

Final Documents
for
Annexation to
Clean Water Services District

WA2307
Ordinance: 07-124
Annexation:
DOR: 34-1875-2007
Secretary of State: SD 2007-0117

Office of the Secretary of State

BILL BRADBURY
Secretary of State



Archives Division
MARY BETH HERKERT
Director

800 Summer St. NE
Salem, Oregon 97310
(503) 373-0701

Facsimile (503) 373-0953

July 23, 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 July 23, 2007, the following records annexing territory to the following:

Ordinance/Resolution Number(s)		Our File Number
07-124	(Clean Water Services District)	SD 2007-0117
2007-13	City of Tigard	AN 2007-0259

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



July 13, 2007

Metro
Joanna Mensher, Data Resource Center
600 NE Grand Ave.
Portland, OR 97232-2736

Re: Notice of Decision for Proposal WA-2307

Dear Ms. Mensher,

On June 19, 2007, the Washington County Board of Commissioners approved an annexation into Clean Water Services District (WA-2307). The Oregon Department of Revenue approved the final review for WA-2307 on June 27, 2007. The following materials are enclosed: mapping fee, DOR Final Review, signed Resolution and Order, and staff report. A GIS map and legal description of the subject properties are included in the Resolution and Order, Exhibit B and C, respectively.

If you have any questions on this request please contact me at 503-846-3963 or via e-mail at laurie_harris@co.washington.or.us.

Sincerely,

Laurie Harris
Planning Assistant

Notice to Taxing Districts

ORS 308.225

RECEIVED

JUN 20 2007

PLANNING DIVISION
Land Use & Transportation



OREGON
DEPARTMENT
OF REVENUE

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 27, 2007
As Per ORS 308.225

Description Map received from: COUNTY
On: 6/22/2007

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

ANNEX TO CLEAN WATER SERVICES DISTRICT (WA-2307)

RES. AND ORDER # 07-124

has been: Approved 6/27/2007
 Disapproved

Notes:

Department of Revenue File Number: 34-1875-2007

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
- Establishment of Tax Zone

Paul Schaefer

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: **CONSIDER THE ANNEXATION OF PROPERTY ENCOMPASSING APPROXIMATELY 0.94 ACRES TO CLEAN WATER SERVICES DISTRICT (WA-2307)**

Presented by: Brent Curtis, Planning Division Manager

SUMMARY:

The County has received a request to annex one parcel to the Clean Water Services District (District). The property has frontage on NW Hornecker Road and is located east of NW Leisy Road and west of NW Cory Street in the City of Hillsboro and is further identified as tax map and lot number 1N3 25BD / 200 (see Exhibit B).

The property was annexed into the City of Hillsboro on September 4, 2001. 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-2307) 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 recommended action.

100-601000

R007-124

Agenda Item No.	<u>5.a.</u>
Date:	<u>06/19/07</u>

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IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Approving Boundary) RESOLUTION AND ORDER
Change Proposal No. WA-2307) No. 07-124

The above-entitled matter (WA-2307) came before the Board at its regular meeting on June 19, 2007; and

It appearing to the Board that this proposal involves the annexation of one tax lot (1N3 25BD / 200) which has frontage on NW Hornecker Road and is located east side of NW NW Leisy Road and west of NW Cory Street in the City of Hillsboro to the Clean Water Services District; and

It appearing to the Board that WA-2307 was initiated by a consent petition of the property owners and registered voters and meets the requirement for initiation set forth in ORS 198.855 (3), ORS 198.750 and Metro Code 3.09.040 (a); and

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

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

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

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

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 2307, 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 19th day of June, 2007.

16 BOARD OF COUNTY COMMISSIONERS
17 FOR WASHINGTON COUNTY, OREGON
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22 Tom Bruin
23 CHAIRMAN

