

Final Documents

For

Annexation to the  
**City of King City**

WA3005  
Ordinance No. 0-05-09  
DOR: 34-1760-2005  
Sec. State: AN-2005-0214

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

Signature:

 \_\_\_\_\_

Date of

Mailing: 9/20/05

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

Signature:

 \_\_\_\_\_

Date of

Mailing: 9/26/05

WA3005

Sent

Received

DOR: 9/20/05 9/26/05

Sec. State: 9/26/05

Assessor: 9/26/05

Elections: 9/26/05

Mapped: Yes

Posted to Web: 10/12/05

Assessor Information:

2S116AD03900

16840 SW 131<sup>st</sup> Ave



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September 28, 2005

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 September 27, 2005, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
OR NO 0-05-09 (King City)	AN 2005-0214
OR NO 0-05-10 (King City)	AN 2005-0215

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

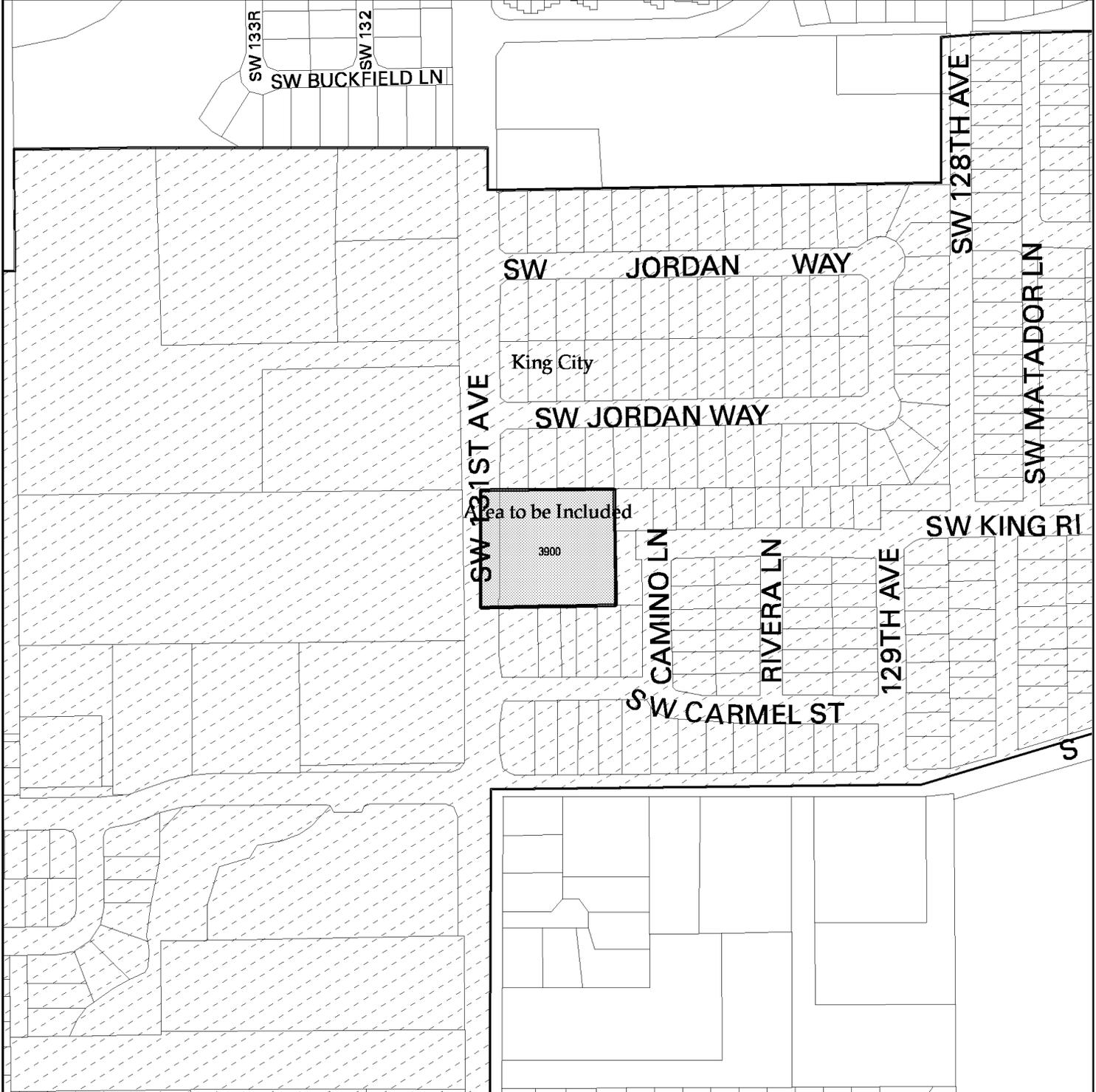
cc: County Clerk(s)  
Department of Revenue  
ODOT  
Population Research Center

