

Final Documents

For

Annexation to the  
**Tualatin Valley Water District**

WA2100

Resolution 06-63

DOR: 34-1792-2006

Sec. State: SD-2006-0047

Property Information:

No Site Address (1N118C000500)  
No Site Address (1N118C000600)  
17075 NW Springville Road ((1N1180000601)  
No Site Address (1N1180000690)  
16680 NW Springville Road (1N1180000700)  
No Site Address (1N1180000701)  
16650 NW Brugger Road (1N1180000800)  
No Site Address (1N1180000801)  
No Site Address (1N1180000802)

# Proposal No. WA2100

1N1W17, 18

Annexation to the Tualatin Valley Water Dist.

Washington Co.



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



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

**METRO**

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County lines

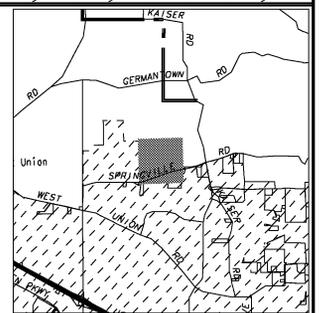
Annexation boundary

District

Urban Growth Boundary

Proposal No. WA2100  
TUALATIN VALLEY WATER DIST.  
Figure 1

Scale: 1" = 500'



# Notice to Taxing Districts

ORS 308.225



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

Tualatin Valley Water Dist.  
 Budget Officer  
 PO Box 745  
 Beaverton, OR 97075

**Description and Map Approved**  
**April 21, 2006**  
**As Per ORS 308.225**

Description     Map received from: METRO  
 On: 4/14/2006

This is to notify you that your boundary change in Washington County for  
 ANNEX TO TUALATIN VALLEY WATER DISTRICT WA-2100

RES. & ORDER #06-63

has been:     Approved            4/21/2006  
                    Disapproved

Notes:

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Department of Revenue File Number: 34-1792-2006

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

WA-2100

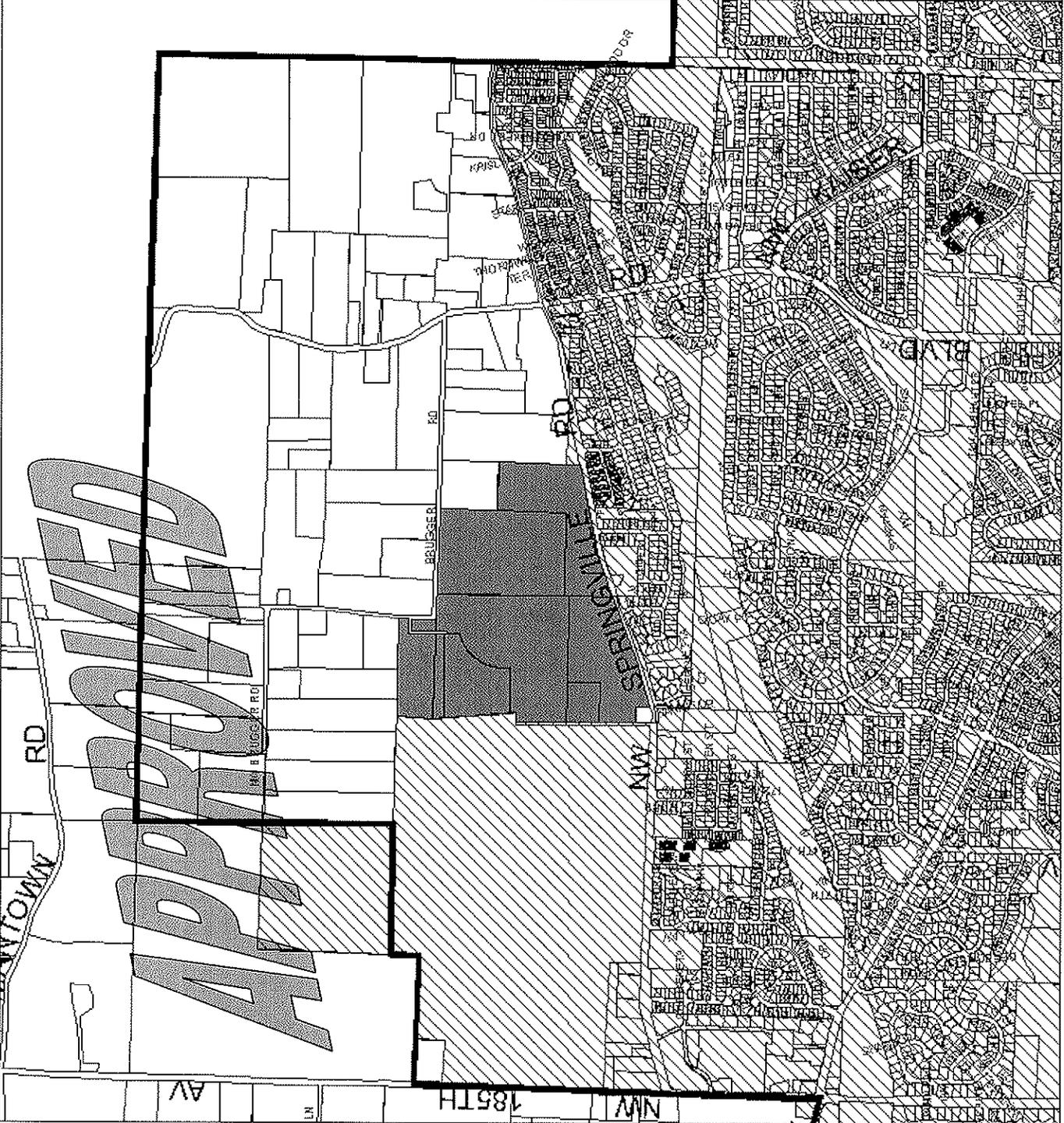
Annexation to  
Tualatin Valley Water District

# EXHIBIT B

- Subject Taxlot
- Tualatin Valley Water District
- Urban Growth Boundary



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Paul  
Send to  
Bob Wright

**WASHINGTON COUNTY**

*Inter-Department Correspondence*

March 28, 2006

**TO:** Recording Division  
**FROM:** Barbara Hejtmanek  
**SUBJECT:** **RESOLUTION AND ORDER 06-63  
CONSIDER THE ANNEXATION OF 109 ACRES TO THE  
TV WATER DISTRICT (CPO 7)**

At its regular meeting on March 28, 2006, the Board approved the annexation of 109 acres to the Tualatin Valley Water District.

