Hillsboro will provide sanitary sewer service for the property with an 8-inch sanitary sewer line extending from SW Davis Road to the District's treatment facility located on SW River Road. Additional sanitary sewer lines will be also installed to serve the future residential uses. The District 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.
10. The City of Hillsboro will serve the property and surrounding property with a 10-inch water line that extends from SW Davis Road to SW Witch Hazel Road.
11. The City of Hillsboro Fire Department serves this property.
12. The property receives police protection from the City of Hillsboro.
13. Access to the future development will be in accordance with the adopted Witch Hazel Village Community Plan. The adopted community plan calls for, in part, for the extension of SW Davis Road west to intersect with SW River Road. Annexation to the District will not effect transportation through the City of Hillsboro or unincorporated Washington County.
14. The District has responsibility for surface water management within urban Washington County. Clean Water Services has entered into an intergovernmental agreement with the City of Hillsboro for allocation of City and District responsibilities. The City has responsibilities for operations and maintenance of storm and surface water facilities within the City. The City of Hillsboro will provide storm sewer service to the property from, in part, a 24-inch storm drain system located in SW Davis Road. This line increases in size to a 30-inch storm drain line as it extends towards SW River Road. The District provides the storm water treatment through major storm drain lines as well as storm sewer service for lands within unincorporated Washington County
15. The City of Hillsboro maintains its own Park & Recreation Department. The annexation to Clean Water Services will not affect that fact.
16. The District supports the proposed annexation to its boundary. The Board of County Commissioners has endorsed this as the Board of Directors of Clean Water Services District.

CONCLUSIONS AND REASONS FOR DECISION

Based on the above Findings, the Board concluded:

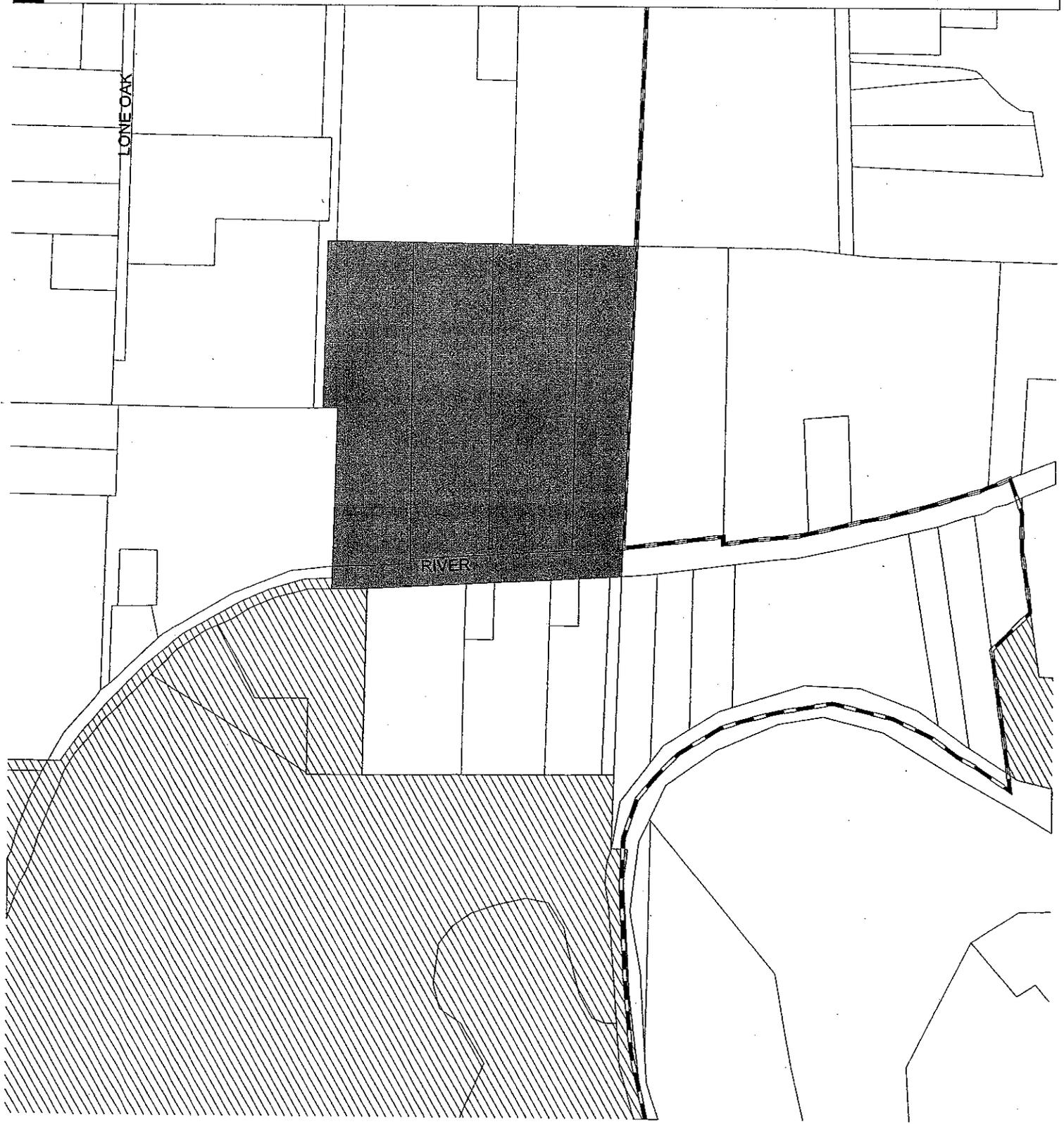
1. The Metro Code at 3.09.050 (d) (4) calls for consistency between the Board decision and any *"specific directly applicable standards or criteria for boundary changes contained in . . . regional framework and functional plans . . ."* There are no directly applicable criteria in Metro's regional framework 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 since the property was annexed into the City of Hillsboro on February 17, 2004. Annexation of the property to the District is also consistent with the City of Hillsboro Comprehensive Plan, including the recently adopted Witch Hazel Village Community Plan.
3. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements (UPAA). There is a UPAA between Washington County and the City of Hillsboro that addressed the property prior to annexation to the city. Due to the property's annexation to the City, the UPAA is no longer applicable to the planning of the property.
4. The Metro Code also requires that the decision address consistency between this decision and any urban service agreements under ORS 195. [ORS 195 agreements are cooperative agreements and urban service agreements.] The required cooperative agreements between the City of Hillsboro, service districts and Washington County have been adopted. The advertisement of the public hearing for the proposed annexation was consistent with the adopted cooperative agreement. The Board therefore concluded that its decision is not inconsistent with the adopted cooperative agreement. An urban service agreement for the City has also been adopted. Annexation to the District is consistent with the adopted urban service agreement.
5. Metro Code 3.09.050 (e) (3) states that another criteria to be addressed is *"Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services."* The Board finds that the Clean Water Services District can serve this area. Therefore the Board finds that the annexation is a logical step towards making urban services available to the property and does not interfere with the timely provision of those services.
6. The District supports the proposed annexation to its boundary. The Board of County Commissioners has endorsed this request as the Board of Directors of Clean Water Services District.
7. 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).