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

29 Barbara Heitmanek
30 RECORDING SECRETARY

31 Date Signed: 6-19-07

32 Approved as to form:

33 [Signature]
34 Sr. County Counsel for
35 Washington County, Oregon
36
37

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) and ORS 198.750 (section of statute which specifies contents of petition). The proposal was initiated by a consent petition signed by 100% of the property owners. At the time of writing, a necessary party is not contesting this boundary change.
2. The property to be annexed consists of one parcel encompassing approximately 0.94 acres. It is located east of NW Leisy Road and west of NW Cory Street in the City of Hillsboro. The property is further identified as tax map and lot number 1N3 25BD / 200.
3. The property was annexed into the City of Hillsboro on September 4, 2001 by Ordinance No. 5061. No persons or necessary parties contested the annexation. Annexation of the property into the city serves as the city's endorsement.
4. The site consists of one single family residence, trees and vegetation. The site slopes downward from NW Hornecker Road frontage towards McKay Creek. The west portion of the site is located in the floodplain and does include a wetland (McKay Creek). This significant natural resource is also identified in the county's East Hillsboro Community Plan. There are no known historical resources present on the property.
5. The petition is not subject to the Metro requirement governing minor boundary changes set forth in Metro Code 3.09.040 since the property is located outside of Metro's jurisdictional service boundary. The property is however within Regional Urban Growth Boundary (UGB).
6. As a result of the subject property's annexation to the City of Hillsboro, the subject property was given a city comprehensive plan designations of RL - Low Density Residential and FP - Flood Plain. Subsequent action by the City Council designated the property with an R-7 Single Family Residential zoning.
7. The applicant requests approval of the minor boundary change in order to develop the property with one additional single-family residential detached unit. 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.

The property is located within the urban service area for the District as well as the City of Hillsboro. Consequently, the proposed annexation (WA-2307) is consistent with an adopted urban service agreement and therefore consistent with the Washington County Comprehensive Plan.

9. The City of Hillsboro'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.
10. The City's Comprehensive Plan contains provisions governing urban services, such as sanitary and storm sewer. They are found in Section 2 (Urbanization) and Section 12 (Public Facilities) of the Comprehensive Plan. Section 2, Urbanization, of the Comprehensive Plan contains goals (Section I), policies (Section III), and implementing measures (Section IV) governing urbanization of lands within the City of Hillsboro's urban planning area. Implementation measures addressing urbanization and urban services set forth in Section IV. A. of Section 2 of the City's Comprehensive Plan considered most applicable to the proposed minor boundary change are as follows:
 - (A) Urban development shall occur only where urban services exist or are available. It is the intent of this Plan to encourage development in those areas where such services are currently available or can be readily provided in a logical manner.**
 - (1) *Urban services necessary for development include adequate water, sewer, and fire protection. The documentation of the availability of these needed services must be current.*

Approval of the proposed minor boundary change will add the property to the District's service boundary, thus enabling property to be provided with the necessary sanitary sewer to serve the future residential development. Therefore, staff has concluded that the requested annexation is consistent with the City's Comprehensive Plan as it relates to providing future city residents with sanitary sewer services.

Section 12, Public Facilities and Services, of the Comprehensive Plan contains goals (Section I), policies (Section III), and implementing measures (Section V) governing public facilities and services. Implementing measures governing sanitary sewer service are set forth in Section D. of Section V. and implementing measures governing storm sewer service are set forth in Section E. of Section V.

Implementation measures addressing sanitary sewer set forth in Section V. D. of Section 12 of the Comprehensive Plan considered most applicable to the proposed minor boundary change are as follows:

(D) SANITARY SEWER.

(1) The City shall cooperate with Clean Water Services (CWS) for the provision of service in the urban area consistent with the Comprehensive Plan policies and maps.

(b) Consistent with the adopted UPAA and other agreements with service providers within Urban Area "A" the City shall require properties to annex to the City prior to the provision of sanitary sewer service.

It is noted that the property was annexed into the City of Hillsboro in accord with implementing measure (b). Therefore, staff has concluded that the requested annexation is consistent with the City's Comprehensive Plan as it relates to providing future city residents with sanitary sewer facilities and services.

Implementation measures addressing storm sewer set forth in Section V. E. of Section 12 of the City's Comprehensive Plan considered most applicable to the proposed minor boundary change are as follows:

(E) STORM DRAINAGE.

(6) All major land use actions shall provide for adequate storm drainage conveyance and treatment per adopted standards.

Approval of the proposed minor boundary change will add the property to the District's service boundary, thus enabling the future residential development to be provided storm as well as sanitary sewer service. Therefore, staff has concluded that the requested annexation is consistent with the City's Comprehensive Plan as it relates to providing future city residents with storm sewer services.

Staff finds that the proposed minor boundary change is consistent with the City's Comprehensive Plan governing provision of sanitary and storm sewer.

The sanitary and storm sewer service and service district policies in place are also consistent with the adopted Hillsboro Urban Service Area Agreement between the city, the county and special service districts, including the District.

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. Upon the effective date of the annexation, the subject property was given a city comprehensive plan designations of RL - Low Density Residential and FP - Flood Plain. A city zoning designation of R-7 Single Family Residential was also given.

