

Final Documents

For

Annexation to the  
**Tualatin Hills Parks & Recreation District**

WA4805

Ordinance No. 05-230

DOR 34-1776-2006

Sec. State: SD-2006-0007

WA4805

Sent

Received

DOR: 12/28/05 1/17/06

Sec. State: 1/18/06

Assessor: 1/18/06

Elections: 1/18/06

Mapped: Yes

Posted to Web:

Address Information:

1S130DA00100  
1S130DA00500

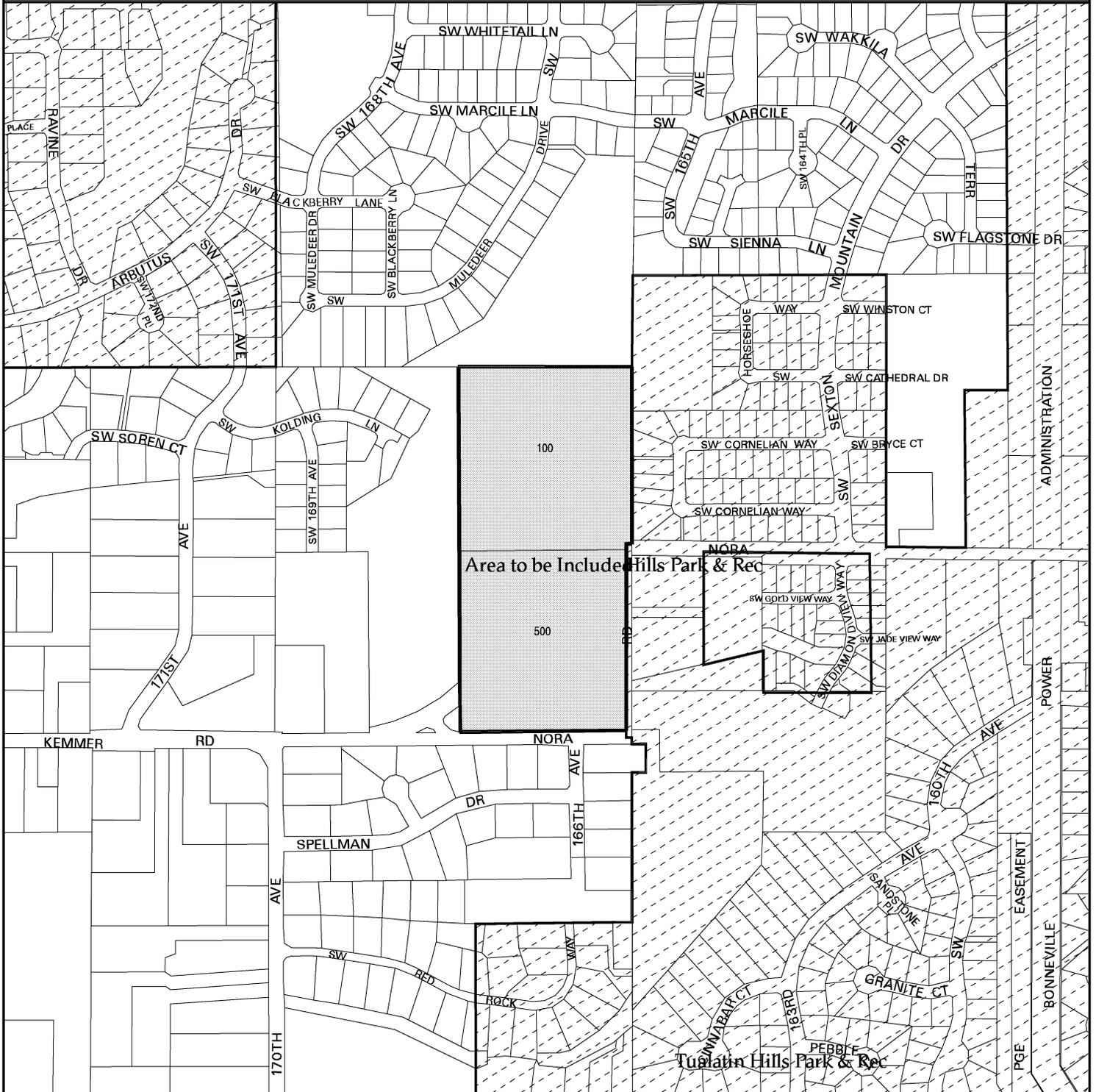
No Site Address  
9355 SW 166<sup>th</sup> Ave

# Proposal No. WA4805

1S1W30

Annexation to the Tualatin Hills Park & Recreation 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

Urban Growth Boundary

Proposal No. WA4805  
TUALATIN HILLS PARK & RECREATION DIST.  
Figure 1

Scale: 1"

0 500 1000

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

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January 19, 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 January 19, 2006, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
RES NO 205-2005 (City of Rivergrove)	AN 2006-0022
OR NO 05-19 (City of Tigard)	AN 2006-0023
OR NO 05-230 (Tualatin Hills Park & Rec Dist)	SD 2006-0007

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,

A handwritten signature in blue ink that reads "Linda Bjornstad". The signature is written in a cursive style.

