Final Documents

For

Annexation to the
Clean Water Services District

WA3905
Order 05-224
DOR: 34-1772-2005
Sec. State: SD-2006-0022

WA3905	Sent	Received
DOR:	12/2/05	12/16/05
Sec. State:	2/8/06	2/16/06
Assessor:	2/8/06	
Elections:	2/8/06	
Mapped:	Yes	
Address Information:		
	2S1W34AA01400	22360 SW 108th Ave

Office of the Secretary of State

BILL BRADBURY
Secretary of State

Archives Division
MARY BETH HERKERT
Director

800 Summer St. NE
Salem, Oregon 97310
(503) 373-0701

Facsimile (503) 373-0953

February 13, 2006

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

Dear Mr. Knight:

Please be advised that we have received and filed, as of February 13, 2006, the following records annexing territory to the following:

Ordinance/Resolution Number(s)		Our File Number
4378	(City of Beaverton)	AN 2006-0041
4379	(City of Beaverton)	AN 2006-0042
005-224	(Clean Water Services District	SD 2006-0022
05-229	(Clean Water Services District)	SD 2006-0023
06-05	(Clean Water Services District)	SD 2006-0024
06-3	(Clean Water Services District)	SD 2006-0025

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

Linda Bjornstad
Official Public Documents

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

Proposal No. WA3905

2S1W34 | Annexation to the Clean Water Services Dist. | 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

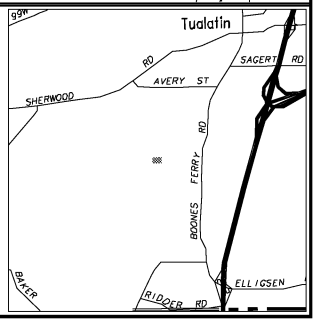
Annexation boundary

District

Proposal No. WA3905
CLEAN WATER SERVICES DIST.
Figure 1

Scale: 1" = 250'

0 200 400



DOR 34-1772-2005

Notice to Taxing Districts

ORS 308.225

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

Description and Map Approved
December 16, 2005
As Per ORS 308.225

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

☒ Description ☒ Map received from: METRO
On: 12/7/2005

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

ANNEX TO CLEAN WATER SERVICES DISTRICT
WA3905

RES. AND ORDER #05-224

has been: ☒ Approved 12/16/2005
☐ Disapproved

Notes:

Department of Revenue File Number: 34-1772-2005

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

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Department of Land Use & Transportation (CPO 5)

Agenda Title: **CONSIDER THE ANNEXATION OF APPROXIMATELY 3.38 ACRES TO THE CLEAN WATER SERVICES DISTRICT (WA-3905)**

Presented by: Brent Curtis, Planning Division Manager

SUMMARY:

The County has received a request to annex one parcel, approximately 3.38 acres in size, to the Clean Water Services District (District). The property is located on the east side of SW 108th Avenue, opposite its intersection with SW Nelson Street, in the City of Tualatin. The property is further identified as tax map and lot number 2S1 34AA #1400. The property is within the regional Urban Growth Boundary. In order for the subject property to receive the necessary sanitary and storm sewer service from the District, it must be annexed to the District.

Notice of today's hearing has been made in accordance with the state law requirements. The staff report (File Number: WA-3905) will be provided to you under separate cover and will also be available at the clerk's desk. Staff will be available to answer any questions. A Resolution and Order approving the annexation is attached to the agenda.

Attachments: Resolution and Order which includes:

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

DEPARTMENT'S REQUESTED ACTION:

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

COUNTY ADMINISTRATOR'S RECOMMENDATION: I concur with the requested action.

