

Final Documents

For

Annexation to the
City of Cornelius

WA2401
DOR 34-1498-2001
Ordinance #826

Final to DOR: _____

Signature:

 _____

Date of
Mailing: 6/7/01

Final to Secretary of State: _____

Signature:

 _____

Date of
Mailing: 6/26/01

WA2401

Sent

Received

DOR: 6/7/01 6/20/01

Sec. State: 6/26/01 7/23/01

Assessor: 6/28/01

Elections: 6/28/01

Mapped: Yes

Posted to Web: 8/2/01

Addresses: 1N334D000201 885 NW Hobbs Road

Notice to Taxing Districts

ORS 308.225



OREGON
DEPARTMENT
OF REVENUE
Cartographic Unit
PO Box 14380
Salem, OR 97309-5075
(503) 945-8297, fax 945-8737

City of Cornelius
City Recorder
PO Box 607
Cornelius, OR 97113

Description and Map Approved
June 18, 2001
As Per ORS 308.225

Description Map received from: METRO
On: 6/8/01

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

ANNEX TO THE CITY OF CORNELIUS & WITHDRAWAL FROM SEVERAL DIST.

ORD. #826

has been: Approved 6/18/01
 Disapproved

Notes:

Department of Revenue File Number: 34-1498-2001

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

Office of the Secretary of State

Bill Bradbury
Secretary of State



Archives Division
ROY TURNBAUGH
Director

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

Facsimile (503) 373-0953

July 17, 2001

Metro
Ken Martin
600 NE Grand Ave
Portland, OR 97232-2736

Dear Mr. Martin:

Please be advised that we have received and filed on June 27, 2001 the following Annexation(s).

Ordinance(s):	City of:	Our File Number(s):
826	Cornelius	AN 2001-0121
5025	Hillsboro	AN 2001-0122
4160	Beaverton	AN 2001-0123

All the above Final Order(s) determination of the effective date is subject to ORS199.461 and/or ORS 222.180 and/or ORS 222.750

Our assigned file number(s) are included with the above information.

Sincerely,

Rita F. Mathews
Official Public Documents

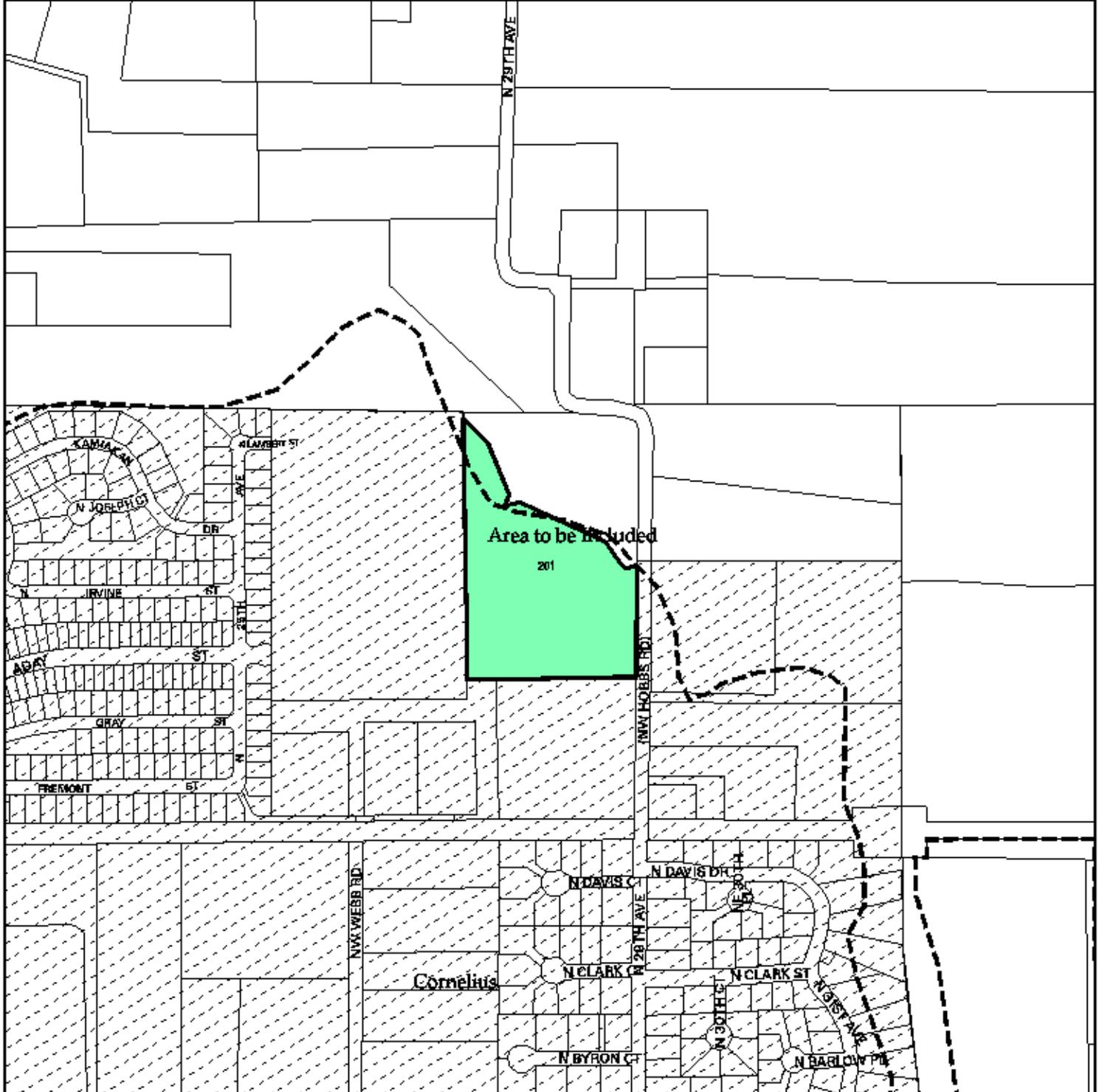
cc: Washington County
ODOT/Highway Dept
PSU/Population ResearchCtr.
Revenue Cartography Section

Proposal No. WA2401

1N3W34D

Annexation to the City of Cornelius

Washington Co.



