

Final Documents

For

Annexation to the  
**Clean Water Services District**

WA1905  
Ordinance 05-110  
DOR 34-1756-2005  
Sec. State: SD-2005-0096

Final to DOR: \_\_\_\_\_

Signature:

 \_\_\_\_\_

Date of

Mailing: 7/6/05

Final to Secretary of State: \_\_\_\_\_

Signature:

 \_\_\_\_\_

Date of

Mailing: 7/25/05

WA1905

Sent

Received

DOR:

7/6/05

7/20/05

Sec. State:

7/25/05

8/1/05

Assessor:

7/25/05

Elections:

7/25/05

Mapped:

Yes

Address Information:

1S214DC06200

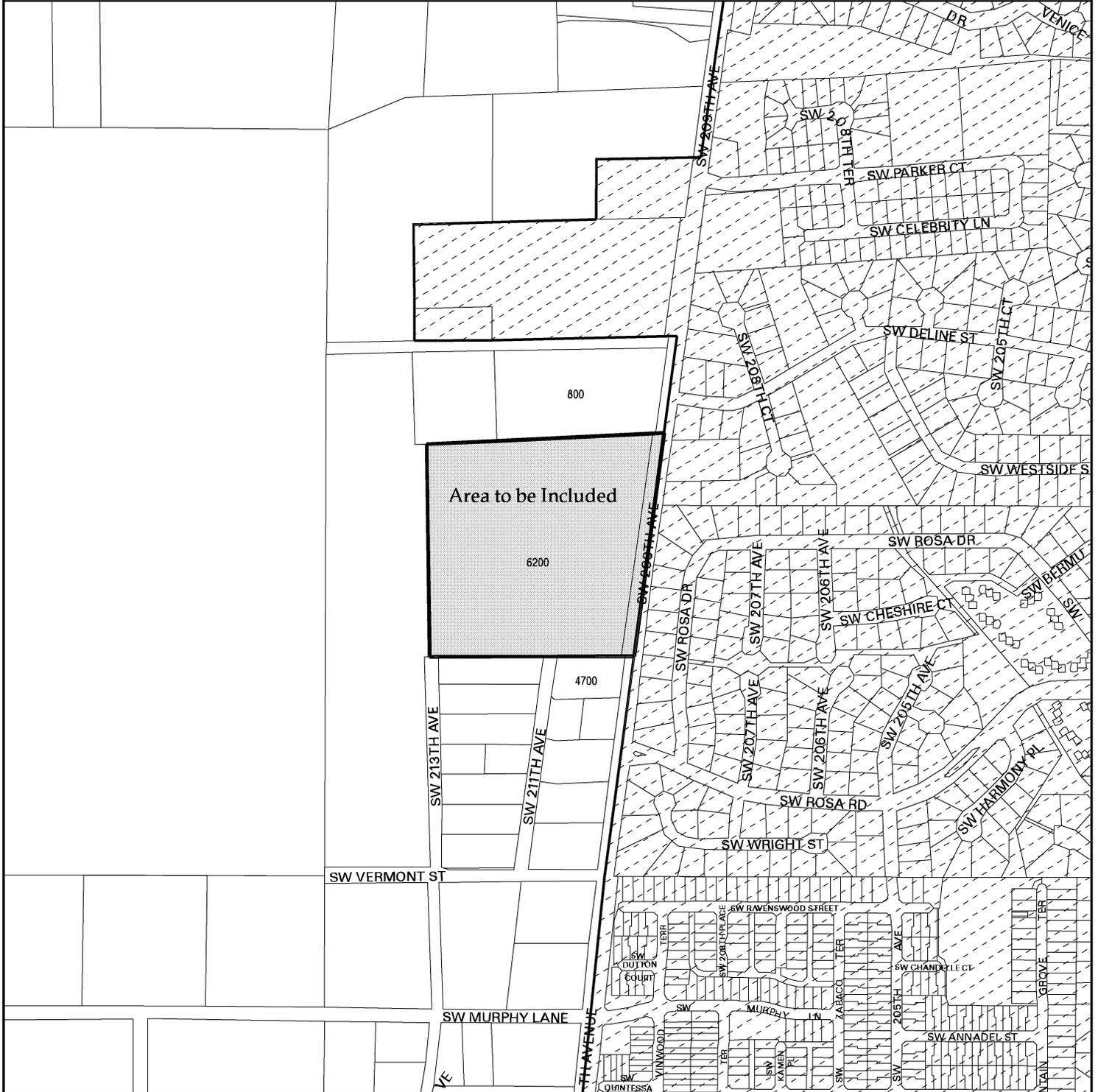
5585 SW 209<sup>th</sup> Ave

# Proposal No. WA1905

1S2W14

Annexation to the Clean Water Services District

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

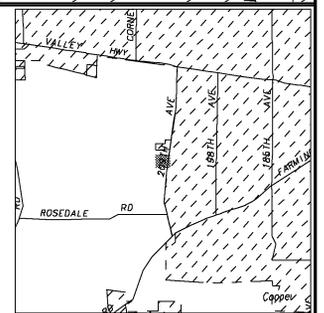
**METRO**

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

- County lines
- Annexation boundary
- District

Proposal No. WA1905  
CLEAN WATER SERVICES DISTRICT  
Figure 1

Scale: 1" = 500'





July 27, 2005

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

Dear Mr. Knight:

Please be advised that we have received and filed, as of July 27, 2005, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
OR NO 4357 (City of Beaverton)	AN 2005-0170
OR NO 4358 (City of Beaverton)	AN 2005-0171
OR NO 05-109 (Clean Water Services District)	SD 2005-0095
OR NO 05-110 (Clean Water Services District)	SD 2005-0096

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*  
Linda Bjornstad  
Official Public Documents

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

# 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**  
**July 20, 2005**  
**As Per ORS 308.225**

Description     Map received from: METRO  
 On: 7/8/2005, 7/8/2005

This is to notify you that your boundary change in Washington County for  
 ANNEX TO CLEAN WATER SERVICES DISTRICT WA-1905

RES AND ORDER# 05-110

has been:     Approved            7/20/2005  
                    Disapproved

Notes:

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Department of Revenue File Number: 34-1756-2005