12. A 6-inch public sanitary sewer line is located on site. This sanitary sewer service line can serve the future residential development. The District will provide the sewage treatment and transmission of effluent to the regional treatment plant through major trunks and interceptors. The District has also endorsed the proposed minor boundary change.
13. The City of Hillsboro has a domestic 8-inch water line in NW Hornecker that is capable of serving the future residential 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 annexation to the City of Hillsboro, the City of Hillsboro Fire Department became the provider of emergency protection to the property.
15. The City Council, as authorized by ORS 222.520 (1), withdrew the property from the County's Enhanced Sheriff Patrol District at the same time that it annexed the property to the city. Consequently, upon the effective date of the annexation to the City of Hillsboro, the city became the provider of police protection to the property.
16. The City Council, as authorized by ORS 222.520 (1), withdrew the property from the County's Urban Road Maintenance District at the same time that it annexed the property to the city. Consequently, any new public roads developed as part of the future residential development will be maintained by the city. In addition, access will be addressed in detail as a part of the City of Hillsboro's subdivision review process.

Annexation to the District will also not effect transportation through unincorporated Washington County. The County is responsible for reviewing all county developments that access County public roads for compliance with the adopted Transportation Plan and Article V. of the Community Development Code.
17. 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 the effective date of the annexation to the City of Hillsboro, the city became the provider of public street lighting.
18. 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.
19. The City of Hillsboro maintains its own Park & Recreation Department. The annexation to the District will not affect that fact.
20. The property is located within the Hillsboro School District.

21. 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.
22. A necessary party has not contested this boundary change.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Commission concludes:

1. ORS 198 call for consistency between the Board decision and any *"specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ."* The Board has reviewed the applicable comprehensive plan which is the Hillsboro Comprehensive Plan and finds that the proposed minor boundary change is consistent with the City's Comprehensive Plan. The City's Comprehensive Plan contains provisions governing urban services and special service district annexations. Additionally, the sanitary and storm sewer service and service district annexation policies in place are consistent with the adopted Hillsboro Urban Service Area Agreement between the city, the county and special service districts, including the District. The City has also endorsed the minor boundary change.

Notwithstanding, the proposed minor boundary change is consistent with Implementing Strategy h. of Policy 15 of the Washington County *Comprehensive Framework Plan for the Urban Area*. Policy 15 identifies the roles and responsibilities that governmental entities and service districts have in serving growth in Washington County. Implementation strategy h. (under Policy 15) states that annexations to special service districts that are consistent with an adopted urban service agreement are deemed to be consistent with the Washington County Comprehensive Plan.

2. 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.
3. A necessary party has not contested this boundary change. The change can become effective immediately upon adoption by the Board.

