

Final Documents

For

Annexation to the
City of Hillsboro

WA3301
DOR 34-1511-2001
Ordinance #5051
Sec. State: AN 2001-1082

Final to DOR: _____

Signature:

 _____

Date of
Mailing: 08/20/01

Final to Secretary of State: _____

Signature:

 _____

Date of
Mailing: 09/04/01

WA3301

Sent

Received

DOR:

08/20/01

08/31/01

Sec. State:

09/04/01

10/15/01

Assessor:

09/04/01

Elections:

09/04/01

Mapped:

Yes

Posted to Web:

10/17/01

Addresses:

1S204DB00700

1130 SE 40th Ave

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

October 3, 2001

Metro
600 NE Grand Ave
Portland, OR 97232-2736

Dear Mr. Martin:

Please be advised that we have received and filed on September 6, 2001 the following Annexation(s).

Ordinance(s):	City of:	Our File Number(s):
5038	Hillsboro	AN 2001-0180
5052	Hillsboro	AN 2001-0181
5051	Hillsboro	AN 2001-0182

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

Notice to Taxing Districts

ORS 308.225



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

City of Hillsboro
City Manager
123 W. Main St.
Hillsboro, OR 97123

Description and Map Approved
August 30, 2001
As Per ORS 308.225

Description Map received from: METRO
On: 8/29/01

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

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

ORD. #5051

has been: Approved 8/30/01
 Disapproved

Notes:

Department of Revenue File Number: 34-1511-2001

Prepared by: Jennifer Dudley, 503-945-8666

Boundary: Change Proposed Change
The change is for:

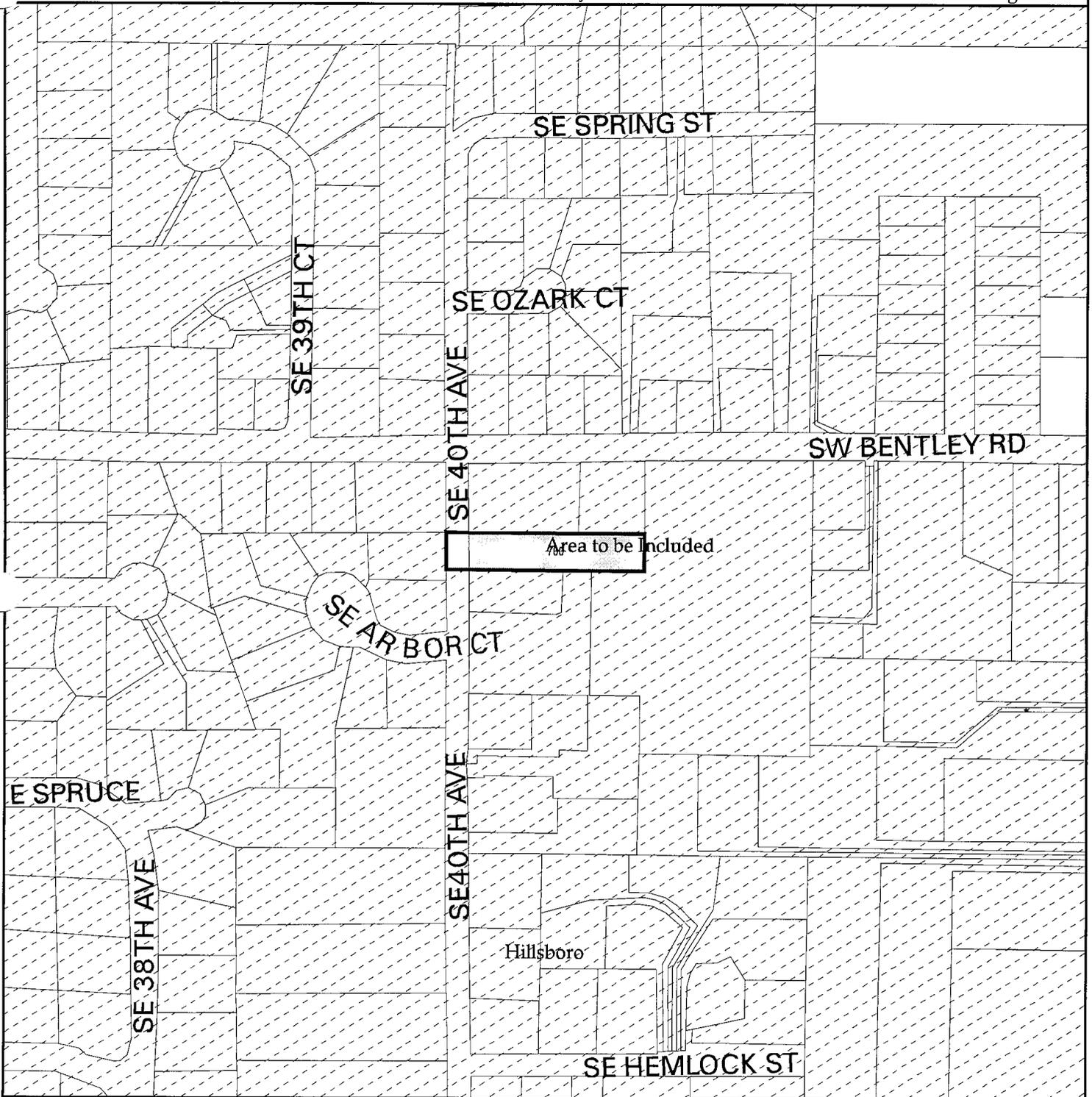
- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge