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

**CASE FILE NO.: WA-1905**

# BOARD OF COUNTY COMMISSIONERS NOTICE OF DECISION

**APPLICANTS:**

Life Church  
 Werner Rienas, Senior Pastor  
 5585 SW 209<sup>th</sup> Avenue  
 Beaverton, OR 97007

**CPO:** 10

**COMMUNITY PLAN:** Aloha-Reedville-Cooper Mountain

**EXISTING LAND USE DISTRICT:** Institutional

**APPLICANT'S REPRESENTATIVE:**

LDC Design Group  
 20085 NW Tanasbourne Dr.  
 Hillsboro, OR 97124

**CONTACT PERSON:** Matthew Newman

**OWNERS:**

Life Church  
 5585 SW 209<sup>th</sup> Avenue  
 Aloha, OR 97007

**ASSESSOR MAP NO(S):** 1S2 14DC

**SITE SIZE:** Approximately 13.57 acres

**TAX LOT NO(S):** 6200

**ADDRESS:** 5585 SW 209<sup>th</sup> Avenue, Aloha, Oregon

**LOCATION:** West side of SW 209<sup>th</sup> Avenue, approximately  
 800 feet north of SW Vermont Street

**PROPOSED MINOR BOUNDARY CHANGE:**

Annexation to Clean Water Services of 13.57 acres (Tax Lot 6200).

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 **June 28, 2005**.

**NOTICE MAILING DATE: July 1, 2005**

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:

**Suzanne Savin, Senior Planner**  
 WASHINGTON COUNTY DEPARTMENT OF LAND USE &  
 TRANSPORTATION (503) 846-3519.

**(SEE REVERSE SIDE FOR SITE MAP)**

DOR 34-P284-2004  
Preliminary Review



OREGON  
DEPARTMENT  
OF REVENUE

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

RECEIVED  
NOV 27 2004  
PLANNING DIVISION  
Land Use & Transportation

Washington County  
Dept. of Land Use & Transportation  
Attn: Paul Schaefer  
155 N. First Ave., Suite 350, MS 14  
Hillsboro, OR 97124-3072

Date: 11/18/2004

This letter is to inform you that the map and description for your PLANNED annex to Enhanced Sheriff's PD WA-5904, and annex to Urban Road Maint. District WA-6004 (WA-5904/WA-6004) in Washington County have been reviewed per your request. They MEET the requirements for use with an Order, Ordinance, or Resolution which must be submitted in final form before March 31, 2005 per ORS 308.225.