# Proposal No. AN-01-05

2S1W16

Annexation to the City of King City

Washington Co.



R L I S  
REGIONAL LAND INFORMATION SYSTEM



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

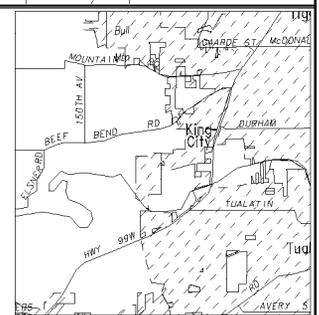
City

Annexation boundary

Urban Growth Boundary

Proposal No. AN-01-05  
CITY OF KING CITY  
Figure 1

Scale: 1" = 250'



# Notice to Taxing Districts

ORS 308.225



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

City of King City  
City Manager  
15300 SW 116th Avenue  
King City, OR 97224-2693

**Description and Map Approved  
September 23, 2005  
As Per ORS 308.225**

Description     Map received from: METRO  
On: 9/22/2005

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

ANNEX TO CITY OF KING CITY; WITHDRAW FROM SEVERAL DISTRICTS (WA3005)

ORD. #0-05-09

has been:     Approved            9/23/2005  
                   Disapproved

Notes:

Department of Revenue File Number: 34-1760-2005

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

## LEGAL DESCRIPTION

Beginning at a point on the centerline of SW 131<sup>st</sup> Avenue (C.R. #1201) that is South 2,116.28 feet and West 1,612.68 feet from the NE Corner of Section 16, Township 2 S, Range 1 W, of the Willamette Meridian, Washington County, in the State of Oregon.

Thence South 89° 57' 26" East a distance of 232 feet; thence South 0° 14' 27" East 205.64 feet; thence South 89° 45' 33" West 232 feet to the centerline of SW 131<sup>st</sup> Avenue; thence North 0° 14' 27" West 206.68 feet to the point of beginning.

ORDINANCE NO. 0-05-09

AN ORDINANCE ANNEXING A CERTAIN TRACT OF LAND INTO THE CITY LIMITS OF THE CITY OF KING CITY AND WITHDRAWING THE TRACT FROM TERRITORY OF THE WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, THE WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT AND THE WASHINGTON COUNTY SERVICE DISTRICT NO. 1 FOR STREET LIGHTS.

KING CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, the City instigated the annexation of certain properties to the City and held an election in the City on the proposed annexation as required by the City Charter and whereas the electors of the City approved the annexation on May 17, 2005; and

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); and

WHEREAS, the tract of land is contiguous to the City and can be served by city services; and

WHEREAS, the City Commission dispenses with submitting the question of the proposed annexation to the electors of the City for their approval or rejection, but only to the extent that an election would be held under ORS chapter 222; and

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

WHEREAS, the tract of land lies within the territory of Washington County Service District for Enhanced Law Enforcement; and

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

WHEREAS, the tract of land lies within the territory of Washington County Service District No. 1 for Street Lights; and

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

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 A; and

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

Now, therefore,

**KING CITY ORDAINS AS FOLLOWS:**

Section 1. The tract of land, described in Exhibit B and depicted on the attached map, is declared to be annexed to the City of King City.

Section 2. The tract of land annexed by this ordinance and described in Section 1 is withdrawn from the Washington County Urban Roads Maintenance District, the Washington County Enhanced Sheriff's Patrol District, the Washington County Vector Control District and the Washington County Service District No. 1 for Street Lights.