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



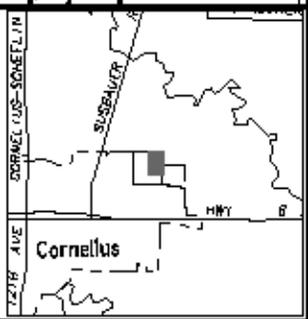
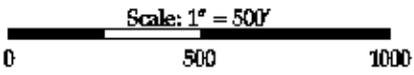
600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email dro@metro-region.org

METRO

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or partial accuracy. There is no warranty, expressed or implied, including the merchantability or fitness for a particular purpose, accompanying this product. However, verification of any error will be appreciated.

-  County lines
-  City
-  Annexation boundary
-  Urban Growth Boundary

Proposal No. WA2401
CITY OF CORNELIUS
Figure 1



ORDINANCE NO. 826

AN ORDINANCE ANNEXING (WITH CONDITIONS) A CERTAIN TRACT OF LAND INTO THE CITY LIMITS OF CORNELIUS AND WITHDRAWING THE TRACT FROM WASHINGTON COUNTY ENHANCED LAW ENFORCEMENT DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY SERVICE DISTRICT NO. 1 FOR STREET LIGHTS, THE CORNELIUS RURAL FIRE PROTECTION DISTRICT, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT.

THE CORNELIUS CITY COUNCIL MAKES THE FOLLOWING FINDINGS:

WHEREAS, the City received a complete petition from property owners and registered voters of a certain tract of land depicted on the attached map and described in Exhibit 1 to this ordinance, requesting that their property be annexed to the city limits of Cornelius;

WHEREAS, the City received written consent from a majority of the electors in the territory proposed to be annexed and owners of more than half the land in the territory proposed to be annexed, before the date of the public hearing, as required by ORS 222.170(2);

WHEREAS, the tract of land will be contiguous to the City following an amendment to the Cornelius City Charter addressing the city's boundaries;

WHEREAS, the tract of land lies within the boundary of the Washington County Enhanced Law Enforcement District;

WHEREAS, the tract of land lies within the boundary of the Washington County Urban Roads Maintenance District;

WHEREAS, the tract of land lies within the boundary of the Washington County Service District No. 1 for street lights;

WHEREAS, the tract of land lies within the boundary of the Cornelius Rural Fire Protection District;

WHEREAS, the tract of land lies within the boundary of the Washington County Vector Control District;

WHEREAS, the City conducted a public hearing and mailed, published and posted notice of the public hearing as required by law;

WHEREAS, a report was prepared as required by law, and the City Council having considered the report and the testimony at the public hearing, does hereby favor the annexation of the subject tract of land and withdrawal from the districts based on findings and conclusions attached hereto as Exhibit 2;

WHEREAS, the annexation and withdrawals are not contested by any necessary party;
and

WHEREAS, the annexation shall not be approved until the Tax Lot # 201, Map # 1N3
34D is partitioned approximately along the Urban Growth Boundary creating one tax lot
zoned Future Development, FD-10 and one zoned Agriculture-Forestry, AF-5.

NOW THEREFORE, THE CITY OF CORNELIUS ORDAINS AS FOLLOWS:

SECTION 1. The City Council for the City of Cornelius hereby approves the proposed
annexation (with conditions) of the tract of land, described in Exhibit 1 and depicted on
the attached map.

SECTION 2. The tract of land described in Section 1 shall be withdrawn from
Washington County Enhanced Law Enforcement District, Washington County Urban
Roads Maintenance District, Washington County Service District No. 1 for street lights,
the Cornelius Rural Fire Protection District and the Washington County Vector Control
District.

SECTION 3. The findings and conclusions attached as Exhibit 2 are adopted. The City
Recorder shall immediately file a certified copy of this ordinance with Metro and other
agencies required by Metro Code Chapter 3.09.050(g) and ORS 222.005.

SECTION 4. The annexation and withdrawals shall become effective upon filing of the
annexation records with the Secretary of State as provided by ORS 222.180 which filing
shall be completed not later than forty-five (45 days) after a documentation has been
provided to the City Planning Department that the subject property has been partitioned
along the Urban Growth Boundary. Thus, creating one tax lot zoned Agriculture-
Forestry, AF-5 located in the County and one zoned Future Development, FD-10 located
in the City of Cornelius.

PASSED and APPROVED this 21st day of May, 2001.