Preliminary  
Review

Bob -  
The subject property for WA-1905 was the subject of two other recent service district annexations (WA-5904 + WA-6004). Because the legal description had not changed, Carolyn Sunderman said it wasn't necessary for her to do a prelim review on WA-1905. -Susanne Savin

If you have any questions please contact: Carolyn Sunderman, 503-945-8882

**AGENDA**

**WASHINGTON COUNTY BOARD OF COMMISSIONERS**

**Agenda Category:** Public Hearing – Land Use and Transportation (CPO 10)

**Agenda Title:** CONSIDER THE ANNEXATION OF APPROXIMATELY 13.57 ACRES, INCLUDING RIGHT-OF-WAY, TO THE CLEAN WATER SERVICES DISTRICT (WA-1905)

**Presented by:** Brent Curtis, Planning Division Manager

**SUMMARY:**

The County has received a request to annex a single parcel encompassing 13.57 acres, including right-of-way, to the Clean Water Services District (District). The property is located within the Urban Growth Boundary (UGB), on the west side of SW 209<sup>th</sup> Avenue approximately 756 feet north of its intersection with SW Vermont Street. The property is developed with a church, a school and a park and is further identified as tax map and lot number 1S2 14DC 6200.

The property must be brought into the District in order to comply with a condition of approval imposed through Casefile 04-467-D(INS)/SU/HRV, a land use approval for the existing private school on the site and for expansion of the existing church facility. The date of decision for Casefile 04-467-D(INS)/SU/HRV was March 1, 2005.

Notice of today's hearing has been made in accordance with the state law requirements. The staff report (File Number: WA-1905) 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 05-110

Agenda Item No.	<u>4.c.</u>
Date:	06/28/05

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IN THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

In the Matter of Approving Boundary ) RESOLUTION AND ORDER  
Change Proposal No. WA-1905 ) No. 05-110

The above-entitled matter (WA-1905) came before the Board at its regular public meeting on June 28, 2005; and

It appearing to the Board that this annexation to the Clean Water Services District involves one tax lot (1S2 14DC 6200), including right-of-way, located on the west side of SW 209<sup>th</sup> Avenue in unincorporated Washington County; and

It appearing to the Board that WA-1905 was initiated by a consent petition of the property owners and registered voters and meets the requirement for initiation set forth in ORS 198.855 (3), ORS 198.750 and Metro Code 3.09.040 (a); and

It appearing to the Board that pursuant to ORS 198.850 the Washington County Board is authorized to approve annexations to the Clean Water Services District; and

It appearing that the Board endorsed the annexation as required by ORS 198.850(1); and

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

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

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

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

1 RESOLVED AND ORDERED that Boundary Change Proposal No. WA-1905,  
2 as described in the staff report, is hereby approved, based on the analysis, findings  
3 and conclusions set forth in Exhibit "A", incorporated herein by reference; and it is  
4 further

5 RESOLVED AND ORDERED that the property depicted in Exhibit "B" and  
6 legally described in Exhibit "C" is hereby declared to be annexed to the Clean Water  
7 Services District; and it is further

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

11 DATED this 28<sup>th</sup> day of June, 2005.

12 BOARD OF COUNTY COMMISSIONERS  
13 FOR WASHINGTON COUNTY, OREGON

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18 CHAIRMAN

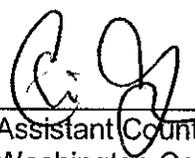
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	AYE	NAY	ABSENT
21 BRIAN	—	—	✓
22 SCHOUTEN	✓	—	—
23 LEEPER	✓	—	—
24 ROGERS	✓	—	—
25 DUYCK	✓	—	—

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33 RECORDING SECRETARY

34 Date Signed: 6-28-05

35 Approved as to form:

36  
  
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 is located within the Urban Growth Boundary (UGB), on the west side of SW 209<sup>th</sup> Avenue approximately 756 feet north of its intersection with SW Vermont Street and is further identified as tax map and lot number 1S2 14DC 6200. The property encompasses 13.57 acres, including right-of-way. The property slopes gradually from south to north and currently supports a church, a school and a park.