Proposal No. WA3301

S2W04

Annexation to the City of Hillsboro

Washington Co.



R L I S
REGIONAL LAND INFORMATION SYSTEM



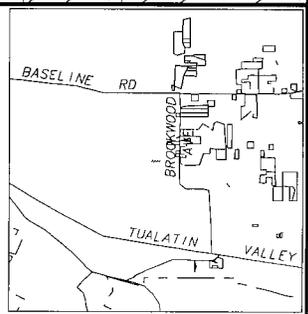
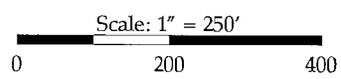
600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email dro@metro-region.org

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 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. WA3301
CITY OF HILLSBORO
Figure 1



ORDINANCE NO. 5051
AN 7-01: DUTRA

CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL
Paul W. White
Recorder, City of Hillsboro

AN ORDINANCE ANNEXING A CERTAIN TRACT OF LAND INTO THE CITY LIMITS OF HILLSBORO, WITHDRAWING THE TRACT FROM THE TERRITORIES OF WASHINGTON COUNTY RURAL FIRE PROTECTION DISTRICT NO. 2, WASHINGTON COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT, WASHINGTON COUNTY SERVICE DISTRICT FOR URBAN ROAD MAINTENANCE, AND WASHINGTON COUNTY SERVICE DISTRICT NO. 1 FOR STREET LIGHTS, AND DECLARING AN EMERGENCY.

WHEREAS, the City received a complete petition from the property owners of a certain tract of land, described in Exhibit A to this ordinance, requesting that their property be annexed to the city limits of Hillsboro;

WHEREAS, the petition represented 100 percent of the property owners of the territory requesting to be annexed into the City Limits of Hillsboro as required by ORS 222.125 in order to consent to an annexation;

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

WHEREAS, the City Council dispenses with submitting the question of the proposed annexation to the electors of the City for their approval or rejection;

WHEREAS, the tract of land is located within Urban Planning Area A of the Urban Planning Area Agreement between Washington County and the City of Hillsboro, adopted on December 15, 1998;

WHEREAS, the Urban Planning Area Agreement specifies that all land in Urban Planning Area A shall annex to the City prior to development;

WHEREAS, the tract of land lies within the following districts: Washington County Rural Fire Protection District No. 2; Washington County Service District for Enhanced Law Enforcement; Washington County Service District for Urban Road Maintenance; and Washington County Service District #1 for Street Lights;

WHEREAS, delay in the effective date of the annexation could cause inconvenience and additional financial cost to the property owners and unnecessary delay in the provision of City services;

WHEREAS, notice of the proposed annexation and withdrawals has been published, mailed and posted in the manner provided by law;

WHEREAS, the City Council conducted a public hearing on this matter on August 7, 2001, and does hereby favor the annexation of the subject tract of land and withdrawals from the districts based on the findings attached hereto as Exhibit B;

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

NOW, THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. The tract of land, described in Exhibit A, is declared to be annexed to the City of Hillsboro, Oregon.