100-601000 RO 05-224

Agenda Item No.	**3.a.**
Date:	11-22-05

IN THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

In the Matter of Approving Boundary Change Proposal No. WA-3905	))	RESOLUTION AND ORDER No. 05-224

The above-entitled matter (WA-3905) came before the Board at its regular public meeting on November 22, 2005; and

It appearing to the Board that this annexation to the Clean Water Services District involves one tax lot (2S1 34AA #1400), located on the east side of SW 108th Avenue, opposite its intersection with SW Nelson Street in the City of Tualatin; and

It appearing to the Board that WA-3905 was initiated by a consent petition of the property owners and registered voters and meets the requirement for initiation set forth in ORS 198.855 (3), ORS 198.750 and Metro Code 3.09.040 (a); and

It appearing to the Board that pursuant to ORS 198.850 the Washington County Board is authorized to approve annexations to the Clean Water Services District; and

It appearing to the Board that the Board is charged with deciding petitions for special service districts' boundary changes pursuant to ORS Chapter 198 and Metro Code Chapter 3.09; and

It appearing to the Board that notice of the meeting was provided pursuant to ORS 198.730, ORS 197.763 and Metro Code 3.09.030; 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-3905, as described in the staff report, is hereby approved, based on the analysis, findings and conclusions set forth in Exhibit A, incorporated herein by reference; and it is further

RESOLVED AND ORDERED that the property depicted in Exhibit B and legally described in Exhibit C is hereby declared to be annexed to the Clean Water Services District; 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 22nd day of November, 2005.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

Tom Brian
CHAIRMAN

Barbara Hejtmanek
RECORDING SECRETARY

Date Signed: 11-22-05

Approved as to form:

Assistant County Counsel for
Washington County, Oregon

	AYE	NAY	ABSENT
BRIAN	✓	—	—
SCHOUTEN	✓	—	—
LEEPER	✓	—	—
ROGERS	✓	—	—
DUYCK	✓	—	—

FINDINGS

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

1. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (which lists minimum requirements for petition). At the time of writing, a necessary party is **not** contesting this boundary change.

2. The property to be annexed consists of one parcel (approximately 3.38 acres in size). The property is located on the east side of SW 108th Avenue, opposite its intersection with SW Nelson Street in the City of Tualatin, and is further identified as Map/Tax Lot 2S1 34AA #1400.

3. The applicant desires storm and sanitary sewer service to facilitate future development of the property in accordance with the City of Tualatin's standards. The applicant proposes the development of the site, along with abutting Tax Lot 1500 (already within the City of Tualatin and within District's boundary) into a 25-lot residential subdivision. The property must be brought into the District in order to be provided with the necessary sanitary and storm sewer service.

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

5. The City of Tualatin's recent approval of the annexation of the property to the city includes a statement of the City's endorsement of the District annexation. On October 10, 2005, the City approved Ordinance No. 1199-05 for Annexation File ANN-05-04 for the subject property, approving its annexation into the City of Tualatin. The city annexation of the subject property is effective on November 10, 2005.

6. 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 can be 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 agreement for sanitary sewer service provision by the District with cities (including the City of Tualatin) and Washington County has been adopted.]

   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 the 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 property 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. However, a cooperative agreement for sanitary sewer service provision by the District with cities, including the city of Tualatin, and Washington County, has been adopted. Additionally, the subject property is within the Tualatin Urban Planning Area identified in the Tualatin Urban Planning Area Agreement (UPAA), which was adopted in 1988. The District would be the provider of sanitary sewer service to the property, as they provide sanitary sewer service to the surrounding lands inside the UGB. Furthermore, at time of writing, a necessary party is **not** contesting this boundary change. Therefore, these additional criteria need not be addressed.

7. The subject property is comprised of one tax lot. The subject property contains a single-family dwelling and two accessory structures. The property slopes downward to the east from a high point on the westerly portion of the site, and is presently forested with the exception of the dwelling site.

   To the north, east, and south of the property are existing residential subdivisions within the City of Tualatin. To the west is Tax Lot 1500, a 1.76-acre parcel within the City of Tualatin that is proposed for development in conjunction with the subject property.

8. This property is within 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.

9. As mentioned previously, on October 10, 2005, the Tualatin City Council approved an ordinance for the annexation of the subject property into the City. The annexation of the subject property becomes effective on November 10, 2005. The City of Tualatin employs a one-map system, as does Washington County. The City's Comprehensive Plan Map establishes land use designations for unincorporated portions of the Urban Planning Area. Upon annexation of the property within the Urban Planning Area to the city, the land use designation specified by the City of Tualatin is automatically applied to the property on the effective date of the annexation (as authorized by ORS 215.130(2)(a)). The city's plan designates the subject property as Low Density Residential (RL).