RO 06-63

**AGENDA**

**WASHINGTON COUNTY BOARD OF COMMISSIONERS**

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

**Agenda Title:** **CONSIDER THE ANNEXATION OF 109 ACRES TO THE TUALATIN VALLEY WATER DISTRICT**

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

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**SUMMARY** (Attach Supporting Documents if Necessary)

On April 25, 2000 the Board *tentatively* approved the annexation of the 109 acres to the Tualatin Valley Water District (District) and continued the hearing pending final resolution of the property's inclusion in the UGB (see Exhibit 1). The April 25<sup>th</sup> public hearing was continued several times, including today's hearing. The purpose of the continuations was for the Board to receive new evidence on the issue related to the resolution of the appeal involving Metro's decision to add the 109 acres to the UGB. Since the April 25, 2000 hearing, a series of events have occurred.

On August 16, 2001 the Metro Council adopted a resolution that addressed the remand of the Ryland Homes case. The resolution stated that the Office of General Counsel shall not pursue further litigation in regard to the remand of the Ryland case and the land will be studied with other appropriate nearby lands in completing Task 2 of Metro's periodic review program. The resolution also stated that the Executive Officer shall not accept new applications for major amendments to the UGB for the purposes of addressing regional housing need until Task 2 of the periodic review work program is completed. In effect, the Metro Council decided to fold the Ryland case into the broader 2002 UGB decision.

(continued)

Notice of today's hearing has been made in accordance with the state law requirements. Staff will be available to answer any questions.

Attachment: Site Map (Exhibit 1)

**DEPARTMENT'S REQUESTED ACTION:**

Hold a public hearing to consider the annexation of these properties into the Tualatin Valley Water District. After taking public testimony, close the public hearing and make a decision on the proposed minor boundary change (WA-2100).

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**COUNTY ADMINISTRATOR'S RECOMMENDATION:**

I concur with the requested action.

Agenda Item No.	<u>4.b.</u>
Date:	3/28/06

CONSIDER THE ANNEXATION OF 109 ACRES TO THE TUALATIN VALLEY WATER DISTRICT

March 28, 2006

Page 2

On December 12, 2002 Metro Council completed its two-year process of reviewing the region's capacity for housing and jobs by expanding the urban growth boundary (UGB). However, Metro's decision would only become after the state acknowledged the expansion and all legal challenges were exhausted. The state's Land Conservation and Development Commission (LCDC) completed its review of Metro's decision and on July 7, 2003, acknowledged Metro's UGB expansion, thus approving the inclusion of the property into the UGB. On September 12, 2003, Metro's decision was appealed to the Land Use Board of Appeals and the Court of Appeals.

On September 8, 2005 the Court of Appeals affirmed Metro's decision regarding the UGB expansion of the Bethany area, which includes the 109 acres. The deadline for appealing the court's decision to the Oregon State Supreme Court expired on October 12, 2005. No appeals were filed. Therefore, the Board can once again consider the proposed special service district annexation (WA-2100).

In 2000 when the Board granted *tentative* approval, the Bethany UGB expansion involved only 109 acres. In 2002 Metro added an approximately 693 additional acres surrounding the 109 acres that are now proposed for addition to the District. Metro has a number of planning requirements, including concept planning, which need to be completed prior to urbanization of UGB expansion areas.

County staff has held numerous discussions with key stakeholders in the North Bethany area, including the applicant (West Hills Development), to discuss concept and comprehensive planning. The scope of work discussed during these preliminary meetings included discussions about the provision of and the funding of public facilities and services, including domestic water. Discussions are currently on going between County staff and these same key stakeholders in order to develop an acceptable public facilities and funding plan approach covering the entire 802 acres.

In addition, Policy 41 of the Comprehensive Framework Plan for the Urban Area requires that the subject properties annex into the Urban Road Maintenance District (URMD) and the Enhanced Sheriff Patrol District (ESPD), and Tualatin Hills Park & Recreation District (THPRD), prior to preliminary or final approval of any development application.