To the north and south of the subject property are properties within the UGB having an FD-20 designation. These properties contain single-family residences and some are in farm use. To the west of the subject property are larger parcels outside the UGB, which have an exclusive farm use (AF-20) designation. These parcels are in farm use. To the east of the subject property, on the east side of SW 209<sup>th</sup> Avenue, is a residential subdivision that is within the UGB.

3. In 1993, the applicant obtained land use approval to site a church on the subject property via Casefile 93-184-SU/D. At that time, the subject property was outside the UGB. In 1994, the Board of County Commissioners approved a reasons exception to Statewide Goals 11 and 14 to allow the church to connect to the existing Clean Water Services sewer line in SW 209<sup>th</sup> Avenue, via plan amendment casefile 94-557-PA. As a result, the District became the provider of sewer service for the church, although the church was outside of the District's boundaries at that time.
4. On May 9, 2002, the property was added to the UGB by Metro through a locational adjustment (Case 01-1 and Metro Ordinance 02-941).
5. On February 4, 2004, the Washington County Planning Commission approved a plan amendment request for the subject property, via Casefile 03-535-PA. The plan amendment approved a change in plan designation from Agriculture & Forest – 10 acre District (AF-10) to Institutional (INS), an urban land use district. The applicant was conditioned to annex the property into both the Enhanced Sheriff Patrol District (ESPD) and the Urban Road Maintenance District (URMD), pursuant to Policy 41 of the Comprehensive Framework Plan for the Urban Area. On January 18, 2005, the Board of County Commissioners approved annexations of the subject property to ESPD and URMD via casefiles WA-5904 and WA-6004, respectively.
6. On March 1, 2005, the Washington County Hearings Officer approved Casefile 04-467-D(INS)/SU/HRV, a development review application for expansion of the existing church and special use and development review for the existing private school on site. The applicant

was conditioned to annex the property into the District. Annexation of the property into the District will satisfy the condition of approval, and will be consistent with the fact that the District is already providing sanitary sewer service to the property as a result of the approval of plan amendment 94-557-PA.

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 (cooperative agreements and urban service agreements) or ORS 195 annexation plans.
- 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 urban service provisions by the District with cities, including the Cities of Hillsboro, Beaverton and Tigard, and Washington County has been adopted. However, the cooperative agreement did not include the subject property. An urban service agreement for the Hillsboro urban service area has also been adopted, but it did not address the subject property either. Notwithstanding, the District would be the provider of sanitary and storm sewer service to the property. At time of writing, a necessary party is **not** contesting this boundary change. Therefore, these additional criteria need not be addressed.

8. 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.

9. The District will provide storm sewer service to the property. The District will also provide the storm water treatment through major storm drain lines as well as storm sewer service for lands within unincorporated Washington County.
10. The District currently provides sanitary sewer service for the property, due to the approval of plan amendment 94-557-PA, which authorized the church to connect to the District's sewer line. 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.
11. The property is not located within the Tualatin Valley Water District (TVWD) service boundary. However, TVWD does provide water to the property via an extraterritorial waterline extension approved by the Boundary Commission (before it was abolished).
12. Tualatin Valley Fire & Rescue serves the property. Fire service will not change as a result of annexation to the District.
13. The property is currently located within the Enhanced Sheriff 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. The property was brought into the ESPD upon the approval of WA-5904.
14. Annexation to the District will 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.
15. The property is currently located within the Washington County Service District for Urban

Road Maintenance (URMD), which provides financing for maintenance of local streets. The property was brought into the URMD upon the approval of WA-6004.