10. The applicant is proposing to extend a sanitary sewer line into the property from existing sewerlines that stub into the property and into abutting Tax Lot 1500 from the termini of SW 106th and SW 107th Avenues.

11. The applicant is proposing to extend water lines into the property from existing water mains that stub into the property and into abutting Tax Lot 1500 from the termini of SW 106th and SW 107th Avenues.

12. The applicant is proposing to connect to one or both of the existing storm sewer lines that are adjacent to the property, which are located along the property's east property line and in the southwest corner of the property.

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

13. The Tualatin Valley Fire & Rescue District presently serves the property. Fire service will not change as a result of annexation to the District.

14. The subject property will be within the City of Tualatin and will therefore receive police protection from the City of Tualatin upon the effective date of the city annexation. This service will not be affected by the annexation to the District.

15. Annexation of the property to the District will not affect transportation through the City of Tualatin or unincorporated Washington County. However, development of the site will affect transportation in that area. Access to the site may be provided from SW 106th, 107th, or 108th Avenue, depending upon the plat design for the property. This issue will be addressed in detail as part of the City of Tualatin's subdivision review process.

16. The City of Tualatin maintains the public parks within its boundaries. Upon the effective date of the subject property's annexation to the city, the city will be the property's parks provider. The annexation to the District will not affect that fact.

CONCLUSIONS AND REASONS FOR DECISION

Based on the above 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 Washington County Comprehensive Plan will no longer be applicable upon the November 10th effective date of city annexation, since the property will be within the City of Tualatin. Annexation of the property to the District is consistent with the City of Tualatin Comprehensive Plan.

3. Prior to the November 10th effective date of the city annexation, the property is subject to the County's Comprehensive Plan. The individual elements of the Comprehensive Plan that are applicable to the proposed annexation are *the Comprehensive Framework Plan for the Urban Area* (CFP) and the *Transportation Plan.* These elements were examined for policies or implementation strategies applicable to service district annexations. Policy 15 of the CFP identifies the roles and responsibilities that the County and service districts have in serving growth in Washington County. Implementation strategy g. (under Policy 15), which was added by Ordinance No. 612, applies directly to service district annexations and reads as follows:

   Implementing Strategies

   The County will:

   *****

   g. Not oppose proposed annexations to a city or special service district, which are in accord with an Urban Planning Area Agreement (UPAA), an Urban Service Agreement or a voter approved annexation plan. Annexations to special service districts that are consistent with an adopted urban service agreement are deemed to be consistent with the Washington County Comprehensive Plan.

   As noted below, the subject property is located within the Tualatin urban planning area identified in the Tualatin Urban Planning Area Agreement. Consequently, the proposed annexation (WA-3905) is consistent with the adopted Tualatin Urban Planning Area Agreement. Therefore, the proposed annexation is consistent with the Washington County Comprehensive Plan.