EXHIBIT B

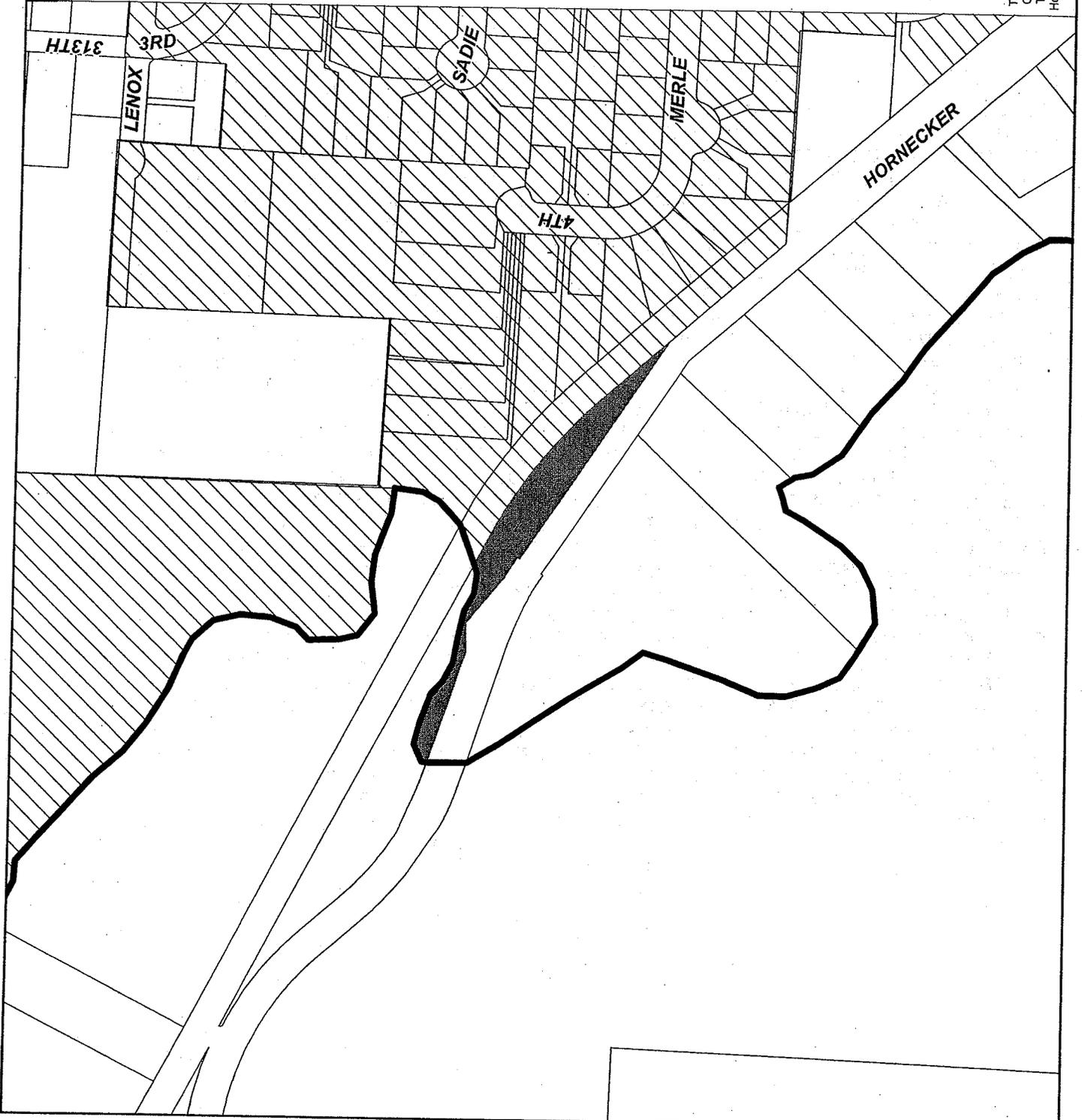
WA-2307

Annexation to
Clean Water Services
(CWS)

-  Subject Taxlot(s)
-  CWS
-  Urban Growth Boundary



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



Legal Description

A TRACT OF LAND LOCATED IN ALL 1/4'S OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF HILLSBORO, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP INSCRIBED "HERTEL PLS 1986" MARKING THE MOST EASTERLY CORNER OF PARCEL 1 OF PARTITION PLAT 2006-066; THENCE N41°32'37"E, A DISTANCE OF 62.08 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE SOUTHERN PACIFIC RAILROAD; THENCE N42°38'50"W, ALONG SAID RAILROAD RIGHT-OF-WAY LINE, A DISTANCE OF 1441.17 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP INSCRIBED "HERTEL PLS 1896" MARKING THE INTERSECTION POINT OF THE NORTHERLY RIGHT-OF-WAY LINE OF HORNECKER ROAD (C.R. A-91), BEING 25.00 FEET NORTHERLY OF THE CENTERLINE THEROF, AND SAID RAILROAD RIGHT-OF-WAY LINE, SAID POINT BEING THE INITIAL POINT OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE N57°43'00"W, ALONG THE NORTHERLY ROAD RIGHT-OF-WAY LINE OF C.R. "A-91" AND "2393", A DISTANCE OF 513.63 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP INSCRIBED "HERTEL PLS 1896" MARKING AN ANGLE POINT IN THE RIGHT-OF-WAY LINE OF NW HORNECKER ROAD (C.R. 2393); THENCE N32°17'00"E, A DISTANCE OF 5.00 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP INSCRIBED "HERTEL PLS 1896" BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE OF SAID HORNECKER ROAD (C.R. 2393); THENCE N59°40'40"W, PARALLEL TO SAID CENTERLINE, A DISTANCE OF 51.08 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP INSCRIBED "HERTEL PLS 1896"; THENCE N52°22'53"W, A DISTANCE OF 108.75 FEET TO A POINT BEING 55.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE OF SAID NW HORNECKER ROAD (C.R. 2393); THENCE S87°24'49"W, A DISTANCE OF 55.81 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP INSCRIBED "HERTEL PLS 1896" MARKING A POINT BEING 35.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE OF SAID NW HORNECKER ROAD (C.R. 2393); THENCE N73°33'44"W, PARALLEL TO SAID CENTERLINE, A DISTANCE OF 177.23 FEET TO A POINT ON THE CENTERLINE OF MCKAY CREEK; THENCE FOLLOWING THE CENTERLINE OF MCKAY CREEK THE FOLLOWING SEVEN (7) COURSES; N63°37'19"E 20.72 FEET, N86°50'14"E 48.72 FEET, S66°00'32"E 95.84 FEET, S75°52'25"E 117.58 FEET, S70°04'36"E 49.67 FEET, N78°17'00"E 34.00 FEET, N60°17'25"E 3.26 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE SOUTHERN PACIFIC RAILROAD; THENCE S64°14'25"E, ALONG SAID RAILROAD RIGHT-OF-WAY LINE, A DISTANCE OF 42.76 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP INSCRIBED "HERTEL PLS 1896"; THENCE 348.75 FEET ALONG THE ARC OF A 925.37 FOOT RADIUS CURVE TO THE RIGHT TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP INSCRIBED "HERTEL PLS 1896", SAID CURVE HAVING A CENTRAL ANGLE OF 21°35'35" AND A LONG CHORD WHICH BEARS S53°26'38"E 346.69 FEET; THENCE S42°38'50"E, CONTINUING ALONG SAID RAILROAD RIGHT-OF-WAY LINE, A DISTANCE OF 175.53 FEET TO THE INITIAL POINT. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 38,082 SQUARE FEET OR 0.87 ACRES, MORE OR LESS.