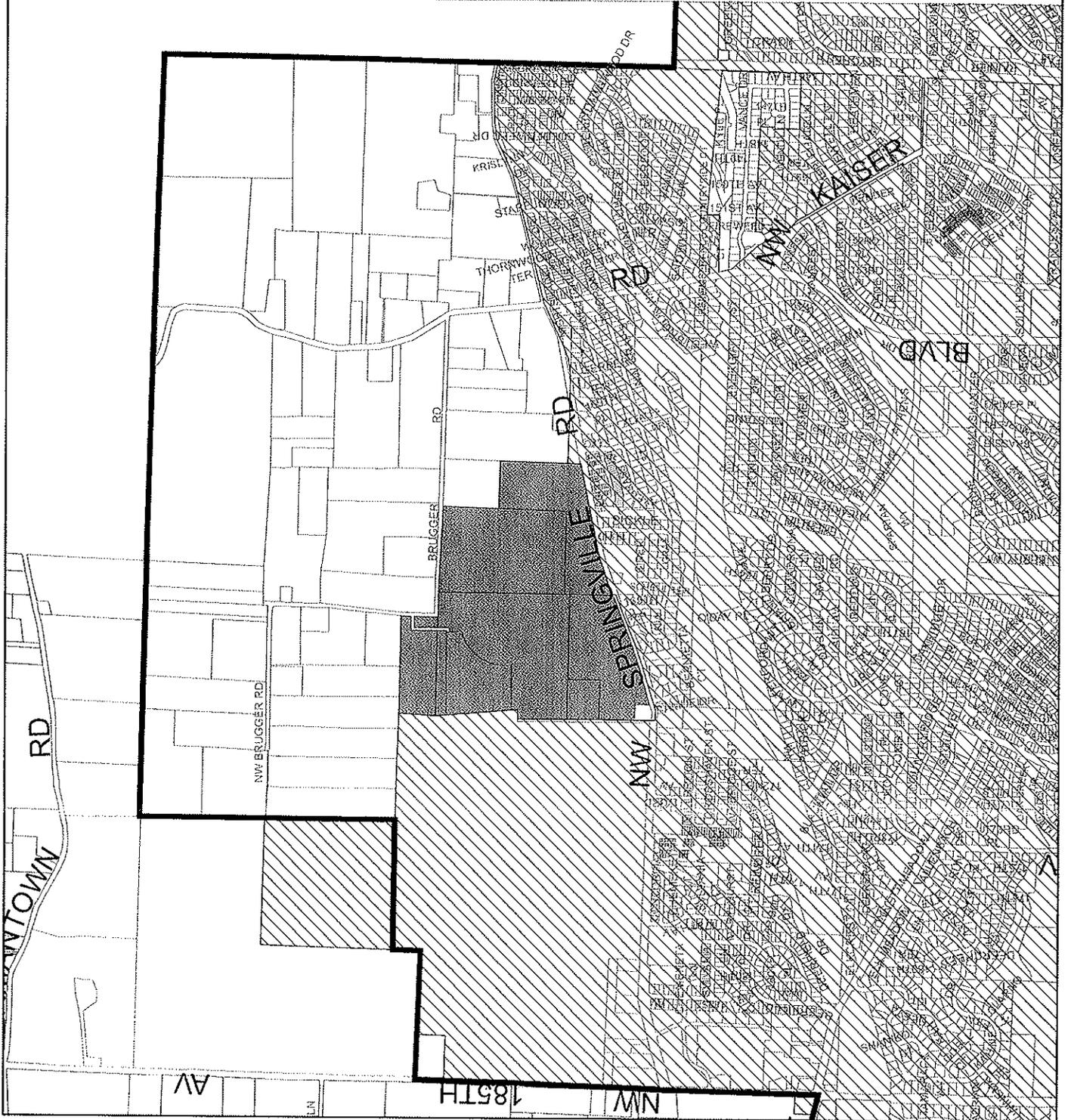
WA-2100  
Annexation to  
Tualatin Valley Water District

# EXHIBIT 1

- Subject Taxlot
- Tualatin Valley Water District
- Urban Growth Boundary



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1 IN THE BOARD OF COUNTY COMMISSIONERS

2  
3 FOR WASHINGTON COUNTY, OREGON

4  
5 In the Matter of Approving Boundary ) RESOLUTION AND ORDER  
6 Change Proposal No. WA-2100 ) No. 06-63  
7

8 The above-entitled matter first came before the Board at its public  
9 hearing on April 25, 2000 at which time the Board *tentatively* approved the  
10 annexation and continued the hearing pending resolution of the properties  
11 inclusion into the Urban Growth Boundary (UGB); and

12 On September 8, 2005, the Court of Appeals affirmed Metro's  
13 expansion of the UGB to include properties in the north Bethany area,  
14 including the properties involved in WA-2100; and

15 No appeals of the court's decision were filed to the Oregon State  
16 Supreme Court; therefore the UGB expansion is acknowledged; and

17 The Board again considered Boundary Change Proposal WA-2100 at  
18 the continued public hearing on March 28, 2006; and

19 It appearing to the Board that the annexation involves property within  
20 Washington County encompassing 109 acres; and

21 It appearing to the Board that the annexation has not been contested  
22 by any necessary party and therefore may become effective immediately  
23 upon adoption pursuant to Metro Code Section 3.09.050 (f); and

24 It appearing to the Board that the Board is charged with deciding  
25 petitions for boundary changes pursuant to ORS Chapter 198 and Metro  
26 Code Chapter 3.09; and

27 It appearing to the Board that notice of the March 28<sup>th</sup> meeting was  
28 provided pursuant to ORS 198.730, ORS 197.763 and Metro Code 3.09.030;  
29 and

1 It appearing to the Board that staff retained by the County have  
2 reviewed the proposed boundary change and determined that it complies  
3 with the applicable procedural and substantive standards and that the  
4 previously issued tentative approval can be finalized; and

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

8 RESOLVED AND ORDERED that Boundary Change Proposal No.  
9 WA-2100, as described in the original staff report dated April 7, 2000 and in  
10 the addendum staff report dated March 13, 2006, is hereby approved, based  
11 on the analysis, findings and conclusions set forth in Exhibit "A", incorporated  
12 herein by reference; and it is further

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

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

19 DATED this 28<sup>th</sup> day of March 2006.

	AYE	NAY	ABSENT
20 FRIAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21 SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22 LEEPER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23 ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24 DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

Tom Bruner  
CHAIRMAN

Barbara Hejmanek  
RECORDING SECRETARY

Date Signed: 3-28-06

27 Approved as to form:

28 [Signature]  
29  
30 County Counsel for  
31 Washington County, Oregon  
32

## FINDINGS

Based on the study and the public hearing the Board Found:

1. The territory to be annexed contains 109 acres, 2 single family units, a population of 4 and is evaluated at \$537,510.
2. The property owners desire water service to facilitate development. The development will be primarily residential with mixed densities.
3. Oregon Revised Statute 198 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. That Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The findings and conclusions shall address seven minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans [ORS 195 agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place. Annexation plans are timelines for annexation which can only be done after all required 195 agreements are in place and which must have been voted on by the City residents and the residents of the area to be annexed.]
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 territory should be inside the UGB shall be the primary criteria.
7. Consistency with other applicable criteria for the boundary change in question under state and local law.

The Metro Code also contains a second set of 10 factors which are to be considered where no ORS 195 agreements have been adopted and the boundary change is being contested by a necessary party.

4. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB). This territory was annexed into the Metro jurisdictional boundary in May, 1999. Metro approved inclusion of

this property within the Urban Growth Boundary on December 16, 1999. That decision (on the UGB expansion) was appealed to LUBA (1000 Friends of Oregon & Washington County Farm Bureau v. Metro, LUBA Case No. 2000-002). Oral arguments on the case are scheduled for June 29<sup>th</sup>. Typically the decision is handed down within 30 days.