WA-1704

EXHIBIT B

-  Subject Taxlots
-  Clean Water Services Boundary
-  Urban Growth Boundary



80 0 80 160 240 320 400 480 Feet

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.

EXHIBIT C

A tract of land in Section 9, Township 1 South, Range 2 West, Willamette Meridian, Washington County, Oregon, being more particularly described as follows:

BEGINNING at the southwest corner of Lot 25 of Witch Hazel Little Farms, a duly recorded subdivision in said county, said point being a point on the south line of the Thomas Stewart D.L.C. No. 43 South $89^{\circ}41'46''$ West 1142.80 feet from the southeast corner thereof;

thence South $89^{\circ}41'46''$ West, along said D.L.C. line, a distance of 1216.63 feet to a point on the west right of way line of Southwest River Road;

thence tracing said right-of-way line along the arc of a non-tangent 1462.39 foot radius curve to the right (the radius point of which bears $N84^{\circ}18'29''$ E) through a central angle of $1^{\circ}41'31''$ an arc length of 43.18 feet to a point of tangency in said right-of-way line;

thence North $4^{\circ}00'00''$ West, along said right of way line, a distance of 861.49 feet to an angle point therein;

thence North $4^{\circ}02'00''$ West, continuing along said right-of-way line, a distance of 152.96 feet to the intersection of said right of way line and the westerly extension of the most southerly north line of that tract of land conveyed to Linda D. German by deed recorded June 24, 1976 in Book 1096, Page 828 of Deed Records of said county;

thence North $89^{\circ}41'46''$ East, along said westerly extension and said north line of said German Tract, a distance of 615.60 feet;

thence North $1^{\circ}00'00''$ West, along the southerly extension of the west line of Lot 20 of the aforementioned plat, a distance of 52.0 feet to the most northerly northwest corner of said German Tract;

thence North $89^{\circ}41'46''$ East, along the most northerly north line of said tract, a distance of 600.0 feet to the common corner of Lots 20, 21, and 23 of said Witch Hazel Little Farms;

thence South $3^{\circ}57'00''$ East, along the west line of Lots 23, 24, and 25 of said plat, a distance of 1109.63 feet to the POINT OF BEGINNING.