

Final Documents

For

Annexation to the
Clean Water Services District

WA2606
Ordinance 06-152
DOR 34-1809-2006
Sec. State: SD-2006-0086

Property Information:

1N3300001200	2465 NW Highway 47
1N3300001201	2627 NW Highway 47

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 27, 2006

Metro
Robert Knight
600 NE Grand Ave
Portland, Oregon 97232-2736

Dear Mr. Knight:

Please be advised that we have received and filed, as of July 27, 2006, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
OR NO 2456 (Lake Oswego)	AN 2006-0232
OR NO 06-1003 (Oregon City)	AN 2006-0233
OR NO 2006-11 (Forest Grove)	AN 2006-0234
OR NO 5624 (Hillsboro)	AN 2006-0235
OR NO 06-152 (Clean Water Services District)	SD 2006-0086

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

Proposal No. WA2606

1N3W30

Annexation to the Clean Water Services Dist.

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 drc@metro-region.org

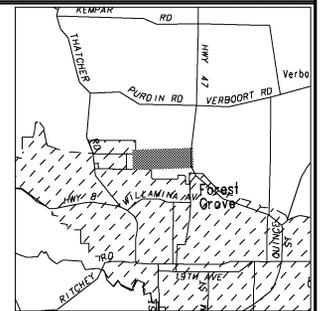
METRO

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 positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

- County lines
- Annexation boundary
- District

Proposal No. WA2606
CLEAN WATER SERVICES DIST.
Figure 1

Scale: 1" = 800'



Notice to Taxing Districts

ORS 308.225



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

Clean Water Services Dist.
 Support Services Manager
 155 N First Ave, Suite 270
 Hillsboro, OR 97124

Description and Map Approved
July 24, 2006
As Per ORS 308.225

Description Map received from: METRO
 On: 7/14/2006

This is to notify you that your boundary change in Washington County for
 ANNEX TO CLEAN WATER SERVICES DISTRICT WA2606

RES. AND ORDER #06-152

has been: Approved 7/24/2006
 Disapproved

Notes:

Department of Revenue File Number: 34-1809-2006

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



WASHINGTON COUNTY
DEPARTMENT OF LAND USE AND TRANSPORTATION
PLANNING DIVISION
ROOM 350-14
155 NORTH FIRST AVENUE
HILLSBORO, OREGON 97124
(503) 846-3519 fax: (503) 846-4412

NOTICE OF DECISION

CPO: 12F

Existing Land Use District: FD 20

Community Plan: Not Applicable

Assessor Map No(s): 1 N3 30; CR 1245

Site Size: 52.9

Tax Lot No(s): 1200, 1201

Address: 2465 NW Highway 47 and 2627 NW Highway 47,
Forest Grove 97116

Location: Southwest corner of the intersection of Highway
47 and CR 1245.

Proposed Minor Boundary Change: Annexation to the
Clean Water Services District of 52.9 acres.

Applicant:

Riverside Homes, Inc.

Applicant's Representative:

LDC Design Group
20085 NW Tanasbourne Drive
Hillsboro, OR 97124

Contact Person: Robert Spurlock

Petitioners/Owners:

(Multiple: See Casefile for listing)

Notice is hereby given that the County Board of Commissioners **APPROVED** the request for the above-stated proposed Minor Boundary Change at a meeting on **June 27, 2006**.

NOTICE MAILING DATE: June 30, 2006

THE APPROVED MINOR BOUNDARY CHANGE DOES NOT AUTHORIZE OR PREVENT ANY SPECIFIC USE OF LAND. CURRENT COUNTY PLANNING DESIGNATIONS WILL NOT BE AFFECTED BY THIS PROPOSED CHANGE.

NECESSARY PARTIES: THIS DECISION MAY BE CONTESTED BY A NECESSARY PARTY AND A PUBLIC HEARING HELD BY FILING A NOTICE OF APPEAL IN ACCORDANCE WITH METRO CODE CHAPTER 3.09.070 WITHIN 10 CALENDAR DAYS OF THE DATE THIS NOTICE WAS MAILED. A NECESSARY PARTY MAY NOT CONTEST A BOUNDARY CHANGE WHERE THE BOUNDARY CHANGE IS EXPLICITELY AUTHORIZED BY AN URBAN SERVICES AGREEMENT ADOPTED PURSUANT TO ORS 195.065.