The law which dictates that Metro adopt criteria for boundary changes specifically states that those criteria shall include ". . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are actually now part of Metro's Regional Framework Plan. Another previously free standing construct which is now an element of the Framework Plan is the 2040 Growth Concept.

The "Introduction" section of the Framework Plan contains the following statement with regard to "Relationship With Metro Citizens":

*Notification*

*Metro shall develop programs for public notification, especially for (but not limited to) proposed legislative actions, that ensure a high level of awareness of potential consequences, as well as opportunities for involvement on the part of affected citizens, both inside and outside of its districts' boundaries. (p.7, Regional Framework Plan (RFP))*

The Regional Framework Plan contains a lengthy section on the 2040 Growth Concept (pp. 11-23, RFP). This concept states that "[t]he preferred form of growth is to contain growth within a carefully managed Urban Growth Boundary" (p. 11, RFP). The 2040 Growth Concept includes a map which lays out the "central city-regional centers-town centers" ideas and other general constructs of the Concept. This section of the Framework Plan has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

Chapter 2 of the Regional Framework Plan covers Transportation. This chapter was reviewed and found not to contain specific directly applicable criteria for boundary changes.

Chapter 3 of the Regional Framework Plan deals with Parks, Open Spaces and Recreational Facilities. This chapter was reviewed and found not to contain specific applicable criteria for boundary changes.

Chapter 4, Water, is divided into two sections, one dealing with Water Supply and one with Watershed Management and Water Quality. No specific applicable criteria for boundary changes are to be found in either section of Chapter 4.

Natural Hazards are covered in Chapter 5 of the Regional Framework Plan. This chapter has been reviewed and found not to contain specific applicable criteria for boundary changes.

Chapters 6 (Clark County), 7 (Management) and 8 (Implementation) also do not include any specific applicable criteria relative to boundary changes.

5. The Washington County Comprehensive Plan is composed of the following pieces:

The Comprehensive Framework Plan For The Urban Area  
County Resource Document  
Rural Natural Resource Element  
Community Plans and Background Documents  
Community Development Code  
Transportation Plan  
Unified Capital Improvements Program

Each of these 7 elements has been searched for materials relative to annexations. Sections of these elements which speak directly to the issue of annexation or which appear to have some relevance to that issue have been reviewed to determine whether the current proposal is consistent with them or not.

In the GENERAL element of the Plan the Intergovernmental Coordination Policy calls for the County to "effectively coordinate its planning and development efforts with . . . other local governments and special districts." 3.1.11, Intergovernmental Coordination Policy No. 3. The summary of that section notes that " . . . the specific responsibilities of cities and special service districts, must be coordinated to ensure that their various plans and programs reinforce and are consistent with the County's Comprehensive Plan."

In the URBANIZATION element of the Plan under the subheading "Reasons for Growth" (3.3.1), Policy 13 states:

IT IS THE POLICY OF WASHINGTON COUNTY TO ESTABLISH A GROWTH MANAGEMENT SYSTEM FOR THE UNINCORPORATED AREAS WITHIN THE UGB WHICH PROMOTES:

- (1) EFFICIENT, ECONOMIC PROVISION OF PUBLIC FACILITIES AND SERVICES;
- (2) INFILL DEVELOPMENT IN ESTABLISHED AREAS WHILE PRESERVING EXISTING NEIGHBORHOOD CHARACTER;
- (3) DEVELOPMENT NEAR OR CONTIGUOUS TO EXISTING URBAN DEVELOPMENT WHERE SERVICES ARE AVAILABLE;

- (4) PARCELIZATION OF LAND SUCH THAT FUTURE DEVELOPMENT AT URBAN DENSITIES CAN TAKE PLACE;
- (5) DEVELOPMENT WHICH IS COMPATIBLE WITH EXISTING LAND USES;
- (6) AGRICULTURAL USE OF AGRICULTURAL LAND UNTIL SERVICES ARE AVAILABLE TO ALLOW DEVELOPMENT;
- (7) DEVELOPMENT IN CONCERT WITH ADOPTED COMMUNITY PLANS; AND
- (8) UTILIZATION OF THE EXISTING CAPITAL INFRASTRUCTURE.

Implementing Strategies

The County will:

- a. Permit growth to occur only in areas with adequate public services and facilities, as permitted under growth management strategies contained in the Comprehensive Plan.

....

Policy 14, under the subheading of Managing Growth, says:

IT IS THE POLICY OF WASHINGTON COUNTY TO MANAGE GROWTH ON UNINCORPORATED LANDS WITHIN THE UGB SUCH THAT PUBLIC FACILITIES AND SERVICES ARE AVAILABLE TO SUPPORT ORDERLY URBAN DEVELOPMENT.

Implementing Strategies

The County will:

- b. Categorize urban facilities and services into three categories: Critical, Essential and Desirable.
  - 1) Critical facilities and services are defined as: Public Water, public sanitary sewers, fire, drainage, and access (Local and Minor Collector roads). An inability to provide an adequate level of Critical services in conjunction with the proposed development will result in the denial of a development application.

- c. Rely upon the standards established by the appropriate special service district and adopted County Standards as the measurement of acceptability for the service provided by the service provider. The information obtained from the service provider shall be treated as a rebuttable presumption as to the ability to provide an adequate level of the facility or service. However, the evidence that can rebut it must be compelling evidence based upon objective data in order to controvert the determination of the service provider. Specific standards for implementation will be identified in the Community Development Code as well as acceptable methods for assuring availability of required public services and facilities;

...

- 2) Adequacy of public facilities and services as required in the growth management strategy, and

...

- g. Use and encourage other public service providers to use the following priority list to guide the investment of public monies in public facilities and services:

- 1) Solve existing health, safety and welfare problems.
- 2) Facilitate infill development or new development which is contiguous to existing.
- 3) Promote commercial and industrial economic development opportunities.
- 4) Extend services to outlying, undeveloped areas designated for residential development in the Comprehensive Plan.

#### Summary Findings and Conclusions

A healthy, livable urban environment is achieved in part through the provision of public facilities and services prior to or concurrent with development in a level adequate to serve the expected demand.

