

Final Documents

For

Annexation to the  
**Clean Water Services District**

WA3402  
Ordinance #02-107  
34-1571-2002

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

Signature:

\_\_\_\_\_

Date of

Mailing: 9/3/02

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

Signature:

\_\_\_\_\_

Date of

Mailing: 10/24/02

WA3402

Sent

Received

DOR:

9/3/02

9/9/02

Sec. State:

10/24/02

Assessor:

10/24/02

Elections:

10/24/02

Mapped:

Yes

Posted to Web:

10/24/02

Addresses:

2S134AA01400

2S134AA01600

            
22360 SW 108<sup>th</sup> Ave (part)

22420 SW 108<sup>th</sup> Ave





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

# BOARD OF COUNTY COMMISSIONERS NOTICE OF DECISION

CPO: 5

COMMUNITY PLAN: Rural/Natural Resources

EXISTING LAND USE DISTRICT: FD-10

ASSESSOR MAP NO(S): 2S1 34AA

SITE SIZE: 5.26 acres

TAX LOT NO(S): 1400 and 1600

ADDRESS: 22360 SW 108<sup>th</sup> Ave. and 22420 SW 108<sup>th</sup> Ave.

LOCATION: Tualatin, OR

**PROPOSED MINOR BOUNDARY CHANGE:**

Annexation to Clean Water Services of 4.85 acres of 22420 SW 108<sup>th</sup> Avenue (TL 1600), .08 acres of 22360 SW 108<sup>th</sup> Avenue (TL 1400), and .33 acres of the right-of-way of SW 108<sup>th</sup> Avenue in Tualatin.

Notice is hereby given that the County Board of Commissioners **APPROVED** the request for the above-stated proposed Minor Boundary Change at a public hearing on **August 27, 2002** at 6:30 PM.

**APPEAL PERIOD:**

**FROM: 08/30/2002 (Mailed Date)**

**TO: 09/09/2002 (Appeal Due Date) by 5:00 p.m.**

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.

THIS DECISION MAY BE APPEALED AND A PUBLIC HEARING HELD BY FILING A NOTICE OF APPEAL WITH THE METRO APPEALS BOARD, AS DESCRIBED IN CHAPTER 3.09 OF THE METRO CODE, WITHIN 10 CALENDAR DAYS OF THE DATE THIS NOTICE WAS PROVIDED. **ONLY THOSE NECESSARY PARTIES WHO MADE AN APPEARANCE OF RECORD (INCLUDING SUBMISSION OF WRITTEN COMMENTS OR TESTIMONY) ARE ENTITLED TO FILE A NOTICE OF APPEAL (APPEAL).** 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.

CASE FILE NO.: WA-3402

**APPLICANT:**

Tom Weber  
Matrix Development  
12755 SW 69<sup>th</sup> Avenue, #100  
Portland, OR 97223

**APPLICANT'S REPRESENTATIVE:**

Martha F. Stiven  
Stiven Planning & Development Services, LLC  
22400 Salamo Road, Suite 201  
West Linn, OR 97068

**OWNERS:**

Kelly & Patricia Sampson  
22360 SW 108<sup>th</sup> Avenue  
Tualatin, OR 97062

Arthur & Lorene Eaton  
22420 SW 108<sup>th</sup> Avenue  
Tualatin, OR 97062

THIS DECISION WILL BE FINAL IF NO APPEAL IS FILED BY THE DUE DATE.

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)

# Notice to Taxing Districts

ORS 308.225



Cartographic 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**  
**September 9, 2002**  
**As Per ORS 308.225**

Description     Map received from: METRO  
On: 9/6/2002

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

RES. #02-107

has been:     Approved            9/9/2002  
                   Disapproved

Notes:

Department of Revenue File Number: 34-1571-2002

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 – Land Use and Transportation (CPO 5)

**Agenda Title:** ANNEXATION OF APPROXIMATELY 5.26 ACRES TO CLEAN WATER SERVICES DISTRICT

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

### SUMMARY (Attach Supporting Documents if Necessary)

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

The County has received a request to annex one parcel encompassing approximately 4.85 acres, a 0.08 acre portion of a second parcel, and 0.33 acres of road right-of-way (of SW 108<sup>th</sup> Avenue) to Clean Water Services District (District). The territory is located east of SW 108<sup>th</sup> Avenue near its intersection with SW Marilyn Road and is further identified as tax map and lot numbers 2S1 34AA / 1600, 1700 (a portion of) and adjoining road right-of-way. This property is inside the regional UGB and inside the City of Tualatin. (See Attachment B)

The applicant proposes to build 25 detached single family homes on tax lot 1600 and desires to be provided storm sewer service from Clean Water Services. In order for this property to receive service from the District, it needs to be annexed to the District.

