

Final Documents  
For  
Annexation to the  
**Tualatin Valley Water District**

WA2402  
Ordinance: 02-59  
DOR: 34-1564-2002

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

Signature:

 \_\_\_\_\_

Date of  
Mailing: 6/18/02

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

Signature:

 \_\_\_\_\_

Date of  
Mailing: 8/5/02

WA2402

Sent

Received

DOR: 6/18/02

7/15/02

Sec. State: 8/5/02

Assessor: 8/5/02

Elections: 8/5/02

Mapped: Yes

Posted to Web:

Addresses:

1N1210001700  
1N1210001600  
1N1210001701  
1N128BA00300  
1N128BA00301  
1N128BA00800  
1N128BA00500  
1N128BA00400

13495 NW Thompson Rd  
No site address  
13485 NW Thompson Rd  
13501 NW Thompson Rd  
13505 NW Thompson Rd  
13825 NW Thompson Rd  
13567 NW Evergreen St  
13525 NW Thompson Rd

# Notice to Taxing Districts

ORS 308.225



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

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

**Description and Map Approved**  
**July 15, 2002**  
**As Per ORS 308.225**

Description     Map received from: METRO  
On: 6/20/2002

This is to notify you that your boundary change in Washington County for  
ANNEX TO THE TUALATIN VALLEY WATER DIST.

ORDER #02-59 (WA2402)

has been:     Approved            7/15/2002  
                   Disapproved

Notes:

Department of Revenue File Number: 34-1564-2002

Prepared by: Jennifer Dudley, 503-945-8666

Boundary:     Change     Proposed Change  
The change is for:

- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge



# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

**Agenda Title:** ANNEXATION OF EIGHT PARCELS ENCOMPASSING 38.65 ACRES TO TUALATIN VALLEY WATER DISTRICT

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

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### SUMMARY (Attach Supporting Documents if Necessary)

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

The County has received a request to annex eight parcels encompassing a total of 38.65 acres to Tualatin Valley Water District (District). The properties are located at the northwest corner of the intersection of NW Thompson Road and NW Evergreen Street. On August 20, 2001, the applicant received preliminary land development approval for a 175 lot single family residential subdivision to be constructed on the 38.65 acres. In order for the preliminarily approved development to be served by the District, the parcels first need to annex into the District. The requested boundary change was submitted on April 11, 2002.

Notice of today's hearing has been made in accordance with the state law requirements. Ken Martin, with the Local Government Boundary Office at Metro, who is on contract with the County, has prepared a staff report. This report (File Number: WA-2402) is available at the clerk's desk. Mr. Martin will be available to answer any questions. A Resolution and Order approving the annexation is attached to the agenda.

Attachments: Resolution and Order  
Findings, Exhibit A  
Proposal No. WA-2402, Exhibit B  
Legal Description, Exhibit C

### DEPARTMENT'S REQUESTED ACTION: *mw*

Hold a public hearing to consider the annexation of this property into the Tualatin Valley Water District. Adopt a Resolution and Order approving the annexation.

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### COUNTY ADMINISTRATOR'S RECOMMENDATION:

*RO 02-59*

Agenda Item No.	<i>4.a.</i>
Date:	06-04-02

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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-2402 ) No. 02-59

The above-entitled matter came regularly before the Board at its public hearing on June 4, 2002; and

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

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

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

RESOLVED AND ORDERED that Boundary Change Proposal No. WA-2402, as described in the staff report, is hereby approved, based on the analysis, findings and conclusions set forth in Exhibit "A" of the staff report, incorporated herein by reference; and it is further

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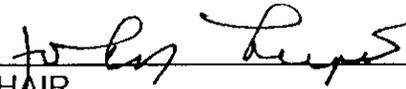
RESOLVED AND ORDERED that the boundaries of said proposal are as set forth in Exhibits "B" and "C", incorporated herein by reference; and it is further

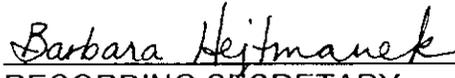
RESOLVED AND ORDERED that this boundary change proposal shall be effective upon adoption and that the County Administrator or his designees shall take all necessary steps to effectuate this proposal.