Of the major urban facilities and services provided in Washington County -- including sewers, water lines, roads, fire and police protection, and schools, -- it is the County road system and police protection services which are most heavily impacted by the demands of the County's growth. Providers of other services have, in general, been able to keep pace with the rapid growth of recent years and still provide more than adequate service to existing customers.

Policy 15 of the URBANIZATION element, under the subheading "Roles and Responsibilities for Servicing Growth," states:

IT IS THE POLICY OF WASHINGTON COUNTY TO WORK WITH SERVICE PROVIDERS, INCLUDING CITIES AND SPECIAL DISTRICTS, AND THE PORTLAND METROPOLITAN AREA BOUNDARY COMMISSION, TO INSURE THAT FACILITIES AND SERVICES REQUIRED FOR GROWTH WILL BE PROVIDED WHEN NEEDED BY THE AGENCY OR AGENCIES BEST ABLE TO DO SO IN A COST EFFECTIVE AND EFFICIENT MANNER.

Implementing Strategies

The County will:

- a. Prepare a public facilities plan in accordance with OAR Chapter 660, Division 11, Public Facilities Planning;

...

- c. Establish a coordination system with all cities, special districts and private companies that now or will provide services in the present unincorporated area. This coordination system will be designed to ensure that the following types of services and facilities will be provided when needed to existing and future County residents and businesses in accord with the Comprehensive Plan:

- 1) Sanitary sewage collection and treatment,
- 2) Drainage management,
- 3) Fire protection,
- 4) Water distribution and storage,
- 5) Schools,
- 6) Libraries,
- 7) Utilities (electricity, telephone and cable communications, natural gas, etc.),
- 8) Solid waste disposal,
- 9) Roads and transportation facilities,
- 10) Parks and recreation facilities,
- 11) Police, and
- 12) Transit;

- d. If appropriate in the future, enter into agreements with service providers which address one or more of the following:

- 1) Process for review of development proposals,
- 2) Process for review of proposed service extension or facility expansion,
- 3) Service district or city annexation,
- 4) Planning of service extensions, new facilities, or facility expansions,

- 5) Procedures for amending the agreement,
- 6) Methods to be used to finance service and or facility improvements, operation and maintenance,
- 7) Standards to be used by the County and the service provider in assessing "adequate" service levels,
- 8) Area or clientele to be served now and in the future,
- 9) Consistency with Plan policies and strategies,
- 10) Coordination of capital improvements programs, and
- 11) Cost effectiveness of service provision;

...

### Summary Findings and Conclusions

Public facilities and services necessary for growth in Washington County historically have been provided by a variety of unrelated special districts, local governments, and other agencies. Cooperation and coordination between service providers in developing plans and programming capital facilities has been limited.

The County has the responsibility under state law to coordinate the timely provision of public facilities and services within the County. Due to the fact that the County itself does not provide a full range of urban services, the best means of fulfilling this responsibility -- which will result in a better living environment for county residents -- is the formal establishments [sic] of a strong coordination system between the County and all service providers.

The County has the additional responsibility to its citizens of ensuring that the services needed to allow growth will be provided by the agency or agencies best able to do so in a coordinated, efficient and cost effective manner. Therefore, County review of and recommendations on annexation or incorporation proposals involving cities and special service districts is imperative.

The PUBLIC FACILITIES AND SERVICES element of the Washington County Comprehensive Framework Plan contains a policy which potentially relates to boundary changes.

Policy 26 states:

IT IS THE POLICY OF WASHINGTON COUNTY THAT ALL RESIDENCES AND BUSINESS BE SERVED WITH AN ADEQUATE SUPPLY OF POTABLE WATER FOR CONSUMPTION AND FIRE SUPPRESSION PURPOSES.

Implementation strategies

The County will:

- a. Work with all water providers, fire districts, and with the Watermaster and State Engineer's office, as appropriate, to ensure that:
  - (1) water service is available to new development at sufficient pressures for domestic consumption and fire suppression purposes;
  - (2) in areas identified by the State Engineer's office as "critical groundwater areas," the water demands of new development do not jeopardize supplies of groundwater to existing users;
  - (3) extension of water distribution facilities are coordinated with the provision of other public facilities such as sanitary sewers and drainage facilities;

The **County Resource Document** is the second component of the Washington County Comprehensive Plan. The Resource Document contains information on the County's natural and cultural resources. This is the basic inventory of information on which all comprehensive plans depend. Nothing in this document relates specifically to annexation.

The third component of the Plan is the **Rural\Natural Resource Element** which does not apply to lands within the regional Urban Growth Boundary.

The fourth element of Washington County Comprehensive Plan is the **Community Plans & Background Document**. The area being proposed for annexation falls in the Bethany Community Plan. The community plan map identifies a land use designation for each parcel of land covered by the plan. In this case the Community Plan Map identifies the subject property as Residential, 9 Units Per Acre. The Community plan text provides a written description of the Plan Map and includes Community Design Elements which prescribe more particularly how certain areas will follow the Plan. When applicable, Areas of Special Concern are designated in the community plan.

The area has been defined as Area of Special Concern No. 2. A number of conditions are attached to this designation. None of these conditions relate to annexation to a water district.

The last three elements of the County Comprehensive Plan are the **Community Development Code** [zoning ordinance], the **Transportation Plan** and the **Unified Capital Improvement Program**. These have been reviewed and found not to contain any specific directly applicable standards or criteria for boundary changes.