Section 2. The tract of land annexed by this ordinance and described in Section 1 is withdrawn from the following districts upon the effective date of the annexation: Washington County Rural Fire Protection District No. 2; Washington County Service District for Enhanced Law Enforcement; Washington County Service District for Urban Road Maintenance; and Washington County Service District #1 for Street Lights.

Section 3. The findings attached as Exhibit B 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(f) 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.

Section 4. Inasmuch as it is necessary that this annexation become effective soon, so as to avoid unnecessary hardship to the property owners and allow for the immediate provision of City services, an emergency is declared to exist and this ordinance shall become effective immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council this 7th day of August, 2001.

Approved by the Mayor this 7th day of August, 2001.



Mayor

ATTEST: 

City Recorder

City of Hillsboro
Annex 7-01: Dutra.
Proposed Legal Description
MF, June 29, 2001

EXHIBIT "A"

A tract of land in Section 4, Township 1 South, Range 2 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Commencing at the northwest corner of Lot 28, Virginia Place, a duly recorded subdivision in said county;

thence South, along the west boundary of said lot, a distance of 139.0 feet to the southwest corner of that tract of land described in deed to Beecher Jones, recorded in Book 218, page 717, in deed records of said county and the TRUE POINT OF BEGINNING;

thence East, along the south boundary of said Jones tract, a distance of 302 feet to the southeast corner thereof and a point on the west line of the east half of said lot;

thence South, along the west line of the east half of said lot, a distance of 63.0 feet to the southeast corner of that tract of land described in deed to August S. Dutra and Susan A. Awbrey Dutra, recorded 10/22/1996as document number 96094574, in deed records of said county;

thence West, along the south boundary of said Dutra tract and projection thereof, a distance of 327.0 feet to the west right-of-way line of SE 40th Avenue;

thence North, along said right-of-way line, a distance of 63.0 feet to the westerly projection of the south boundary of said Jones tract;

thence East, along said projection, a distance of 25.0 feet to the TRUE POINT OF BEGINNING.

EXHIBIT B

FINDINGS IN SUPPORT DUTRA ANNEXATION FILE NO. AN 7-01

I. BACKGROUND INFORMATION AND SITE DESCRIPTION

Two petitioners representing one property requested City Council approval for annexation of approximately 0.42 acres into the City Limits of Hillsboro.

The property under consideration is located generally east of SE 40th Avenue, west of SW Brookwood Avenue, north of SE Hemlock Street, and south of SE Bentley Road. The property can be specifically identified as Tax Lot 700 on Washington County Tax Assessor's Map 1S2-4DB. The total assessed value of the property is \$103,470.

The property is relatively flat. A single family home is located on Tax Lot 700, and is addressed at 1130 SE 40th Avenue.

II. PROCEDURAL REQUIREMENTS

In accordance with ORS 222.125 the petition for annexation from the property owners constituted 100 percent of the property owners. Notice of the proposed annexation was given as specified by Metro Code Chapter 3.09.030 and ORS 222.120. A staff report was prepared and available 15 days prior to the hearing as stipulated by Metro Code Chapter 3.09.050. A public hearing on the matter was conducted by the City Council on August 7, 2001.

III. APPLICABLE APPROVAL CRITERIA

Metro Code Chapter 3.09.050(d) specifies the minimum review criteria for a proposed annexation. The six minimum applicable criteria are as follows:

- 1) *Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;*

FINDING: There are currently no urban service provider agreements as required by ORS 195.065 (Senate Bill 122) in place for this area. The City is currently working with other urban service providers to establish these required agreements.

- 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;*

FINDING: The property is identified as being within Urban Area A of the Urban Planning Area Agreement (UPAA) between Washington County and the City of Hillsboro, adopted on December 15, 1998. Pursuant to that agreement, *“the City shall regulate the conversion of vacant land to urban uses in Urban Area A through the extension of water and sewer service, land partitioning requirements, provision of transportation facilities and annexations within the area. Land within Urban Area A shall not be converted to urban uses prior to annexation to the City.”* Section IV (A) of the UPAA also specifies that *“all land in Area A shall annex to the City prior to development. As used in this subsection, “development” includes the construction of any residential dwelling unit structure or related accessory structures.”* Annexation of this property would be consistent with the UPAA, and allow the petitioners the ability to further develop their property.