Linda Bjornstad  
Official Public Documents

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

# Notice to Taxing Districts

ORS 308.225



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

**Description and Map Approved**  
**January 17, 2006**  
**As Per ORS 308.225**

Tualatin Hills Park and Rec. Dis  
 Budget Officer  
 15707 SW Walker Road  
 Beaverton, OR 97006

Description     Map received from: METRO  
 On: 1/3/2006

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

ANNEX TO TUALATIN HILLS PARKS AND RECREATION DISTRICT  
 WA4805

RES. AND ORDER #05-230

has been:     Approved            1/17/2006  
                    Disapproved

Notes:

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Department of Revenue File Number: 34-1776-2006

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



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

CASE FILE NO.: WA-4805

**APPLICANT:**

Pacific Lifestyle Development Inc.  
 11815 NE 99<sup>th</sup> Street, #1200  
 Vancouver, WA 98682

# BOARD OF COUNTY COMMISSIONERS NOTICE OF DECISION

**APPLICANT'S REPRESENTATIVE:**

MGH Associates / Michael Bimdorf  
 104 West 9<sup>th</sup> Street, Suite 207  
 Vancouver, WA 98660

**OWNERS:**

Alice Kinzer (tax lot 100)  
 9355 SW 166<sup>th</sup> Avenue  
 Beaverton, OR 97007

Donald and Alice Kinzer (tax lot 500)  
 9355 SW 166<sup>th</sup> Avenue  
 Beaverton, OR 97007

CPO: 6

COMMUNITY PLAN: Aloha-Reedville-Cooper Mountain

EXISTING LAND USE DISTRICT: R-6 (Residential 6 units  
 Per acre)

ASSESSOR MAP NO(S): 1S1 30DA

SITE SIZE: Approximately 19 acres

TAX LOT NO(S): 100 and 500

LOCATION: SW 166<sup>th</sup> Avenue and Nora Road

**PROPOSED MINOR BOUNDARY CHANGE:**

Annexation of 19 acres to the Tualatin Hills Park and Recreation District.

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 **December 20, 2005**.

**NOTICE MAILING DATE: December 22, 2005**

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.

**NECESSARY PARTIES:** THIS DECISION MAY BE CONTESTED BY A NECESSARY PARTY AND A PUBLIC HEARING HELD BY FILING A NOTICE OF APPEAL IN ACCORDANCE WITH METRO CODE CHAPTER 3.09.070 WITHIN 10 CALENDAR DAYS OF THE DATE THIS NOTICE WAS MAILED. 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.

**NON-NECESSARY PARTIES:** THIS DECISION MAY BE APPEALED TO THE LAND USE BOARD OF APPEALS (LUBA) BY FILING A NOTICE OF INTENT TO APPEAL WITH LUBA WITHIN 21 DAYS OF THE DATE THIS DECISION IS FINAL. CONTACT YOUR ATTORNEY IF YOU HAVE QUESTIONS REGARDING AN APPEAL TO LUBA.

THIS DECISION WILL BE FINAL IF NO CONTEST OR APPEAL IS FILED BY THEIR RESPECTIVE DUE DATES.

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)

Mtg.

# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Public Hearing – Department of Land Use & Transportation (CPO 6)

**Agenda Title:** CONSIDER THE ANNEXATION OF APPROXIMATELY 19 ACRES TO THE TUALATIN HILLS PARK & RECREATION DISTRICT (WA-4805)

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

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

The County has received a request to annex two parcels encompassing approximately 19 acres to the Tualatin Hills Park & Recreation District (District). The property is located on the north side of Nora Road at its intersection with SW 166<sup>th</sup> Avenue, in unincorporated Washington County and is further identified as tax map and lot numbers 1S1 30DA / 100 and 500. This property is inside the regional UGB and was annexed to the city of Beaverton on October 24, 2005. (See Exhibit B.)

The District is the parks and recreation provider for the city of Beaverton. However, the two parcels comprising the subject property are not currently located within the District's current service boundary. The property needs to annex to the District in order to be provided with park and recreation services from the District.