6. In its County 2000 program Washington County has adopted a policy favoring a service delivery system which distinguishes between municipal and county-wide services. The reason for the policy is to achieve tax fairness and expenditure equity in the provision of public services. The County policy favors municipal services being provided by cities or special districts.
7. This territory is not covered by a City/County urban growth management agreement between the County and the City of Beaverton. Adjacent territory south of Springville Road is covered by such an agreement but nothing in that agreement speaks to the issue of water district annexations which occur prior to the area annexing to the City.
8. This territory is not covered by the Beaverton Comprehensive Plan. The City has been actively involved in the planning process for this area. This includes being a signatory to a Memorandum of Understanding with Washington County as required by the Metro Urban Reserve Area and UGB amendment process. The clear intent of the City involvement is to assure that eventually this area would be served by the City. However it is recognized that this may not occur prior to urban level development of the property.
9. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. 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 creation of these agreements. The statute was enacted in 1993 but there are no urban service agreements in place in this area to date.
10. Tualatin Valley Water District has 16" and 24" lines in Springville Road which can provide adequate service to the area to be annexed.
11. The Unified Sewerage Agency can provide service to this site from its trunk line located south of Springville Road. According to the Engineer's report done as part of the UGB expansion proceeding, an extension north from that line could serve by gravity all but approximately 8% of the territory to be annexed. The 8% of the territory would need to be served by pump stations. Annexation to the Unified Sewerage Agency is being processed as a separate annexation at the same time as the current Tualatin Valley Water District proposal.
12. This area is within the Tualatin Valley Fire & Rescue which provides urban level fire protection and emergency medical service to much of east Washington County.
13. The territory is not within the Washington County County Service District for Enhanced Law Enforcement. The District provides additional law enforcement service to compliment the County's general service so that the

combined efforts provide approximately 1.0 officer per thousand population. The property will need to be annexed into this district prior to development in order to provide the higher level of service which will be needed and expected by the new residents.

14. The site is **not** in the County's Washington County Service District for street lights. This district provides a mechanism for providing street lighting through local improvement districts. The area will need to be annexed to this district prior to development.
15. The territory is **not** within the Tualatin Hills Park & Recreation District. A condition of Design Element No. 5 for the Springville Subarea of the Bethany Community Plan requires annexation to the District prior to County approval of any application for development in the area.
16. Storm sewerage will be handled by the Unified Sewerage Agency. The Agency levies a per dwelling assessment of \$3.00 per month for this service.
17. This territory is **not** within Washington County Service District for Urban Road Maintenance which provides financing for maintenance of local streets. It would need to be annexed into this district prior to development.

Springville Road is major collector street. The County has recently amended its plan to call for ultimate improvement to 3 lanes when the area north of Springville is developed.

18. Beaverton School District services this area and it is within the Portland Community College District. The jurisdictional boundaries of Tri-Met and the Port of Portland also cover the territory.
19. Metro provides a number of services on the regional level. Primary among these is regional land use planning and maintenance of the regional Urban Growth Boundary. As noted Metro recently placed this area within the UGB.

## CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Board determined:

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 Plan or any functional plan . . ." To the very limited extent that any directly applicable standards and criteria can be identified, the Board finds its decision to approve this annexation is consistent with them.

There are no directly applicable criteria in Metro's only adopted functional plan, the Urban Growth Management Functional Plan. This Plan requires that cities and counties amend their plans to include minimum density standards, etc. but these mandates do not relate to annexation to a water district.

The introduction section of the Regional Framework Plan calls for Metro to encourage a high level of public awareness of its actions. The Board notes that a public hearing was held on this matter and that extensive notice of that hearing was given including: 1) posting of notices in the vicinity of the annexation 40 days prior to the hearing; 2) mailed notice to necessary parties 40 days prior; 3) two published notices in the Valley Times newspaper; 4) notice by first class mail to every property owner within 100 feet; 5) notice to the appropriate recognized community planning association (CPO # 7). The Board concludes this hearing and notice is consistent with this section of the Regional Framework Plan.

All other elements of the Regional Framework Plan were examined and found not to contain any directly applicable standards and criteria for boundary changes.

2. The Metro Code at 3.09.050 (d) (3) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans . . ." The Board has reviewed the applicable comprehensive plan which is the County Comprehensive Plan and finds approval of this annexation to be consistent with the plan. Specifically the Board finds the proposed annexation consistent with: subsections 1, 3, 7 & 8 of Policy 13 in the Urbanization section of the Plan; subsection "a." under Implementing Strategies in the Urbanization section of the Plan; Policy 14 of the Urbanization section; Policy 15 of the Urbanization element; and Policy 26 of the Public Facilities and Services element of the Plan.
3. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements. This area is not covered by an urban planning area agreement between Beaverton and the County. Adjacent land on the south side of Springville Road is covered by

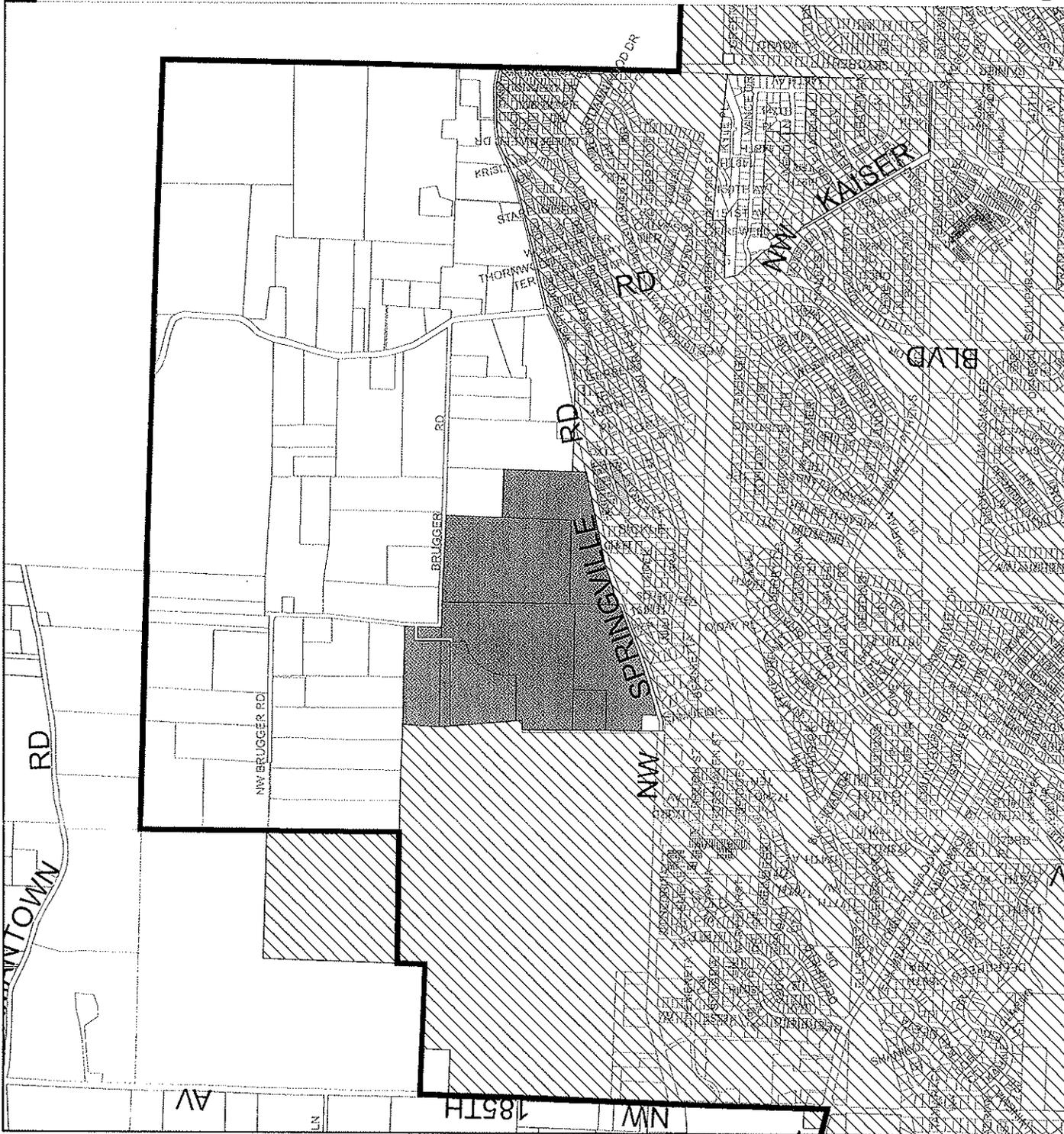
such an agreement and nothing in the agreement speaks to the issue of water district annexations.