Section 3. The findings and conclusions attached as Exhibit A 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. The annexation and withdrawals shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

Read for the first time at a regular meeting of the City Council held on the 31<sup>ST</sup> day of August, 2005, and then enacted by the City Council on September 7, 2005.

Signed and approved by the Mayor this 7 day of Sept, 2005.

  
CHUCK FAES, Mayor

ATTEST:

  
JANE TURNER, City Manager

## FINDINGS

Based on the staff report and public hearing, the Council found that:

1. The City has already met the requirement for an affirmative vote by City residents on all annexations. The annexation was approved by the City's voters on May 17, 2005.
2. The territory to be annexed contains 1.0 acre, 1 single family dwelling, a population of 2 and has an assessed value of \$139,030.
3. The applicant desires services from the City to facilitate future development. No specific development plans have been submitted.
4. There are no specific criteria for deciding city boundary changes within the statutes. However, the Legislature has directed Metro to establish criteria which must be used by all cities within the Metro boundary.

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 Code requires these findings and conclusions to address the following minimum criteria:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065. [Urban service provider agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place. Annexation plans are timelines for annexation, which can only be done after all required 195 agreements are in place and which must have been voted on by the City residents and the residents of the area to be annexed.]
2. Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party.
3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans.
4. Consistency with specific directly applicable standards for boundary changes contained in the Regional Framework Plan or any

functional plan.

5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. The territory lies within the Urban Growth Boundary.
7. Consistency with other applicable criteria for the boundary change in question under state and local law.

The Metro Code also contains a second set of 10 factors which are to be considered where no ORS 195 agreements have been adopted and the boundary change is being contested by a necessary party. This boundary change is not being contested by a necessary party.

5. This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

The law which dictates that Metro adopt criteria for boundary changes specifically states that those criteria shall 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 now part of Metro's Regional Framework Plan. The Regional Framework Plan also includes the 2040 Growth Concept. Metro is authorized to adopt functional plans which are limited purpose plans addressing designated areas and activities of metropolitan concern and which mandate local plan changes. Metro has adopted two functional plans - the Urban Growth Management Functional Plan and the Regional Transportation Plan.

The Regional Framework Plan, which includes the regional urban growth goals and objectives, the Growth Management Functional Plan and the Regional Transportation Plan were examined and found not to contain specific criteria applicable to boundary changes.

6. The Metro Code states that the Council's decision on this boundary change should be "... consistent with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans, public facility plans, . . ." Thus the applicable plans must be examined for "specific directly applicable standards or criteria."

The Washington County Comprehensive Plan is the applicable plan for this area.

The Washington County Bull Mountain Community Plan designates the area to be annexed as R-15, Residential. This planning and zoning designation permits

detached and attached residential development with densities of up to 15 units per acre

7. Washington County reviewed its role in service provision in its County 2000 program, the County's financial management plan. The County established a policy of supporting a service delivery system which distinguishes between municipal and county-wide services. To achieve tax fairness and expenditure equity in the provision of public services the County's policy is to provide only county-wide services with general fund revenues. The County policy favors municipal services being provided either by cities or special districts.
  
8. Under the Washington County/King City Urban Planning Area Agreement (UPAA), the City is responsible for preparing the public facilities plan required by OAR 660-11 within the urban planning area. The City agrees to notify the County of any actions requiring a hearings process which is quasi-judicial in nature. The notice is required to be made at least 10 days prior to the hearing. In this case notice was provided 45 days prior to the hearing. In the UPAA the City and County agreed that:
  - D. The CITY and the COUNTY agree that when annexation to the CITY takes place, the transition in land use designation from one jurisdiction to another should be orderly, logical and based on a mutually agreed upon plan.
    1. For land which has COUNTY urban plan designations other than Future Development 10 Acre (FD-10), upon annexation, the CITY agrees to convert COUNTY plan designations to CITY plan and zone designations which most closely approximate the density, use provisions and standards of the COUNTY designations. Furthermore, the CITY agrees to maintain this designation for one year after the effective date of annexation unless both the CITY and COUNTY Planning Directors agree at the time of annexation that the COUNTY designation is outdated and an amendment could be initiated before the one year period is over.
  