- 3) *Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;*

FINDING: The annexation would be consistent with the following Comprehensive Plan policies and implementation measures:

Section 2. Urbanization Policy (III)(A) Urbanization within the planning area shall be consistent with the goals and policies of this Plan. Development shall occur according to the availability of urban services and within the context of the Urban Planning Area Agreement. The City and other government agencies shall encourage property owners to maintain the present rural use and character of undeveloped or underdeveloped lands within the Hillsboro Planning Area until such land is required and proposed for urban use and the necessary urban services are available.

Section 2. Urbanization Policy (III)(F) In the Area of Interest, the City will continue its current annexation policy, under which property owners interested in annexation are welcome to contact the City for whatever information and assistance they need to initiate and complete the annexation process.

Section 2. Urbanization Policy (III)(H) The City will negotiate with the service districts currently providing urban services to properties in the Area of Interest, and will address service provision issues on an individual basis upon receipt of petitions for annexation. The City will work toward formal long-term service agreements with each affected service district, and shall consider the Area of Interest in all public facility plans.

Section 2. Urbanization Implementation Measure (IV)(A)(5) The infill of vacant, bypassed lands, between areas of development, at an urban level, shall be encouraged. Appropriate measures shall be taken to insure that new development in infill areas is compatible with existing developed areas. The City will support a proposed annexation of infill areas and allow subsequent development to occur under the

clear and objective standards in its implementing ordinances, including the Zoning and Subdivision ordinances.

Section 2. Urbanization Implementation Measure (IV)(F) All land in the Hillsboro Planning Area is assumed to be available for annexation and/or development, consistent with the Comprehensive Plan, zoning, subdivision regulations, and the Urban Planning Area Agreement.

Section 7. Air, Water and Land Resource Quality Policy (III)(B) The City shall design a storm sewer and sanitary sewer master plan and develop implementation measures necessary to assure that a storm sewer and sanitary system are provided to areas designated urban. The plan shall be designed to accommodate the growth anticipated in undeveloped portions of the Hillsboro Planning Area.

Section 12. Public Services Implementation Measure (V)(C)(2) The City shall require properties to annex to the City prior to the provision of sanitary sewer service.

Section 12. Public Services Implementation Measure (V)(I)(2) The City shall require properties in the urban area to annex to the City prior to the provision of water service.

In particular, the annexation would be consistent with Section 2. Urbanization Policy (III)(F), assisting property owners with the annexation process; Section 2. Urbanization Implementation Measure (IV)(A)(5), supporting the annexation of infill areas; and Section 2. Urbanization Implementation Measure (F), all land in the Hillsboro Planning Area is assumed to be available for annexation.

- 4) *Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;*

FINDING: The annexation would be consistent with regional framework and functional plans. The City's current plan designation for the property is RL Low Density Residential which is consistent with the regional urban growth goals and objectives. The property will be rezoned to R-7 Single Family Residential pursuant to Section 97 of Hillsboro Zoning Ordinance No. 1945.

- 5) *Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;*

FINDING: Water is available to the properties from a six-inch City line currently located in the SE 40th Avenue right-of-way. Sanitary sewer is available through a ten-inch City line located in the SE 40th Avenue right-of-way. Storm water disposal is available through ditches in the SE 40th Avenue right-of-way and an 18-inch line within the SW Bentley Road right-of-way.

Fire and police protection would be provided by the City of Hillsboro and the property would be withdrawn from the following districts as of the effective date of the annexation:

Washington County Rural Fire Protection District No. 2
Washington County Service District for Enhanced Law Enforcement
Washington County Service District for Urban Road Maintenance
Washington County Service District #1 for Street Lights

Annexation of the subject property would not interfere with the provisions of public facilities and services.

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

FINDING: Pursuant to ORS 222.524 has determined that withdrawal of the properties from the following districts is in the best interest of the City:

Washington County Rural Fire Protection District No. 2
Washington County Service District for Enhanced Law Enforcement
Washington County Service District for Urban Road Maintenance
Washington County Service District #1 for Street Lights