CLEAN WATER SERVICES DISTRICT ANNEXATION

Boundary Change Proposal No. WA-2307

Staff Report

**For the June 19, 2007
Board of Commissioners' Hearing**



WASHINGTON COUNTY OREGON

June 5, 2007

To: Board of County Commissioners
From: Brent Curtis, Planning Manager *BC*
Subject: **MINOR BOUNDARY CHANGE PROPOSAL NO. WA-2307 - ANNEXATION
TO THE CLEAN WATER SERVICES DISTRICT**

STAFF REPORT

**For the June 19, 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-2307 with the approval becoming effective immediately.

REQUESTED ACTION

The applicant requests that one parcel encompassing approximately .94 acres be annexed to the Clean Water Services District in order to facilitate the future development of the property.

Applicant /Petitioners/Owners: James and Margaret Sowell
31665 NW Hornecker Rd, Hillsboro, OR 97124

Applicant's Representative: Kent Campbell, PO Box 526, Hillsboro, OR 97123

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 September 4, 2001, the City of Hillsboro City Council approved the annexation of the property into the city (AN 9-01). Annexation of the property into the city serves as the city's endorsement. The annexation ordinance (Ordinance No. 5061) contained an emergency declaration enabling the approval of the annexation to become effective immediately.

CITIZEN PARTICIPATION

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

FINANCIAL IMPACT

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

LEGAL ISSUES

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

Additionally, as stated previously, the property was annexed into the City of Hillsboro on September 4, 2001 by Ordinance No. 5061 and the annexation ordinance contained an emergency declaration enabling the approval of the annexation to become effective immediately.

BACKGROUND

Proposal No. WA-2307 was initiated by a consent petition of the property owners. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law) and ORS 198.750 (section of statute which specifies contents of petition). The petition is not subject to the Metro requirement governing minor boundary changes set forth in Metro Code 3.09.040 since the property is located outside of Metro's jurisdictional service boundary. The property is however within Regional Urban Growth Boundary (UGB).

The property to be annexed consists of one parcel encompassing approximately .94 acres. It is located east of NW Leisy Road and west of NW Cory Street in the City of Hillsboro. The property is further identified as tax map and lot number 1N3 25BD / 200 (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 one additional residential dwelling unit. 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 September 4, 2001, the City of Hillsboro City Council approved the annexation of the property into the city, with the approval becoming effective immediately. Annexation of the property into the city serves as the city's endorsement.

As a result of the subject property's annexation to the City of Hillsboro, the subject property was given a city comprehensive plan designations of RL - Low Density Residential and FP - Flood Plain. Subsequent action by the City Council designated the property with an R-7 Single Family Residential zoning.

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). The criteria in the Metro Code (Section 3.09.050) do not apply outside of the jurisdictional boundary of Metro.

Furthermore, an urban service agreement for the Hillsboro urban service area has been adopted. This agreement identifies the District's service area within this urban service area. 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 one tax lot and encompasses .94 acres. The site slopes downward from NW Hornecker Road frontage towards McKay Creek. The site consists of one single family residence, trees and vegetation. The west portion of the site is also located in the McKay Creek floodplain and does include a wetland. This significant natural resource is also identified in the county's East Hillsboro Community Plan. See *CITY PLANNING* section below that addresses this significant natural resource. There are no known historical resources present on the property.