16. The property is not located in a park and recreation district. In addition the ultimate parks provider for the area in which the property is located has not yet been determined. Notwithstanding, existing park facilities are located along the property's western boundary. Additionally, according to the application future plans call for park facilities, including ball fields, a soccer field, a gym and children's play area.
17. The Hillsboro School District currently services this area.
18. The District supports the proposed annexation to its boundary. The Board of County Commissioners has endorsed this as the Board of Directors of the Clean Water Services District.

## **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 . . ."* Policy 25 of the *Comprehensive Framework Plan for the Urban Area* addresses sanitary sewerage collection and treatment. It is the policy of the county that whenever feasible all areas within the Urban Growth Boundary (UGB) be served with sanitary sewer service as provided in the Regional Wastewater Treatment Management Plan. The site currently receives sanitary sewer service from the District as permitted by plan amendment 94-557-PA. Additionally, as stated previously, Casefile 04-467-D(INS)/SU/HRV, which approved expansion of the church, contained a condition that the applicant annex the property to the District.
3. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements (UPAA). The property is not subject to the provisions of the Hillsboro-Washington County UPAA because the UPAA's current boundaries do not include this or other recently added UGB lands. Future amendments are planned to be made to the UPAA's that the County has with certain cities, including Hillsboro, to address the recently added UGB lands.
4. The Metro Code also requires that the decision address consistency between this decision and any urban service agreements under ORS 195. Cooperative agreements and urban

service agreements are ORS 195 agreements. A cooperative agreement for urban service provisions by the District with cities, including the Cities of Hillsboro, Beaverton and Tigard, and Washington County has been adopted. However, the agreement does not include the subject property or other new UGB lands. Additionally an urban service agreement for the Hillsboro urban service areas has been adopted. However, the recently adopted urban service agreement for the Hillsboro did not address this property or other new UGB lands.

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.



## **EXHIBIT C**

Beginning at a point in the West line of the A.J. Masters D.L.C. in Section 14, Township 1 South, Range 2 West, Willamette Meridian, in the County of Washington and State of Oregon, 780 feet North of the Southwest corner of said claim; thence North on said West line of the A.J. Masters D.L.C. about, 768.5 feet to the Northwest corner of the land deeded to The Oregon Realty Co. by J.B. Kishpaugh, et al, and recorded November 14, 1912 in Book 95, Page 56; thence East, 860.5 feet, more or less, to the center of the County Road; thence Southwesterly, 780.5 feet, more or less, to the Northeast corner of the land deeded by the Oregon Realty Co. to Geo. Chiebowski recorded February 26, 1914, in Book 101, Page 360; thence West along the North line said Geo. Chiebowski tract 741 feet, more or less, to the point of beginning.

***ANNEXATION TO  
CLEAN WATER SERVICES DISTRICT***

Boundary Change Proposal No. WA-1905

Staff Report

For the June 28, 2005  
Board of Commissioners' Hearing





# WASHINGTON COUNTY OREGON

June 9, 2005

To: Board of County Commissioners  
From: Brent Curtis, Planning Manager *AB*  
Subject: **MINOR BOUNDARY CHANGE PROPOSAL NO. WA-1905 - ANNEXATION  
TO THE CLEAN WATER SERVICES DISTRICT**

## STAFF REPORT

**For the June 28, 2005 Board of Commissioners Hearing  
(The public hearing will begin no sooner than 6:30 PM)**

### 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-1905 with the approval becoming effective immediately.

### REQUESTED ACTION

The applicant requests that approximately 13.57 acres located within the Urban Growth Boundary (UGB), including right-of-way, be annexed to the Clean Water Services District (District) to satisfy a condition of approval of Casefile 04-467-D(INS)/SU/HRV.

Petitioners/Applicant: Life Church – Greater Portland

Applicant's Representative: Mr. Matthew Newman

### ENDORSEMENTS

The Board supports the proposed annexation to its boundary. The Board of County Commissioners has endorsed this request as the Board of Directors of the District as required by statute.

### 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; 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 time of writing, no comments were received.

## FINANCIAL IMPACT

There are no financial impacts associated with this Minor Boundary Change that would prevent the Board from approving the annexation.

