

Final Documents

For

Annexation to the  
**City of Hillsboro**

WA3901  
DOR 34-1519-2001  
Ordinance #5061  
Secretary of State: AN 2001-0206

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

Signature:

 \_\_\_\_\_

Date of  
Mailing: 09/26/01

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

Signature:

 \_\_\_\_\_

Date of  
Mailing: 10/18/01

WA3801

Sent

Received

DOR:

09/26/01

10/8/01

Sec. State:

10/18/01

10/30/01

Assessor:

10/18/01

Elections:

10/18/01

Mapped:

Yes

Posted to Web:

11/2/01

Addresses:

1N3250000500  
1N3250000691  
1N325DB04000  
1N325DB04100

31665 NW Hornecker Rd  
31660 NW Hornecker Rd  
No Site Address  
31300 NW Hornecker Rd

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 29, 2001

Metro  
600 NE Grand Ave  
Portland, OR 97232-2736

Dear Mr. Martin:

Please be advised that we have received and filed on October 23, 2001 the following Annexation(s).

Ordinance(s):	City of:	Our File Number(s):
5062	Hillsboro	AN 2001-0204
5063	Hillsboro	AN 2001-0205
5061	Hillsboro	AN 2001-0206

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: 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**  
**October 8, 2001**  
**As Per ORS 308.225**

Description     Map received from: METRO  
On: 9/28/01

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

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

ORD. #5061

has been:     Approved            10/8/01  
                   Disapproved

Notes:

Department of Revenue File Number: 34-1519-2001

Prepared by: Jennifer Dudley, 503-945-8666

Boundary:     Change     Proposed Change  
The change is for:

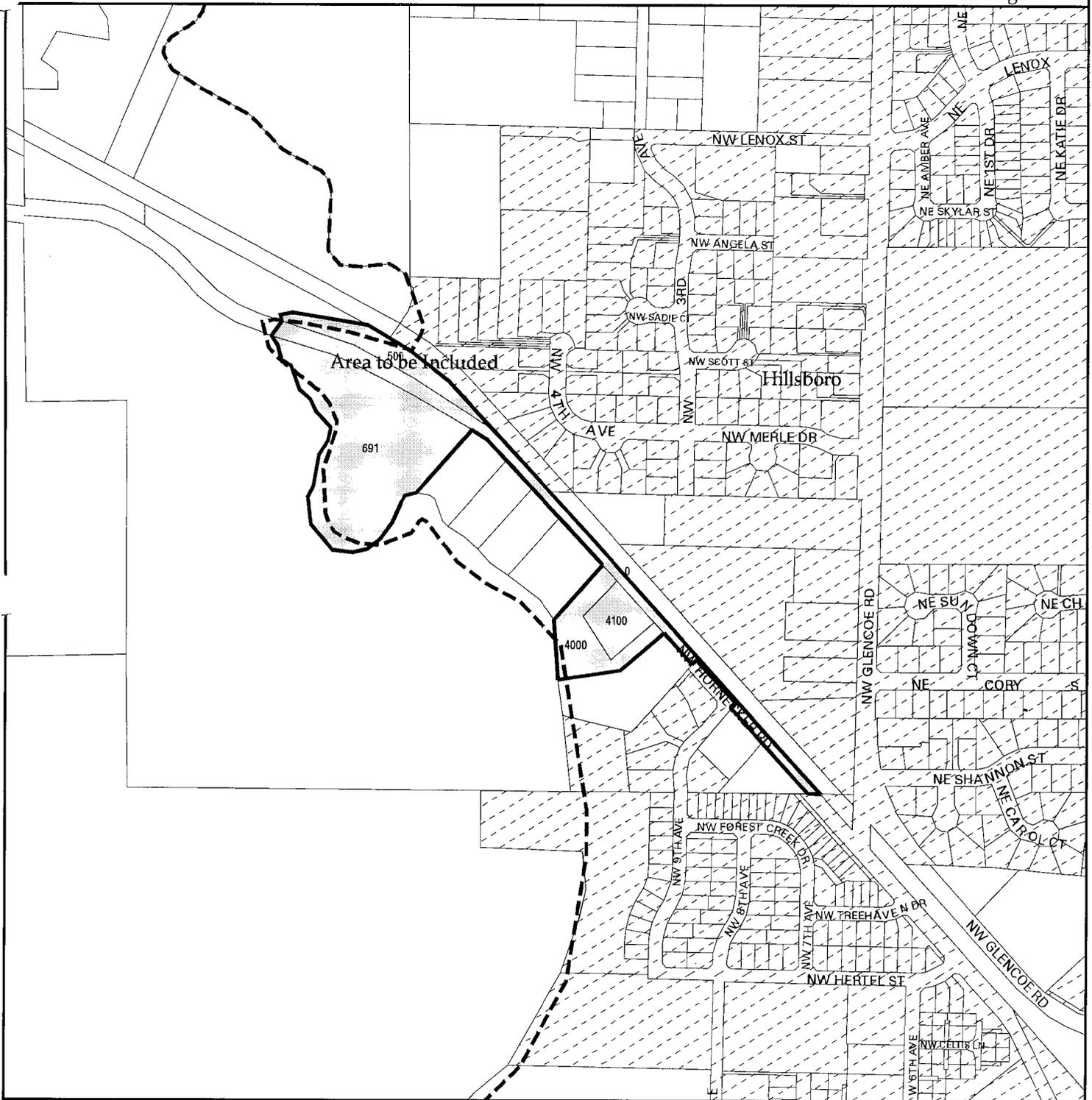
- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge

# Proposal No. WA3901

N3W25

Annexation to the Hillsboro

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

City

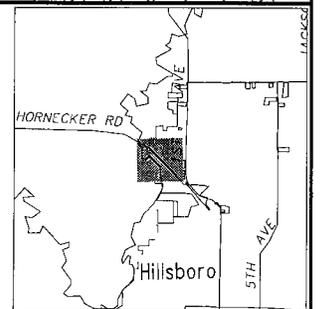
Annexation boundary

Urban Growth Boundary

Proposal No. WA3901  
HILLSBORO  
Figure 1

Scale: 1" = 500'

0 500 1000



CERTIFIED TO BE A TRUE AND  
CORRECT COPY OF THE ORIGINAL

*Joel Washel*  
Recorder, City of Hillsboro

ORDINANCE NO. 5061  
AN 9-01: CITY OF HILLSBORO ET. AL.

AN ORDINANCE ANNEXING CERTAIN TRACTS OF LAND INTO THE CITY LIMITS OF HILLSBORO, WITHDRAWING THE TRACTS 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 certain tracts of land, described in Exhibit A to this ordinance, requesting that their properties 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 tracts of land are 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 tracts of land are 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 tracts of land lie 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 owner 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 September 4, 2001, and does hereby favor the annexation of the subject tracts of land and withdrawals from the districts based on the findings attached hereto as Exhibit B;

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

OCT 01 2001

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

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

Section 2. The tracts of land annexed by this ordinance and described in Section 1 are 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 4<sup>th</sup> day of September, 2001.

Approved by the Mayor this 4<sup>th</sup> day of September, 2001.

Jon Hughes  
Mayor

ATTEST: Paul Wambel  
City Recorder

City of Hillsboro  
Annex 9-01: City of Hillsboro et. al.  
Proposed Legal Description  
MF, April 13, 2001

## EXHIBIT "A"

A tract of land in Section 25, Township 1 North, Range 3 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the intersection of the southwest right-of-way line of the Southern Pacific Railroad with the easterly projection of the north boundary of Alderbrook, a duly recorded subdivision in said county;

thence South  $88^{\circ} 54' 39''$  West, along said projection, a distance of 53.74 feet to the south right-of-way line of NW Hornecker Road;

thence North  $43^{\circ} 48' 07''$  West, along said southwest right-of-way line, a distance of 407.5 feet to the northerly southeast boundary of Whispering Creek Estates, a duly recorded subdivision in said county;

thence North  $38^{\circ} 54' 26''$  East, along said boundary, a distance of 30.24 feet to an angle point therein;

thence North  $43^{\circ} 48' 07''$  West, along the centerline of NW Hornecker Road as shown on said subdivision, a distance of 206.81 feet to the north corner of said subdivision;

thence South  $41^{\circ} 37' 20''$  West, along the northwest boundary of said subdivision, a distance of 30.12 feet to the south right-of-way line of NW Hornecker Road;