REGIONAL PLANNING

This property is outside of Metro's jurisdictional boundary, but is inside the UGB. Consequently, the Metro requirements governing minor boundary changes are not applicable.

COUNTY PLANNING

On September 4, 2001, the City of Hillsboro City Council approved the annexation of the property into the city. Consequently, the property is no longer subject to the County's Comprehensive Plan. Annexation of the property into the city also serves as the city's

endorsement.

Notwithstanding, Policy 15 of the *Comprehensive Framework Plan for the Urban Area* identifies the roles and responsibilities that governmental entities and service districts have in serving growth in Washington County. Implementation strategy h. (under Policy 15) applies directly to service district annexations and reads as follows:

Implementing Strategies

The County will:

h. Not oppose proposed annexations to a special service district:

- 1. That are consistent with an urban service agreement; or*
- 2. If no urban service agreement applies to the property, the property lies within an area for which the district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020 and the district has adopted a Master Plan for the area.*

Annexations to special service districts that are consistent with an adopted urban service agreement are deemed to be consistent with the Washington County Comprehensive Plan.

As stated previously, the property is located within the urban service area for the District as well as the City of Hillsboro. Consequently, the proposed annexation (WA-2307) 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 is as follows:

(A) Urban development shall occur only where urban services exist or are available. It is the intent of this Plan to encourage development in those areas where such services are currently available or can be readily provided in a logical manner.

- (1) Urban services necessary for development include adequate water, sewer, and fire protection. The documentation of the availability of these needed services must be current.*

Approval of the proposed minor boundary change will add the property to the District's service boundary, thus enabling property to be provided with the necessary sanitary sewer to serve the future residential development. Therefore, staff has concluded that the requested annexation is consistent with the City's Comprehensive Plan as it relates to providing future city residents with sanitary sewer services.

Section 12, Public Facilities and Services, of the Comprehensive Plan contains goals (Section I), policies (Section III), and implementing measures (Section V) governing public facilities and services. Implementing measures governing sanitary sewer service are set forth in Section D. of Section V. and implementing measures governing storm sewer service are set forth in Section E. of Section V.

Implementation measures addressing sanitary sewer set forth in Section V. D. of Section 12 of the Comprehensive Plan considered most applicable to the proposed minor boundary change are as follows:

(D) SANITARY SEWER.

(1) The City shall cooperate with Clean Water Services (CWS) for the provision of service in the urban area consistent with the Comprehensive Plan policies and maps.

(b) Consistent with the adopted UPAA and other agreements with service providers within Urban Area "A" the City shall require properties to annex to the City prior to the provision of sanitary sewer service.

It is noted that the property was annexed into the City of Hillsboro in accord with implementing measure (b). Therefore, staff has concluded that the requested annexation is consistent with the City's Comprehensive Plan as it relates to providing future city residents with sanitary sewer facilities and services.

Implementation measures addressing storm sewer set forth in Section V. E. of Section 12 of the City's Comprehensive Plan considered most applicable to the proposed minor boundary change are as follows:

(E) STORM DRAINAGE.

(6) All major land use actions shall provide for adequate storm drainage conveyance and treatment per adopted standards.

Approval of the proposed minor boundary change will add the property to the District's service boundary, thus enabling the future residential development to be provided storm as well as sanitary sewer service. Therefore, staff has concluded that the requested annexation is consistent with the City's Comprehensive Plan as it relates to providing future city residents with storm sewer services.

Staff finds that the proposed minor boundary change is consistent with the City's Comprehensive Plan governing provision of sanitary and storm sewer.

The sanitary and storm sewer service and service district policies in place are also consistent with the adopted Hillsboro Urban Service Area Agreement between the city, the county and special service districts, including the District. As stated previously, the city has endorsed this annexation.

The site has a Comprehensive Plan designation of RL- Residential Low Density and FL- Flood Plain. The current zoning is R-7, Single Family Residential with a Level 3 Significant Natural Resource Overlay. At time of development, the specific criteria for each regulation will be addressed by the City of Hillsboro.

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.

Upon the effective date of the annexation, the subject property was given a city comprehensive plan designations of RL - Low Density Residential and FP – Flood Plain. A city zoning designation of R-7 Single Family Residential was also given.

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. A 6-inch public sanitary sewer line is located on site. This sanitary sewer service line can serve the future residential development. The District will provide the sewage treatment and transmission of effluent to the regional treatment plant through major trunks and interceptors.