DATED this 4<sup>th</sup> day of June 2002.

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

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

  
CHAIR

  
RECORDING SECRETARY

Date Signed: 6-4-02

Approved as to form:  
  
Assistant County Counsel for  
Washington County, Oregon

## FINDINGS

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

1. The territory to be annexed contains 38.65 acres, 4 single family dwellings, a population of 9 and is assessed at \$1,676,295.
2. The purpose of this annexation is to provide water service to a proposed 174-lot subdivision.
3. Oregon Revised Statute 198 provides that the Board is to consider the local comprehensive plan for the area, and any service agreements executed between a local government and the affected district when deciding an annexation proposal to a district.

A second set of criteria can be found in the Metro Code. That Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The findings and conclusions shall address seven minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans.
  2. Consistency with directly applicable provisions of *urban planning area agreements* between the annexing entity and a necessary party.
  3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
  4. Consistency with directly applicable standards for boundary changes contained in the Regional Framework Plan or any functional plans.
  5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
  6. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria.
  7. Consistency with other applicable criteria for the boundary change in question under state and local law.
4. The property slopes from the southeast (corner of Thompson & Evergreen) to the northwest corner where Bronson Creek crosses the territory. According to the applicant 2.15 acres are in a wetland or wetland buffer area.
  5. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

The law that dictates that Metro adopt criteria for boundary changes requires those criteria

to include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are actually now part of Metro's Regional Framework Plan. Another previously freestanding construct, which is now an element of the Framework Plan, is the 2040 Growth Concept. The Framework Plan has been examined and found not to contain any directly applicable standards and criteria for boundary changes. The region's two adopted functional plans (Urban Growth Management Functional Plan, Regional Transportation Plan) were examined and found not to contain any directly applicable standards and criteria for boundary changes of water districts.

6. The area is identified as R-6, Residential 6 Units Per Acre which permits detached and attached residential development with a minimum lot size of 5,000 square feet. The County has already approved the subdivision for this site.

This property is covered by the Washington County-City of Beaverton Urban Planning Area Agreement (UPAA). The UPAA requires the County to notify of the City of any actions requiring quasi-judicial hearings at least 10 days before the hearing. The UPAA also requires either entity conducting a quasi-judicial hearing affecting the area to notify the appropriate Community Planning Organization. These notice requirements were met.

The Urban Planning Area Agreement also states that the City of Beaverton is responsible for conducting an "urban services study" within the Urban Planning Area to " . . . identify the area for long-range provision of urban level services and annexation to the CITY." The City did identify an urban services study area and the territory to be annexed to the Water District does fall within that study area. The area is not contiguous to the City nor does the City have water service available to this area.

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

Washington County has adopted urban growth management policies that require urban development be accompanied by adequate urban services. The growth management policies define both urban development and necessary urban services. Public sewer, public water, and a balanced urban-level transportation system are the primary urban services considered.

7. In its County 2000 program Washington County has adopted a policy favoring a service delivery system, which distinguishes between municipal and countywide services. The reason for the policy is to achieve tax fairness and expenditure equity in the provision of public services. The County policy favors municipal services being provided by cities or special districts. Tualatin Valley Water District has an 18-inch water line in Thompson Road which can adequately serve the area to be annexed.
8. The property is already inside the Clean Water Services District. The District has a 21 inch trunk sewer along Bronson Creek which will provide sewer service to the area.

9. This area is within the Tualatin Valley Fire and Rescue.
10. The territory receives police protection from the County and is within the Washington County Service District for Enhanced Law Enforcement.
11. Access to this site is provided by Thompson Road and Evergreen Street. The territory is also a part of the Washington County Service District for Urban Road Maintenance.
12. The Clean Water Services District has responsibility for surface water management within the Washington County urban growth boundary. The District has approved a drainage plan for the proposed subdivision.
13. The territory will be within the Washington County Service District for Street Lights.
14. The territory is not within the Tualatin Hills Park & Recreation District. A separate annexation would need to be processed to put the area in the District.
15. Washington County provides planning and zoning services, libraries, general administration, jails, community corrections, taxation, elections, and community health services.