9. The *Land Use Planning* element of the City's Comprehensive Plan says that:
  - ... The City will work toward establishing a mutually approved growth management agreement with Washington County to ensure that:
    - ...
      - b. Urban development inside King City's Urban Planning Area may be allowed to annex to the City of King City in accordance with the City Charter.
    - ...

The *Urbanization* element of the plan contains the following:

*Planning Responsibility and Annexation*

New development standards and long range policy are now controlled by Washington County for land outside the city limits. If land is annexed, the responsibility shifts to the City. The City has an agreement with the County that a "similar zoning" designation will be applied to land that might be annexed to King City. As a result, annexation does not affect the basic uses allowed on properties outside the City in the short term. The City does, however, have the ability to amend land use policies and designations for annexed land as needs of the City change.

Annexation may affect the amount and types of services the City should offer. King City is predominantly a retirement community and the services presently provided focus on this age group.

The City recognizes that some properties in the City have special deed conditions and restrictions designed to preserve the retirement/recreation quality of life of those properties. If annexation occurs into the City it will not automatically entitle newly annexed citizens to membership in the King City Civic Association. Any agreement for membership must be negotiated privately with King City Civic Association.

**Annexation Process:**

The City policy is neutral on annexation, and all proposed actions for annexation or transfer of territory which would extend the boundaries of the City shall first be submitted to a vote of the electors, when such actions originate within the City. The City Council must file an objection and hold an election on actions initiated outside the City and approved by the Portland Metropolitan Area Local Government Boundary Commission, as provided by Sections 199.505 and 199.507 of Oregon Revised Statutes. In both actions, the City Council shall be bound to act in accord with the majority of the voting electors. (King City Charter, Chapter I, Section 3a.)

The City of King City is an active municipality concerned with maintaining the quality of life of its residents. The City recognizes that change and growth will occur regardless of any action taken by the City government. By taking an active role in the planning of areas which are undeveloped and within the City's UPA, the City can guide the type and quality of developments that are compatible with the original community.

The increased growth within the City's UPA caused the City to update its Comprehensive Plan in 1986 and 1990 resulting in amendments

(Ordinances 0-89-15 and 0-90-16). The City of King City is neutral on growth and any annexation within the UPA would be required to meet the following criteria:

#### Policy

1. The City may consider annexation proposals for the developed and undeveloped properties within the City's UPA
2. The citizens of King City shall vote on any extensions of the City's boundaries.
3. A preplanning proposal shall be developed by the property owners and submitted to the City. The proposal shall have the following components:
  - A commitment to the future development activity to take place on the property;
  - A method to facilitate the transition from county zoning to city zoning;
  - The ability of future development on annexed properties to comply with the provisions of the King City Community Development Code.
4. Any extension of public services should be financed by the property owner or developer.
5. The property owner or developer shall agree to pay all applicable City fees upon development.
6. The area to be annexed should be able to be efficiently served by the City.

The current annexation proposal was initiated by the City. The City was acting in accordance with the above Plan provision relating to taking an active role in planning for areas inside the City's UPA. The City Manager has noted previously that the City believes the requirements of No. 3 above apply only to property owner instigated proposals. The City Charter and the Comprehensive Plan mandate that annexations which originate with the City (as is the case with the current proposal) must first be submitted to a vote of the electors in the City. As noted in Finding No. 1 this has already occurred and the vote was affirmative.

The City will process Comprehensive Plan and Zone changes on this property subsequent to annexation. The County's R-15 planning designation will be changed to the City's Medium Density Residential designation. The County's R-15 zoning designation will be changed to the City's R-12 designation. Until these processes are complete the County planning and zoning designation will remain on the property as dictated by state statute (ORS 215.130).

10. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. 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 creation of these agreements. The statute was enacted in 1993 but no urban service agreements involving King City have yet been adopted.