thence North  $43^{\circ} 48' 07''$  West, along said southwest right-of-way line, a distance of 154.0 feet to the southeast boundary of that tract of land described in deed to Charles Lynn Wiley and Susan Theresa Wiley, recorded in Book 987, Page 143, in deed records of said county;

thence South  $48^{\circ} 32' 53''$  West, along said boundary, a distance of 200.0 feet to an angle point therein;

thence South  $80^{\circ} 42' 53''$  West, along the boundary of said Wiley tract, a distance of 226.58 feet to the centerline of McKay Creek;

thence Northerly, following the centerline of said creek, a distance of 200 feet more or less to the northerly west corner of said Wiley tract;

thence North  $40^{\circ} 40' 21''$  East, along the northwesterly boundary of said tract, a distance of 256.21 feet to the south right-of-way line of NW Hornecker Road;

thence North  $43^{\circ} 48' 07''$  West, along said southwest right-of-way line, a distance of 600.7 feet to an angle point therein;

thence North  $58^{\circ} 52' 03''$  West, along said right-of-way line, a distance of 65.5 feet to southeast boundary of that tract of land described in deed to Earl W. Frank, Trustee of the Earl W. Frank Revocable Living Trust of March 18, 1994, recorded 3/08/1999 as document number 99028028, in deed records of said county;

thence South  $40^{\circ} 38' 57''$  West, along said southeast boundary, a distance of 300.0 feet more or less to the centerline of McKay Creek;

thence southwesterly, westerly, northwesterly, westerly, northerly, northeasterly and easterly, following the center of McKay Creek with all its sinuosity, a distance of 1750.0 feet more or less to a point on the southwest right-of-way line of the Southern Pacific Railroad;

thence Southeasterly, along said right-of-way line, a distance of 2320.0 feet to the place of beginning.

## EXHIBIT B

### FINDINGS IN SUPPORT CITY OF HILLSBORO ET. AL. ANNEXATION FILE NO. AN 9-01

#### I. BACKGROUND INFORMATION AND SITE DESCRIPTION

Twelve petitioners representing five properties requested City Council approval for annexation of approximately 9.26 acres into the City Limits of Hillsboro.

The properties under consideration are located generally east of McKay Creek and west of NW Hornecker Road. The properties can be specifically identified as Tax Lots 500, 690, and 691 on Washington County Tax Assessor's Map 1N3-25 and Tax Lots 4000 and 4100 on Washington County Tax Assessor's Map 1N3-25DB. The total assessed value of the properties is \$731,150.

The properties slope downward from the NW Hornecker Road frontage toward McKay Creek. Single family homes with associated outbuildings are located on Tax Lots 4100, 690, and 691, and are addressed respectively at 31660, 31480, and 31300 NW Hornecker Road.

#### II. PROCEDURAL REQUIREMENTS

In accordance with ORS 222.125 the petition for annexation from the property owners constituted 100 percent of the property owners and at least 50 percent of the registered voters residing on the property. 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 September 4, 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 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 properties are 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 these properties 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 properties is RL Low Density Residential and FP Floodplain which are consistent with the regional urban growth goals and objectives. The properties will be rezoned to R-7 Single Residential pursuant to Section 97 of Hillsboro Zoning Ordinance No. 1945, unless the property owners request R-8.5 or R-10 zoning.

- 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 recently installed eight-inch City line currently located in the NW Hornecker Road right-of-way. Sanitary sewer will be available through a ten-inch City line also located in the NW Hornecker Road right-of-way. Storm water disposal is available via ditches within the NW Hornecker Road right-of-way.