#### REASONS FOR DECISION

Based on the Findings, the Board determined:

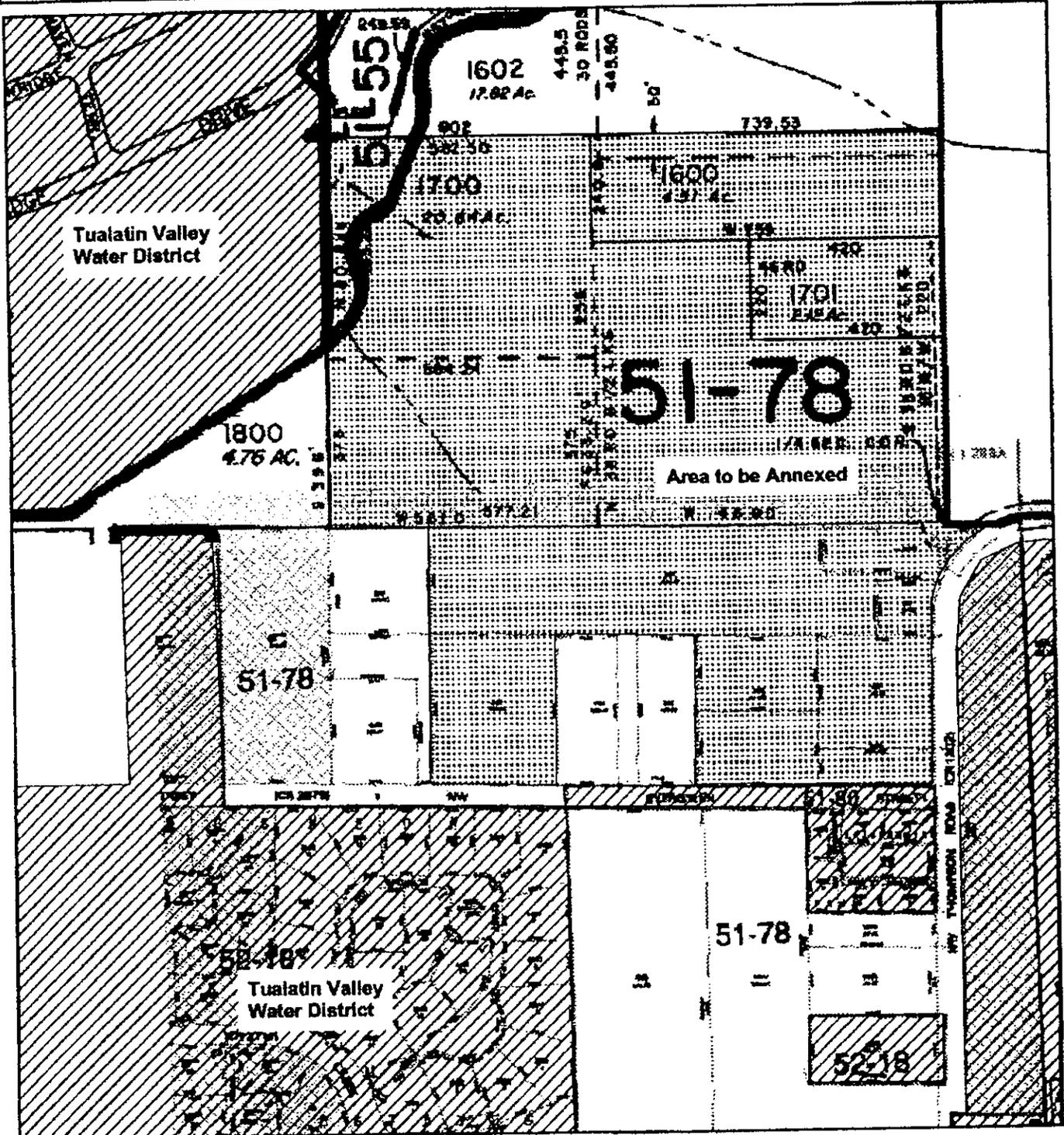
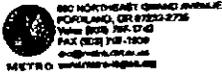
1. The Metro Code at 3.09.050 (d) (4) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in . . . regional framework and functional plans . . . ." As noted in Finding No. 5 there are no directly applicable criteria in Metro's regional framework plan or two adopted functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan.
2. The Metro Code at 3.09.050 (d) (3) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ." As noted in Finding 6 there are no applicable standards or criteria for special district boundary changes to be found in the Washington County Comprehensive Plan.
3. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements or other agreements except those formulated under ORS 195. As noted in Finding No. 6 this territory is covered by an urban planning area agreement between Washington County and the City of Beaverton. The only applicable requirements of that agreement involve providing notice of the hearing on this boundary change to the City of Beaverton and to CPO 7. This notice was provided and no