Notice of today's hearing has been made in accordance with the state law requirements. The staff report (File Number: WA-4805) 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 these parcels into the Tualatin Hills Park & Recreation 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.

R0 05-230

Agenda Item No.	<u>5.b.</u>
Date:	12-20-05

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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-4805 ) No. 05-230

The above-entitled matter (WA-4805) came before the Board at its meeting on December 20, 2005; and

It appearing to the Board that this annexation to the Tualatin Hills Park & Recreation District involves two tax lots (1S1 30DA 100 and 500), located on the north side of Nora Road at its intersection with SW 166<sup>th</sup> Avenue and inside the city of Beaverton; and

It appearing to the Board that WA-4805 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 the Washington County Board is authorized to approve boundary changes for Tualatin Hills Park & Recreation 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 December 20<sup>th</sup> 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 conducted a public hearing, considered any and all written and oral testimony provided regarding this proposal; now, therefore it is

1 RESOLVED AND ORDERED that Boundary Change Proposal No. WA-  
2 4805, as described in the staff report, is hereby approved, based on the analysis,  
3 findings and conclusions set forth in Exhibit "A" of the staff report, incorporated  
4 herein by reference; and it is further

5 RESOLVED AND ORDERED that the boundary depicted in Exhibit "B" and  
6 legally described in Exhibit "C" is hereby declared to be annexed to the Tualatin  
7 Hills Park & Recreation District; and it is further

8 RESOLVED AND ORDERED that this boundary change proposal shall be  
9 effective upon adoption and that the County Administrator or his designees shall  
10 take all necessary steps to effectuate this proposal.

11 DATED this 20<sup>th</sup> day of December 2005.

12 BOARD OF COUNTY COMMISSIONERS  
13 FOR WASHINGTON COUNTY, OREGON

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17 CHAIRMAN

	AYE	NAY	ABSENT
18 BRIAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19 SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20 LEEPER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21 ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22 DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

23  
24   
25 RECORDING SECRETARY

26 Date Signed: 12-20-05

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28 Approved as to form:

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34 County Counsel for  
35 Washington County, Oregon

## **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 is located on the north side of SW Nora Road at its intersection with SW 166<sup>th</sup> Avenue. The property is further identified as tax map and lot numbers 1S1 30DA / 100 and 500 (see Exhibit B). The property was annexed to the city of Beaverton on October 24, 2005.
3. The property consists of two parcels encompassing approximately 19 acres. The southern parcel is developed with a detached single family dwelling unit; the northern parcel is currently undeveloped. Excluding the area occupied by the residence and associated amenities, the property is heavily wooded and maintains areas of steep slopes. The steep slopes are associated with a creek and ravine located generally in the northwest corner of the property.
4. 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. Urban service agreements governing this property have not yet been adopted. However, a cooperative agreement between the District, Washington County and the City of Beaverton has been adopted. ]

Additionally, in December of 2004, the County and the city of Beaverton entered into an intergovernmental agreement that established the areas that the city may annex for 10 years from the date of the agreement. The property (that was recently annexed to the city) was located within this area.

- 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. As noted previously, a cooperative agreement between the District, Washington County and the City of Beaverton has been adopted. Additionally, at time of writing, a necessary party is not contesting this boundary change. Therefore, these additional criteria need not be addressed.

5. This property 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.

6. The property is subject to the provisions of the Beaverton-Washington County UPAA. However, the UPAA does not contain any provisions directly addressing annexation of properties to service districts, such is being proposed by the applicant. Therefore, staff finds that the proposed annexation is not inconsistent with the adopted Beaverton-Washington County UPAA.
7. The property was annexed to the city of Beaverton on October 24, 2005. Therefore, it is no longer subject to the County's Comprehensive Plan.

8. Chapter 5 (Public Facilities and Services Element) of the city of Beaverton's Comprehensive Plan addresses park and recreation. In particular, Section 5.8, Parks and Recreation, reads as follows:

**5.8 Parks and Recreation**

*Parks and recreation facilities are basic and essential for the health and welfare of the community. The City coordinates the land use aspects of locating these facilities but does not predetermine sites. Location and improvement decisions for these types of facilities are the responsibility of the Tualatin Hills Park and Recreation District (THPRD).*

Section 5.8 was examined and does not appear to contain any policies or implementation strategies directly applicable to the proposed service district annexation. Notwithstanding, the requested annexation, in staff's view, appears to meet the intent of Section 5.8 of the city's Comprehensive Plan as it relates to providing future city residents with park and recreation facilities and services (see 5.8.1 Goal):