Fire and police protection would be provided by the City of Hillsboro and the properties 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 properties 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

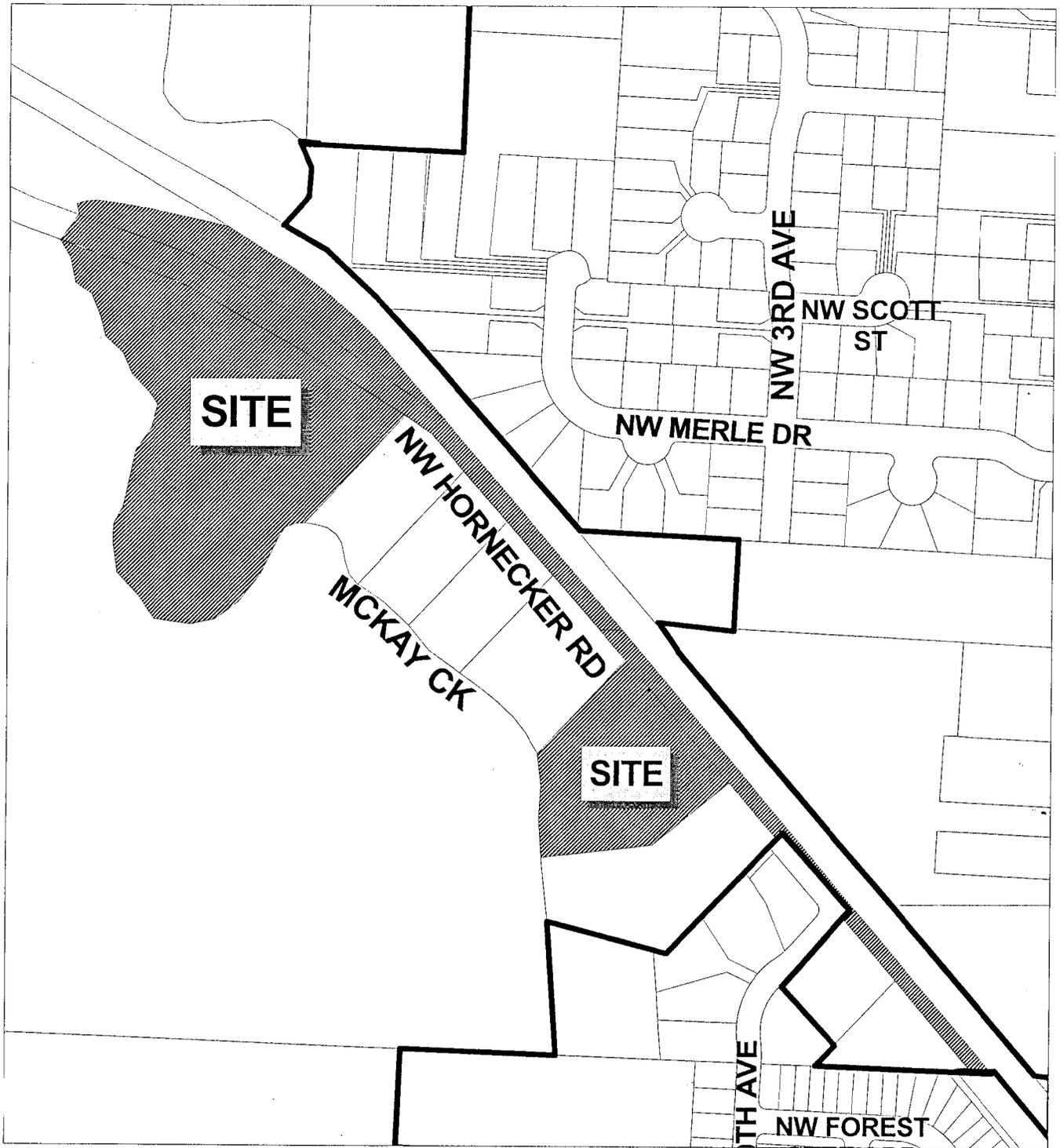
#### **IV. TESTIMONY FROM NECESSARY PARTIES**

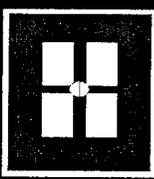
No written testimony was received prior to or at the public hearing from a necessary party as defined in Metro Code Chapter 3.09.020(j), nor was oral testimony received by the City Council from a necessary party at the public hearing.

#### **V. ADDITIONAL MATERIALS CITED BY REFERENCE AND INCLUDED IN FINDINGS**

- Staff Report dated August 20, 2001

# AN 9-01: CITY OF HILLSBORO ET. AL.



**CITY OF  
HILLSBORO**  
PLANNING DEPARTMENT (503) 681-6153

-  PROPOSED ANNEXATION
-  CITY LIMITS