By: Ralph D. Brown
Ralph Brown
Mayor

ATTEST:

Rosemary Padgett
Rosemary Padgett
City Recorder



DESCRIPTION FOR 7.51 ACRE PROPERTY LINE ADJUSTMENT

THAT PORTION OF THE WM. MCLINN DONATION LAND CLAIM NO. 67 IN SECTION 34, T. 1 N., R. 3 W., W.M., WASHINGTON COUNTY, OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE NORTH LINE OF THE WM. MCLINN D.L.C. NO. 67 LYING S89°08'08"E, 722.21 FEET FROM THE NORTHEAST CORNER OF THE PLAT OF "COUNCIL CREEK ESTATES", SAID POINT BEING THE MOST NORTHERLY NORTHEAST CORNER OF THE TRACT OF LAND DESCRIBED IN DOCUMENT NO. 990086555 OF THE DEED RECORDS OF SAID COUNTY; THENCE S00°30'09"W, 16.42 FEET ALONG THE EAST LINE OF SAID TRACT TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE S30°09'31"E, 59.63 FEET; THENCE S27°50'45"E, 44.79 FEET; THENCE S17°24'11"E, 37.00 FEET; THENCE S04°03'32"W, 51.14 FEET; THENCE S18°55'59"W, 70.23 FEET; THENCE N83°00'32"E, 52.49 FEET; S55°51'58"E, 52.38 FEET; THENCE S60°11'25"E, 282.50 FEET; THENCE S66°39'37"E, 73.08 FEET; THENCE S44°52'48"E, 108.90 FEET; THENCE S70°14'07"E, 58.89 FEET; THENCE N86°30'21"E, 30.27 FEET TO A POINT ON THE CENTERLINE OF N.W. HOBBS ROAD; THENCE S00°30'29"W, 371.46 FEET ALONG SAID CENTERLINE TO THE MOST EASTERLY NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN DOC. NO. 990066555; THENCE N89°29'23"W, 607.75 FEET ALONG THE MOST EASTERLY NORTH LINE OF SAID TRACT; THENCE N00°30'09"E, 887.38 FEET ALONG THE MOST NORTHERLY EAST LINE OF SAID TRACT TO THE POINT OF BEGINNING.

CONTAINING 7.51 ACRES

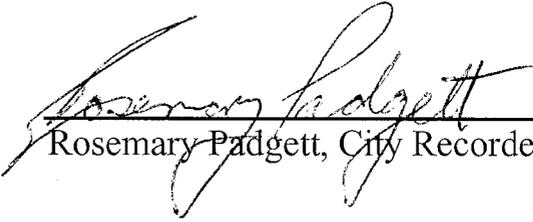
2632SK3
5/11/01



CITY OF CORNELIUS

May 21, 2001

I, Rosemary Padgett, City Recorder/Finance Director certify that the attached document, Ordinance NO. 826, adopted by the City Council of Cornelius on May 21, 2001 is a true and exact copy of the original.



Rosemary Padgett, City Recorder/Finance Director



ORDINANCE NO. 826

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WHEREAS, the tract of land lies within the boundary of the Washington County Vector Control District;

WHEREAS, the City conducted a public hearing and mailed, published and posted notice of the public hearing as required by law;

WHEREAS, a report was prepared as required by law, and the City Council having considered the report and the testimony at the public hearing, does hereby favor the annexation of the subject tract of land and withdrawal from the districts based on findings and conclusions attached hereto as Exhibit 2;

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PASSED and APPROVED this 21st day of May, 2001,

By: Ralph D. Brown
Ralph Brown
Mayor

ATTEST:

Rosemary Padgett
Rosemary Padgett
City Recorder



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CONTAINING 7.51 ACRES

2632SK3
5/11/01

M. 25TH AVENUE

COUNCIL CREEK ESTATES

N00°08'00"E

BASIS OF BEARINGS - COUNCIL CREEK ESTATES

M. CORNER STREET

S89°08'08"E 722.21'

LEFT
FACT 1
DOC. NO. 390080555

N00°30'09"E 903.80'

887.38'

N89°29'23"W 607.75'

2.51 ACRES

CLAPP
DOC. NO. 2000071651

16.42'
S10°09'31"E 59.63'

S27°50'45"E 44.79'

S17°24'11"E 37.00'

S04°03'22"W 51.14'

S18°55'59"W 70.23'

N83°00'12"E 52.19'

S55°51'58"E 52.18'

S60°11'25"E 282.50'

S66°09'17"E 23.08'

S44°52'48"E 108.90'

S70°14'07"E 58.89'

N66°30'21"E 30.27'

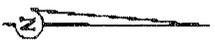
371.46'

S00°30'29"W

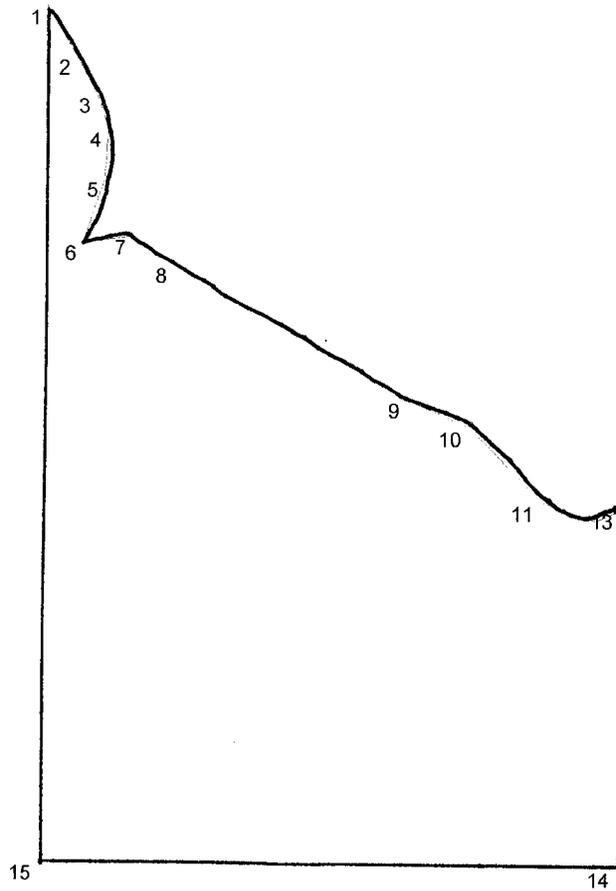
HOBBS ROAD (C.R. NO. 485)

NE COR. BLDG. OF THE BLDG.