NON-NECESSARY PARTIES: THIS DECISION MAY BE APPEALED TO THE LAND USE BOARD OF APPEALS (LUBA) BY FILING A NOTICE OF INTENT TO APPEAL WITH LUBA WITHIN 21 DAYS OF THE DATE THIS DECISION IS FINAL. CONTACT YOUR ATTORNEY IF YOU HAVE QUESTIONS REGARDING AN APPEAL TO LUBA.

THIS DECISION WILL BE FINAL IF NO CONTEST OR APPEAL IS FILED BY THEIR RESPECTIVE DUE DATES.

THE COMPLETE APPLICATION, REVIEW STANDARDS, RECORD OF PROCEEDINGS, FINDINGS FOR THE DECISION AND DECISION ARE AVAILABLE AT THE COUNTY FOR REVIEW.

FOR FURTHER INFORMATION, PLEASE CONTACT:

Paul Schaefer, Senior Planner
WASHINGTON COUNTY
DEPARTMENT OF LAND USE & TRANSPORTATION
(503) 846-3519.

(SEE REVERSE SIDE FOR SITE MAP)

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing -- Department of Land Use & Transportation (CPO 12F)

Agenda Title: CONSIDER THE ANNEXATION OF TWO PARCELS ENCOMPASSING APPROXIMATELY 53 ACRES, PLUS RIGHT-OF-WAY, TO THE CLEAN WATER SERVICES DISTRICT (WA-2606)

Presented by: Brent Curtis, Planning Division Manager

SUMMARY:

The County has received a request to annex two parcels, approximately 53 acres in size, plus right-of-way, to the Clean Water Services District (District). The property is located at the southwest corner of the intersection of Highway 47 and CR 1245. The property was annexed into the City of Forest Grove on May 22, 2006.

The property is further identified as a portion of tax map and lot numbers IN3 30 / 1200 and 1201 (see Exhibit B). The property is within the regional Urban Growth Boundary. In order for the subject property to receive the necessary sanitary and storm sewer service from the District, it must be annexed to the District.

Notice of today's hearing has been made in accordance with the state law requirements. The staff report (File Number: WA-2606) will be provided to you under separate cover and will also be available at the clerk's desk. Staff will be available to answer any questions. A Resolution and Order approving the annexation is attached to the agenda.

Attachments: Resolution and Order which includes:

1. Findings (Exhibit A)
2. Site Map (Exhibit B)
3. Legal Description (Exhibit C)

DEPARTMENT'S REQUESTED ACTION:

Hold a public hearing to consider the annexation of this property into the Clean Water Services District. Adopt a Resolution and Order approving the annexation with the approval becoming effective immediately.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

RO 06-152

Agenda Item No.	<u>4.c.</u>
Date:	<u>06/27/06</u>

1 IN THE BOARD OF COUNTY COMMISSIONERS

2
3 FOR WASHINGTON COUNTY, OREGON

4
5 In the Matter of Approving Boundary) RESOLUTION AND ORDER
6 Change Proposal No. WA-2606) No. 06-152
7

8 The above-entitled matter (WA-2606) came before the Board at its
9 regular meeting on June 27, 2006; and

10 It appearing to the Board that this proposal involves the annexation of
11 two tax lots (1N3 30 / 1200 and 1201), plus a portion of unimproved County
12 Road 1245 (CR1245) right-of-way, located at the southwest corner of the
13 intersection of Highway 47 and CR 1245 in the City of Forest Grove to the
14 Clean Water Services District; and

15 It appearing to the Board that WA-2606 was initiated by a consent
16 petition of the property owners and registered voters and meets the
17 requirement for initiation set forth in ORS 198.855 (3) and ORS 198.750; and

18 It appearing to the Board that the proposal has not been contested by
19 any necessary party and therefore may become effective immediately; and

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

22 It appearing to the Board that notice of the meeting was provided
23 pursuant to ORS 198.730 and ORS 197.763; and

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

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

1 RESOLVED AND ORDERED that Boundary Change Proposal No. WA-
2 2606, as described in the staff report, is hereby approved, based on the
3 analysis, findings and conclusions set forth in Exhibit A, incorporated herein
4 by reference; and it is further

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

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

11 DATED this 27th day of June, 2006.

12 BOARD OF COUNTY COMMISSIONERS
13 FOR WASHINGTON COUNTY, OREGON

	AYE	NAY	ABSENT
14 BRIAN	---	---	✓
15 SCHOUTEN	✓	---	---
16 LEEPER	✓	---	---
17 ROGERS	✓	---	✓
18 DUYCK	✓	---	---

19 
20 CHAIRMAN

21
22
23 
24 RECORDING SECRETARY

25
26
27 Date Signed: 6/27/06

28
29 Approved as to form:

30
31
32 
33 Assistant County Counsel for
34 Washington County, Oregon
35

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). At the time of writing, a necessary party is not contesting this boundary change.
2. The property to be annexed is located in the City of Forest Grove and consists of two (2) parcels encompassing approximately 53 acres in size, plus right-of-way. The property is collectively located at the southwest corner of the intersection of Highway 47 and unimproved County Road 1245 (CR 1245) and is further identified as tax map and lot numbers 1N3 30 1200 and 1201.
3. The subject property is comprised of two tax lots, plus a narrow width of unimproved CR 1245 that fronts the north property line of each tax lot. Each tax lot contains a single-family dwelling and has street frontage on both Highway 47 and CR 1245. The property is gently sloped from west to east. The high point (approximately 175 feet) is located at the northwestern corner of the property; and the low point (approximately 168 feet) is located at the southeastern corner of the property. A low drainage channel traverses the property (west to east) through generally the middle of the property.

The Regional UGB is located along the north right-of-way of CR 1245. To the north of the property are rural properties designated Exclusive Farm Use (EFU) and maintained as farmland. To the west of the property is a vacant, undeveloped, parcel inside the UGB and owned by the Forest Grove School District #15. To the south of the property is a residential development; and a vacant parcel (open space) owned by the City of Forest Grove. To the east of the property, across Highway 47, is a rural property designated EFU and maintained as farmland.

4. The applicant desires storm and sanitary sewer service to facilitate future development of the property in accordance with the City of Forest Grove's standards. The applicant proposes to develop a single-family detached residential subdivision containing between 150 and 190 lots. The development is also proposed to include a park and other open space. The property must be brought into the District in order to be provided with the necessary sanitary and storm sewer service.
5. 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 Forest Grove. The property is not within Metro's jurisdictional boundary, however. Therefore, the criteria in the Metro Code (Section 3.09.050) do not apply to the proposed minor boundary change.
6. The property was annexed into the City of Forest Grove on May 22, 2006. Consequently, the property is no longer subject to the County's Comprehensive Plan, but is subject to the city's comprehensive plan policies governing the provision of urban services and annexations. The City of Forest Grove is currently in the process of completing the required master planning (Title 11) for the property. It is through the master planning process that the appropriate comprehensive planning designation will be applied to the property. At time of annexation into the city, the

property was designated Future Development 20-Acre (FD-20) in the County's Comprehensive Plan.

The property is subject to the city's comprehensive plan policies governing urbanization. Policies 2 through 5 of the city's comprehensive plan, which address urbanization and annexations, read as follows:

Local Urbanization Policies

- 2. All lands within the Urban Growth Boundary shall be assigned priorities for urban development. Priorities shall be based on the City's ability to provide urban services and the orderly and efficient timing of service extensions. These priorities shall be the basis for making decisions on all development proposals and requests for annexations.*
- 3. Provide for an Urban Growth Management Strategy to set forth policies on the urbanization of vacant and agricultural land. The policies should cover the extension of water and sewer service, land partitioning requirements, zoning, and annexations within the Urban Growth Boundary. The strategy shall provide for the orderly and cost-efficient accommodation of anticipated urban growth for the next 10 years.*
- 4. Trunk lines for utilities shall be extended only to service areas which are adjacent to existing development.*
- 5. Sewer and water utilities shall not be extended beyond the City's corporate limits and shall be provided only after annexation.*

In the city's review of the annexation of the property to the city, which was approved on May 22, 2006, city staff determined that the proposed city annexation was consistent with the above-noted annexation policies. In reaching this conclusion, city staff determined that the property had the necessary urban services available with adequate capacity, and therefore the city annexation was consistent with the intent of Policies 2 & 3. Annexation of the property into the District constitutes one of the steps necessary to coordinate the provision of sanitary and storm sewer to the tax lots involved in the annexation. The proposed minor boundary change is consistent with the city's comprehensive plan governing urbanization and the provision of urban services (Local Urbanization Policies 2 through 5).

7. The District has responsibility for surface water management within urban Washington County. Clean Water Services has entered into an intergovernmental agreement with the City of Forest Grove for allocation of City and District responsibilities. The City has responsibilities for operations and maintenance of storm and surface water facilities within the City. The applicant is currently proposing to provide the necessary water quality facilities designed to serve the residential subdivision. Storm water discharged from on-site water quality facilities will be discharged to the unnamed stream that traverses through the property.
8. The City of Forest Grove will serve the subject property. Water service is available to the property by extending an existing 8-inch water line stub at the intersection of Hartford Drive and Main Street, south of the subject property, and by extending an existing 8-inch water line

located along Hartford Drive at the intersection of [Future] "B" Street.