*5.8.1 Goal: Cooperate with THPRD in implementation of its 20-Year Comprehensive Master Plan and Trails Master Plan in order to ensure adequate parks and recreation facilities and programs for current and **future** [emphasis added] City residents.*

9. The property is located in the Clean Water Services District. The applicant states that an 8-inch sanitary sewer line was installed (and stubbed to the northeast corner of the property) to serve an adjacent development (Satterberg Heights). Sanitary sewer lines will be extended from this 'stubbed' line to serve the future residential development. Clean Water Services District will provide the sewage treatment and transmission of effluent to the regional treatment plant through major trunks and interceptors.
10. A 20-inch and 16-inch waterline are adjacent to the property in SW Nora Road (along the southern and eastern perimeter of the property). Water service will be extended into the site from these lines to serve the future residential development.
11. The property is located within Tualatin Valley Fire & Rescue service district boundary. Fire service will not change as a result of annexation to the Tualatin Hills Park & Recreation District.
12. The property was located within the Washington County Enhanced Sheriff's Patrol District (ESPD). Upon annexation to the city of Beaverton on October 24, 2005, the property was withdrawn from the ESPD and began to receive police protection from the city of Beaverton police.
13. The property was located within the Washington County Urban Road Maintenance District (URMD). Upon annexation to the city of Beaverton on October 24, 2005, the property was withdrawn from the URMD.

14. Access-related issues will be addressed through the city of Beaverton's development review process.
15. The Tualatin Hills Park & Recreation District (THPRD) is the parks and recreation provider for the city of Beaverton. However, the property is not currently located within THPRD's current service boundary but will be annexed to the District if WA-4805 is approved. Annexation to the District is required in order to be provided with park and recreation services from the District.
16. The District supports the proposed annexation to its boundary. The District endorsed the annexation at the District's October 3, 2005 Board meeting.

### **CONCLUSIONS AND REASONS FOR DECISION**

Based on the Findings, the Commission concludes:

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 city of Beaverton Comprehensive Plan, and finds that the annexation is consistent with said document.
3. 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, the cities, 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 has therefore concluded that its decision is not inconsistent with the adopted cooperative agreement.
4. 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.
5. The District supports the proposed annexation to its boundary. The Board of Directors for

**EXHIBIT A**

Proposal No. WA-4805

Page 5 of 5

Tualatin Hills Park & Recreation District endorsed the annexation of the two parcels on October 3, 2005.

6. 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).

