

Final Documents  
for  
Annexation to  
**Clean Water Services District**

WA2107  
Ordinance: 07-114  
Annexation:  
DOR: 34-1870-2007  
Secretary of State: SD 2007-0105



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

# 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-2107)

RES. AND ORDER #07-114

has been:     Approved        6/12/2007  
                   Disapproved

Notes:

Department of Revenue File Number: 34-1870-2007

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 08)

**Agenda Title:** **CONSIDER THE ANNEXATION OF PROPERTY ENCOMPASSING APPROXIMATELY 75.1 ACRES TO CLEAN WATER SERVICES DISTRICT (WA-2107)**

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

**SUMMARY:**

The County has received a request to annex property consisting of five parcels to the Clean Water Services District (District). The property is located on the northwest corner of NW Evergreen Road and NW Shute Road intersection, in the City of Hillsboro. The property is further identified as tax map and lot numbers 1N2 21/ 2800, 2801, 2802, 2900, and 2901 (See Exhibit B).

Tax lot 2801 was annexed into the City of Hillsboro on June 5, 2007. The remaining tax lots (2800, 2802, 2900, and 2901) were annexed into the City of Hillsboro on May 19, 2004. 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-2107) 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

RO07-114

Agenda Item No.	<u>4.b.</u>
Date:	<u>6-05-07</u>

1  
2 IN THE BOARD OF COUNTY COMMISSIONERS  
3  
4 FOR WASHINGTON COUNTY, OREGON  
5

6  
7 In the Matter of Approving Boundary ) RESOLUTION AND ORDER  
8  
9 Change Proposal No. WA-2107 ) No. 07-114  
10

11  
12 The above-entitled matter (WA-2107) came before the Board at its  
13 regular meeting on June 5, 2007; and

14 It appearing to the Board that this proposal involves the annexation of  
15 five tax lots (1N2 21/ 2800, 2801, 2802, 2900, and 2901) located on the  
16 northwest corner of NW Evergreen Road and NW Shute Road intersection, in  
17 the City of Hillsboro to the Clean Water Services District; and

18 It appearing to the Board that WA-2107 was initiated by a consent  
19 petition of the property owners and registered voters and meets the  
20 requirement for initiation set forth in ORS 198.855 (3), ORS 198.750 and  
21 Metro Code 3.09.040 (a); and

22 It appearing to the Board that the proposal has not been contested by  
23 any necessary party; and

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

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

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

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

4 RESOLVED AND ORDERED that Boundary Change Proposal No. WA-  
5 2107, as described in the staff report, is hereby approved, based on the  
6 analysis, findings and conclusions set forth in Exhibit A, incorporated herein  
7 by reference; and it is further