Water. The City of Hillsboro has a domestic 8-inch water line in NW Hornecker that is capable of serving the future residential development.

Fire. The City Council, as authorized by ORS 222.520 (1), withdrew the property from the County's Rural Fire Protection District No. 2 at the same time that it annexed the property to the city. Consequently, upon annexation to the City of Hillsboro, the City of Hillsboro Fire Department became the provider of emergency protection to the property.

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

protection to the property.

Transportation. New public roads, if any, developed as part of the future residential development will be maintained by the city. In addition, access will be addressed in detail as a part of the City of Hillsboro's partitioning review process.

Street Lighting. The City Council, as authorized by ORS 222.520 (1), withdrew the property from the County's Service District for Lighting (District #1) at the same time that it annexed the property to the city. Consequently, upon annexation to the City of Hillsboro, the city became the provider of public street lighting.

Storm Drainage. The District has responsibility for surface water management within the Washington County urban growth boundary. The District has entered into an intergovernmental agreement with the City of Hillsboro for allocation of City and District responsibilities. The City has responsibilities for operations and maintenance of storm and surface water facilities within the City of Hillsboro.

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

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

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) and ORS 198.750 (section of statute which specifies contents of petition). The proposal was initiated by a consent petition signed by 100% of the property owners. At the time of writing, a necessary party is not contesting this boundary change.
2. The property to be annexed consists of one parcel encompassing approximately 0.94 acres. It is located east of NW Leisy Road and west of NW Cory Street in the City of Hillsboro. The property is further identified as tax map and lot number 1N3 25BD / 200.
3. The property was annexed into the City of Hillsboro on September 4, 2001 by Ordinance No. 5061. No persons or necessary parties contested the annexation. Annexation of the property into the city serves as the city's endorsement.
4. The site consists of one single family residence, trees and vegetation. The site slopes downward from NW Hornecker Road frontage towards McKay Creek. The west portion of the site is located in the floodplain and does include a wetland (McKay Creek). This significant natural resource is also identified in the county's East Hillsboro Community Plan. There are no known historical resources present on the property.
5. The petition is not subject to the Metro requirement governing minor boundary changes set forth in Metro Code 3.09.040 since the property is located outside of Metro's jurisdictional service boundary. The property is however within Regional Urban Growth Boundary (UGB).
6. As a result of the subject property's annexation to the City of Hillsboro, the subject property was given a city comprehensive plan designations of RL - Low Density Residential and FP - Flood Plain. Subsequent action by the City Council designated the property with an R-7 Single Family Residential zoning.
7. The applicant requests approval of the minor boundary change in order to develop the property with one additional single-family residential detached unit. 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.

The property is located within the urban service area for the District as well as the City of Hillsboro. Consequently, the proposed annexation (WA-2307) is consistent with an adopted urban service agreement and therefore consistent with the Washington County Comprehensive Plan.

9. The City of Hillsboro'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.
10. The City's Comprehensive Plan contains provisions governing urban services, such as sanitary and storm sewer. They are found in Section 2 (Urbanization) and Section 12 (Public Facilities) of the Comprehensive Plan. Section 2, Urbanization, of the Comprehensive Plan contains goals (Section I), policies (Section III), and implementing measures (Section IV) governing urbanization of lands within the City of Hillsboro's urban planning area. Implementation measures addressing urbanization and urban services set forth in Section IV. A. of Section 2 of the City's Comprehensive Plan considered most applicable to the proposed minor boundary change are as follows:

(A) Urban development shall occur only where urban services exist or are available. It is the intent of this Plan to encourage development in those areas where such services are currently available or can be readily provided in a logical manner.

- (1) Urban services necessary for development include adequate water, sewer, and fire protection. The documentation of the availability of these needed services must be current.*

Approval of the proposed minor boundary change will add the property to the District's service boundary, thus enabling property to be provided with the necessary sanitary sewer to serve the future residential development. Therefore, staff has concluded that the requested annexation is consistent with the City's Comprehensive Plan as it relates to providing future city residents with sanitary sewer services.

Section 12, Public Facilities and Services, of the Comprehensive Plan contains goals (Section I), policies (Section III), and implementing measures (Section V) governing public facilities and services. Implementing measures governing sanitary sewer service are set forth in Section D. of Section V. and implementing measures governing storm sewer service are set forth in Section E. of Section V.

Implementation measures addressing sanitary sewer set forth in Section V. D. of Section 12 of the Comprehensive Plan considered most applicable to the proposed minor boundary change are as follows:

(D) SANITARY SEWER.