Notice of today's hearing has been made in accordance with state law requirements. The staff report (File Number: WA-3402) and findings in support of this request are attached as Exhibit A and are available at the clerk's desk. Staff will be available to answer any questions.

- Attachments:
- Staff Report and Findings (Exhibit A)
  - Proposal No. WA-3402 (Exhibit B)
  - Legal Description (Exhibit C)

### DEPARTMENT'S REQUESTED ACTION:

Hold a public hearing to consider the annexation of these properties 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.

RO 02-107

Agenda Item No.	<b>4.a.</b>
Date:	8/27/02

**AGENDA**

**WASHINGTON COUNTY BOARD OF COMMISSIONERS**

**Agenda Category:** Public Hearing – Land Use and Transportation (CPO 5)

**Agenda Title:** ANNEXATION OF APPROXIMATELY 5.26 ACRES TO CLEAN WATER SERVICES DISTRICT

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

**SUMMARY (Attach Supporting Documents if Necessary)**

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

The County has received a request to annex one parcel encompassing approximately 4.85 acres, a 0.08 acre portion of a second parcel, and 0.33 acres of road right-of-way (of SW 108<sup>th</sup> Avenue) to Clean Water Services District (District). The territory is located east of SW 108<sup>th</sup> Avenue near its intersection with SW Marilyn Road and is further identified as tax map and lot numbers 2S1 34AA / 1600, 1700 (a portion of) and adjoining road right-of-way. This property is inside the regional UGB and inside the City of Tualatin. (See Attachment B)

The applicant proposes to build 25 detached single family homes on tax lot 1600 and desires to be provided storm sewer service from Clean Water Services. In order for this property to receive service from the District, it needs to be annexed to the District.

Notice of today's hearing has been made in accordance with state law requirements. The staff report (File Number: WA-3402) and findings in support of this request are attached as Exhibit A and are available at the clerk's desk. Staff will be available to answer any questions.

**Attachments:** Staff Report and Findings (Exhibit A)  
Proposal No. WA-3402 (Exhibit B)  
Legal Description (Exhibit C)

**DEPARTMENT'S REQUESTED ACTION:**

Hold a public hearing to consider the annexation of these properties 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.

RO 02-107

Agenda Item No.	<u>4.a.</u>
Date:	<u>8/27/02</u>

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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-3402 ) No. 02-107

The above-entitled matter came regularly before the Board at its public hearing on August 27, 2002; and

It appearing to the Board that the annexation involves one parcel in its entirety and a portion of a second parcel along with approximately 0.33 acres of right-of-way within the City of Tualatin and pursuant to ORS 198 the Washington County Board is the boundary Board for the District; 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 County staff 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-3402, as described in the staff report, is hereby approved, based on the

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analysis, findings and conclusions set forth in Exhibit "A" of the staff report,  
incorporated herein by reference; and it is further

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 27<sup>th</sup> day of August 2002.

BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

*Tom Buer*

CHAIR

	AYE	NAY	ABSENT
BRIAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LEPPER	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Barbara Heitmanek*  
RECORDING SECRETARY

Date Signed: 8-27-02

Approved as to form:

*[Signature]*

Assistant County Counsel for  
Washington County, Oregon



TO: Board of County Commissioners  
FROM: Brent Curtis, Planning Manager *BC*  
DATE: August 14, 2002  
RE: Boundary Change Proposal No. WA-3402, Annexation to Clean Water Services District Scheduled for **Hearing Date** of August 27, 2002

1. Recommendation/Action Requested: Approval
2. Background/Analysis: See Attached Staff Report
3. Financial Impact: None
4. Legal Issues: None
5. Controversial Issues: None
6. Link to Current County Policies: None
7. Citizen Participation: Notice of this hearing invites testimony from any interested party. Notice consisted of: 1) Posting 3 notices near the territory and in the Public Services Building 40 days prior to the hearing; 2) Publishing notice twice in The Oregonian; 3) Mailed notice sent to affected local governments and to all property owners within 100 feet of the area to be annexed.
8. Other Government Participation: The Board of County Commissioners will need to endorse this as the Board of Directors of Clean Water Services District

August 27, 2002 Hearing

**PROPOSAL NO. WA-3402 - CLEAN WATER SERVICES DISTRICT - Annexation**

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Petitioners: Property Owners\ Voters – Arthur and Lorene Eaton  
Kelly and Patricia Sampson

Applicant: Matrix Development

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Proposal No. WA-3402 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (which lists minimum requirements for petition). In fact, property owners representing 100-percent of the territory and 100 percent of the registered voters signed the petition. If the (Board) approves the proposal and there are no objections from necessary parties, the boundary change can become effective immediately. However, the change would become effective 30 days following approval if a necessary party were to contest the petition. At time of writing, a necessary party is not contesting this boundary change.