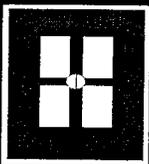
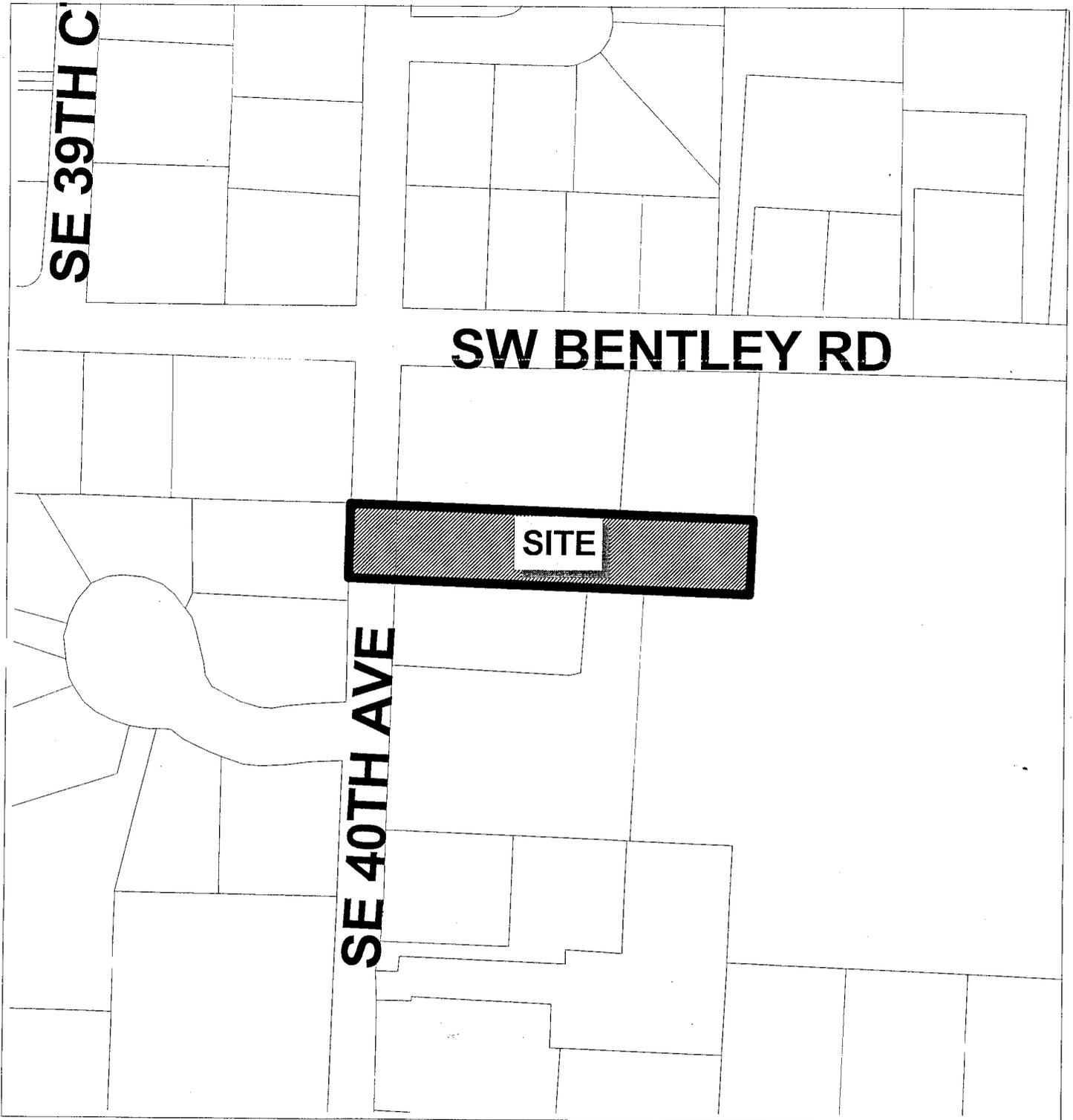
IV. TESTIMONY FROM NECESSARY PARTIES

No written testimony was received prior to or at the public hearing from a necessary party as defined in Metro Code Chapter 3.09.020(j), nor was oral testimony received by the City Council from a necessary party at the public hearing.

V. ADDITIONAL MATERIALS CITED BY REFERENCE AND INCLUDED IN FINDINGS

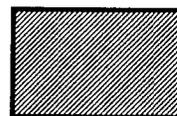
- Staff Report dated July 23, 2001

AN 7-01 - DUTRA



CITY OF
HILLSBORO

PLANNING DEPARTMENT (503) 681-6153



PROPOSED ANNEXATION



CITY LIMITS