negative responses have been received. Nothing in the UPAA speaks directly to special district boundary changes. Also as noted in Finding No. 6 Beaverton has identified an urban service study area within which this area lies but nothing in the document establishing this area speaks to the issue of water district boundary changes

4. The Metro Code also requires that the decision address consistency between this decision and any urban service agreements under ORS 195. There are no urban service agreements under ORS 195 in place in this area. Therefore the Board concludes that its decision is not inconsistent with any such agreements.
5. Metro Code 3.09.050 (e) (3) states that another criteria to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services." The Board finds that Tualatin Valley Water District can directly provide the service it controls to the site immediately in adequate quantity and quality.

# PROPOSAL WA2402

Annexation to the Tualatin Valley Water District  
Washington Co.  
Map 1N1W21, 1N1W28BA



PROPOSAL NO. CL0802  
CLACKAMAS RIVER WATER DISTRICT  
Figure 2

# EXHIBIT C

Proposal No. WA-2402

## DESCRIPTION FOR 38.65 ACRES "CASCADIAN HEIGHTS" FOR ANNEXATION

THAT PORTION OF THE SW 1/4 OF SECTION 21 AND THE NE 1/4 AND NW 1/4 OF SECTION 28, T. 1 N., R. 1 W., W.M., WASHINGTON COUNTY, OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 21; THENCE S88°54'51"E, 80.47 FEET ALONG THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 28 TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF N.W. THOMPSON ROAD; THENCE ALONG THE NORTHWESTERLY AND WESTERLY RIGHT OF WAY LINE OF N.W. THOMPSON ROAD (30.00 FEET FROM AND PARALLEL WITH CENTERLINE) 249.24 FEET ALONG THE ARC OF A 234.63 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST THROUGH A CENTRAL ANGLE OF 60°51'53" (CHORD S28°10'30"W, 237.69 FEET); THENCE S01°15'26"E, 359.15 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF N.W. EVERGREEN STREET; THENCE S89°33'02"W, 613.00 FEET ALONG SAID NORTH RIGHT OF WAY LINE TO THE SOUTHEAST CORNER OF THE TRACT TO BALDWIN DESCRIBED IN BOOK 984 AT PAGE 174 OF SAID RECORDS; THENCE N01°15'26"W, 330.01 FEET ALONG THE EAST LINE OF SAID TRACT TO THE NORTHEAST CORNER THEREOF; THENCE S89°32'50"W, 307.00 FEET ALONG THE NORTH LINES OF SAID TRACT AND THE TRACT OF LAND TO ANGUS DESCRIBED IN DOCUMENT NO. 84012047 OF SAID RECORDS TO THE NORTHEAST CORNER OF THE TRACT OF LAND TO MEHL REVOCABLE LIVING TRUST DESCRIBED IN DOCUMENT NO. 2001018423 OF SAID RECORDS; THENCE S01°15'26"E, 329.99 FEET ALONG THE EAST LINE OF SAID TRACT TO A POINT ON SAID NORTH RIGHT OF WAY LINE OF N.W. EVERGREEN STREET; THENCE S89°33'02"W, 283.34 FEET ALONG SAID NORTH RIGHT OF WAY LINE TO THE SOUTHEAST CORNER OF THE TRACT OF LAND TO KLUSER DESCRIBED IN BOOK 474 AT PAGE 519 OF SAID RECORDS; THENCE ALONG THE EAST AND NORTH LINES OF SAID TRACT, N01°15'26"W, 329.97 FEET; THENCE N01°14'00"W, 238.20 FEET; THENCE S89°32'55"W, 222.83 FEET TO THE SOUTHEAST CORNER OF THE TRACT OF LAND TO LOWY FAMILY LIVING TRUST DESCRIBED IN DOCUMENT NO. 91023618 OF SAID RECORDS; THENCE N00°45'58"W, 395.73 FEET ALONG THE EAST LINE OF SAID TRACT TO THE SOUTHEAST CORNER OF TRACT "I", "BOSA NORTH NO. 2"; THENCE ALONG THE EAST AND MOST EASTERLY SOUTH LINE OF SAID TRACT "I", N00°45'58"W, 472.23 FEET; THENCE N89°39'33"E, 116.66 FEET TO THE SOUTHWEST CORNER OF THE TRACT OF LAND TO SCHMIDT DESCRIBED IN DOCUMENT NO. 94000387 OF SAID RECORDS; THENCE N89°21'42"E, 1221.34 FEET ALONG THE SOUTH LINE OF SAID SCHMIDT TRACT TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE S00°42'15"E, 871.72 FEET ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER TO THE POINT OF BEGINNING.  
CONTAINING 38.65 ACRES