(1) The City shall cooperate with Clean Water Services (CWS) for the provision of service in the urban area consistent with the Comprehensive Plan policies and maps.

(b) Consistent with the adopted UPAA and other agreements with service providers within Urban Area "A" the City shall require properties to annex to the City prior to the provision of sanitary sewer service.

It is noted that the property was annexed into the City of Hillsboro in accord with implementing measure (b). Therefore, staff has concluded that the requested annexation is consistent with the City's Comprehensive Plan as it relates to providing future city residents with sanitary sewer facilities and services.

Implementation measures addressing storm sewer set forth in Section V. E. of Section 12 of the City's Comprehensive Plan considered most applicable to the proposed minor boundary change are as follows:

(E) STORM DRAINAGE.

(6) All major land use actions shall provide for adequate storm drainage conveyance and treatment per adopted standards.

Approval of the proposed minor boundary change will add the property to the District's service boundary, thus enabling the future residential development to be provided storm as well as sanitary sewer service. Therefore, staff has concluded that the requested annexation is consistent with the City's Comprehensive Plan as it relates to providing future city residents with storm sewer services.

Staff finds that the proposed minor boundary change is consistent with the City's Comprehensive Plan governing provision of sanitary and storm sewer.

The sanitary and storm sewer service and service district policies in place are also consistent with the adopted Hillsboro Urban Service Area Agreement between the city, the county and special service districts, including the District.

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. Upon the effective date of the annexation, the subject property was given a city comprehensive plan designations of RL - Low Density Residential and FP - Flood Plain. A city zoning designation of R-7 Single Family Residential was also given.

12. A 6-inch public sanitary sewer line is located on site. This sanitary sewer service line can serve the future residential development. The District will provide the sewage treatment and transmission of effluent to the regional treatment plant through major trunks and interceptors. The District has also endorsed the proposed minor boundary change.
13. The City of Hillsboro has a domestic 8-inch water line in NW Hornecker that is capable of serving the future residential 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 annexation to the City of Hillsboro, the City of Hillsboro Fire Department became the provider of emergency protection to the property.
15. The City Council, as authorized by ORS 222.520 (1), withdrew the property from the County's Enhanced Sheriff Patrol District at the same time that it annexed the property to the city. Consequently, upon the effective date of the annexation to the City of Hillsboro, the city became the provider of police protection to the property.
16. The City Council, as authorized by ORS 222.520 (1), withdrew the property from the County's Urban Road Maintenance District at the same time that it annexed the property to the city. Consequently, any new public roads developed as part of the future residential development will be maintained by the city. In addition, access will be addressed in detail as a part of the City of Hillsboro's subdivision review process.

Annexation to the District will also not effect transportation through unincorporated Washington County. The County is responsible for reviewing all county developments that access County public roads for compliance with the adopted Transportation Plan and Article V. of the Community Development Code.
17. 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 the effective date of the annexation to the City of Hillsboro, the city became the provider of public street lighting.
18. 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.
19. The City of Hillsboro maintains its own Park & Recreation Department. The annexation to the District will not affect that fact.
20. The property is located within the Hillsboro School District.

21. 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.
22. A necessary party has not contested this boundary change.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Commission concludes:

1. ORS 198 call for consistency between the Board decision and any *"specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ."* The Board has reviewed the applicable comprehensive plan which is the Hillsboro Comprehensive Plan and finds that the proposed minor boundary change is consistent with the City's Comprehensive Plan. The City's Comprehensive Plan contains provisions governing urban services and special service district annexations. Additionally, the sanitary and storm sewer service and service district annexation policies in place are consistent with the adopted Hillsboro Urban Service Area Agreement between the city, the county and special service districts, including the District. The City has also endorsed the minor boundary change.

Notwithstanding, the proposed minor boundary change is consistent with Implementing Strategy h. of Policy 15 of the Washington County *Comprehensive Framework Plan for the Urban Area*. Policy 15 identifies the roles and responsibilities that governmental entities and service districts have in serving growth in Washington County. Implementation strategy h. (under Policy 15) states that annexations to special service districts that are consistent with an adopted urban service agreement are deemed to be consistent with the Washington County Comprehensive Plan.

2. 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.
3. A necessary party has not contested this boundary change. The change can become effective immediately upon adoption by the Board.

EXHIBIT B

WA-2307

Annexation to
Clean Water Services
(CWS)

- Subject Taxlot(s)
- CWS
- Urban Growth Boundary



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

