

Final Documents
for
Annexation to
Clean Water Services District

WA2007
Ordinance: 07-113
Annexation:
DOR: 34-1871-2007
Secretary of State: SD 2007-0104



June 25, 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 June 25, 2007, the following records annexing territory to the following:

Ordinance/Resolution Number(s)		Our File Number
07-113	(Clean Water Services District)	SD 2007-0104
07-114	(Clean Water Services District)	SD 2007-0105
2482/2488	(Lake Oswego)	AN 2007-0246
2487	(Lake Oswego)	AN 2007-0247
2485	(Lake Oswego)	AN 2007-0248
06-38	(Clean Water Services District)	SD 2007-0106

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



June 13, 2007

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

Re: Notice of Decision for Proposals WA-2007 and WA-2107

Dear Ms. Hall,

On June 5, 2007, the Washington County Board of Commissioners approved two annexations into Clean Water Services District (WA-2007 and WA-2107). The Oregon Department of Revenue approved the final review for WA-2007 and WA-2107 on June 12, 2007. For each annexation, the following materials are enclosed: mapping fee, DOR Final Review, signed Resolution and Order, and staff report. 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
June 12, 2007
As Per ORS 308.225

Description Map received from: COUNTY
On: 6/11/2007

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

ANNEX TO CLEAN WATER SERVICES DISTRICT (WA-2007)

ORDER AND RES. #07-113

has been: Approved 6/12/2007
 Disapproved

Notes:

Department of Revenue File Number: 34-1871-2007

Prepared by: Carolyn Sunderman, 503-945-8882

Boundary: Change Proposed Change
The change is for:

- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: **CONSIDER THE ANNEXATION OF PROPERTY ENCOMPASSING APPROXIMATELY 18.90 ACRES TO CLEAN WATER SERVICES DISTRICT (WA-2007)**

Presented by: Brent Curtis, Planning Division Manager

SUMMARY:

The County has received a request to annex property consisting of four parcels and right-of-way to the Clean Water Services District (District). The property is located on the northwest corner of SW 234th Avenue and SW Davis Road. Southwest 239th Avenue right-of-way that abuts two of the parcels is also included. All the parcels are within the City of Hillsboro. The property is further identified as tax map and lot numbers 1S2 10CA / 1700, 1800, 1900, 2000 and SW 239th Avenue right-of-way (See Exhibit B).

The property was annexed into the City of Hillsboro on November 7, 2006. 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-2007) 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)

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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 07-113

Agenda Item No.	<u>4.a.</u>
Date:	<u>6-5-07</u>

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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-2007) No. 07-113

The above-entitled matter (WA-2007) came before the Board at its regular meeting on June 5, 2007; and

It appearing to the Board that this proposal involves the annexation of four tax lots (1S2 10CA / 1700, 1800, 1900, and 2000), plus a portion of right-of-way (SW 239th Avenue) generally located on the northwest corner of SW 234th Avenue and SW Davis Road, in the City of Hillsboro to the Clean Water Services District; and

It appearing to the Board that WA-2007 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 the proposal has not been contested by any necessary party; and

It appearing to the Board that the Board is charged with deciding petitions for 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

RESOLVED AND ORDERED that Boundary Change Proposal No. WA-2007, as described in the staff report, is hereby approved, based on the analysis, findings

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and conclusions set forth in Exhibit A, incorporated herein by reference; and it is further

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

RESOLVED AND ORDERED that the minor boundary change approval shall be effective immediately; and it is further

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

DATED this 5th day of June, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

Tom Brian

CHAIRMAN

	AYE	NAY	ABSENT
BRIAN	✓	—	—
SCHOUTEN	✓	—	—
STRADER	✓	—	—
ROGERS	✓	—	—
DUYCK	✓	—	—

Barbara Heitmanek

RECORDING SECRETARY

Date Signed: 6-5-07

Approved as to form:

[Signature]

