

Final Documents  
For  
Annexation to the  
**Clean Water Services District**

WA2301  
DOR 34-1512-2001  
Ordinance #01-87

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

Signature:

 \_\_\_\_\_

Date of  
Mailing: 08/30/01

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

Signature:

 \_\_\_\_\_

Date of  
Mailing: 09/17/01

WA2301

Sent

Received

DOR:

8/30/2001

9/4/2001

Sec. State:

9/17/2001

Assessor:

9/17/2001

Elections:

9/17/2001

Mapped:

Yes

Posted to Web:

Addresses:

1N214D001202

No Site Address

# Notice to Taxing Districts

ORS 308.225



Cartographic 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**  
**September 4, 2001**  
**As Per ORS 308.225**

Description     Map received from: METRO  
 On: 8/31/01

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

ANNEX TO CLEAN WATER SERVICES DIST. (FORMERLY UNIFIED SEWERAGE AGENCY)

RES. & ORDER #01-87

has been:     Approved            9/4/01  
                    Disapproved

Notes:

Department of Revenue File Number: 34-1512-2001

Prepared by: Jennifer Dudley, 503-945-8666

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 and Transportation (CPO 7)

**Agenda Title:** ANNEXATION OF A 15.54 ACRE PARCEL TO CLEAN WATER SERVICES DISTRICT (FORMERLY UNIFIED SEWERAGE AGENCY)

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

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### SUMMARY (Attach Supporting Documents if Necessary)

As your Board is aware, the 1997 Legislature passed Senate Bill 947 that abolished the Boundary Commission and passed the boundary change function back to the local level. Effective January 1, 1999, the County became responsible for district boundary changes. Cities process their own boundary changes.

The County has received a request to annex 15.54 acres to the Clean Water Services District (District). The applicant proposes to construct both detached single family residences and multi-family units (apartments) on the parcel upon annexation into the District. The property is located at the southeast corner of the intersection of NW Cornelius Pass Road and NW West Union Road. The parcel in question, plus one-half of the abutting right-of-way, was brought into the Urban Growth Boundary through Ordinance 99-811, which was adopted by the Metro Council on July 15, 1999. Subsequent to the annexation, the rural plan designation (AF-5) was changed to R-15 Residential through approval of Casefile 00-475-PA by the Washington County Planning Commission.

Notice of today's hearing has been made in accordance with the state law requirements. Ken Martin, with the Local Government Boundary Office at Metro, who is on contract with the County, has prepared a staff report. This report (File Number: WA-2301) is available at the County clerk's desk. Mr. Martin will be available to answer any questions.

### 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.

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### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the department's requested action.

RO 01-87

Agenda Item No.	<u>4.a.</u>
Date:	7/24/01

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IN THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

In the Matter of Approving Boundary ) RESOLUTION AND ORDER  
Change Proposal No. WA-2301 ) No. 01-87

The above-entitled matter came regularly before the Board at its public hearing on July 24, 2001; and

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

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

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

RESOLVED AND ORDERED that Boundary Change Proposal No. WA-2301, as described in the staff report, is hereby approved, based on the analysis, findings and conclusions set forth in Exhibit "A" of the staff report, incorporated herein by reference; and it is further

## FINDINGS

Based on the study and the public hearing, the Commission found:

1. The territory to be annexed contains 15.54 acres and is vacant.
2. The applicant desires sewer service to facilitate development of 34 single family lots and 180 apartment units. A two acre park site is also proposed.
3. Oregon Revised Statute 198.852 directs the Board to consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district.

A second set of criteria can be found in the Metro Code. 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. This boundary change is not being contested by a necessary party so these additional criteria need not be addressed.

4. The land slopes gently to the northeast and is currently occupied by a filbert orchard.

5. This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB). The property was annexed to Metro in 1999 and placed in the UGB shortly thereafter which is why it was not previously inside the U.S.A. boundary
6. The law that dictates that Metro adopt criteria for boundary changes requires those criteria to include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are actually now part of Metro's Regional Framework Plan. Another previously freestanding construct, which is now an element of the Framework Plan, is the 2040 Growth Concept. The Framework Plan has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Plan and the Regional Transportation Plan. These were examined and found not to contain any directly applicable standards and criteria for boundary changes.