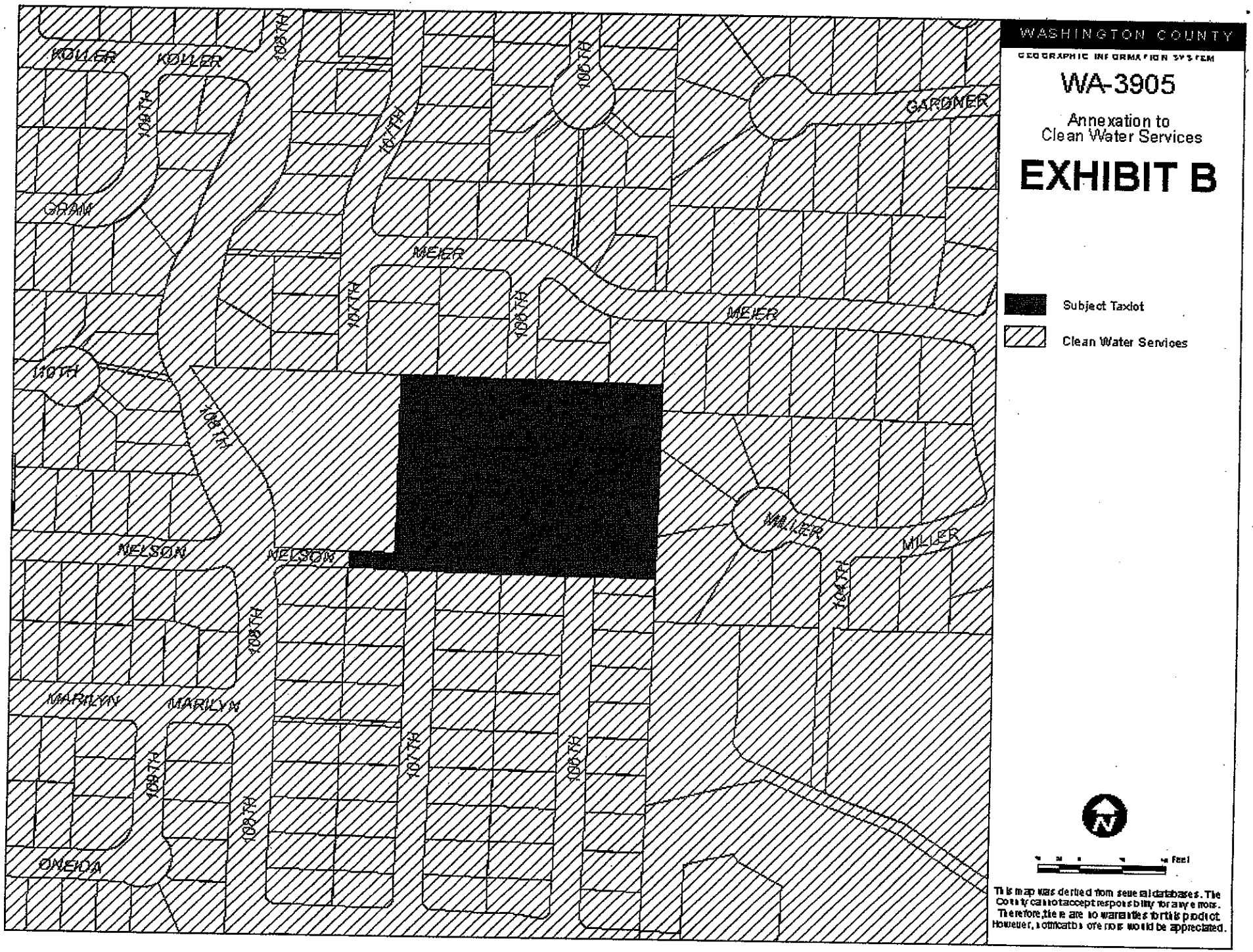
4. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements (UPAA). The subject property is located within the Tualatin urban planning area identified in the Tualatin Urban Planning Area Agreement, adopted in 1988. The requested annexation is consistent with the UPAA.

5. 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 agreement between the District, cities (including the City of Tualatin) and Washington County has 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.

6. 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 the District can serve this area. Therefore the Board finds that the annexation is a logical step towards making urban services available to the property and does not interfere with the timely provision of those services.

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

8. A necessary party has not contested this boundary change. Therefore, the change may become effective immediately upon adoption by the Board pursuant to Metro Code Section 3.09.050 (f).


WASHINGTON COUNTY
GEOGRAPHIC INFORMATION SYSTEM
WA-3905
Annexation to
Clean Water Services
EXHIBIT B
Subject Taxlot
Clean Water Services
KOLLER
KOLLER
108TH
107TH
106TH
GARDNER
GRAM
MEIER
MEIER
110TH
MILLER
MILLER
NELSON
NELSON
MARILYN
MARILYN
ONEIDA
Feet
This map was derived from several databases. The County cannot accept responsibility for any errors. Therefore, there are no warranties for this product. However, notification of errors would be appreciated.