The territory to be annexed is located in the City of Tualatin on the east side SW 108<sup>th</sup> Avenue near its intersection with SW Marilyn Road. The territory encompasses 5.26 acres, including approximately 0.33 acres of right-of-way (SW 108<sup>th</sup> Avenue), contains 1 single-family dwelling, and is valued at \$418,677. (*See Exhibit B*)

**REASON FOR ANNEXATION**

The applicant desires storm sewer service to facilitate the future development of 25 single-family residences on tax lot 2S134AA01600. A small portion of the panhandle of tax lot 2S134AA01400 is also being annexed in order to facilitate development of tax lot 1600; no redevelopment plans are proposed for tax lot 1400 at this time. The territory must be brought into the Clean Water Services District (District) in order to be provided the necessary storm sewer service. The territory was annexed into the City of Tualatin on June 24, 2002. (*A copy of the annexation ordinance is in the casefile.*) Thus, development of the subject properties will be within the City of Tualatin.

The District supports the proposed annexation to its boundary. Furthermore, the Board of County Commissioners has endorsed this as the Board of Directors of Clean Water Services District

**CRITERIA**

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.

A second set of criteria is found in the Metro Code. That Code states that a final decision by the Board 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, at minimum, the seven criteria listed below.

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans [ORS 195 agreements are cooperative agreements and urban service agreements. The required cooperative agreements between the City of Tualatin, service districts and Washington County have been adopted. An urban service agreement for the City of Tualatin has not been adopted. Annexation plans are timelines for annexations that 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 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 Metro's Regional Framework 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.

Additionally, the Metro Code 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. As noted previously, cooperative agreements between the City of Tualatin, service districts and Washington County have been adopted. Additionally, at time of writing, a necessary party is not contesting this boundary change. Therefore, these additional criteria need not be addressed.

## **LAND USE PLANNING**

### *SITE CHARACTERISTICS*

The land is generally flat with a gradual upward slope from east to west across the site. The eastern one-third of tax lot 2S134AA01600 and essentially the entirety of tax lot 2S134AA01400

are treed. Additionally, the two public street stubs that extend to the south property line of tax lot 1600 will help to facilitate the redevelopment of tax lot 1600.

### *REGIONAL PLANNING*

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

#### Regional Framework Plan

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. The 2040 Growth Concept is also now an element of the Framework Plan. The Framework Plan has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Plan and the Regional Transportation Plan. These were examined and found not to contain any directly applicable standards and criteria for boundary changes.

### *COUNTY PLANNING*

As stated previously, the territory was annexed into the City of Tualatin on June 24, 2002. Consequently, the territory is not subject to the County's land use planning requirements or the Washington County/Tualatin Urban Planning Area Agreement (UPAA), which until annexation was the governing document relating to coordination of development of the territory. Prior to annexation, the territory was designated Future Development 10 acre District (FD-10).

### *CITY PLANNING*

This property was annexed to the City of Tualatin on June 24, 2002. The City of Tualatin utilizes a one-map system wherein the Comprehensive Plan Map fulfills a dual role by serving as both the Plan Map and Zone Map, thus eliminating the need for a separate Zone Map. Upon annexation of any property within the Urban Planning Area to the city, the Planning District specified by the Tualatin Comprehensive Plan Map is automatically applied to the property on the effective date of the annexation (as authorized by ORS 215.130(2)(a)). The territory was designated as Low Density Residential (RL), 1 to 5 units per acre.

### **FACILITIES AND SERVICES**

Sewer. The City of Tualatin will provide sanitary sewer service. The eastern portion of the territory will be served by extending an existing sanitary sewer line via a public storm drainage and sanitary sewer easement upon the property to the north of the territory. This easement is under contract to be purchased pending subdivision approval and annexation to the District.