DESCRIPTION SKETCH
A PORTION OF THE NE 1/4 AND THE SW 1/4 OF SECTION 34, T. 1 N., R. 3 W., T11N, WASHINGTON COUNTY, OREGON



BURLINGTON NORTHERN RAILROAD



Scale = 1:200
Feet

- 1 S 30° 09' 31" E 59.63
- 2 S 27° 50' 45" E 44.79
- 3 S 17° 24' 11" E 37
- 4 S 04° 03' 32" W 51.14
- 5 S 18° 55' 59" W 70.23
- 6 N 83° 32" E 52.49
- 7 S 55° 51' 58" E 52.38
- 8 S 60° 11' 25" E 282.50

- 9 S 66° 39' 37" E 73.08
- 10 S 44° 52' 48" E 108.90
- 11 S 70° 14' 07" E 58.89
- 12 N 66° 30' 21" E 30.27
- 13 S 30° 29' W 371.48
- 14 N 89° 29' 23" W 607.75
- 15 N 30° 09" E 887.38

EXHIBIT 1



CITY OF CORNELIUS

STAFF REPORT TO CITY COUNCIL

Clapp Annexation/AN-03-00

Annexation of Approximately 7.3 Acres into the City of Cornelius

Date: January 2, 2000
To: City Council
From: Planning Commission
Applicant: Verner & Jessie Clapp
Owner: Verner & Jessie Clapp
Address: 865 NW Hobbs Road, Cornelius

Project: A request for approval of a boundary change that would result in annexation of approximately 7.3 acres into the City of Cornelius.

Legal Description: Tax Lot # 201, Map # 1N3-34D

Lot Size: 12.28 Acres

Existing Zoning: Future Development, FD-10 (County Zoning)

Process: The proposal AN-01-00 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirements of initiation set forth in ORS 222.170 (2), Double Majority Annexation Law and Metro Code 3.09.40.(a), Metro Minimum Requirements for a Petition. The City Council shall review the proposal and determine whether it is in compliance with all applicable criteria.

APPEAL RIGHTS

The Planning Commission will make a recommendation to City Council concerning the request. City Council will make a decision. An appeal of a decision by City Council shall be made to the State Land Use Board of Appeals (LUBA) per ORS 197.830. In order for an issue to be considered for appeal to the Land Use Board of Appeals, it must be raised before the close of the record of the Public Hearing. Such issues must be raised with sufficient specificity so as to afford the hearing body and the parties an adequate opportunity to respond to each issue. If there is no continuance granted at the hearing, any participant in the hearing may request that the record remain open for at least seven days after the hearing.

APPLICABLE CRITERIA

There are no specific criteria for deciding city boundary changes within state statutes. However, the Legislature has directed Metro Regional Services (Metro) to establish criteria, which must be used by all cities within the Metro boundary.

BACKGROUND FACTS

1. The subject property is located at 865 NW Hobbs Road.
2. The area proposed for annexation is south of Council Creek. It is relatively flat with a gentle slope towards Council Creek. The property to the west and south was annexed into the City in September 2000. This property is currently being reviewed by staff for development of a 147 lot Planned Unit Development. The property to the west to southwest was also annexed into the City in September 2000. These parcels are in various states of requesting zone changes and proposing single family residential developments. North across Council Creek the properties are located outside of the Urban Growth Boundary in Washington County. They are zoned AF-5, a rural resource designation.
3. Metro's jurisdictional boundary and the regional Urban Growth Boundary (UGB) bisects the subject property. Both of these boundaries are located at the 100-year floodplain boundary. The applicant has had the 100-year floodplain line surveyed. The applicant's request is for annexation of the property south of the 100-year floodplain boundary. The applicant has submitted a partition request to Washington County to divide the subject property resulting in two parcels.
4. City of Cornelius – The City's Comprehensive Plan has been reviewed by the Planning Commission and adopted by the City Council.

FINAL FINDINGS

The City Comprehensive Plan identifies the following annexation policies in *Chapter II, Urbanization, Policies, 4*:

a. *Annexation will be permitted if:*

- (1) *The City is able to provide adequate services to the area, including sewer, water, administration, and fire protection. The new area can meet city standards for roads, sewers, water, and other services and appropriate amendments to the City's Public Facilities Master Plans have been considered.*

Water – Cornelius is supplied by two connections to an 18-inch secondary supply line serving the City of Hillsboro. The water source is the upper Tualatin River at the Haines Falls intake station. This diversion primarily serves satellite water systems along the 18-inch transmission line and is an auxiliary supply source for the City of Hillsboro. During the high runoff season (November through June), the natural flow in the Tualatin River exceeds the intake capacity, allowing Haines Falls to fully supply areas along the 18-inch transmission line. In the dry season, the withdrawal is from the natural flow augmented by storage releases, conveyed by gravity, from Barney Reservoir on the North Fork of the Trask River. Water from the reservoir is discharged into the Tualatin River and impounded again at Haines Falls. After settling at Haines Falls, water is chlorinated and is discharged into the 18-inch secondary Hillsboro supply line or it is returned to the Tualatin River. The Cornelius water system runs off the pressure of Hillsboro's 18-inch supply line, which runs through the center of the City along Baseline Road (Tualatin Valley

Highway). In addition, Cornelius has a 1.5 mg reservoir and pump station, which are used for standby purposes only.

