

Final Documents
for
Annexation to
Clean Water Services District

WA1707
Ordinance: 07-105
Annexation:
DOR: 34-1866-2007
Secretary of State: SD 2007-0085



May 18, 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 18, 2007, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
07-105 (Clean Water Services District)	SD 2007-0085
5756 (Hillsboro))	AN 2007-0212
5740 (Hillsboro)	AN 2007-0213

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



May 11, 2007

Metro
Carol Hall, Data Resource Center
600 NE Grand Ave.
Portland, OR 97232-2736

Re: Notice of Decision for Proposal WA-1707

Dear Ms. Hall,

On May 1, 2007, the Washington County Board of Commissioners approved an annexation into Clean Water Services District (WA-1707). The Oregon Department of Revenue approved the final review on May 7, 2007. I enclosed the mapping fee, DOR Final Review, and signed Resolution and Order. 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

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

Description and Map Approved
May 7, 2007
As Per ORS 308.225

Description Map received from: COUNTY
 On: 5/4/2007

This is to notify you that your boundary change in Washington County for
 ANNEX TO CLEAN WATER SERVICES DISTRICT (WA-1707)

RES. AND ORDER #07-105

has been: Approved 5/7/2007
 Disapproved

Notes:

Department of Revenue File Number: 34-1866-2007

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

RECEIVED

WASHINGTON COUNTY BOARD OF COMMISSIONERS

MAY 08 2007

PLANNING DIVISION
Land Use & Transportation
(CPO 9)

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

Agenda Title: **CONSIDER THE ANNEXATION OF PROPERTY
ENCOMPASSING APPROXIMATELY 0.85 ACRES TO CLEAN
WATER SERVICES DISTRICT (WA-1707)**

Presented by: Brent Curtis, Planning Division Manager

SUMMARY:

The County has received a request to annex one parcel to the Clean Water Services District (District). The property is located on the east side of NW 313th Avenue, north of NW Lenox Street in the City of Hillsboro and is further identified as tax map and lot number 1N3 25AC / 800 (see Exhibit B).

The property was annexed into the City of Hillsboro on February 6, 2007. In order for the property to receive the necessary sanitary and storm sewer service from the District, it must be annexed to the District. The City of Hillsboro has endorsed this minor boundary change.

Notice of today's hearing has been made in accordance with the state law requirements. The staff report (File Number: WA-1707) 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.

100-601000

RO 07-105

Agenda Item No.	<u>4.a.</u>
Date:	05-01-07

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-1707) No. 07-105
10

11
12 The above-entitled matter (WA-1707) came before the Board at its
13 regular meeting on May 1, 2007; and

14 It appearing to the Board that this proposal involves the annexation of
15 one tax lot (1N3 25AC / 800) located on the east side of NW 313th Avenue,
16 north of NW Lenox Street in the City of Hillsboro to the Clean Water Services
17 District; and

18 It appearing to the Board that WA-1707 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 1707, 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 the minor boundary change approval
12 shall be effective immediately; and it is further

13 RESOLVED AND ORDERED that the County Administrator or his
14 designees shall take all necessary steps to effectuate this proposal.