The western portion of the territory will be provided with sanitary sewer service via the extension of the existing sanitary sewer line located in 107<sup>th</sup> Avenue (107<sup>th</sup> Avenue stubs to the south property line of tax lot 1600). The District will provide the sewage treatment and transmission of effluent to the regional treatment plant through major trunks and interceptors.

Water. The City of Tualatin has a 10-inch water line in SW 108<sup>th</sup> Avenue to the west adjacent to the site.

Fire. This area is within the Tualatin Valley Fire and Rescue.

Police. The territory will receive police protection from the City of Tualatin.

Transportation. Access to this site can be provided from SW 108<sup>th</sup> Avenue as well as from two street stubs (SW 106<sup>th</sup> and SW 107<sup>th</sup> Avenues) that extend to the south property line of tax lot 1600. This issue will be addressed in detail as a part of the City of Tualatin's subdivision review process.

Storm Drainage. The District has responsibility for surface water management within the Washington County urban growth boundary. Clean Water Services has entered into an intergovernmental agreement with Tualatin for allocation of the City and the District responsibilities. The City has responsibilities for operations and maintenance of storm and surface water facilities within the City.

The District supports the proposed annexation to its boundary. Furthermore, the Board memorialized their endorsement of the annexation by resolution and order.

Parks. The City of Tualatin maintains its own Park & Recreation Department. The annexation to Clean Water Services will not affect that fact.

**RECOMMENDATION:**

Based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit A, the staff recommends Proposal No. WA-3402 be ***approved***, with the approval becoming effective immediately.

## **FINDINGS**

Based on the study and the public hearing, the Board of County Commissioners (Board) found:

1. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (which lists minimum requirements for petition).
2. The territory to be annexed is located in the City of Tualatin on the east side SW 108<sup>th</sup> Avenue near its intersection with SW Marilyn Road. The territory was annexed into the City of Tualatin on June 24, 2002.
3. The territory encompasses 5.26 acres, including approximately 0.33 acres of right-of-way (SW 108<sup>th</sup> Avenue), and contains 1 single-family dwelling, and is valued at \$418,677.
4. The applicant desires storm sewer service to facilitate the future development of 25 single-family residences on tax lot 2S134AA01600. A small portion of the panhandle of tax lot 2S134AA01400 is being annexed in order to facilitate development of tax lot 1600; no redevelopment plans are proposed for tax lot 1400 at this time.
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.

A second set of criteria is found in the Metro Code (Code) that 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, at minimum, the seven criteria listed below.

- a. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans [ORS 195 agreements are cooperative agreements and urban service agreements. The required cooperative agreements between the City of Tualatin, service districts and Washington County have been adopted. The advertisement of the public hearing for the proposed annexation was consistent with the adopted cooperative agreement. An urban service agreement for the City of Tualatin has not been adopted. Annexation plans are timelines for annexations that 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.]
- b. Consistency with directly applicable provisions of *urban planning area agreements* between the annexing entity and a necessary party.
- c. Consistency with directly applicable standards for boundary changes contained in comprehensive land use plans and public facility plans.

- d. Consistency with directly applicable standards for boundary changes contained in Metro's Regional Framework or any functional plans.
- e. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
- f. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria.
- g. Consistency with other applicable criteria for the boundary change in question under state and local law.

Additionally, the Metro Code 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. As noted previously, cooperative agreements between the City of Tualatin, service districts and Washington County have been adopted. Additionally, at time of writing, a necessary party is not contesting this boundary change. Therefore these additional criteria need not be addressed.

- 6. The land is generally flat but maintains a gradual upward slope from east to west across the site. The eastern one-third of tax lot 2S134AA01600 and essentially the entirety of tax lot 2S134AA01400 are treed. Additionally, the two public street stubs that extend to the south property line of tax lot 1600 will help to facilitate the redevelopment of tax lot 1600.
- 7. This territory is inside 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. The 2040 Growth Concept is also now an element of the Framework Plan. The Framework Plan has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Plan and the Regional Transportation Plan. These were examined and found not to contain any directly applicable standards and criteria for boundary changes.

- 8. The territory is within the City of Tualatin and is designated Low Density Residential (RL), 1 to 5 units per acre. The City has a one map planning and zoning system, so zoning on the site is also RL.
- 9. The City of Tualatin will provide sanitary sewer service. The eastern portion of the territory will be served by extending an existing sanitary sewer line via a public storm drainage and

sanitary sewer easement upon the property to the north of the territory. This easement is under contract to be purchased pending subdivision approval and annexation. The western portion of the territory will be provided with sanitary sewer service via the extension of the existing sanitary sewer line located in 107<sup>th</sup> Avenue. (107<sup>th</sup> Avenue stubs to the south property line of tax lot 1600). The District will provide the sewage treatment and transmission of effluent to the regional treatment plant through major trunks and interceptors.