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOT 13 "COMTE & KOHLMAN'S LITTLE HOMES NO. 3" OF THE WASHINGTON COUNTY PLAT RECORDS, LOCATED IN THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 34, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 16 "FORREST RIDGE" OF THE WASHINGTON COUNTY PLAT RECORDS A POINT BEING ON THE WESTERLY LINE OF LOT 132 "HEDGES CREEK NO. 3" OF SAID PLAT RECORDS; THENCE ALONG THE WESTERLY BOUNDARY LINE OF SAID "HEDGES CREEK NO. 3" SOUTH 00°09'00" WEST, 328.68 FEET TO THE NORTHEAST CORNER OF TRACT "A" "CANTERWOOD NO. 2" OF SAID PLAT RECORDS; THENCE ALONG THE NORTHERLY LINE OF SAID "CANTERWOOD NO. 2" SOUTH 89°59'07" WEST, 518.24 FEET; THENCE LEAVING SAID LINE AND ALONG THE EASTERLY LINE OF THE PROPERTY DESCRIBED IN DEED DOCUMENT NO. 2003-168622 OF THE WASHINGTON COUNTY DEED RECORDS NORTH 00°08'09" EAST, 28.41 FEET TO A POINT ON THE SOUTHERLY LINE OF THE PROPERTY DESCRIBED IN DEED DOCUMENT NO. 98090247 OF SAID COUNTY DEED RECORDS; THENCE ALONG THE SOUTHERLY AND EASTERLY LINE OF THE PROPERTY DESCRIBED IN SAID DOCUMENT NO. 98090247 THE FOLLOWING TWO COURSES, NORTH 89°57'22" EAST, 77.55 FEET; THENCE NORTH 00°02'38" WEST, 300.00 FEET TO THE SOUTHERLY LINE OF "FORREST RIDGE"; THENCE ALONG SAID SOUTHERLY LINE, NORTH 89°57'22" EAST, 441.71 FEET TO THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 147,155 SQUARE FEET OR 3.38 ACRES.

THE BASIS OF BEARINGS IS PER WASHINGTON COUNTY RECORD OF SURVEY NO. 29,317

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert A. Johnson

OREGON
JULY 13, 1999
ROBERT A. JOHNSON, JR.
43595

RENEWAL 6-30-07

ANNEXATION TO CLEAN WATER SERVICES DISTRICT

Boundary Change Proposal No. WA-3905

Staff Report

For the November 22, 2005
Board of Commissioners' Hearing

WASHINGTON COUNTY
OREGON

November 7, 2005

To: Board of County Commissioners

From: Brent Curtis, Planning Manager BC

Subject: **MINOR BOUNDARY CHANGE PROPOSAL NO. WA-3905 - ANNEXATION TO THE CLEAN WATER SERVICES DISTRICT**

STAFF REPORT
For the November 22, 2005 Board of Commissioners Hearing
(The public hearing will begin no sooner than 6:30 PM)

STAFF RECOMMENDATION

Based on the analysis in this staff report and in the attached Findings and Conclusions (Exhibit A), staff recommends that the Board **APPROVE** Minor Boundary Change WA-3905 with the approval becoming effective immediately.

REQUESTED ACTION

The applicant requests the annexation of one parcel (approximately 3.38 acres in size) to the Clean Water Services District (District) in order to facilitate the future development of the property.

Petitioners: Kelly & Patricia Sampson

Applicant: Noyes Development / Contact: Peter Noyes

Applicant's Representative: SFA Design Group / Contact: Alex Stout

ENDORSEMENTS

The District supports the proposed annexation to its boundary. The Board of County Commissioners has endorsed this request as the Board of Directors of Clean Water Services District as required by statute.

The City of Tualatin's recent approval of the annexation of the property to the City includes an endorsement of the subject property's annexation into the District. On October 10, 2005, the City approved Ordinance No. 1199-05 for Annexation File ANN-05-04 for the subject property. This ordinance approved the subject property's annexation into the City of Tualatin, with an effective date of November 10, 2005.

Department of Land Use & Transportation • Planning Division
155 N First Avenue, Suite 350-14, Hillsboro, OR 97124-3072
Phone: (503) 846-3519 • Fax: (503) 846-4412

CITIZEN PARTICIPATION

Notice of this hearing inviting testimony from interested parties was provided as required by statute and Metro Code. Notice consisted of: 1) Posting notices near the property and in the Public Services Building at least 40 days prior to the hearing; 2) Publishing notice twice in The Oregonian; 3) Mailing notices to all affected local governments and all property owners within 100 feet of the area to be annexed. At time of writing, no comments were received.

FINANCIAL IMPACT

There are no financial impacts associated with this Minor Boundary Change that would prevent the Board from approving the annexation.