15 DATED this 1st day of May, 2007.

16 BOARD OF COUNTY COMMISSIONERS
17 FOR WASHINGTON COUNTY, OREGON
18
19
20
21

22 Tom Buser

23 CHAIRMAN

	AYE	NAY	ABSENT
24 BRIAN	✓	—	—
25 SCHOUTEN	✓	—	—
26 STRADER	✓	—	—
27 ROGERS	✓	—	—
28 DUYCK	✓	—	—

29 Barbara Hejtmanek
30 RECORDING SECRETARY

31 Date Signed: May 1, 2007

32 Approved as to form:

33 Ci G
34 Sr. County Counsel for
35 Washington County, Oregon
36
37

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). The proposal was initiated by a consent petition signed by 100% of the property owners. At the time of writing, a necessary party is not contesting this boundary change.
2. The property to be annexed consists of one parcel encompassing approximately 0.85 acres and is located on the east side of NW 313th Avenue, north of NW Lenox Street in the City of Hillsboro. The property is also inside Metro's jurisdictional boundary. The property is further identified as tax map and lot number 1N3 25AC / 800.
3. The property was annexed into the City of Hillsboro on February 6, 2007 (Ordinance No. 5721). No persons or necessary parties contested the annexation. Annexation of the property into the city serves as the city's endorsement.
4. The property maintains approximately 200 feet of street frontage on NW Lenox Street. There is an existing detached single family residence and an accessory structure located near the southern boundary of the property. The property is generally level with scattered trees dispersed throughout the property. There are no known significant natural or historical resources present on the property.
5. The property is designated R-7 Residential (city). To the west (across NW 313th Avenue) are R-9 designated lands (county) supporting detached single family residences on large lots. The parcel immediately adjacent to the south is designated R-9 (county) and supports a detached single family residences on a large lot. To the north and east are lands designated R-7 (city). The parcel to the north is a large residential lot supporting a single detached single family residence; while the property to the east was recently platted with a single family residential subdivision.
6. The applicant requests approval of the minor boundary change in order to develop the property with 4 single-family residential detached 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.
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. The property is located within the Regional UGB and in the City of Hillsboro. Upon annexation into the City of Hillsboro, the property became subject to the City's Comprehensive Plan and development regulations.

Notwithstanding, Policy 15 of the *Comprehensive Framework Plan for the Urban Area* identifies the roles and responsibilities that governmental entities and service districts have in serving growth in Washington County. Implementation strategy h. (under Policy 15) applies directly to service district annexations and reads as follows:

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.*

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.

The property is located within the urban service area for the District as well as the City of Hillsboro. Consequently, the proposed annexation (WA-4006) is consistent with an adopted urban service agreement and therefore consistent with the Washington County Comprehensive Plan.

8. The City of Hillsboro's Comprehensive Plan contains provisions governing special service district annexations. The sanitary and storm sewer service and service district annexation policies in place are consistent with the adopted Hillsboro Urban Service Area Agreement between the city, the county and special service districts, including the District.
9. The City's Comprehensive Plan contains provisions governing urban services, such as sanitary and storm sewer. They are found in Section 2 (Urbanization) and Section 12 (Public Facilities) of the Comprehensive Plan. Section 2, Urbanization, of the Comprehensive Plan contains goals (Section I), policies (Section III), and implementing measures (Section IV) governing urbanization of lands within the City of Hillsboro's urban planning area. Implementation measures addressing urbanization and urban services set forth in Section IV. A. of Section 2 of the City's Comprehensive Plan considered most applicable to the proposed minor boundary change are as follows:

(A) Urban development shall occur only where urban services exist or are available. It is the intent of this Plan to encourage development in those areas where such services are currently available or can be readily provided in a logical manner.

*(1) Urban services necessary for development include adequate water, **sewer**, and fire protection. The documentation of the availability of these needed services must be current.*

Approval of the proposed minor boundary change will add the property to the District's service boundary, thus enabling property to be provided with the necessary sanitary sewer to serve the future residential development. Therefore, staff has concluded that the requested annexation is consistent with the City's Comprehensive Plan as it relates to providing future city residents with sanitary sewer services.

Section 12, Public Facilities and Services, of the Comprehensive Plan contains goals (Section I),

policies (Section III), and implementing measures (Section V) governing public facilities and services. Implementing measures governing sanitary sewer service are set forth in Section D. of Section V. and implementing measures governing storm sewer service are set forth in Section E. of Section V.

Implementation measures addressing sanitary sewer set forth in Section V. D. of Section 12 of the Comprehensive Plan considered most applicable to the proposed minor boundary change are as follows:

(D) SANITARY SEWER.

(1) The City shall cooperate with Clean Water Services (CWS) for the provision of service in the urban area consistent with the Comprehensive Plan policies and maps.

(b) Consistent with the adopted UPAA and other agreements with service providers within Urban Area "A" the City shall require properties to annex to the City prior to the provision of sanitary sewer service.

It is noted that the property was annexed into the City of Hillsboro in accord with implementing measure (b). Therefore, staff has concluded that the requested annexation is consistent with the City's Comprehensive Plan as it relates to providing future city residents with sanitary sewer facilities and services.

Implementation measures addressing storm sewer set forth in Section V. E. of Section 12 of the City's Comprehensive Plan considered most applicable to the proposed minor boundary change are as follows:

(E) STORM DRAINAGE.