Sr. 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 parcels, plus right-of-way, encompassing approximately 18.90 acres. It is located on the northwest corner of SW 234th Avenue and SW Davis Road. Southwest 239th Avenue right-of-way that abuts two of the parcels is also included. All the parcels are within the City of Hillsboro. The property is further identified as tax map and lot numbers 1S2 10CA / 1700, 1800, 1900, 2000 and SW 239th Avenue right-of-way. The property is inside Metro's jurisdictional boundary and in the Reguion Urban Growth Boundary (UGB).
3. The site is relatively flat with a gentle slope towards the southeast corner. The majority of the site is farmland, pastureland, and orchards, with scattered clusters of trees. Single family residences and associated outbuildings are located on Tax Lots 1700, 1900, and 2000. The site is not located in the floodplain and does not include any wetlands. There are no known significant natural or historical resources present on the property.
4. On November 7, 2006, the City of Hillsboro City Council approved the annexation of the property into the city, with the approval becoming effective immediately. Annexation of the property into the city serves as the city's endorsement.
5. As a result of the subject property's annexation to the City of Hillsboro, the subject property was given a city comprehensive plan designation of RM - Medium Density Residential. Subsequent action by the City Council designated the property A-1 Duplex Residential zone. The property was previously designated FD-20 on the Washing County East Hillsboro Community Plan.
6. The applicant desires sanitary and storm sewer service to facilitate the future development of the property. The property is anticipated to be developed with between 92 and 196 residential dwelling units, consistent with the adopted Witch Hazel Village Community Plan. 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.

8. The property is located within the urban service area for the District as well as the City of Hillsboro. Consequently, the proposed annexation (WA-2007) is consistent with an adopted urban service agreement and therefore consistent with the Washington County Comprehensive Plan.
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. 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). 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. The requested annexation is consistent with the City's Comprehensive Plan as it relates to providing future city residents with storm sewer services.

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 FD-20. Upon annexation, the subject property was given the city's A-1 Duplex Residential zoning designation. The property was also designated RM - Medium Density Residential on the city's comprehensive plan map.
11. An 8-inch public sanitary sewer line is in SW Davis Avenue, just west of the site. This service line can be extended to 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 in SW 234th Avenue that is capable of serving the future residential development.
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. Upon annexation to the City of Hillsboro, the city became the provider of police protection to the property.
15. 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 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) if there are no objections from necessary parties. At time of writing, no necessary part has contested the annexation request.

EXHIBIT B

WA-2007

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.





MARCH 19, 2007

LEGAL DESCRIPTION

JOB NO. 309-325

A PORTION OF TRACT 54, TRACTS 58, 59, AND 60 OF "WITCH HAZEL LITTLE FARMS, TRACTS 26 TO 68 INC." AND TOGETHER WITH S.W. 239TH AVENUE, TAX LOTS 1700, 1800, 1900 AND 2000, 1S210CA AND ADJACENT RIGHT-OF-WAY.

TRACTS OF LAND LOCATED IN SECTION 10, TOWNSHIP 1 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, AND BEING A PORTION OF TRACT 54, AND TRACTS 58, 59 AND 60 OF THE PLAT OF "WITCH HAZEL LITTLE FARMS, TRACTS 26 TO 68 INC." TOGETHER WITH S.W. 239TH AVENUE AND ADJACENT RIGHT-OF-WAY OF S.W. DAVIS ROAD, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EASTERLY 158.00 FEET OF TRACT 54; THENCE SOUTH 74°21'17" EAST ALONG THE NORTH BOUNDARY LINE OF TRACTS 54, 58, 59 AND 60, 1372.31 FEET TO THE NORTHEAST CORNER OF SAID TRACT 60, ALSO BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF S.W. 234TH AVENUE (COUNTY ROAD NO. 1253), 20.00 FEET WESTERLY, RIGHT ANGLE MEASURE OF THE CENTERLINE; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 08°23'34" WEST 138.07 FEET; THENCE SOUTH 46°20'34" WEST 252.77 FEET; THENCE SOUTH 08°50'34" WEST 175.26 FEET TO THE NORTHEAST CORNER OF TRACT 61 OF SAID PLAT, ALSO BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF S.W. DAVIS ROAD (COUNTY ROAD NO. 1454), 20.00 FEET SOUTHERLY, RIGHT ANGLE MEASURE OF THE CENTERLINE; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 89°42'11" WEST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 1077.38 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY, NORTH 00°58'42" WEST ALONG THE WEST LINE OF SAID EASTERLY 158.00 FEET OF SAID TRACT 54 AND IT'S SOUTHERLY EXTENTION, 860.10 FEET TO THE POINT OF BEGINNING.