4. The Metro Code also requires that these conclusions address consistency between this decision and any urban service agreements under ORS 195. As noted in Finding No. 9 there are no ORS 195 agreements in place in this area. Therefore the Board addresses this criteria by finding that there are no agreements and that its decision is not out of compliance with any such agreements.
5. Metro Code 3.09.050 (d) (5) 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 Tualatin Valley Water District can directly provide the urban service it controls to the site in adequate quantity and quality. Furthermore the Board finds that the majority of necessary urban services can also be made available to this site through existing governmental facilities. Those services are covered in more detail in Findings 10-19.
6. Metro Code 3.09.050 (d) (6) says: "If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criteria for approval. The Board finds this criteria to be inapplicable since this is not an annexation to Metro.

WA-2100  
Annexation to  
Tualatin Valley Water District

# EXHIBIT B

- Subject Taxlot
- Tualatin Valley Water District
- 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.

## EXHIBIT C



DESIGN GROUP, INC.

March 14, 2003

### *Legal Description - ANNEXATION*

THAT PORTION OF THE SE1/4 OF SECTION 18, AND THE SW1/4 OF SECTION 17, T. 1 N., R. 1 W., W. M., WASHINGTON COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHWEST CORNER OF THE A. BULL DONATION LAND CLAIM NO 50, THENCE N03°35'35"E, 355.93 FEET ALONG THE EAST LINE OF THE TRACT OF LAND TO THE METRO AREA EDUCATION DISTRICT RECORDED IN BOOK 934 AT PAGE 330 OF THE DEED RECORDS OF SAID COUNTY TO A POINT ON THE SOUTH LINE OF LOT 4, "BRUGGER TRACT"; THENCE S88°29'09"E, 77.80 FEET ALONG SAID SOUTH LINE OF LOT 4 TO THE SOUTHWEST CORNER OF LOT 5; THENCE S88°16'47"E, 322.68 FEET ALONG SAID SOUTH LINE OF LOT 5 TO THE SOUTHWEST CORNER OF LOT 6; THENCE S88°34'19"E, 618.88 FEET ALONG THE SOUTH LINE OF LOTS 6 AND 7 TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF NW BRUGGER ROAD; THENCE S01°26'40"W, 398.45 FEET ALONG SAID WESTERLY RIGHT OF WAY LINE; THENCE S88°23'26"E, 1068.93 FEET ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID NW BRUGGER ROAD TO A POINT ON THE WEST LINE OF THE TRACT OF LAND TO DIEGEL RECORDED IN BOOK 452 AT PAGE 16 OF SAID RECORDS; THENCE S01°49'47"W, 597.40 FEET ALONG THE WEST LINE OF SAID TRACT TO THE SOUTHWEST CORNER THEREOF; THENCE S88°29'04"E, 496.22 FEET ALONG THE SOUTH LINE OF SAID TRACT TO A POINT ON THE WEST LINE OF THE TRACT OF LAND TO SATO RECORDED IN BOOK 277 AT PAGE 267 OF SAID RECORDS; THENCE S01°30'06"W, 705.28 FEET ALONG THE WEST LINE OF SAID TRACT TO THE SOUTHWEST CORNER THEREOF; THENCE S88°23'25"E, 13.84 FEET ALONG THE SOUTH LINE OF SAID SATO TRACT TO THE NORTHWEST CORNER OF TRACT "E", "SPRINGVILLE MEADOWS"; THENCE S01°49'57"W, 135.09 FEET ALONG THE WEST LINE OF SAID TRACT "E" TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF NW SPRINGVILLE ROAD; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE, S79°43'44"W, 791.19 FEET; THENCE 401.77 FEET ALONG THE ARC OF A 2030.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST THROUGH A CENTRAL ANGLE OF 11°20'23" (CHORD S74°03'33"W, 401.12 FEET); THENCE S68°23'21"W, 607.35 FEET; THENCE 312.94 FEET ALONG THE ARC OF A 3970.00 FEET RADIUS CURVE CONCAVE TO THE NORTHWEST THROUGH A CENTRAL ANGLE OF 4°30'59" (CHORD S70°38'50"W, 312.86 FEET); THENCE S72°54'20"W, 321.52 FEET; THENCE 183.75 FEET ALONG THE ARC OF A 1170.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST THROUGH A CENTRAL ANGLE OF 8°59'55" (CHORD S77°24'17"W, 183.56 FEET) TO A POINT ON THE EAST LINE OF THE TRACT OF LAND TO GRUNES RECORDED IN DOC. NO. 87026190 OF SAID RECORDS; THENCE LEAVING SAID NORTHWESTERLY RIGHT OF WAY LINE OF