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

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

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

15 DATED this 5<sup>th</sup> day of June, 2007.

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

22 Tom Brun  
23 CHAIRMAN

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

29 Barbara Hejtmancik  
30 RECORDING SECRETARY

31 Date Signed: \_\_\_\_\_

32 Approved as to form:

33 Cu JH  
34 Sr. County Counsel for  
35 Washington County, Oregon  
36  
37  
38

**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 on the northwest corner of the intersection of NW Shute Road and NW Evergreen Road in the City of Hillsboro and is further identified as tax map and lot numbers 1N2 21 / 2800, 2801, 2802, 2900, and 2901.
3. The property consists of four separate tax lots and encompasses 75.1 acres. All tax lots have street frontage along NW Evergreen Road. Tax Lots 2900 and 2901 also have street frontage along NW Shute Road. Additionally Tax Lot 2800 western property line abuts NW 253<sup>rd</sup> Avenue. Tax Lot 2801 has a single family residence and associated outbuildings, located on the center of the site. Trees are also scattered through out Tax Lot 2801. The remaining tax lots comprise of open fields and are utilized as grass seed production. The entire site is fairly even.
4. There are no existing historical structures on the property. However, the Washington County Cultural Resource Inventory identifies a "Methodist Meeting House" (Resource No. 193/277) as having been located on Tax Lot 2800. Section 20. Shute Road Industrial Site, of the City of Hillsboro Comprehensive Plan identifies implementation measures addressing the historic Methodist Meeting House at time of development. There are no known significant natural resources identified on the property.
5. On November 18, 2003 and on January 16, 2007, the City of Hillsboro City Council approved the annexations 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 serve as the city's endorsement.
6. As a result of the subject property annexation to the City of Hillsboro, the subject site was given a city comprehensive plan designation of IN- Industrial. Subsequent action by the City Council designated the property with an M-P SSID (Industrial Park with Shute Road Site Special Industrial District) zoning. The property was previously designated FD-20 on the East Hillsboro Community Plan.
7. The applicant desires sanitary and storm sewer service to facilitate the future development of the property. The property is anticipated to be developed with a 150,000 square foot high tech manufacturing facility. Subsequent industrial and supporting development is likely to occur on the property thereafter. Such development may include accessory uses such as data center, warehouse, a distribution center, a packaging center, corporate offices, laboratories, supporting buildings (e.g., cafeterias, meeting rooms, etc.), a central utility plant, and equipment/storage tank cleaning operations. This is consistent with the City of Hillsboro Comprehensive Plan, Section 20 - Shute Road Industrial Site. The property must be brought into the Clean Water Services District (District) in order to be provided the necessary sanitary and storm sewer service.
8. 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.*

9. The property is located within the urban service area for the District as well as the City of Hillsboro. Consequently, the proposed annexation (WA-2107) is consistent with an adopted urban service agreement and therefore consistent with the Washington County Comprehensive Plan.
10. 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 industrial development. The requested annexation is consistent with the City's Comprehensive Plan as it relates to providing the future industrial development 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 the future industrial development 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 industrial 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 the future industrial development 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. As stated previously, the city has endorsed this annexation.

11. 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 dates of the annexations, the subject property was given a city comprehensive plan designation of IN-Industrial and a city zoning designation of M-P SSID (Industrial Park with Shute Road Site Special Industrial District).
12. There is a 24-inch public sanitary sewer line in Huffman Road, which is just north east of the property. There is also a 10-inch public sanitary sewer line in NW Evergreen Road, adjacent to the property. These service lines can be extended to serve the future industrial 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.
13. The City of Hillsboro has a 16-inch water line in NW Shute Road and two water lines (18-inch and 20-inch) in NW Evergreen Road adjacent to the property. These water lines can serve the site for future industrial development.
14. 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 annexations to the City of Hillsboro, the City of Hillsboro Fire Department became the provider of emergency protection to the property.
15. Upon annexations to the City of Hillsboro, the city became the provider of police protection to the property.
16. New public roads developed as part of the future industrial development will be maintained by the city. In addition, access will be addressed in detail as a part of the City of Hillsboro's development review process.
17. 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.
18. 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.
19. 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.

20. The City of Hillsboro maintains its own Park & Recreation Department. The annexation to the District will not affect that fact.
21. The property is located within the Hillsboro School District.
22. 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.
23. 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 special service district annexations. The sanitary and storm sewer service (and service district annexation) policies in place are consistent with the adopted Hillsboro Urban Service Area Agreement between the city, the county and special service districts, including the District. Additionally, the city has 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 party has contested the annexation request.