10. The City of Tualatin has a 10-inch water line in SW 108<sup>th</sup> Avenue to the west adjacent to the site.
11. This area is within the Tualatin Valley Fire and Rescue service boundary.
12. The territory will receive police protection from the City of Tualatin.
13. Access to this site can be provided from SW 108<sup>th</sup> Avenue as well as from two street stubs (SW 106<sup>th</sup> and SW 107<sup>th</sup> Avenues) that extend to the south property line of tax lot 1600. This issue will be addressed in detail as a part of the City of Tualatin's subdivision review process.
14. The Clean Water Services District (District) has responsibility for surface water management within the Washington County urban growth boundary. The District has entered into an intergovernmental agreement with Tualatin for allocation of the City and Clean Water Services responsibilities. The City has responsibilities for operations and maintenance of storm and surface water facilities within the City.
15. Future residents will receive park and recreation service from the City of Tualatin as the city maintains its own Park & Recreation Department.
16. The District supports the proposed annexation to its boundary. Furthermore, the Board of County Commissioners has endorsed this as the Board of Directors of Clean Water Services District

## CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Board concluded:

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 . . ."* There are no directly applicable criteria in Metro's regional framework plan or in the two adopted functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan.
2. ORS 198 and the Metro Code at 3.09.050 (d) (3) call 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 Board has reviewed the applicable comprehensive plan which is the Washington County Comprehensive Plan and finds that it contains no applicable criteria for making district boundary change decisions since the territory was annexed into the City of Tualatin on June 24, 2002.
3. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements (UPAA). There is an urban planning area agreement between Washington County and the City of Tualatin covering the territory to be annexed. However, as stated previously, the territory was annexed into the City of Tualatin, thus the UPAA is no longer applicable to the planning of the territory.
4. The Metro Code also requires that the decision address consistency between this decision and any urban service agreements under ORS 195. [ORS 195 agreements are cooperative agreements and urban service agreements.] The required cooperative agreements between the City of Tualatin, service districts and Washington County have been adopted. The advertisement of the public hearing for the proposed annexation was consistent with the adopted cooperative agreement. The Board therefore concluded that its decision is not inconsistent with the adopted cooperative agreement.
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 Clean Water Services District can serve this area. Therefore the Board finds that the annexation is a logical step towards making urban services available to the territory and does not interfere with the timely provision of those services.

## EXHIBIT C

### LEGAL DESCRIPTION FOR ANNEXATION TO THE CITY OF TUALATIN

July 25, 2002

THE FOLLOWING DESCRIBED TRACT OF LAND BEING ALL OF LOT 11 AND A PORTION OF LOT 13 OF THE DULY RECORDED PLAT OF "COMTE & KOHLMAN'S LITTLE HOMES NO. 3, AND ALSO TOGETHER WITH A PORTION OF THE 40 FOOT RIGHT OF WAY OF S.W. 108<sup>th</sup> AVE.

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 11; THENCE ALONG THE SOUTH LINE OF LOT 11, S 89°51'30" W 683.06 FEET TO THE WEST RIGHT OF WAY LINE OF S.W. 108<sup>th</sup> AVE. CR#1395 BEING 40 FEET WIDE; THENCE ALONG LAST SAID LINE N 00°03'00" E 356.85 FEET TO AN INTERSECTION WITH THE WESTERLY EXTENSION OF THE SOUTHERLY, NORTH LINE OF THAT LAND AS DESCRIBED IN DEED TO KELLY AND PATRICIA SAMPSON AS RECORDED IN DOCUMENT No. 83-014563; THENCE ALONG LAST SAID WESTERLY EXTENSION AND THE SOUTHERLY, NORTH LINE OF LAST SAID DOCUMENT N 89°51'30"E 166.00 FEET; THENCE S 00°03'00" W 28.40 FEET TO THE NORTH LINE OF SAID LOT 11; THENCE ALONG LAST SAID LINE N 89°51'30" E 517.16 FEET TO THE NORTHEAST CORNER OF SAID LOT 11; THENCE S 00°04'00" W ALONG THE EAST LINE OF SAID LOT 11, 328.45 FEET TO THE POINT OF BEGINNING.

CONTAINING: 5.26 ACRES.

# EXHIBIT B.