The area proposed for annexation can be served by an extension of an existing 12-inch water line located on the south side of the Portland & Western Railroad Line running parallel to the railroad right-of-way approximately 470 feet from the subject property. Also the parcels that abut the subject property to the west and south have been approved for a 147 lot Planned Unit Development and Subdivision. Water service shall be extended to this Subdivision, which may provided another alternative to connect to City water.

Sewer – The City of Cornelius and the subject property within the Urban Growth Boundary is located within the Unified Sewerage Agency service area that is served by the Hillsboro regional treatment plant. The Unified Sewerage Agency (USA) has a standard agreement with the large cities within the service area, including Cornelius. In that agreement the Cities agree to:

1. Comply with the Agency's construction and maintenance standards for sanitary and storm water sewer facilities.
2. Follow and accomplish the Agency's work program for storm and surface water.
3. Obtain the Agency's consent before issuing construction permits within wetlands, floodways and floodplains. The agreement provides that the city owns and is responsible for sanitary sewer lines under 24-inches in diameter within the City limits and for storm water facilities within the City limits as identified on a map, which is virtually all of the facilities. USA agreed not to extend sanitary sewer service to areas outside the City within the City's Urban Planning Area unless the City approves.

Storm Drainage – USA has responsibility for surface water management within the Washington County urban growth boundary. USA has entered into an intergovernmental agreement with Cornelius for allocation of the City and USA responsibilities. The City has responsibilities for operations and maintenance of storm and surface water facilities within the City. In the County, responsibility for maintaining drainage associated with roads remains with their Department of Land Use and Transportation. Therefore, road related drainage facilities do not transfer to the City upon annexation, unless the road transfers to the City. The City may not issue permits for construction within or modification to a wetland, floodway, or without first receiving approval from USA.

The subject site lies within the boundary of the Council Creek Drainage Basin. In fact, Council Creek borders the land to be annexed. The subdivision standards require that a land division traversed by a water course, drainage way, channel, stream, storm water easement or drainage right-of-way conform substantially with the lines of such water course, and such further width as will be adequate for the purpose may be required. Water course easements and drainage right-of-ways shall be consistent with USA standards.

Fire – The proposed lands to be annexed are located within the Cornelius Rural Fire Protection District. The City may withdraw these lands from the District upon annexation per ORS 222.111(4), 222.520 and 222.120(5). If the City declares the territory withdrawn from the district on the effective date of the annexation the District's tax levy value shall no longer apply.

Police – The territory is within the Washington County Enhanced Sheriff's Patrol District, which, in addition to the basic County-wide level of protection, provides 93 officers. The City may withdraw these lands from the District upon annexation per ORS 222.111(4), 222.520 and

222.120(5). If the City declares the territory withdrawn from the district on the effective date of the annexation the District's tax levy value shall no longer apply. Upon annexation police services shall be provided by the City of Cornelius Police Department, which provides 24 hour/day service. The City's population is 8,170 and is served by 11 sworn officers for a level of service of 1.34 officers per 1000 population.

Parks & Recreation – Cornelius has one community park, four neighborhood parks, and four natural area parks (two are undeveloped) for a total of nine parks.

Transportation – The proposed annexation territory is within the boundary of the Washington County Urban Road Maintenance District. The City may withdraw the territory from the District upon annexation per ORS 222.111(4), 222.520 and 222.120(5). If the City declares the territory withdrawn from the district on the effective date of the annexation the District's tax levy value shall no longer apply.

Site access is currently from NW Hobbs Road on the west side of the site. NW Hobbs Road/N. 29th Avenue is designated a major collector on the City's Transportation System Plan. The subdivision standards require local streets to have a 46-foot right-of-way, with at least 28 feet of pavement width.

Street Lights – The territory is within the boundary of Washington County Service District No. 1. The City may withdraw the territory from the District upon annexation.

Vector Control - The territory is within the boundary of Washington County Service District for Vector Control. The City may withdraw the territory from the District upon annexation.

Staff find that adequate services including, water, sewer, police, administration, fire and streets shall be available to serve the proposed area.

(2) *The proposed use of the area to be annexed conforms with the Comprehensive Plan, or has been Master Planned, including all adjacent and intervening properties. The City does not intend to support piecemeal annexations.*

Washington County granted the City of Cornelius comprehensive planning authority within the regional urban growth boundary (See Urban Planning Area Agreement, provision III.2). The portion of the territory that is inside the regional urban growth boundary (UGB) is zoned Future Development, FD-10. The portion outside of the UGB is zoned Agriculture/Forestry, AF-5, a natural resource designation with 5-acre minimum parcel sizes. The County Community Development Code states the following concerning the FD-10 district:

309-1 Intent & Purposes

This zoning applies to the unincorporated portions of some city active planning areas, where these cities are the only available source of urban services. The FD-10 district provides recognition of the desirability of encouraging and retaining limited interim uses until a need for more intensive urban land use develops and such lands are annexed to a city.