CONTAINS APPROXIMATELY 18.90 ACRES.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS
WASHINGTON COUNTY SURVEY NO. 30 201

ANNEXATION CERTIFIED

BY AJN

MAR 28 2007

WASHINGTON COUNTY A & T
CARTOGRAPHY



VALID UNTIL 6-30-07

CLEAN WATER SERVICES DISTRICT ANNEXATION

Boundary Change Proposal No. WA-2007

Staff Report

**For the June 5, 2007
Board of Commissioners' Hearing**



May 21, 2007

To: Board of County Commissioners
From: Brent Curtis, Planning Manager *BC*
Subject: **MINOR BOUNDARY CHANGE PROPOSAL NO. WA-2007 - ANNEXATION TO THE CLEAN WATER SERVICES DISTRICT**

STAFF REPORT

**For the June 5, 2007 Board of Commissioners Hearing
(The public hearing will begin no sooner than 10:00 AM)**

STAFF RECOMMENDATION

Based on the analysis in this staff report and in the attached Findings and Conclusions (Exhibit A), staff recommends that the Board **APPROVE** Minor Boundary Change WA-2007 with the approval becoming effective immediately.

REQUESTED ACTION

The applicants requests that four parcels encompassing approximately 18.90 acres, including right-of-way, be annexed to the Clean Water Services District in order to facilitate the future development of the property.

Petitioners: Timothy Ralston & Wolverine Financial LLC- Owner
Tax Lots 1S2 10CA 1700 & 1800
Anita L Platt, Trustee of the Anita L. Platt Living Trust – Owner
Tax Lot 1S2 10CA 1900
Taurus Development LLC - Owner
Tax Lot 1S2 10CA 2000

Applicant: Centex Homes

Applicant's Representative: Alpha Community Development / Contact: Jennifer Curkendall

ENDORSEMENTS

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

On November 7, 2006, the City of Hillsboro City Council approved the annexation of the property into the city (AN 16-06). Annexation of the property into the city serves as the city's

endorsement. The annexation ordinance (Ordinance No. 5692) contained an emergency declaration enabling the approval of the annexation to become effective immediately.

CITIZEN PARTICIPATION

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

FINANCIAL IMPACT

There are no known financial impacts associated with this minor boundary change that would prevent the Board from approving the annexation. Costs for extending the sanitary and storm sewer service to the future development will be borne by the applicant.

LEGAL ISSUES

There are no known legal issues associated with this minor boundary change that would prevent the Board from approving the annexation. If the Board approves the proposal and there are no objections from necessary parties, the boundary change could become effective immediately. At the time of writing, a necessary party is not contesting this boundary change.

Additionally, as stated previously, the property was annexed into the City of Hillsboro on November 7, 2006 by Ordinance No. 5692 and the annexation ordinance contained an emergency declaration enabling the approval of the annexation to become effective immediately.

BACKGROUND

Proposal No. WA-2007 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).

The property to be annexed consists of four parcels, plus right-of-way, encompassing approximately 18.90 acres. It is located on the northwest corner of SW 234th Avenue and SW Davis Road. Southwest 239th Avenue right-of-way that abuts two of the parcels is also included. All the parcels are within the City of Hillsboro. The property is further identified as tax map and lot numbers 1S2 10CA / 1700, 1800, 1900, 2000 and SW 239th Avenue right-of-way (See Exhibit B).