## LEGAL ISSUES

There are no legal issues associated with this Minor Boundary Change that would prevent the Board from approving the annexation.

## BACKGROUND

Proposal No. WA-1905 was initiated by a consent petition of the property owners. 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). In fact, property owners representing 100-percent of the property signed the petition. If the Board of County Commissioners (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 contested the petition. At the time of writing, a necessary party is **not** contesting this boundary change. (*See Exhibit B*)

The property is located on the west side of 209th Avenue approximately 756 feet north of its intersection with SW Vermont Street in unincorporated Washington County. The land is further identified as tax map and lot number 1S2 14DC 6200.

In 1993, the applicant obtained land use approval to site a church on the subject property via Casefile 93-184-SU/D. At that time, the subject property was outside the UGB.

In 1994, the Board of County Commissioners approved a reasons exception to Statewide Goals 11 and 14 to allow the church to connect to the existing Clean Water Services sewer line in SW 209<sup>th</sup> Avenue, via plan amendment casefile 94-557-PA. As a result, the District became the provider of sewer service for the church, although the church was outside of the District's boundaries at that time.

On May 9, 2002, the property was added to the UGB by Metro through a locational adjustment (Case 01-1 and Metro Ordinance 02-941).

On February 4, 2004, the Washington County Planning Commission approved a plan amendment request for the subject property, via Casefile 03-535-PA. The plan amendment approved a change in plan designation from Agriculture & Forest – 10 acre District (AF-10) to Institutional (INS), an urban land use district. The applicant was conditioned to annex the property into both the Enhanced Sheriff Patrol District (ESPD) and the Urban Road Maintenance District (URMD), pursuant to Policy 41 of the *Comprehensive Framework Plan for the Urban Area*.

On January 18, 2005, the Board of County Commissioners approved annexations of the subject property to ESPD and URMD via casefiles WA-5904 and WA-6004, respectively.

## REASON FOR ANNEXATION

On March 1, 2005, the Washington County Hearings Officer approved a development review application for expansion of the existing church, and special use and development review for the existing private school on the site (Casefile 04-467-D(INS)/SU/HRV). In a memo to staff, the District recommended that the applicant be required to annex to the District as a condition of approval of this land use application. Per the District's recommendation, the applicant was conditioned to annex the property into the District. Annexation of the property into the District will satisfy the condition of approval. Annexation of the property into the District will be consistent with the fact that the District is already serving the property, pursuant to the approved 1994 plan amendment, casefile 94-537-PA.

## CRITERIA

ORS 198.850 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 review criteria is also found in the Metro Code. That 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 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 for urban service provisions by the District with cities, including the Cities of Hillsboro, Beaverton and Tigard, and Washington County has been adopted. However, the cooperative agreement did not include the subject

property. An urban service agreement for the Hillsboro urban service area has also been adopted, but it did not address the subject property either.

Notwithstanding, the District would be the provider of storm and sanitary sewer service to the property. 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 subject property is comprised of one tax lot, plus right-of-way. The subject property contains an existing church and school. The subject property is generally level, with slopes of less than 10 percent, and has public street frontage on SW 209<sup>th</sup> Avenue. As mentioned previously, the subject property is within the Urban Growth Boundary (UGB)

To the north and south of the subject property are properties within the UGB having an FD-20 designation. These properties contain single-family residences and some are in farm use. To the west of the subject property are larger parcels, outside the UGB, that are in farm use. To the east of the subject property, on the east side of SW 209<sup>th</sup> Avenue, is a residential subdivision that is within the UGB.

### *REGIONAL PLANNING*

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

#### Regional Framework Plan

The law that dictates that Metro adopt criteria for boundary changes requires the 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 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*

As stated previously, the property is located in unincorporated Washington County. Consequently, the property 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 of the Comprehensive Plan were examined for policies or implementation strategies applicable to service district annexations. Policy 25 of the *Comprehensive Framework Plan for the Urban Area* addresses sanitary sewerage collection and treatment. It is the policy of the county that whenever feasible all areas within the Urban Growth Boundary (UGB) be served with sanitary sewer service as provided in the Regional Wastewater Treatment Management Plan. The site currently receives sanitary sewer service from the District as permitted by plan amendment casefile 94-557-PA. Annexation of the property to the District is consistent with the fact that the property already receives services from the District. Additionally, as stated previously, Casefile 04-467-D(INS)/SU/HRV, which approved expansion of the church, contained a condition that the applicant annex the property to the District.