The County's plan designation and zoning designation continue to apply upon annexation to the City until the City makes a change to these designations (ORS 215.130). The City and County have provided that the City is responsible for comprehensive planning within the UGB. The

City's comprehensive plan designates the area within the UGB as Residential (Special Residential Design District). As previously mentioned the applicant is proposing only to annex lands within the UGB. Upon annexation the City may change the zoning on the annexed lands to a City zoning designation. The City has an Urban Planning Area Agreement with Washington County. It specifies that the City is responsible for comprehensive planning within the City's urban planning area. The City's urban planning area is bounded by the regional UGB. The City has done and currently does comprehensive planning within this area as required by the Urban Planning Area Agreement. As mentioned earlier in this report adequate services can be provided to the subject property.

Therefore, the staff find that the proposed annexation is consistent with the Comprehensive Plan.

- (3) *A substantial portion of the area to be annexed is contiguous to the City and represents a logical direction for city expansion.*

The City's Comprehensive Plan and vacant land inventory identifies approximately 47 acres of developable land outside of the city limits, but within the UGB. These lands are located primarily northeast of Cornelius, along NW Hobbs Road. Approximately 28 acres abutting the subject parcel annexed into the City, effective September 2000. This 28-acre parcel abuts the existing, urbanized lands within the City boundary. Consequently, the proposed annexation would expand the City boundary in a logical direction.

Staff find the proposed annexation is consistent with the annexation policies and represents a logical direction for City expansion.

Metropolitan Regional Service Code

The Metro 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 Metro Code requires the findings and conclusions to address the following 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 annexations that may only be done after all of the required 195 agreements are in place and that must have been voted on by the City residents of the area to be annexed.*

It is the county's responsibility to facilitate the creation of agreements between providers of urban services. ORS 195 was enacted in 1993, but no service agreements have yet been adopted in this part of Washington County.

2. *Consistency with directly applicable provisions of Urban Planning Area Agreements between the annexing entity and a necessary party.*

Urban Growth Management Agreement – The City of Cornelius has an Urban Planning Area Agreement (UPAA) with Washington County. It specifies that the City is responsible for comprehensive planning within the City's urban planning area. The City's urban planning area is bounded by the regional UGB. The UPAA identifies the following planning responsibilities:

- (2) The CITY shall be responsible for comprehensive planning in the incorporated and unincorporated portions of the CITY's urban planning area, and shall implement the planning process outlined in the CITY's comprehensive plan. The COUNTY shall support the planning process and participate as necessary.
- (9) Urban development in the urban planning area shall be served with adequate urban services including sewer, water, storm drainage, streets, police and fire protection.
- (10) As required by OAR 660-11-010, the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer and transportation facilities within the urban planning area. Exceptions include facilities provided by other service providers subject to the terms of any intergovernmental agreement the CITY may have with other service providers; facilitated under the jurisdiction of other service providers not covered by an intergovernmental agreement; and future facilities that are more appropriately provided by an agency other than the CITY. The CITY shall provide urban services consistent with annexation and fiscal policies.
- (11) The CITY has developed a transportation plan, which addresses the existing and future traffic needs of the urban planning area. The CITY shall coordinate local transportation plans, proposals and improvements with the County.
- (13) The CITY shall monitor and regulate the conversion of vacant and agricultural land to urban uses through the extension of water and sewer service, land partitioning requirements and annexations within the urban planning area. Unincorporated urbanizable land shall not be converted to urban development prior to annexation to the CITY.

The City has done comprehensive planning for the area as the UPAA requires. If urban services can be provided, the proposed annexation is consistent with the UPAA. As discussed in the Findings below, adequate services can be provided to the subject property.

3. *Consistency with directly applicable standards for boundary changes contained in Comprehensive Plans (land use) and public facility plans.*

Washington County - The Metro Code (Section 3.09.050.d.3) states that the decision on this boundary change should be consistent with specific directly applicable criteria for boundary changes contained in comprehensive land use plans and public facility plans. Therefore, the applicable plans must be examined for specific directly applicable criteria.

Through the Section III.2 of the Urban Area Planning Agreement with the City of Cornelius, Washington County granted Cornelius comprehensive planning authority within the regional urban growth boundary. The portion of the territory that is inside the regional urban growth boundary (UGB) is zoned Future Development, FD-10. The outside of the UGB is zoned Agriculture/Forestry, AF-5. The applicant is requesting to only annex the portion of the property zoned Future Development, FD-10. Section 309-1 of the County Community Development Code states that, Future Development, FD-10 zoning applies to the unincorporated portions of some city active planning areas, where these cities are the only available source of urban services. The FD-10 district recognizes the desirability of encouraging and retaining limited interim uses until a need for more intensive urban land use activities develops and such lands are annexed into a city. The County's plan and zoning designation continue to apply upon annexation to the City until the City adopts new designations. Specifically ORS 215.130.2. (a) provides that an ordinance

designed to carry out a county comprehensive plan and a county comprehensive plan shall apply to:

- (a) The area within the county also within the boundaries of a city as a result of extending the boundaries of the city or creating a new city unless, or until the city has by ordinance or other provision provided otherwise;

The City and County have agreed that the City is responsible for comprehensive planning within the UGB. The City's current plan designation for the area proposed for annexation inside the UGB is Residential (Special Residential Design District). The County zoning designation remains on the property until it is changed by the City. Annexation of the property within the UGB into the City shall provide the opportunity to change the zoning to a City designation. The City's Comprehensive Plan (Urbanization Element, 2.c.) states that lands outside of the UGB will retain the natural resources planning designation and zoning classification. As mentioned before the applicant has is only applying to annex the lands that are zoned FD-10. The applicant has applied for a partition to divide the subject property along the current zoning line between the FD-10 and AF-5 (resource designation) lands.