7. The area is identified as Residential 15 Units Per Acre which permits detached and attached residential development with densities up to 15 units per acre.

The Washington County Comprehensive Plan was searched for criteria relative to annexations. No directly applicable criteria were found. Policy 14 speaks generally to the issue of sewer service. It provides that sewer service is a critical service. It also states that the standards established by the district will be the measurement of acceptability for -the level of service provided.

Because this property was only very recently brought within the UGB it is not covered by the Washington County-City of Hillsboro Urban Planning Area Agreement (UPAA). Surrounding properties on the south and east are covered by this agreement. Property to the west is inside the City. The properties which are covered by the UPAA are in "Area D" which is identified as " . . . a potential area for annexation and the future provision of urban services by the City."

When this property was brought into Metro and the UGB it was anticipated that it would be annexed to the City of Hillsboro. This has not happened to date because the City and the Tualatin Hills Park & Recreation District have been unable to arrive at the agreement required by ORS 195. This issue of whether this property will ultimately be within Hillsboro is not significant to the current proposal. Since Hillsboro is a part of U.S.A. this property needs to be annexed to the District regardless of whether it develops in the County or the City.

Washington County has adopted urban growth management policies that require urban development be accompanied by adequate urban services. The growth management

policies define both urban development and necessary urban services. Public sewer, public water, and a balanced urban-level transportation system are the primary urban services considered.

8. In its County 2000 program Washington County has adopted a policy favoring a service delivery system which distinguishes between municipal and countywide 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.
9. The District has sewer lines available to serve this site in the subdivision on the east and south.
10. The applicants are currently processing an annexation to the Tualatin Valley Water District which has water lines available in adjacent subdivision.
11. This area is within the Tualatin Valley Fire and Rescue.
12. The territory will need to be annexed to the Washington County Service District for Enhanced Law Enforcement if it is not annexed to the City of Hillsboro.
13. Access to this site can be provided from West Union Road and Cornelius Pass Road as well as through extension of streets within the adjacent subdivision. The territory will need to be annexed to the Washington County Service District for Urban Road Maintenance if it is not annexed to the City of Hillsboro.
14. The USA has responsibility for surface water management within the Washington County urban growth boundary.
15. The territory will need to be annexed to the Washington County Service District for Street Lights if it is not annexed to the City of Hillsboro.

### **CONCLUSIONS AND REASONS FOR DECISION**

Based on the Findings, the Commission concluded:

1. The Metro Code at 3.09.050 (d) (4) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in . . . regional framework and functional plans . . ." There are no directly applicable criteria in Metro's regional framework plan or in the two adopted functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan.
2. ORS 198 and the Metro Code at 3.09.050 (d) (3) call for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ." The Board has reviewed the applicable comprehensive plan which is the Washington County Comprehensive Plan and finds that it contains no directly applicable criteria for making district boundary change decisions.
3. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements. There is an urban planning area agreement between Washington County and the City of Hillsboro covering the territory to be annexed. That agreement calls for notice to be provided to one unit of government when the other unit is taking an action such as an annexation. While this agreement is between Washington County and the City of Hillsboro and therefore might not technically apply to an action by U.S.A., none-the-less the City was notified of this annexation.
4. The Metro Code also requires that the decision address consistency between this decision and any urban service agreements under ORS 195. There are no ORS 195 agreements in place in this area. Therefore the Board concludes that its decision is not inconsistent with any such agreements.
5. Metro Code 3.09.050 (e) (3) states that another criteria to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services." The Board finds that Unified Sewerage Agency can serve this area. Therefore the Board finds that the annexation is a logical step towards making urban services available to the territory and does not interfere with the timely provision of those services.

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

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

DATED this 24<sup>th</sup> day of July, 2001.

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

Tom Burin  
CHAIR

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

Barbara Hejtmanek  
RECORDING SECRETARY

Date Signed: 7-24-01

Approved as to form:  
Al H. Ryley  
Assistant County Counsel for  
Washington County, Oregon