# EXHIBIT B

WA-2107

Annexation to  
Clean Water Services  
(CWS)

Subject Taxlot(s)



CWS

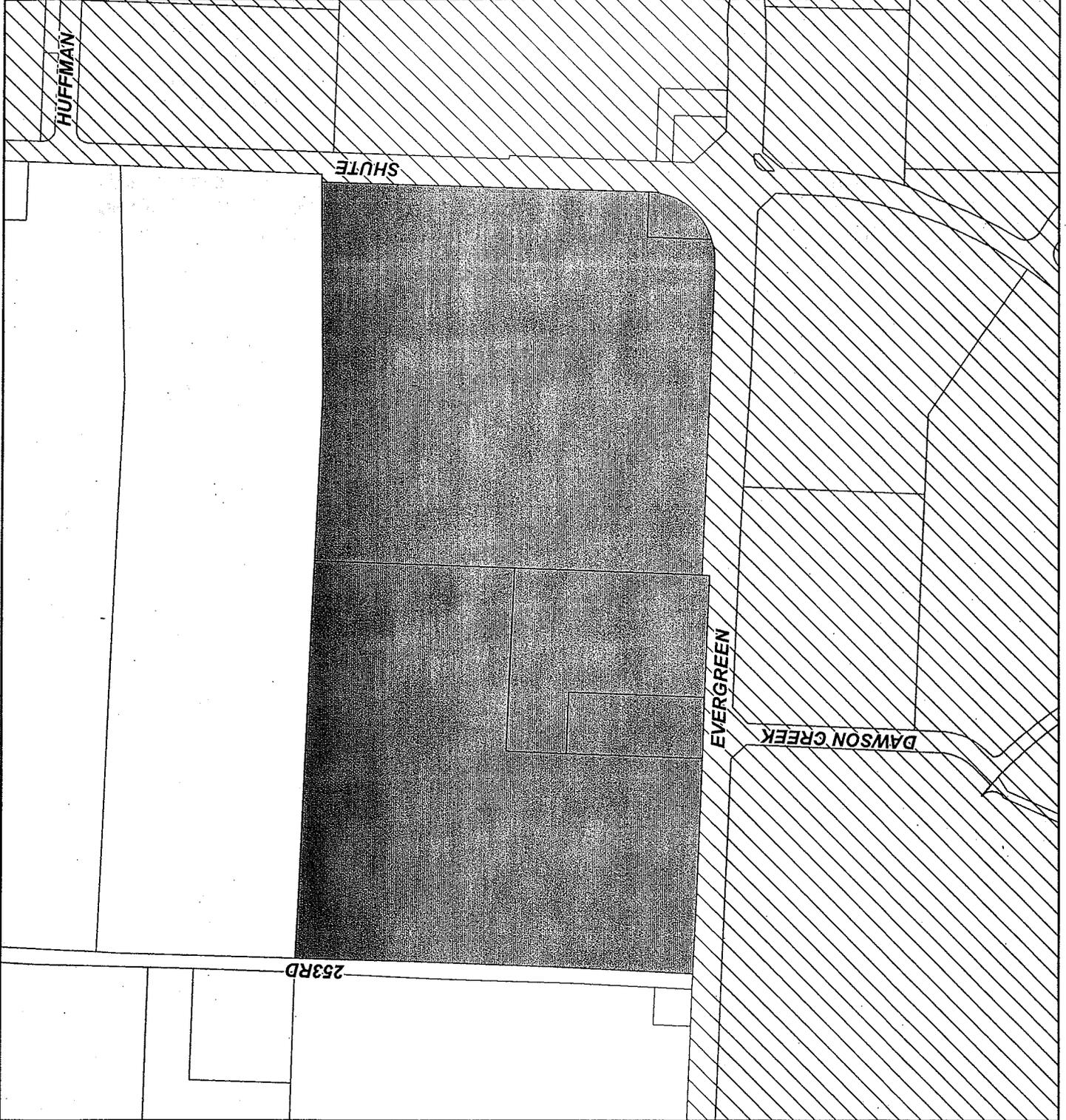


Urban Growth Boundary



200 Feet  
200 140 0

This map was derived from several databases. The County cannot accept responsibility for any errors. Therefore, there are no warranties for this product. However, notification of errors would be appreciated.