LEGAL ISSUES

There are no known legal issues associated with this Minor Boundary Change that would prevent the Board from approving the annexation.

BACKGROUND

Proposal No. WA-3905 was initiated by a consent petition of the property owners. 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). If the Board of County Commissioners (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 the time of writing, a necessary party is **not** contesting this boundary change.

The property to be annexed consists of one parcel that is approximately 3.38 acres in size. The property is within the Urban Growth Boundary (UGB). The property is located on the east side of SW 108th Avenue, opposite the intersection of SW 108th Avenue and SW Nelson Street in the City of Tualatin, and is further identified as Tax Map/Lot 2S1 34AA #1400.

REASON FOR ANNEXATION

The applicant desires storm and sanitary sewer service to facilitate future development of the property in accordance with the City of Tualatin's standards. As noted above, the property was annexed to the City of Tualatin, with the annexation becoming effective on November 10, 2005.

The applicant proposes the development of site, along with abutting Tax Lot 1500 (already within the City of Tualatin and within Clean Water Services' boundary) into a 25-lot residential subdivision of single-family detached dwelling units. As a result of the subject property's annexation to the City of Tualatin, the subject property was given a city zoning designation of RL / Low Density Residential. The property must be brought into the District in order to be provided with the necessary sanitary and storm sewer service.

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

CRITERIA

A second set of review criteria is also 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 (cooperative agreements and urban service agreements) or ORS 195 annexation plans.

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 the 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 property 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. However, a cooperative agreement for sanitary sewer service provision by the District with cities (including the city of Tualatin) and Washington County, has been adopted. Additionally, the subject property is within the Tualatin Urban Planning Area identified in the Tualatin Urban Planning Area Agreement (UPAA), which was adopted in 1988.

The District would be the provider of sanitary sewer service to the property, as they provide sanitary sewer service to the surrounding lands inside the UGB. Furthermore, 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 subject property is comprised of one tax lot. The subject property contains a single-family

dwelling. The property slopes downward to the east from a high point on the westerly portion of the site, and is presently forested with the exception of the dwelling site.

As mentioned previously, the subject property is within the UGB. To the north, east, and south of the property are existing residential subdivisions within the City of Tualatin. To the west is Tax Lot 1500, a 1.76-acre parcel within the City of Tualatin that is proposed for development in conjunction with the subject property.

REGIONAL PLANNING

This property 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 the 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 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 Functional Plan and the Regional Transportation Plan, which were examined and found not to contain any directly applicable standards and criteria for boundary changes.

COUNTY PLANNING

As stated previously, the subject property has been annexed into the City of Tualatin. The city annexation is effective on November 10, 2005. At that time, County planning requirements will no longer be applicable to this lot.

Prior to November 10, the subject property is subject to the County's Comprehensive Plan. The individual elements of the Comprehensive Plan applicable to the proposed annexation are the *Comprehensive Framework Plan for the Urban Area (CFP)* and the *Transportation Plan.* These elements were examined for policies or implementation strategies applicable to service district annexations. Policy 15 of the *Comprehensive Framework Plan for the Urban Area* identifies the roles and responsibilities that the County and service districts have in serving growth in Washington County. Implementation strategy g. (under Policy 15), which was added by Ordinance No. 612, applies directly to service district annexations and reads as follows:

Implementing Strategies

The County will:

*****

g. Not oppose proposed annexations to a city or special service district, which are in accord with an Urban Planning Area Agreement (UPAA), an Urban Service Agreement or a voter approved

annexation plan. Annexations to special service districts that are consistent with an adopted urban service agreement are deemed to be consistent with the Washington County Comprehensive Plan.

As noted previously, the subject property is located within the Tualatin urban planning area identified in the Tualatin Urban Planning Area Agreement, which was adopted in 1988. Consequently, the proposed annexation (WA-3905) is consistent with the adopted Tualatin Urban Planning Area Agreement. Therefore, the proposed annexation is consistent with the Washington County Comprehensive Plan.