11. Water service is provided to the City of King City via an intergovernmental agreement with the City of Tigard. There is a 12-inch water line in SW 131<sup>st</sup> adjacent to the property.
12. The City contracts with the Washington County's Clean Water Services District to provide collector sewers in the City. Clean Water Services provides treatment and major transmission lines to all of urbanized Washington County and provides collector service to some urbanized unincorporated areas. The District has an 18-inch sewer line in SW 131<sup>st</sup> adjacent to the territory.
13. Clean Water Services has responsibility for surface water management within the Washington County urban growth boundary. Clean Water Services has entered into an intergovernmental agreement with King City for allocation of the City and the U.S.A. responsibilities. The City owns the facilities but the District does the maintenance.
14. Many recreational facilities in the City are owned, managed and operated by the homeowners associations. The City is developing a new 17 acre park on the southwest corner of the City.
15. The territory is within the boundary of the Tualatin Valley Fire and Rescue District which also serves the City of King City. No change in service results from annexation to the City.
16. The territory is within the boundary of the Washington County Urban Road Maintenance District. The City may withdraw the territory from the District upon annexation. ORS 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 will no longer apply.

No streets are included in the territory to be annexed. The territory is accessed by SW 131<sup>st</sup> Street.

17. The territory is within the Washington County Enhanced sheriff's Patrol District which, included with the basic County-wide level of protection, provides approximately 1 officer per 1000 population. The City may withdraw the territory from the District upon annexation. ORS 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 will no longer apply.

Upon annexation police services will be provided by the City Police department which provides 24 hour/day protection.

18. The territory is within the County Service District for Vector Control. The City may withdraw the territory from the District upon annexation. ORS 222.520 and 222.120(5).
19. The area to be annexed is within Washington County Service District No. 1 for street lights. The City may withdraw the territory from District upon annexation.
20. Planning and other services will be available from the City upon annexation.

## A. CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings the Council determined that:

1. The Metro Code at 3.09.050 (d) (3) calls for consistency between the City's decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ." The Council has reviewed both the County comprehensive plan which currently applies to this parcel and the City Comprehensive Plan which will apply upon annexation. The County Plan does not contain any criteria directly applicable to annexations. The County 2000 program suggests that the County supports all urban lands annexing to cities. The Council concludes that the annexation is consistent with the County Comprehensive Plan.

The City's Comprehensive Plan anticipates that lands within the City's Urban Planning Area may annex to the City. The Plan notes that the City-County Urban Planning Area Agreement requires the City to apply similar zoning to that previously applied by the County. Therefore annexation will not affect the basic uses allowed on the land. The City Plan requires property owner instigated proposals to be accompanied by development plans but City instigated proposals such as the current proposal does not require this.

The Comprehensive Plan and the City Charter require a vote of city electors on all annexations and that has occurred and the annexation was approved in this case.

The Plan requires the area to be annexed be efficiently serviceable by the City and this is demonstrated in Findings 11-20.

The City Council therefore concludes that the proposed annexation is consistent with the City's Comprehensive Plan as required by Metro Code 3.09.050 (d) (3).

2. Metro Code 3.09.050 (d) (1) requires the Council's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted pursuant to ORS 195. As noted in Finding No. 10 there are no such plans or agreements in place. Therefore the Council finds that there are no inconsistencies between these plans/agreements and this annexation.
3. The Council notes that the Metro Code also calls for consistency of the annexation with urban planning area agreements. As stated in Finding No. 8 the King City-Washington County UPAA requires the City to notify the County of actions such as annexations and this was done 45 days before the hearing. The UPAA calls for the City to adopt plan and zone designations for this area which

will apply after the property is annexed. As noted in Findings No. 9 the City intends to adopt compatible plan and zoning designations following approval of the annexation and until they do the County designations will continue to apply. The Council concludes the proposal is consistent with the UPAA.