### **URBAN PLANNING AREA AGREEMENTS (UPAA)**

The property is not subject to the provisions of the Hillsboro-Washington County UPAA because the UPAA's current boundaries do not include this or other recently added UGB lands. Future amendments are planned to be made to the UPAA's that the County has with certain cities, including Hillsboro, to address the recently added UGB lands.

### **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 urban service provisions by the District with cities, including the Cities of Hillsboro, Beaverton and Tigard, and Washington County has been adopted. However, the agreement does not address this or other new UGB lands. Additionally an urban service agreement for the Hillsboro urban service areas has been adopted. However, the recently adopted urban service agreement for the Hillsboro did not address this property or other new UGB lands.

Storm Sewer. The District currently provides storm sewer service to the property, due to the approval of plan amendment casefile 94-557-PA. The District will also provide the storm water treatment through major storm drain lines as well as storm sewer service for lands within unincorporated Washington County.

Sanitary Sewer. The District provides sanitary sewer service for the property, due to the approval of plan amendment casefile 94-557-PA, which authorized the church to connect to the District's sewer line. 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.

Water. The property is not located within the Tualatin Valley Water District (TVWD) service boundary. However, TVWD does provide water to the property via an extraterritorial waterline extension approved by the Boundary Commission (before it was abolished).

Fire. Tualatin Valley Fire & Rescue serves the property. Fire service will not change as a result of annexation to the District.

Police. The Board approved annexation of the subject property into the Enhanced Sheriff Patrol District (ESPD) via casefile WA-5904, on January 18, 2005. Therefore, the property is currently located within the 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.

Transportation. Annexation to the District will 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.

Road Maintenance. The Board approved annexation of the subject property into the Urban Road Maintenance District (URMD) via casefile WA-6004, on January 18, 2005. Therefore, the property is currently located within the URMD, which provides financing for maintenance of local streets.

Parks. The property is not located in a park and recreation district. In addition the ultimate parks provider for the area in which the property is located has not yet been determined. Notwithstanding, existing park facilities are located along the property's western boundary. Additionally, according to the application future plans call for park facilities, including ball fields, a soccer field, a gym and children's play area.

Schools. The Hillsboro School District currently services this area.

## **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 located within the Urban Growth Boundary (UGB), on the west side of SW 209<sup>th</sup> Avenue approximately 756 feet north of its intersection with SW Vermont Street and is further identified as tax map and lot number 1S2 14DC 6200. The property encompasses 13.57 acres, including right-of-way. The property slopes gradually from south to north and currently supports a church, a school and a park.

To the north and south of the subject property are properties within the UGB having an FD-20 designation. These properties contain single-family residences and some are in farm use. To the west of the subject property are larger parcels outside the UGB, which have an exclusive farm use (AF-20) designation. These parcels are in farm use. To the east of the subject property, on the east side of SW 209<sup>th</sup> Avenue, is a residential subdivision that is within the UGB.

3. In 1993, the applicant obtained land use approval to site a church on the subject property via Casefile 93-184-SU/D. At that time, the subject property was outside the UGB. In 1994, the Board of County Commissioners approved a reasons exception to Statewide Goals 11 and 14 to allow the church to connect to the existing Clean Water Services sewer line in SW 209<sup>th</sup> Avenue, via plan amendment casefile 94-557-PA. As a result, the District became the provider of sewer service for the church, although the church was outside of the District's boundaries at that time.
4. On May 9, 2002, the property was added to the UGB by Metro through a locational adjustment (Case 01-1 and Metro Ordinance 02-941).
5. On February 4, 2004, the Washington County Planning Commission approved a plan amendment request for the subject property, via Casefile 03-535-PA. The plan amendment approved a change in plan designation from Agriculture & Forest – 10 acre District (AF-10) to Institutional (INS), an urban land use district. The applicant was conditioned to annex the property into both the Enhanced Sheriff Patrol District (ESPD) and the Urban Road Maintenance District (URMD), pursuant to Policy 41 of the Comprehensive Framework Plan for the Urban Area. On January 18, 2005, the Board of County Commissioners approved annexations of the subject property to ESPD and URMD via casefiles WA-5904 and WA-6004, respectively.
6. On March 1, 2005, the Washington County Hearings Officer approved Casefile 04-467-D(INS)/SU/HRV, a development review application for expansion of the existing church and special use and development review for the existing private school on site. The applicant