9. Upon annexation of the property into city, the Forest Grove Fire District became responsible for serving the property. The city annexation ordinance (2006-07) also removed the property from the Forest Grove Rural Fire District. Fire service will not change as a result of annexation to the District.
10. Sanitary sewer service is available to the property by extending an existing 10-inch water line stub at the intersection of Hartford Drive and Main Street, south of the subject property, and by extending an existing 8-inch water line located along Hartford Drive at the intersection of [Future] "B" Street. The District provides the sewage treatment and transmission of effluent to the regional treatment plants through major trunks and interceptors as well as sanitary sewer service for lands within unincorporated Washington County.
11. The tax lots comprising the property were annexed into the City of Forest Grove on May 22, 2006. Upon annexation of the property into city, the Forest Grove police became responsible for serving the property. The city annexation ordinance (2006-07) also removed the property from the County's Enhanced Sheriff Patrol District. This service will not be affected by the annexation to the District.
12. Annexation to the District will not affect transportation through the City of Forest Grove or unincorporated Washington County. Access to the future development will be in accordance with the City of Forest Grove's development standards and the city's transportation plan. In addition, the city annexation ordinance (2006-07) also removed the property from the County's Urban Road Maintenance District.
13. The City of Forest Grove Parks and Recreation Department serves lands within Forest Grove. Park and recreation service will not change as a result of annexation to the District.
14. The Forest Grove School District currently services this area.
15. 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.
16. A necessary party has not contested this boundary change. Therefore, the change may become effective immediately upon adoption by the Board.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Commission concludes:

1. ORS 198 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 . . .*" The Washington County Comprehensive Plan is no longer applicable since the property was annexed to the City of Forest Grove on May 22, 2006. Annexation of these

properties to the District is consistent with the City of Forest Grove's Comprehensive Plan (Policies 2 through 5).

2. The District supports the proposed annexation to its boundary. The Board of County Commissioners has endorsed this as the Board of Directors of Clean Water Services District.
3. A necessary party has not contested this boundary change. Therefore, the change may become effective immediately upon adoption by the Board.