CITY PLANNING

As stated previously, on October 10, 2005, the Tualatin City Council approved an ordinance for the annexation of the subject property into the City. The City of Tualatin employs a one-map system, as does Washington County. The City's Comprehensive Plan Map establishes land use designations for unincorporated portions of the Urban Planning Area. Upon annexation of the property within the Urban Planning Area to the city, the land use designation specified by the City of Tualatin is automatically applied to the property on the effective date of the annexation (as authorized by ORS 215.130(2)(a)). The city's plan designates the subject property as Low Density Residential (RL).

FACILITIES AND SERVICES

ORS 195 Urban Service Agreements. ORS 195 requires agreements between providers of urban services, such as **sanitary sewers**, water, fire protection, parks, open space, recreation and streets. 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 development of these agreements. This statute was enacted in 1993. Cooperative agreements and urban service agreements are ORS 195 agreements. A cooperative agreement for sanitary sewer service provision by the District with Washington County and cities, including the City of Tualatin, has been adopted.

Storm Sewer. The applicant is proposing to connect to one or both of the existing storm sewer lines that are adjacent to the property, which are located along the property's east property line and in the southwest corner of the property.

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

Water. The City of Tualatin will serve the subject property. The applicant states that existing water mains stub to the subject property and to Tax Lot 1500 at the termini of SW 106th and SW 107th Avenues.

Fire. The Tualatin Valley Fire & Rescue District presently serves the property. Fire service will not change as a result of annexation to the District.

Sanitary Sewer. The applicant states that existing sewer lines stub into the property and into abutting Tax Lot 1500 from SW 106th and SW 107th Avenues. The applicant is proposing to

extend the existing sewer line in one or both of the above locations into the subject property.

Police. The property will be within the City of Tualatin and will receive police protection from the City of Tualatin. This service will not be affected by the annexation to the District.

Transportation. Annexation of the subject property to the District will not affect transportation through the City of Tualatin or unincorporated Washington County. However, development of the site will affect transportation in that area. Access to the site may be provided from SW 106th, 107th, or 108th Avenue, depending upon the plat design for the property. This issue will be addressed in detail as part of the City of Tualatin's subdivision review process.

Parks. The City of Tualatin maintains parks within Tualatin, and will be the parks provider for the property upon the effective date of the city annexation. Park and recreation service will not change as a result of annexation to the District.

Schools. The Tigard-Tualatin School District currently services this area.

FINDINGS

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

1. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (which lists minimum requirements for petition). At the time of writing, a necessary party is **not** contesting this boundary change.

2. The property to be annexed consists of one parcel (approximately 3.38 acres in size). The property is located on the east side of SW 108th Avenue, opposite its intersection with SW Nelson Street in the City of Tualatin, and is further identified as Map/Tax Lot 2S1 34AA #1400.

3. The applicant desires storm and sanitary sewer service to facilitate future development of the property in accordance with the City of Tualatin's standards. The applicant proposes the development of the site, along with abutting Tax Lot 1500 (already within the City of Tualatin and within District's boundary) into a 25-lot residential subdivision. The property must be brought into the District in order to be provided with the necessary sanitary and storm sewer service.

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

5. The City of Tualatin's recent approval of the annexation of the property to the city includes a statement of the City's endorsement of the District annexation. On October 10, 2005, the City approved Ordinance No. 1199-05 for Annexation File ANN-05-04 for the subject property, approving its annexation into the City of Tualatin. The city annexation of the subject property is effective on November 10, 2005.

6. 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 can be 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 agreement for sanitary sewer service provision by the District with cities (including the City of Tualatin) and Washington County has been adopted.]

   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 the 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 property 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. However, a cooperative agreement for sanitary sewer service provision by the District with cities, including the city of Tualatin, and Washington County, has been adopted. Additionally, the subject property is within the Tualatin Urban Planning Area identified in the Tualatin Urban Planning Area Agreement (UPAA), which was adopted in 1988. The District would be the provider of sanitary sewer service to the property, as they provide sanitary sewer service to the surrounding lands inside the UGB. Furthermore, at time of writing, a necessary party is **not** contesting this boundary change. Therefore, these additional criteria need not be addressed.

7. The subject property is comprised of one tax lot. The subject property contains a single-family dwelling and two accessory structures. The property slopes downward to the east from a high point on the westerly portion of the site, and is presently forested with the exception of the dwelling site.