(6) All major land use actions shall provide for adequate storm drainage conveyance and treatment per adopted standards.

Approval of the proposed minor boundary change will add the property to the District's service boundary, thus enabling the future residential development to be provided storm as well as sanitary sewer service. Therefore, staff has concluded that the requested annexation is consistent with the City's Comprehensive Plan as it relates to providing future city residents with storm sewer services.

Staff finds that the proposed minor boundary change is consistent with the City's Comprehensive Plan governing provision of sanitary and storm sewer.

The sanitary and storm sewer service and service district policies in place are also consistent with the adopted Hillsboro Urban Service Area Agreement between the city, the county and special service districts, including the District.

10. Subsection A of Section IV (Special Policies) of the Hillsboro-Washington County UPAA requires that properties in Urban Area A annex to the City of Hillsboro prior to development. The property has been annexed into the City of Hillsboro. At time of annexation to the city, the

property was designated R-9 Residential (7-9 units per acre). Upon the effective date of the annexation, the subject property was given a city comprehensive plan designation of RL / Low Density Residential and a city zoning designation of R-7, Single Family Residential.

11. An 8-inch public sanitary sewer line is in place to the west (along NW Lenox Street) of the property. This service line will serve the future residential development. The District will provide the sewage treatment and transmission of effluent to the regional treatment plant through major trunks and interceptors. The District has also endorsed the proposed minor boundary change.
 12. The City of Hillsboro has a domestic 10-inch water line located within 200' of the property that is capable of being extended to serve the future residential development. Costs for extending water to the property will be the responsibility of the applicant.
 13. The City Council, as authorized by ORS 222.520 (1), withdrew the property from the County's Rural Fire Protection District No. 2 at the same time that it annexed the property to the city. Consequently, upon the effective date of the annexation to the City of Hillsboro, the City of Hillsboro Fire Department became the provider of emergency protection to the property.
 14. The City Council, as authorized by ORS 222.520 (1), withdrew the property from the County's Enhanced Sheriff Patrol District at the same time that it annexed the property to the city. Consequently, upon the effective date of the annexation to the City of Hillsboro, the city became the provider of police protection to the property.
 15. The City Council, as authorized by ORS 222.520 (1), withdrew the property from the County's Urban Road Maintenance District at the same time that it annexed the property to the city. Consequently, any new public roads developed as part of the future residential development will be maintained by the city. In addition, access will be addressed in detail as a part of the City of Hillsboro's subdivision review process.

Annexation to the District will also not effect transportation through unincorporated Washington County. 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 City Council, as authorized by ORS 222.520 (1), withdrew the property from the County's Service District for Lighting (District #1) at the same time that it annexed the property to the city. Consequently, upon the effective date of the annexation to the City of Hillsboro, the city became the provider of public street lighting.
 17. The District has responsibility for surface water management within the Washington County urban growth boundary. The District 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 of Hillsboro.
 18. The City of Hillsboro maintains its own Park & Recreation Department. The annexation to the District will not affect that fact.
 19. The property is located within the Hillsboro School District.
-

20. The District supports the proposed annexation to its boundary. The Board of County Commissioners has endorsed this annexation as the Board of Directors of Clean Water Services District.

21. 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 Hillsboro Comprehensive Plan and finds that the proposed minor boundary change is consistent with the City's Comprehensive Plan. The City's Comprehensive Plan contains provisions governing urban services and special service district annexations. Additionally, the sanitary and storm sewer service and service district annexation policies in place are consistent with the adopted Hillsboro Urban Service Area Agreement between the city, the county and special service districts, including the District. The City has also endorsed the minor boundary change.

Notwithstanding, the proposed minor boundary change is consistent with Implementing Strategy h. of Policy 15 of the Washington County *Comprehensive Framework Plan for the Urban Area*. Policy 15 identifies the roles and responsibilities that governmental entities and service districts have in serving growth in Washington County. Implementation strategy h. (under Policy 15) states that 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.

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. Additionally, an urban service agreement for the Hillsboro urban service area has been adopted. Both agreements identify the District's service area within these urban service areas. The District would be the provider of sanitary as well as storm sewer service to the property, as they provide sanitary and storm sewer service to other urban lands within the City of Hillsboro.
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 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.
6. A necessary party has not contested this boundary change. The change can become effective immediately upon adoption by the Board pursuant to Metro Code Section 3.09.050 (f).