was conditioned to annex the property into the District. Annexation of the property into the District will satisfy the condition of approval, and will be consistent with the fact that the District is already providing sanitary sewer service to the property as a result of the approval of plan amendment 94-557-PA.

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 (cooperative agreements and urban service agreements) or ORS 195 annexation plans.
- 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 urban service provisions by the District with cities, including the Cities of Hillsboro, Beaverton and Tigard, and Washington County has been adopted. However, the cooperative agreement did not include the subject property. An urban service agreement for the Hillsboro urban service area has also been adopted, but it did not address the subject property either. Notwithstanding, the District would be the provider of sanitary and storm sewer service to the property. At time of writing, a necessary party is **not** contesting this boundary change. Therefore, these additional criteria need not be addressed.

8. 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.

9. The District will provide storm sewer service to the property. The District will also provide the storm water treatment through major storm drain lines as well as storm sewer service for lands within unincorporated Washington County.
10. The District currently provides sanitary sewer service for the property, due to the approval of plan amendment 94-557-PA, which authorized the church to connect to the District's sewer line. 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.
11. The property is not located within the Tualatin Valley Water District (TVWD) service boundary. However, TVWD does provide water to the property via an extraterritorial waterline extension approved by the Boundary Commission (before it was abolished).
12. Tualatin Valley Fire & Rescue serves the property. Fire service will not change as a result of annexation to the District.
13. The property is currently located within the Enhanced Sheriff 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. The property was brought into the ESPD upon the approval of WA-5904.
14. Annexation to the District will 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.
15. The property is currently located within the Washington County Service District for Urban

Road Maintenance (URMD), which provides financing for maintenance of local streets. The property was brought into the URMD upon the approval of WA-6004.

16. The property is not located in a park and recreation district. In addition the ultimate parks provider for the area in which the property is located has not yet been determined. Notwithstanding, existing park facilities are located along the property's western boundary. Additionally, according to the application future plans call for park facilities, including ball fields, a soccer field, a gym and children's play area.
17. The Hillsboro School District currently services this area.
18. The District supports the proposed annexation to its boundary. The Board of County Commissioners has endorsed this as the Board of Directors of the Clean Water Services District.

## **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 . . ."* Policy 25 of the *Comprehensive Framework Plan for the Urban Area* addresses sanitary sewerage collection and treatment. It is the policy of the county that whenever feasible all areas within the Urban Growth Boundary (UGB) be served with sanitary sewer service as provided in the Regional Wastewater Treatment Management Plan. The site currently receives sanitary sewer service from the District as permitted by plan amendment 94-557-PA. Additionally, as stated previously, Casefile 04-467-D(INS)/SU/HRV, which approved expansion of the church, contained a condition that the applicant annex the property to the District.
3. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements (UPAA). The property is not subject to the provisions of the Hillsboro-Washington County UPAA because the UPAA's current boundaries do not include this or other recently added UGB lands. Future amendments are planned to be made to the UPAA's that the County has with certain cities, including Hillsboro, to address the recently added UGB lands.
4. The Metro Code also requires that the decision address consistency between this decision and any urban service agreements under ORS 195. Cooperative agreements and urban

service agreements are ORS 195 agreements. A cooperative agreement for urban service provisions by the District with cities, including the Cities of Hillsboro, Beaverton and Tigard, and Washington County has been adopted. However, the agreement does not include the subject property or other new UGB lands. Additionally an urban service agreement for the Hillsboro urban service areas has been adopted. However, the recently adopted urban service agreement for the Hillsboro did not address this property or other new UGB lands.

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.