2/26/02  
255BSK29

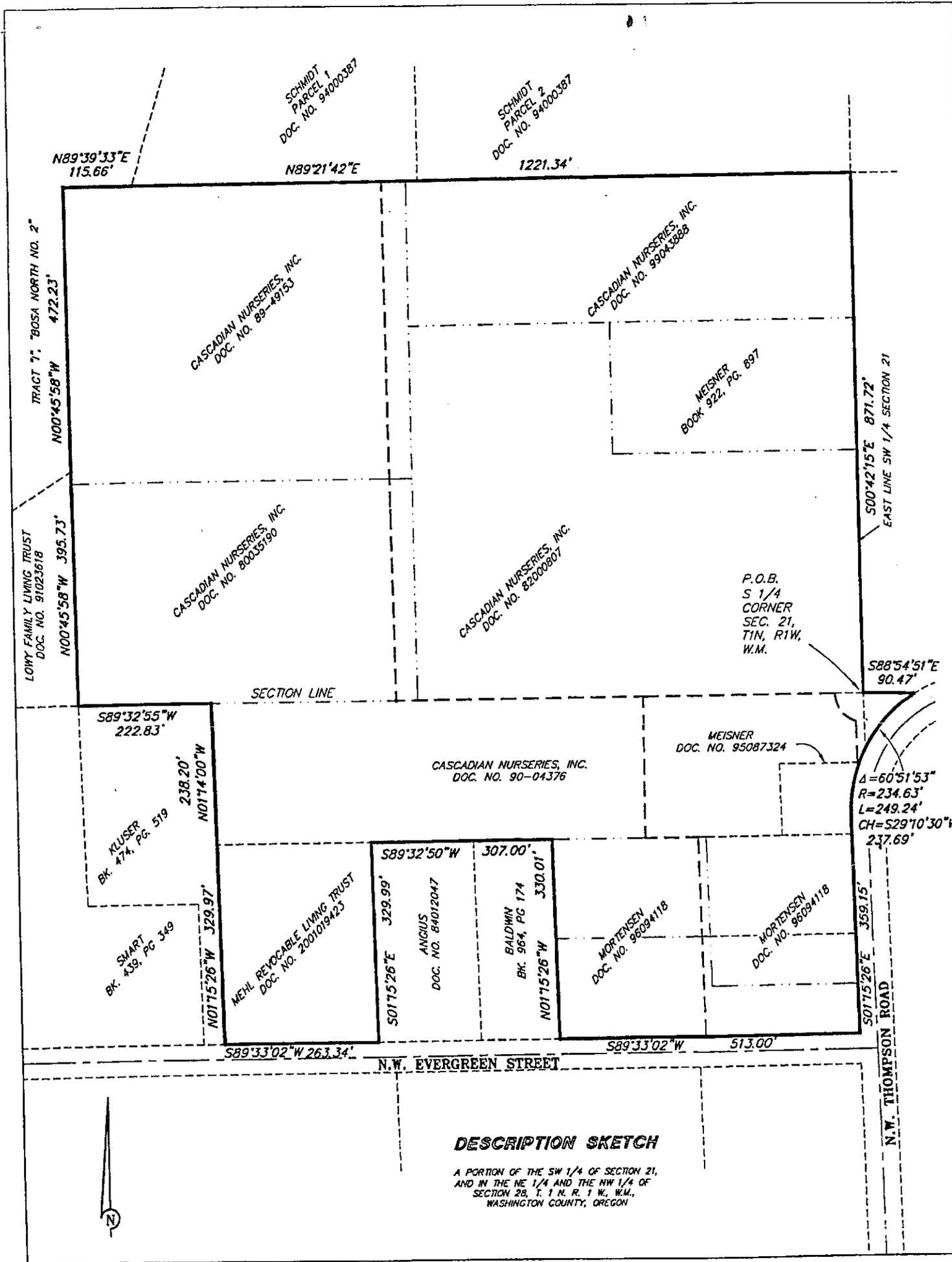


DESCRIPTION FOR 38.65 ACRES "CASCADIAN HEIGHTS" FOR ANNEXATION

THAT PORTION OF THE SW 1/4 OF SECTION 21 AND THE NE 1/4 AND NW 1/4 OF SECTION 28, T. 1 N., R. 1 W., W.M., WASHINGTON COUNTY, OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 21; THENCE S88°54'51"E, 90.47 FEET ALONG THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 28 TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF N.W. THOMPSON ROAD; THENCE ALONG THE NORTHWESTERLY AND WESTERLY RIGHT OF WAY LINE OF N.W. THOMPSON ROAD (30.00 FEET FROM AND PARALLEL WITH CENTERLINE) 249.24 FEET ALONG THE ARC OF A 234.63 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST THROUGH A CENTRAL ANGLE OF 60°51'53" (CHORD S29°10'30"W, 237.69 FEET); THENCE S01°15'26"E, 359.15 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF N.W. EVERGREEN STREET; THENCE S89°33'02"W, 513.00 FEET ALONG SAID NORTH RIGHT OF WAY LINE TO THE SOUTHEAST CORNER OF THE TRACT TO BALDWIN DESCRIBED IN BOOK 964 AT PAGE 174 OF SAID RECORDS; THENCE N01°15'26"W, 330.01 FEET ALONG THE EAST LINE OF SAID TRACT TO THE NORTHEAST CORNER THEREOF; THENCE S89°32'50"W, 307.00 FEET ALONG THE NORTH LINES OF SAID TRACT AND THE TRACT OF LAND TO ANGUS DESCRIBED IN DOCUMENT NO. 84012047 OF SAID RECORDS TO THE NORTHEAST