REASON FOR ANNEXATION

The applicant desires sanitary and storm sewer service to facilitate the future development of

the property. The property is anticipated to be developed with approximately 92 and 196 residential dwelling units, consistent with the adopted Witch Hazel Village Community Plan. The property must be brought into the Clean Water Services District (District) in order to be provided the necessary sanitary and storm sewer service.

On November 7, 2006, the City of Hillsboro City Council approved the annexation of the property into the city, with the approval becoming effective immediately. Annexation of the property into the city serves as the city's endorsement.

As a result of the subject property's annexation to the City of Hillsboro, the subject property was given a city comprehensive plan designation of RM - Medium Density Residential. Subsequent action by the City Council designated the property with an A-1 Duplex Residential zoning. The property was previously designated FD-20 on the Washington County East Hillsboro Community Plan.

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. The city has also endorsed the annexation to the District.

CRITERIA

Oregon Revised Statute 198.852 directs the Board to consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district (see findings under *County Planning and City Planning* below).

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 sanitary sewer service provision by the District with cities, including the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, Sherwood, Tigard, and Tualatin and Washington County has been adopted.

Furthermore, 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. Additionally, at time of writing, a necessary party is **not** contesting this boundary change. Therefore, these additional criteria need not be addressed.

LAND USE PLANNING

SITE CHARACTERISTICS

The property consists of four separate tax lots and encompasses 18.90 acres, including right-of-way. The site is relatively flat with a gentle slope towards the southeast corner. The majority of the site is farmland, pastureland, and orchards, with scattered clusters of trees. Single family residences and associated outbuildings are located on Tax Lots 1700, 1900, and 2000. The site is not located in the floodplain and does not include any wetlands. There are no known significant natural or historical resources present on the property.

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

On November 7, 2006, the City of Hillsboro City Council approved the annexation of the

property into the city. Consequently, the property is no longer subject to the County's Comprehensive Plan. Annexation of the property into the city also serves as the city's endorsement.

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.

As stated previously, the property is located within the urban service area for the District as well as the City of Hillsboro. Consequently, the proposed annexation (WA-2007) is consistent with an adopted urban service agreement and therefore consistent with the Washington County Comprehensive Plan.

CITY PLANNING

The property is located in the City of Hillsboro and is therefore subject to the city's Comprehensive Plan policies governing urban services. The city's Comprehensive Plan contains provisions governing urban services, such as sanitary and storm sewer service, and special service districts. 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. As stated previously, the city has endorsed this annexation.

URBAN PLANNING AREA AGREEMENTS (UPAA)

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 in accord with the UPAA.

At time of annexation to the city, the property was designated FD-20. Upon the effective date of the annexation, the subject property was given a city comprehensive plan designation of RM - Medium Density Residential and a city zoning designation of A-1 Duplex Residential.

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 between the City of Hillsboro, service districts and Washington County has been adopted. An urban service agreement for the Hillsboro urban service areas was also adopted on April 2, 2003. The adopted urban service agreement identifies the District's service area within this urban service area. The area to be annexed to the District has also been annexed into the City of Hillsboro.

Sewer. An 8-inch public sanitary sewer line is located in SW Brookwood Avenue, approximately 1,700 feet west of the property. Another 8-inch public sanitary sewer line is located in Davis Avenue (west of Brookwood Avenue). The Davis Avenue service line can be extended to 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.

Water. The City of Hillsboro has a domestic 10-inch water line in SW 234th Avenue that is capable of serving the future residential development.

Fire. 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 annexation to the City of Hillsboro, the City of Hillsboro Fire Department became the provider of emergency protection to the property.

Police. Upon annexation to the City of Hillsboro, the city became the provider of police protection to the property.

Transportation. 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.

Street Lighting. 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 annexation to the City of Hillsboro, the city became the provider of public street lighting.

Storm Drainage. 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.

Parks. The City of Hillsboro maintains its own Park & Recreation Department. The annexation to the District will not affect that fact.

Schools. The property is located within the Hillsboro School District.