(Legal Description)

The following lands are located in Section 21, Township 1 North, Range 2 West, of the Willamette Meridian in Washington County, Oregon:

Beginning at the Northwest corner of Lot 16 of the duly filed plat of FIVE OAKS, filed April 19, 1893, in Plat Book 1, Page 153, of the Washington County Records; thence, South along the West boundary line of Lot 16 of FIVE OAKS approximately 20 chains to the Southwest corner of Lot 16; thence, East along the South boundary line of Lot 16, Lot 17, Lot 18, and Lot 19 of FIVE OAKS approximately 40 chains to the Southeast corner of Lot 19; thence, North along the East boundary line of Lot 19 approximately 20 chains to the point of intersection of the Easterly extension of the North lines of Lot 16 and Lot 17 and the West boundary line of Shute Road; thence, West approximately 20 chains to the Northeast corner of Lot 17; thence, West along the Northerly boundary lines of Lot 16 and Lot 17 approximately 20 chains to the Northwest corner of Lot 16, which is the point of beginning and the terminus of this legal description.

**LESS AND EXCEPT** all portions of the foregoing description within the boundaries of the public roads.

**ANNEXATION CERTIFIED**

BY FAR

MAR 27 2007

**WASHINGTON COUNTY A & T  
CARTOGRAPHY**

**CLEAN WATER SERVICES DISTRICT  
ANNEXATION**

**Boundary Change Proposal No. WA-2107**

**Staff Report**

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



# WASHINGTON COUNTY OREGON

May 21, 2007

To: Board of County Commissioners

From: Brent Curtis, Planning Manager 

Subject: **MINOR BOUNDARY CHANGE PROPOSAL NO. WA-2107 - 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-2107 with the approval becoming effective immediately.

## REQUESTED ACTION

The applicant requests that approximately 75.1 acres be annexed to the Clean Water Services District in order to facilitate the future development of the property.

Petitioner: Genentech, Inc. – Owner  
Tax Lots 1N221 / 2800, 2801, 2802, 2900, and 2901

Applicant: Genentech, Inc.

Applicant's Representative: Stoel Rives, LLP / Contact- Robert Van Brocklin

## 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 January 16, 2007, the City of Hillsboro City Council approved the annexation of Tax Lot 2801 into the city under AN 18-06. The remaining parcels (Tax Lots 2800, 2802, 2900, and 2901) were previously approved on November 18, 2003 under AN 14-03. Annexation of the property into the city serves as the city's endorsement. The annexation ordinances (Ordinance Nos. 5325 and 5711) contained emergency declaration enabling the approvals of the annexations to become effective immediately.

**Department of Land Use & Transportation • Planning Division**

155 N First Avenue, Suite 350-14, Hillsboro, OR 97124-3072

Phone: (503) 846-3519 • Fax: (503) 846-4412

## **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. The applicant will contract with the city and county, including Clean Water Services (CWS), to provide public facilities and public services necessary to serve the property at an estimated cost of \$1.55 million. The applicants actual cost of such facility and service extension will be the total cost less government credits the applicant receives related to the developing the property. In addition, the applicant entered into a memorandum of understanding with the city and the county on March 13, 2006, pursuant to which the city and the county agreed to cooperate in providing public facilities and services to serve the applicants development of the property.

## **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, Tax Lots 2800, 2802, 2900, and 2901 was annexed into the City of Hillsboro on November 18, 2003 by Ordinance No. 5325 and Tax Lot 2801 on January 16, 2007 by Ordinance No. 5711. Both annexation ordinances contained emergency declarations enabling the approval of the annexation to become effective immediately.