CORNER OF THE TRACT OF LAND TO MEHL REVOCABLE LIVING TRUST DESCRIBED IN DOCUMENT NO. 2001019423 OF SAID RECORDS; THENCE S01°15'26"E, 329.99 FEET ALONG THE EAST LINE OF SAID TRACT TO A POINT ON SAID NORTH RIGHT OF WAY LINE OF N.W. EVERGREEN STREET; THENCE S89°33'02"W, 263.34 FEET ALONG SAID NORTH RIGHT OF WAY LINE TO THE SOUTHEAST CORNER OF THE TRACT OF LAND TO KLUSER DESCRIBED IN BOOK 474 AT PAGE 519 OF SAID RECORDS; THENCE ALONG THE EAST AND NORTH LINES OF SAID TRACT, N01°15'26"W, 329.97 FEET; THENCE N01°14'00"W, 238.20 FEET; THENCE S89°32'55"W, 222.83 FEET TO THE SOUTHEAST CORNER OF THE TRACT OF LAND TO LOWY FAMILY LIVING TRUST DESCRIBED IN DOCUMENT NO. 91023618 OF SAID RECORDS; THENCE N00°45'58"W, 395.73 FEET ALONG THE EAST LINE OF SAID TRACT TO THE SOUTHEAST CORNER OF TRACT "I", "BOSA NORTH NO. 2"; THENCE ALONG THE EAST AND MOST EASTERLY SOUTH LINE OF SAID TRACT "I", N00°45'58"W, 472.23 FEET; THENCE N89°39'33"E, 115.66 FEET TO THE SOUTHWEST CORNER OF THE TRACT OF LAND TO SCHMIDT DESCRIBED IN DOCUMENT NO. 94000387 OF SAID RECORDS; THENCE N89°21'42"E, 1221.34 FEET ALONG THE SOUTH LINE OF SAID SCHMIDT TRACT TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE S00°42'15"E, 871.72 FEET ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER TO THE POINT OF BEGINNING.  
CONTAINING 38.65 ACRES