EXHIBIT B

WA-1707

Annexation to
Clean Water Services
(CWS)

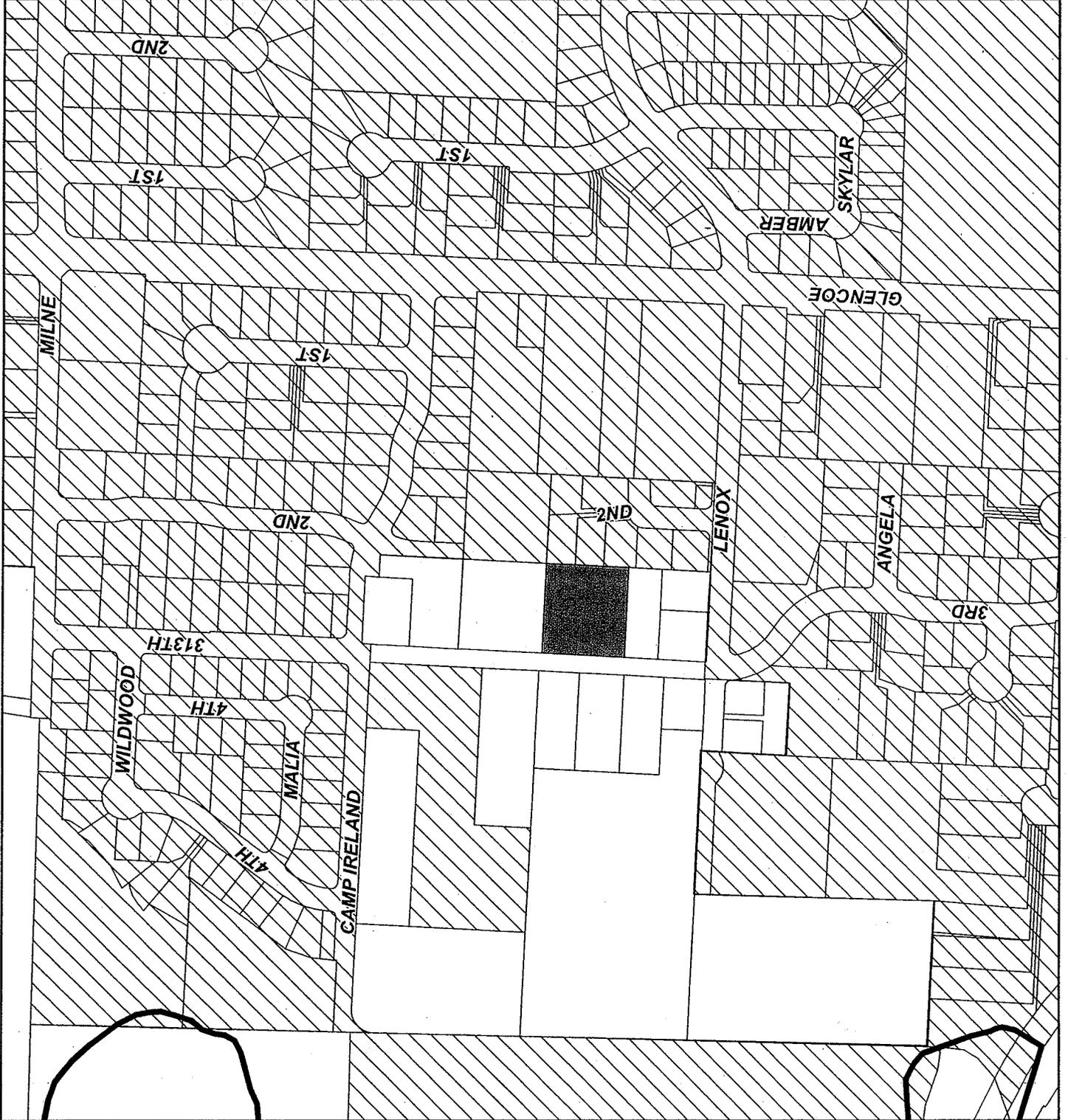
Subject Taxlot(s)

CWS

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.



Legal Description

The North one-half of the West one-half of Lot 19, MILNE ACRES, in Washington County, Oregon.