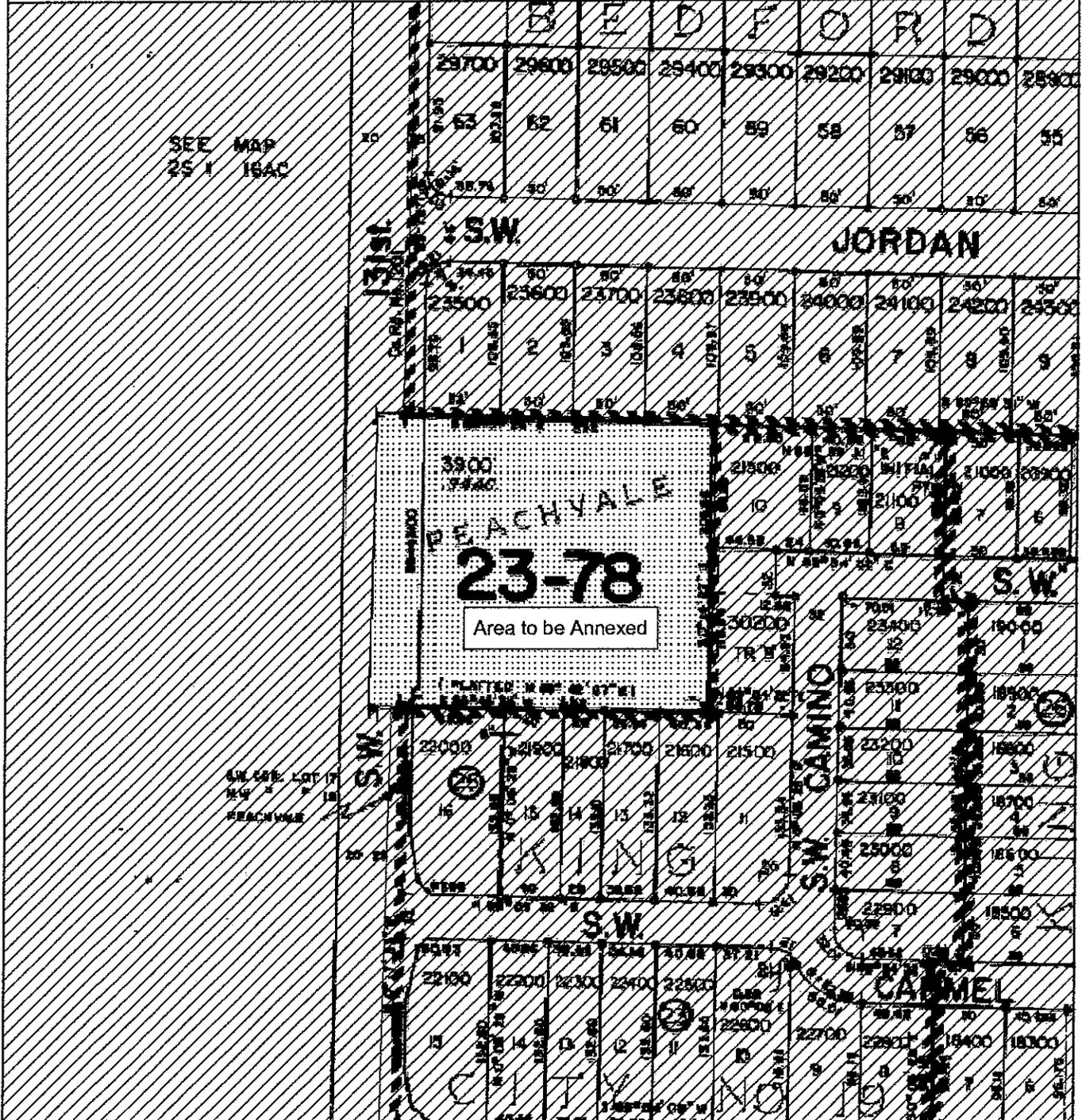
4. The Metro Code calls for consistency of the annexation with the Regional Framework Plan or any functional plan. Because as noted in Finding No. 5, there were no directly applicable criteria for boundary changes found in the Regional Framework Plan or in the two adopted functional plans (the Urban Growth Management Functional Plan and the Regional Transportation Plan), the Council concludes the annexation is not inconsistent with this criteria.
5. Metro Code 3.09.050 (e) (3) states that another criterion to be addressed is that the annexation will not interfere with the timely, orderly and economic provision of public services and facilities. As development has occurred both inside and outside the City, services have been extended. All necessary services to support urban development of this land are available at the edge of the territory. The Council finds the City's services are adequate to serve this area and that their timely provision will not be affected by the annexation. Those services are covered in more detail in Findings 11-20.

# Proposal No. AN-01-05

**K M C**

Ken Marlin Consulting  
P.O. Box 29079  
Portland, OR 97296-9079  
(503) 222-0955

Annexation to the City of King City  
Washington County  
2S1W16AD



1 inch equals 100 feet

PROPOSAL No. AN-01-05  
City of King City  
Figure 2