2/26/02  
2558SK29



N89°39'33"E  
115.66'

SCHMIDT  
PARCEL 1  
DOC. NO. 94000387

SCHMIDT  
PARCEL 2  
DOC. NO. 94000387

N89°21'42"E  
1221.34'

TRACT 7, "BOSA NORTH NO. 2"  
N00°45'58"W 472.23'

CASCADIAN NURSERIES, INC.  
DOC. NO. 89-49153

CASCADIAN NURSERIES, INC.  
DOC. NO. 99043888

MEISNER  
BOOK 922, PG. 897

500°42'15"E 871.72'  
EAST LINE SW 1/4 SECTION 21

LOWY FAMILY LIVING TRUST  
DOC. NO. 91023618  
N00°45'58"W 395.73'

CASCADIAN NURSERIES, INC.  
DOC. NO. 80035190

CASCADIAN NURSERIES, INC.  
DOC. NO. 82000807

P.O.B.  
S 1/4  
CORNER  
SEC. 21,  
T1N, R1W,  
W.M.

S88°54'51"E  
90.47'

SECTION LINE

S89°32'55"W  
222.83'

CASCADIAN NURSERIES, INC.  
DOC. NO. 90-04376

MEISNER  
DOC. NO. 95087324

KLUSER  
BK. 474, PG. 519  
238.20'  
N01°14'00"W

Δ=60°51'53"  
R=234.63'  
L=249.24'  
CH=S29°10'30"W  
237.69'

SMART  
BK. 439, PG. 349

N01°15'26"W 329.97'

MEHL REVOCABLE LIVING TRUST  
DOC. NO. 2001019423

S89°32'50"W 307.00'  
S01°15'26"E 329.99'  
ANGUS  
DOC. NO. 84012047

307.00'  
BALDWIN  
BK. 964, PG. 174  
N01°15'26"W 330.01'

MORTENSEN  
DOC. NO. 96094118

MORTENSEN  
DOC. NO. 96094118

S01°15'26"E 359.15'

S89°33'02"W 263.34'

N.W. EVERGREEN STREET

S89°33'02"W

513.00'