## **BACKGROUND**

Proposal number WA-2107 was initiated by a consent petition of the property owner (i.e., 100 percent property owner signature). 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, encompassing approximately 75.1 acres. It is located on the northwest corner of the intersection of NW Shute Road and NW Evergreen Road in the City of Hillsboro and is further identified as tax map and lot numbers 1N2 21 / 2800, 2801, 2802, 2900, and 2901 (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 a 150,000 square foot high tech manufacturing facility. Subsequent industrial and supporting development is likely to occur on the property thereafter. Such development may include accessory uses such as data center, warehouse, a distribution center, a packaging center, corporate offices, laboratories, supporting buildings (e.g., cafeterias, meeting rooms, etc.), a central utility plant, and equipment/storage tank cleaning operations. This is consistent with the City of Hillsboro Comprehensive Plan, Section 20 - Shute Road Industrial Site. 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 18, 2003 and January 16, 2007, the City of Hillsboro City Council approved the annexations of the property into the city, with the approvals becoming effective immediately. Annexation of the property into the city serves as the city's endorsement.

As a result of the subject property annexation to the City of Hillsboro, the subject site was given a city comprehensive plan designation of IN- Industrial. Subsequent action by the City Council designated the property with an M-P SSID (Industrial Park with Shute Road Site Special Industrial District) 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.

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. 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 75.1 acres. All tax lots have street frontage along NW Evergreen Road. Tax Lots 2900 and 2901 also have street frontage along NW Shute Road. Additionally Tax Lot 2800 western property line abuts NW 253<sup>rd</sup> Avenue. Tax Lot 2801 has a single family residence and associated outbuildings, located on the center of the site. Trees are also scattered through out the tax lot. The remaining tax lots comprise of open fields and are utilized as grass seed production. The entire site is fairly even. There are no known significant natural resources identified on the property.

There are no existing historical structures on the property. However, the Washington County Cultural Resource Inventory identifies a "Methodist Meeting House" (Resource No. 193/277) as having been located on Tax Lot 2800. See *CITY PLANNING* section below that addresses this historical resource.

### *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 18, 2003 and on January 16, 2007, the City of Hillsboro City Council approved two separate annexations that brought all the parcels 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:

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*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-2107) 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 industrial development. Therefore, staff has concluded that the requested annexation is consistent with the City's Comprehensive Plan as it relates to providing the future industrial development 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.*

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*(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 the future industrial development 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.**

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*(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 industrial 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 the future industrial development 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.

In addition, Section 20, Shute Road Industrial Site, of the City of Hillsboro Comprehensive Plan identifies implementation measures addressing the former historic Methodist Meeting House. Item III, Implementation Measures, G states:

*(G) At the time of Development Review and construction of any high-technology product manufacturing use or any supporting land use on property within the Shute Road Industrial Site in the vicinity of the probable former location of the historic Methodist Meeting House, as documented on the Washington County cultural and historic resource list, the City shall require construction of a Monument on that property by the developer. The Monument shall commemorate the historical importance of the Methodist Meeting House and shall include plaques or other written descriptions of the history of the Meeting House and its historical significance to the local community and Washington County. The Monument shall further include historical information relating to burial grounds once associated with the Meeting House location. Final design and location of the Monument shall be reviewed and approved by the Planning Director as a part of required project Development Review prior to its construction.*

Annexation of the property into the District will not affect the applicant's ability to comply with Implementation Measure G. Implementation of this measure will occur at time of construction.

**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 annexations to the city, the property was designated FD-20. Upon the effective dates of the two separate annexations, the subject property was given a city comprehensive plan designation of IN- Industrial and a city zoning designation of M-P SSID (Industrial Park with Shute Road Site Special Industrial District).

## **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. There is a 24-inch public sanitary sewer line in Huffman Road, which is just north east of the property. There is also a 10-inch public sanitary sewer line in NW Evergreen Road, adjacent to the property. These service lines can be extended to serve the future industrial 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 16-inch water line in NW Shute Road and two water lines (18-inch and 20-inch) in NW Evergreen Road adjacent to the property. These lines can serve the site for future industrial 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 annexations to the City of Hillsboro, the City of Hillsboro Fire Department became the provider of emergency protection to the property.

Police. Upon annexations 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 industrial development will be maintained by the city. In addition, access will be addressed in detail as a part of the City of Hillsboro's development 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 site is zoned by the city as Industrial. Impacts to the Hillsboro School District are not projected.