Washington County reviewed it's role in the provision of services during its County 2000 program (County's Financial Management Plan). This program established a policy of supporting a service delivery system, which distinguishes between municipal and countywide services. In an effort to achieve fairness and expenditure equity in the provision of public services the County's policy is to provide only countywide services with general fund revenues. The county favors municipal services being provided either by cities or special districts.

4. *Consistency with directly applicable standards for boundary changes contained in the Metro Regional Framework and Functional Plans.*

Metropolitan Regional Services - The Metro Regional Framework Plan requires Metro to adopt criteria for boundary changes that include compliance with adopted regional urban growth goals and objectives, functional plans and the Regional Framework Plan. The urban growth goals, objectives and functional plans are now part of Metro's Regional Framework Plan, which also includes the 2040 Growth Concept. Metro has adopted on functional plan, the Urban Growth Management Functional Plan. They have codified this functional plan in the Metro Code, Chapter 3.07, which is included as an appendix to the Regional Framework Plan.

The Urban Growth Management Functional Plan requires cities and counties to amend their Comprehensive Plans and implementing ordinances to comply with the elements in the Functional Plan. Included in these requirements are minimum density standards, limitations on parking standards, mandated adoption of water quality standards and rules relating to Urban Growth Boundary expansion into Urban Reserve Areas. None of these requirements relate directly to the issue of annexation to a city.

The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

5. *Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.*

Washington County reviewed it's role in the provision of service in its' County 2000 Program, the County's financial management plan. The County established a policy of supporting a service

delivery system that distinguishes between municipal and countywide services. To achieve tax fairness and expenditure equity in the provision of public services the County's policy is to provide only countywide services with general fund revenues. The County policy favors municipal services being provided either by cities or special districts. Please see discussion above under City Comprehensive Plan, *Chapter II, Urbanization, Policy # 4.a.(1)*, concerning the provision of adequate services. The discussion demonstrates that adequate service can be provided to the area to be annexed.

6. *If the boundary change is reviewed by Metro, determination by the Metro Council, if the territory should be inside the UGB shall be the primary criteria.*

The territory proposed for annexation is located within the regional urban growth boundary. The subject parcel is located partly located inside the UGB and partly located outside of the UGB. The applicant is only proposing to annex the territory within the UGB into the City.

7. *Consistency with other applicable criteria for the boundary change in question under state and local law.*

Consistency with the City's Comprehensive Plan is demonstrated above under Final Findings. The applicable Statewide Planning Goals are addressed below.

The Metro Code also contains a second set of ten (10) factors, which are to be considered where:

- (1) No ORS 195 agreements have been adopted, and
- (2) A necessary party is contesting the boundary change.

These ten (10) factors are not applicable to this annexation request, because no necessary party has contested the proposed annexation.

Statewide Planning Goals:

Goal 1 – Citizen Involvement

Upon receipt of a complete application from the applicant the City prepared and published a public notice announcing public hearings to be held before the Planning Commission and the City Council concerning the request. Notice was sent to the surrounding property owners within 250 feet of the subject property of the hearing before the Planning Commission. The Planning Commission hearing is scheduled for 7:00 PM on Tuesday, November 28, 2000 in the "Old Fire Hall", 120 N. 13th Avenue, Cornelius. The City Council hearing is scheduled for 7:00 PM on Tuesday January 2, 2000 in the "Old Fire Hall", 120 N. 13th Avenue, Cornelius. Notice shall be provided in a local newspaper two consecutive weeks prior to the City Council hearing. Citizens shall have the opportunity to submit comment, testimony, ask questions, receive answers or challenge the proposed request. Once a decision is rendered a ten (10) day appeal period follows, which allows the opportunity to request a review of the decision at the Land Use Board of Appeals.

Staff finds that the City has provided citizens the opportunity to be involved in the review of this request and the planning process.

Staff find the goal has is met.

Goal 2 – Land Use Planning

The City of Cornelius has an established procedure identified in *Section 11.10.0*, which addresses the application, review, notice, decision and appeal procedures. The applicant has submitted on application forms provided by Metropolitan Regional Services Boundary Division the required information to review the proposal. The applicant has addressed the appropriate approval criteria as identified in the City Comprehensive Plan requesting approval of an annexation. The City application procedure provides a planning process for review of a request, which must comply with approval criteria. The policy framework of the Comprehensive Plan drives this process.

Staff find the goal is met.

Goal 3 – Agricultural Land

The lands that are proposed for annexation are currently zoned by Washington County as Future Development, FD-10. This zoning is does not apply to resource and/or agricultural designations.

Staff find this goal is not applicable.

Goal 4 – Forest Land

Staff find the goal is not applicable.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces.

The subject property requesting to be annexed into the City currently has two County zoning designations assigned to it, Future Development, FD-10 and Agriculture/Forestry, AF-5. The applicant is requesting to change the annex the portion of his property identified as Future Development, FD-10. The portion of the parcel that is designated AF-5 is property that is located within the 100 year floodplain and identified by Unified Sewerage Agency as a Sensitive Area. The applicant currently has requested to partition the subject property along the 100-year floodplain elevation. Resulting in the AF-5 zoned property remaining in the County, outside of the City boundary.

Staff find goal is met.