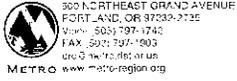
N.W. THOMPSON ROAD



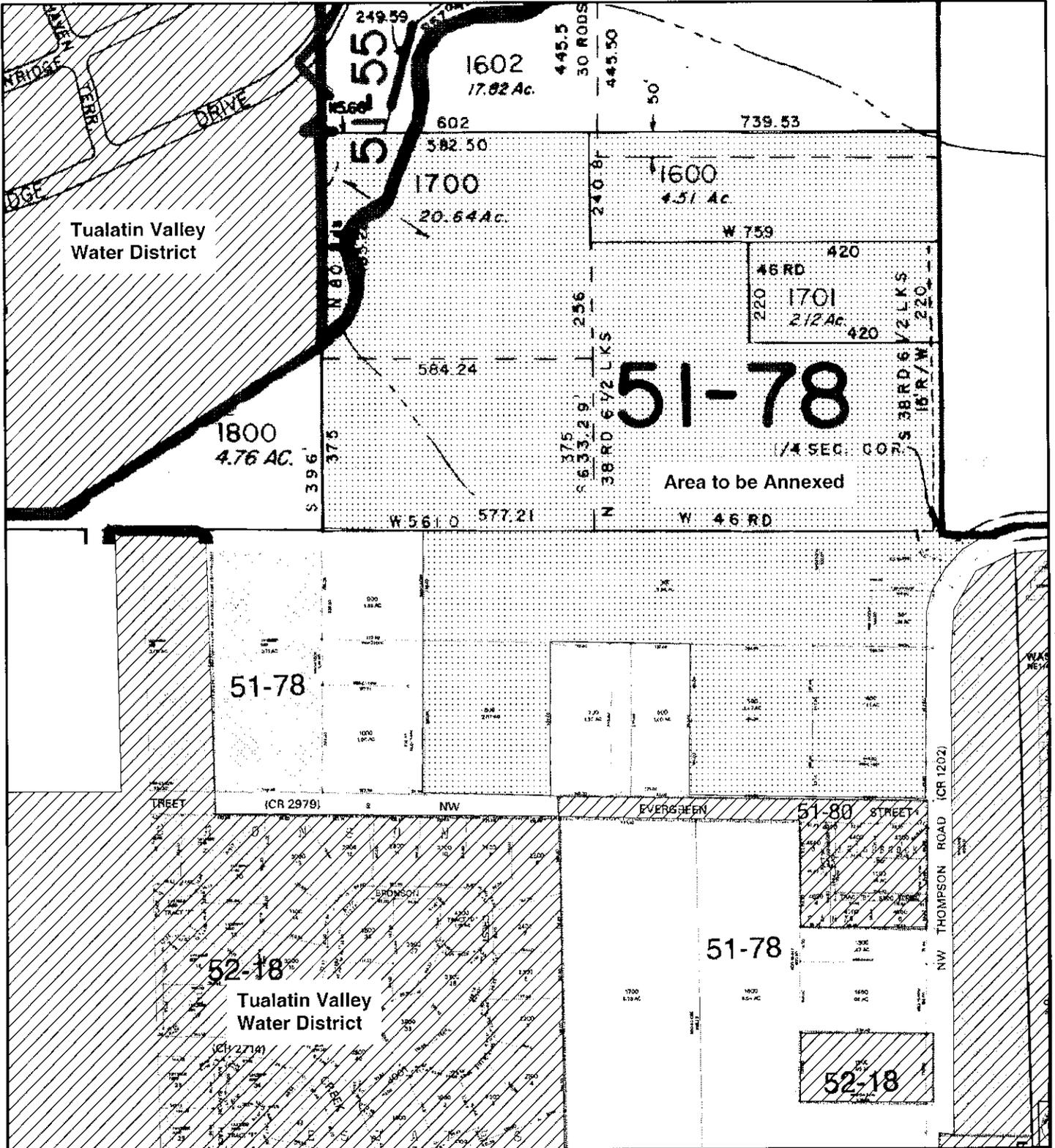
**DESCRIPTION SKETCH**

A PORTION OF THE SW 1/4 OF SECTION 21,  
AND IN THE NE 1/4 AND THE NW 1/4 OF  
SECTION 28, T. 1 N. R. 1 W., W.M.,  
WASHINGTON COUNTY, OREGON

# PROPOSAL WA2402



Annexation to the Tualatin Valley Water District  
Washington Co.  
Map 1N1W21



PROPOSAL NO. CL0802  
CLACKAMAS RIVER WATER DISTRICT  
Figure 2