## EXHIBIT C

NW SPRINGVILLE ROAD AND ALONG SAID EAST LINE OF THE GRUNES TRACT, N02°20'54"E, 189.31 FEET TO THE NORTHEAST CORNER THEREOF; THENCE N87°39'06"W, 150.00 FEET ALONG THE NORTH LINE OF SAID GRUNES TRACT TO A POINT ON THE EAST LINE OF SAID TRACT OF LAND TO THE METRO AREA EDUCATION DISTRICT RECORDED IN BOOK 934, PAGE 330; THENCE ALONG SAID EAST LINE, N02°20'54"E, 1153.15 FEET; THENCE S87°39'06"E, 64.50 FEET; THENCE N01°40'24"W, 919.66 FEET TO THE POINT OF BEGINNING. CONTAINING 110.20 ACRES

ANNEXATION CERTIFIED  
BY je

MAR 24 2006

WASHINGTON COUNTY A & T  
CARTOGRAPHY

***ANNEXATION TO  
TUALATIN VALLEY WATER DISTRICT***

Boundary Change Proposal No. WA-2100

Staff Report

For the March 28, 2006  
Board of Commissioners' Hearing



March 14, 2006

To: Board of County Commissioners

From: Brent Curtis, Planning Manager *BC*  
Department of Land Use & Transportation

Subject: **WA-2100 - ANNEXATION OF 109 ACRES TO TUALATIN VALLEY WATER DISTRICT**

## STAFF REPORT

For the March 28, 2006 Board of Commissioners Hearing

### I. STAFF RECOMMENDATION

Conduct the public hearing for Minor Boundary Change WA-2100. After taking testimony, close the public hearing and make a decision on the proposed minor boundary change.

### II. BACKGROUND

The request involves the annexation of 109 acres into the Tualatin Valley Water District (District). The purpose of the annexation to the District is to facilitate the future development of the property with a range of residential densities and housing types as well as an elementary school. The property is located on the north edge of the District, on the north side of Springville Road and generally west of NW Kaiser Road and east of NW 185th Avenue.

On December 17, 1998 the Metro Council adopted a resolution of intent to amend the Urban Growth Boundary (UGB) to include the subject 109 acres. On June 15, 1999 annexation of the property to Metro was completed. Based upon Metro's actions, the County applied an urban residential designation (R-9) to the property through the adoption of Ordinance No. 546. The Board adopted Ordinance No. 546 on October 26, 1999. On December 16, 1999 Metro adopted Ordinance No. 99-812A, which formally included the property within the UGB. Metro's decision was appealed to the Land Use Board of Appeals and the Court of Appeals. The Court of Appeals remanded the Ryland UGB amendment back to Metro for reconsideration.

On April 25, 2000 the Board *tentatively* approved the annexation of the 109 acres to the District and continued the hearing pending final resolution of the property's inclusion in the UGB. The April 25<sup>th</sup> public hearing was continued several times, including today's hearing. The purpose of the continuations was for the Board to receive new evidence on the issue related to the resolution of the appeal involving Metro's decision to add the 109 acres to the UGB. Since the April 25, 2000 hearing, a series of events have occurred. These events are summarized below.

On August 16, 2001 the Metro Council adopted a resolution that addressed the remand of the Ryland Homes case. The resolution stated that the Office of General Counsel shall not pursue further litigation in regard to the remand of the Ryland case and the land will be studied with

other appropriate nearby lands in completing Task 2 of Metro's periodic review program. The resolution also stated that the Executive Officer shall not accept new applications for major amendments to the UGB for the purposes of addressing regional housing need until Task 2 of the periodic review work program is completed. In effect, the Metro Council decided to fold the Ryland case into the broader 2002 UGB decision.

On December 12, 2002 Metro Council completed its two-year process of reviewing the region's capacity for housing and jobs by expanding the urban growth boundary (UGB). However, Metro's decision would only become after the state acknowledged the expansion and all legal challenges were exhausted. The state's Land Conservation and Development Commission (LCDC) completed its review of Metro's decision and on July 7, 2003, acknowledged Metro's UGB expansion, thus approving the inclusion of the property into the UGB. On September 12, 2003, Metro's decision was appealed to the Land Use Board of Appeals and the Court of Appeals.

On September 8, 2005 the Court of Appeals affirmed Metro's decision regarding the UGB expansion of the Bethany area, which includes the 109 acres. The deadline for appealing the court's decision to the Oregon State Supreme Court expired on October 12, 2005. No appeals were filed. Therefore, the Board can once again consider the proposed special service district annexation (WA-2100). (See Exhibit 1)

In 2000 when the Board granted *tentative* approval, the Bethany UGB expansion involved only 109 acres. In 2002 Metro added an approximately 693 additional acres surrounding the 109 acres that are now proposed to be added to the District. Metro has a number of planning requirements, including concept planning, that are needed to be completed prior to urbanization of UGB expansion areas.

County staff have held numerous discussions with key stakeholders in the North Bethany area, including the applicant (West Hills Development), to discuss concept and comprehensive planning. The scope of work discussed during these preliminary meetings included discussions about the provision of and the funding of public facilities and services, including domestic water. Discussions are currently on going between County staff and these same key stakeholders in order to develop an acceptable public facilities and funding plan approach covering the entire 802 acres.

In addition, Policy 41 of the Comprehensive Framework Plan for the Urban Area requires that the subject properties annex into the Urban Road Maintenance District (URMD) and the Enhanced Sheriff Patrol District (ESPD), and Tualatin Hills Park & Recreation District (THPRD), prior to preliminary or final approval of any development application.

WA-2100  
Annexation to  
Tualatin Valley Water District

EXHIBIT 1

- Subject Taxlot
- Tualatin Valley Water District
- Urban Growth Boundary



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