Goal 6 – Air, Water and Land Resources Quality

City services for water delivery and sanitary sewer are available and have the capacity to accept build out of this parcel to residential standards. The property is currently zoned for low-density rural residential development. The property is located within the Urban Growth Boundary and is zoned by the County Future Development, FD-10, which designates the property for more intense urbanized uses.

Staff find goal is met.

Goal 7 – Areas Subject to Natural Disasters and Hazards

The subject property does include a portion of a creek drainage that is identified as being located in the 100-year floodplain. The applicant's request proposes annexation of the portion of the subject property that is located outside of the 100-year floodplain and currently zoned Future

Development, FD-10. The property located within the 100-year floodplain shall retain its current resource zoning AF-5. Development shall only be possible through the City's implementation of its Development & Zoning Code. The City does identify areas of natural disasters and hazards (i.e. 100 year Floodplain) and the proposed territory for annexation is located outside of this area.

Staff find goal is met.

Goal 8 – Economic Development

The applicant's proposal requests annexation into the City of Cornelius from Washington County. There is no proposal for development at this point, which would provide economic development. The proposed annexation may result in a higher residential density or more intense use on the site, as permitted by the City Development & Zoning Code. If more intense uses are developed on the subject property it may provide a small economic impact to local businesses during development and after occupation. Therefore, staff find that the criteria does not directly relate to the proposal, but may have peripheral relevance.

Staff find the goal is met.

Goal 10 – Housing

The existing County zoning, Future Development, FD-10 on the subject parcel is a designation that identifies land for future more intensive urbanized uses. The applicant is proposing to annex into the City. Prior to development of the subject property the existing zoning will have to be changed to an approved City zoning designation. The Comprehensive Plan identifies this area as a "Special Residential Design District". The City residential zoning would allow for increased density over the entire development. This would increase the number of housing units that could be provided on the subject parcel from what is currently authorized under the existing County zoning.

Staff find the goal is met.

Goal 12 – Transportation

The subject property abuts NW Hobbs Road (aka N. 29th Avenue), which is designated on the City Transportation System Plan as a collector street. The City Development & Zoning Code discourages direct access of individual residences onto a collector street. When the subject parcel develops a local street will be required to provide safe and convenient access to a collector street. Other public utilities such as water, sewage and electricity are accessible to the subject parcel via established systems that either serve or are accessible to the subject property.

Staff find the goal is met.

Goal 13 – Energy Conservation

The proposed annexation into the City would implement a more intensive residential use on the subject property than currently exists. Any development that occurs on the subject property shall comply with the requirements found in the City Development & Zoning Code. The residential zones by code must comply with the Solar Access Section of the Development & Zoning Code. The development standards for the residential zones also include requirements for density, lot

dimensions, building heights, and other siting controls that are in compliance with regional and state policies to enhance efficient use of natural resources, including energy.

Staff find the goal is met.

Goal 14 – Urbanization

As mentioned above, the subject property is currently zoned by Washington County as Future Development, FD-10. The County code states that this zoning applies to the unincorporated portions of some city active planning areas where these cities are the only available source of urban services. The FD-10 District provides recognition of the desirability of encouraging and retaining limited interim uses until a need for more intensive land use activities develops and such lands are annexed to a city. The applicant is requesting annexation of the subject property zoned FD-10 into the City of Cornelius, where the use of the property will become more intensely urbanized. This is the intent and purpose of both the City and the County for such lands zoned FD-10 by Washington County. Therefore, staff find that the approval of the request does provide for an orderly and efficient transition from rural to urban land use.

Staff find the goal is met.

Goal 15 – Willamette River Greenway

Staff find the goal is not applicable.

Goal 16 – Estuarine Resources

Staff find the goal is not applicable.

Goal 17 – Coastal Shorelands

Staff find the goal is not applicable.

Goal 18 – Beaches and Dunes

Staff find the goal is not applicable.

Goal 19 – Ocean Resources

Staff find the goal is not applicable.

CONCLUSION

The request is for approval of an annexation AN-03-00 (Clapp Annexation) to change the City boundary by adding approximately 7.3 acres, as identified in the proposal. The territory proposed for annexation is located within the Urban Growth Boundary. Washington County identifies the subject property as land for future urbanization that is located adjacent to cities. The proposal is consistent with the Urban Planning Area Agreement between the City and the County for comprehensive planning and zoning of the subject property. The City Comprehensive Plan has designated this area for Residential (Special Residential Design District) use. The proposed annexation is consistent with the Comprehensive Plan and is in compliance with Metro and the Statewide Planning Goals.

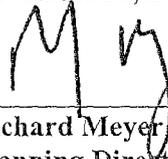
RECOMMENDATION

Based upon the facts, findings and conclusions presented in the staff report the Planning Commission recommends to City Council approval of AN-03-00 (Clapp Annexation) subject to the following conditions:

1. The applicant shall provide documentation from Washington County, that the subject property has been partitioned resulting in at least two parcels. This documentation shall include a recorded final partition plat with the new legal description(s) describing the newly created parcel(s) that shall be annexed into the City of Cornelius.
2. The partition identified in Condition # 1 shall provide for at least one of the parcels to be located solely within the regional urban growth boundary (UGB).
3. The only area to be annexed into the City shall be the portion of the subject parcel that is located within the Urban Growth Boundary and currently zoned by Washington County Future Development, FD-10.

EFFECTIVE DATE OF RECOMMENDATION

November 28, 2000


Richard Meyer
Planning Director


Norby Chartrey
Planning Commission Chairperson