EXHIBIT B

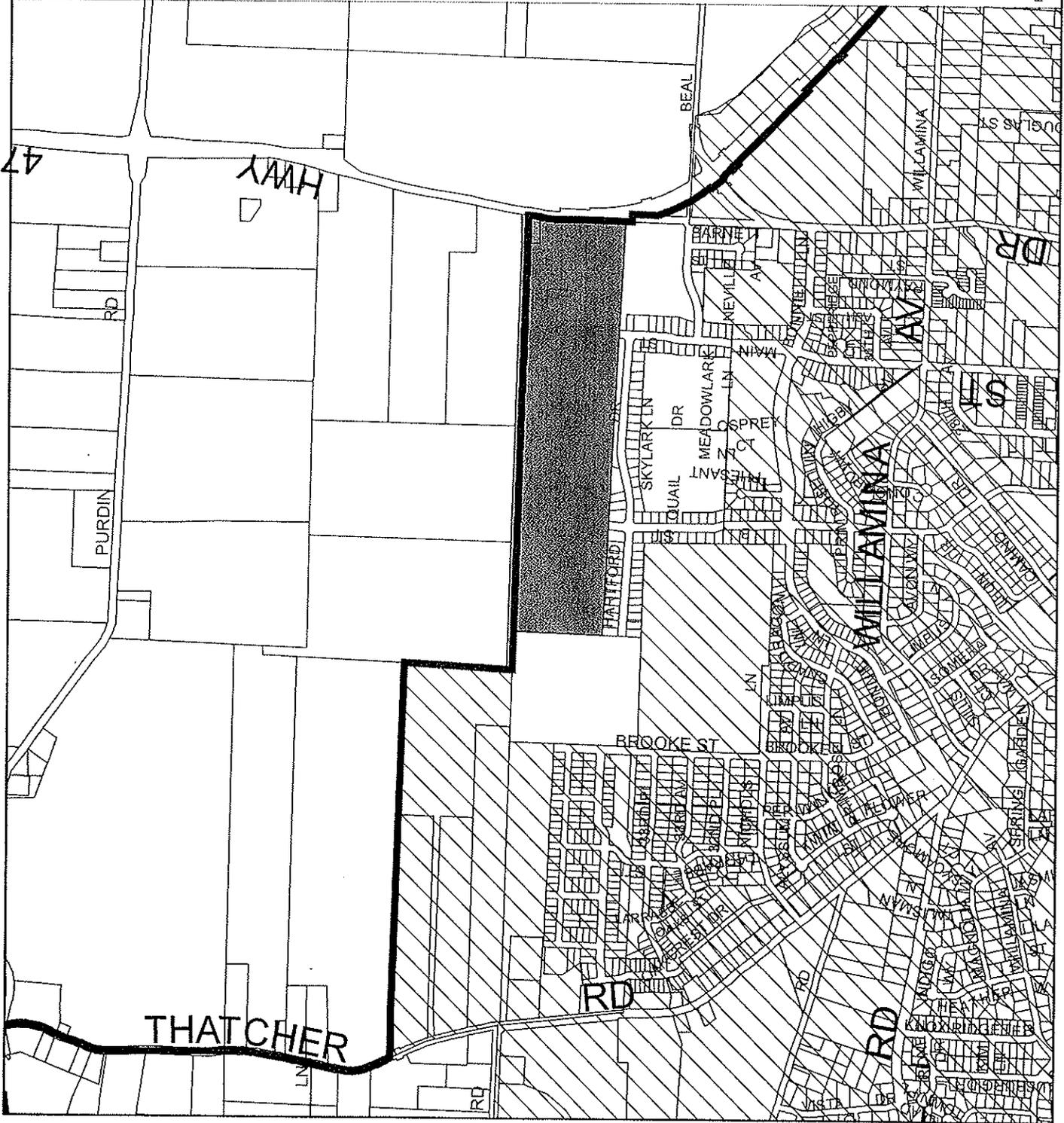
WA-2606

Annexation to
Clean Water Services

Subject Taxlot

Clean Water Services

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.



20085 NW Tanasbourne Drive
Hillsboro, OR 97124
P 503.858.4242
F 503.645.5500
www.ldcdesign.com

Legal Description
For annexation

A PORTION OF THE BENJAMIN CATCHING DLC NO. 59 AND THE ORUS BROWN DLC NO. 71, SITUATE IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 3 WEST AND THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 4 WEST, W.M., WASHINGTON COUNTY, OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 47, "LANCASTER SQUARE NO. 2", THENCE N89°32'43"W, 3269.52 FEET ALONG THE NORTH BOUNDARY LINE OF SAID "LANCASTER SQUARE NO. 2" TO THE NORTHWEST CORNER OF LOT 77 THEREOF; THENCE N00°04'50"W, 659.81 FEET TO A POINT ON THE SOUTH LINE OF THE 40' WIDE ROADWAY COUNTY ROAD NO. 1245; THENCE N89°32'55"W, 343.34 FEET ALONG THE SOUTH LINE OF SAID ROADWAY TO THE SOUTHWEST CORNER THEREOF; THENCE N00°27'05"E, 40.00 FEET ALONG THE WEST LINE OF SAID ROADWAY TO THE NORTHWEST CORNER THEREOF; THENCE S89°32'55"E, 3618.44 FEET ALONG THE NORTH LINE OF SAID ROADWAY TO A POINT ON THE WEST RIGHT OF WAY LINE OF STATE HIGHWAY 47; THENCE ALONG SAID RIGHT OF WAY LINE S09°04'38"W, 38.03 FEET; THENCE S00°05'20"E, 660.00 FEET ALONG SAID WEST RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

CONTAINING 52.9 ACRES

BASIS OF BEARINGS: PLAT OF "LANCASTER SQUARE NO. 2"

EXHIBIT A
SHEET 1 OF 2



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
FEBRUARY 08, 2000
JOHN R. WADE
59999 LS

EXPIRES: 06/30/06



DESIGN GROUP

FEBRUARY 2, 2006
LDC JOB 0174.003

PREPARED FOR:
RIVERSIDE HOMES

DESCRIPTION SKETCH
ANNEXATION LEGAL

A PORTION OF THE BENJAMIN CATCHING DLC NO. 59 & THE ORUS BROWN DLC NO. 71, SITUATED IN THE S.W. 1/4 OF SECTION 30, T. 1 N., R. 3 W. & THE S.E. 1/4 OF SECTION 25, T. 1 N., R. 4 W., W.M., WASHINGTON COUNTY, OREGON