   To the north, east, and south of the property are existing residential subdivisions within the City of Tualatin. To the west is Tax Lot 1500, a 1.76-acre parcel within the City of Tualatin that is proposed for development in conjunction with the subject property.

8. This property is within 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.

9. As mentioned previously, on October 10, 2005, the Tualatin City Council approved an ordinance for the annexation of the subject property into the City. The annexation of the subject property becomes effective on November 10, 2005. The City of Tualatin employs a one-map system, as does Washington County. The City's Comprehensive Plan Map establishes land use designations for unincorporated portions of the Urban Planning Area. Upon annexation of the property within the Urban Planning Area to the city, the land use designation specified by the City of Tualatin is automatically applied to the property on the effective date of the annexation (as authorized by ORS 215.130(2)(a)). The city's plan designates the subject property as Low Density Residential (RL).

10. The applicant is proposing to extend a sanitary sewer line into the property from existing sewerlines that stub into the property and into abutting Tax Lot 1500 from the termini of SW 106th and SW 107th Avenues.

11. The applicant is proposing to extend water lines into the property from existing water mains that stub into the property and into abutting Tax Lot 1500 from the termini of SW 106th and SW 107th Avenues.

12. The applicant is proposing to connect to one or both of the existing storm sewer lines that are adjacent to the property, which are located along the property's east property line and in the southwest corner of the property.

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

13. The Tualatin Valley Fire & Rescue District presently serves the property. Fire service will not change as a result of annexation to the District.

14. The subject property will be within the City of Tualatin and will therefore receive police protection from the City of Tualatin upon the effective date of the city annexation. This service will not be affected by the annexation to the District.

15. Annexation of the property to the District will not affect transportation through the City of Tualatin or unincorporated Washington County. However, development of the site will affect transportation in that area. Access to the site may be provided from SW 106th, 107th, or 108th Avenue, depending upon the plat design for the property. This issue will be addressed in detail as part of the City of Tualatin's subdivision review process.

16. The City of Tualatin maintains the public parks within its boundaries. Upon the effective date of the subject property's annexation to the city, the city will be the property's parks provider. The annexation to the District will not affect that fact.

CONCLUSIONS AND REASONS FOR DECISION

Based on the above 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 Washington County Comprehensive Plan will no longer be applicable upon the November 10th effective date of city annexation, since the property will be within the City of Tualatin. Annexation of the property to the District is consistent with the City of Tualatin Comprehensive Plan.

3. Prior to the November 10th effective date of the city annexation, the property is subject to the County's Comprehensive Plan. The individual elements of the Comprehensive Plan that are applicable to the proposed annexation are *the Comprehensive Framework Plan for the Urban Area* (CFP) and the *Transportation Plan*. These elements were examined for policies or implementation strategies applicable to service district annexations. Policy 15 of the CFP identifies the roles and responsibilities that the County and service districts have in serving growth in Washington County. Implementation strategy g. (under Policy 15), which was added by Ordinance No. 612, applies directly to service district annexations and reads as follows:

   Implementing Strategies

   The County will:

   *****

   g. Not oppose proposed annexations to a city or special service district, which are in accord with an Urban Planning Area Agreement (UPAA), an Urban Service Agreement or a voter approved annexation plan. Annexations to special service districts that are consistent with an adopted urban service agreement are deemed to be consistent with the Washington County Comprehensive Plan.

   As noted below, the subject property is located within the Tualatin urban planning area identified in the Tualatin Urban Planning Area Agreement. Consequently, the proposed annexation (WA-3905) is consistent with the adopted Tualatin Urban Planning Area Agreement. Therefore, the proposed annexation is consistent with the Washington County Comprehensive Plan.

4. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements (UPAA). The subject property is located within the Tualatin urban planning area identified in the Tualatin Urban Planning Area Agreement, adopted in 1988. The requested annexation is consistent with the UPAA.

5. 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 agreement between the District, cities (including the City of Tualatin) and Washington County has 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.

6. 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 the District can serve this area. Therefore the Board finds that the annexation is a logical step towards making urban services available to the property and does not interfere with the timely provision of those services.

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

8. A necessary party has not contested this boundary change. Therefore, the change may become effective immediately upon adoption by the Board pursuant to Metro Code Section 3.09.050 (f).