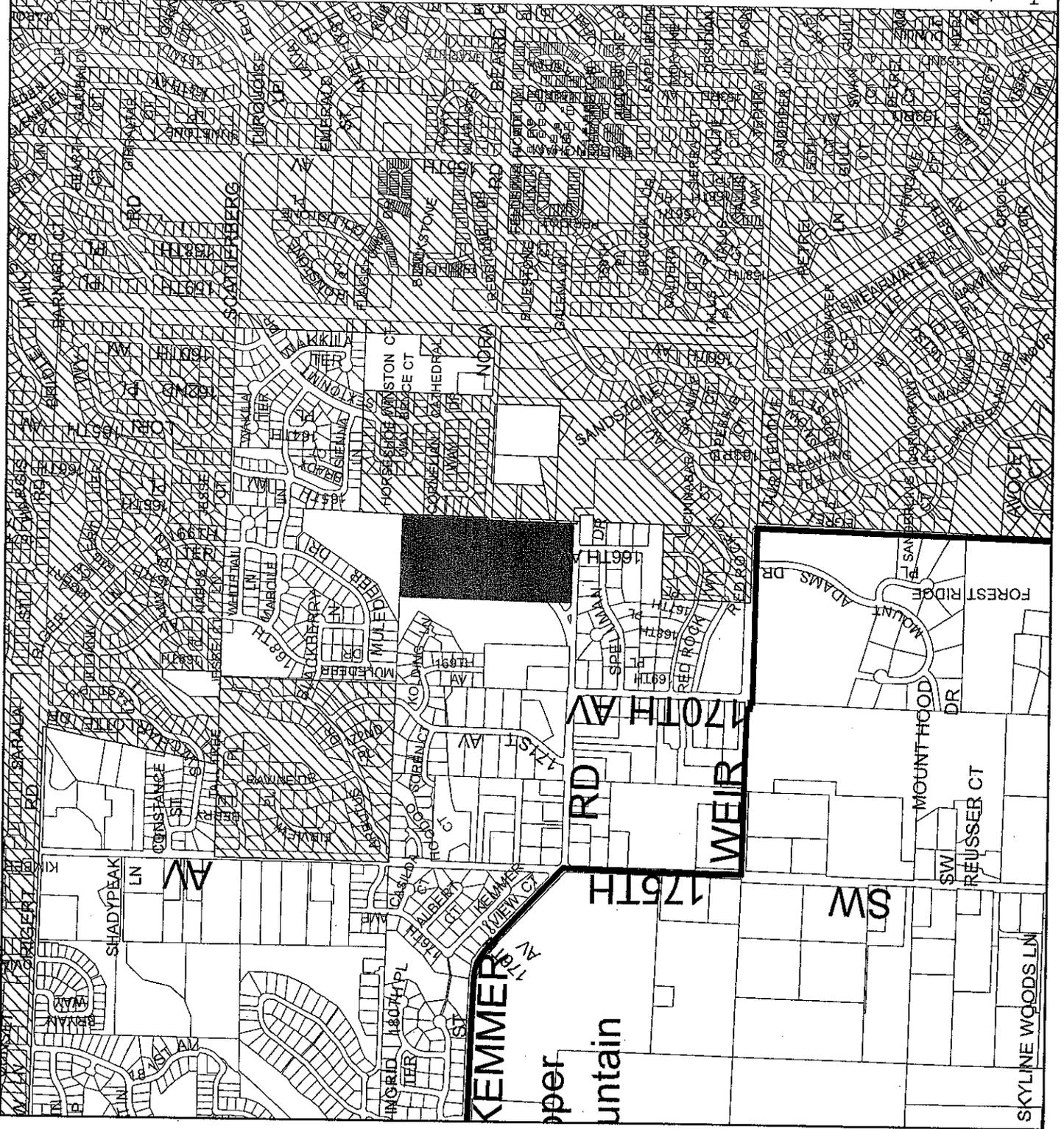
WA-4805  
Annexation to  
THPRD

# EXHIBIT B

- Subject Taxlot
- THPRD
- Urban Growth Boundary



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**

Lots 20 and 21, MOUNTAIN VIEW ESTATES, in the County of Washington and State of Oregon.

**ANNEXATION TO  
THE TUALATIN HILLS PARK &  
RECREATION DISTRICT**

Boundary Change Proposal No. WA-4805

Staff Report

For the December 20, 2005  
Board of Commissioners' Hearing



December 6, 2005

To: Board of County Commissioners  
From: Brent Curtis, Planning Manager *BC*  
Subject: **MINOR BOUNDARY CHANGE PROPOSAL NO. WA-4805 - ANNEXATION TO THE TUALATIN HILLS PARK AND RECREATION DISTRICT**

**STAFF REPORT**  
**For the December 20, 2005 Board of Commissioners Hearing**  
**(The public hearing will begin no sooner than 10:00 AM)**

**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-4805 with the approval becoming immediately.

**REQUESTED ACTION**

The applicant requests that approximately 19 acres be annexed to the Tualatin Hills Park and Recreation District in order for the property to receive service from the District.

Petitioners: Donald and Alice Kinzer

Applicant: Pacific Lifestyle Development, Inc.

Applicant's Representative: MGH Associates / Contact: Michael Birndorf

**ENDORSEMENTS**

The District supports the proposed annexation to its boundary. The District endorsed the annexation at the District's October 3, 2005 Board meeting.

**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 known 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-6504 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). 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 consists of two tax lots encompassing approximately 19 acres. The property is located on the north side of SW Nora Road at its intersection with SW 166<sup>th</sup> Avenue. The property was annexed to the city of Beaverton on October 24, 2005. The property is further identified as tax map and lot numbers 1S1 30DA / 100 and 500 (see Exhibit B).

## **REASON FOR ANNEXATION**

The proposed annexation to the District will allow future residents access to park and recreation facilities provided by the District. Annexation to the District will afford future residences with priority when it comes to registering for classes.

## **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 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 between the District, Washington County, and the cities has been adopted. 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 property consists of two parcels encompassing approximately 19 acres. The southern parcel is developed with a detached single family dwelling unit; the northern parcel is currently undeveloped. Excluding the area occupied by the residence and associated amenities, the property is heavily wooded and maintains areas of steep slopes. The steep slopes are associated with a creek and ravine located generally in the northwest corner of the 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*

The property was annexed to the city of Beaverton on October 24, 2005. Therefore, it is no longer subject to the County's Comprehensive Plan.

### *CITY PLANNING*

Chapter 5 (Public Facilities and Services Element) of the city of Beaverton's Comprehensive Plan addresses park and recreation. In particular, Section 5.8, Parks and Recreation, reads as follows:

#### ***5.8 Parks and Recreation***

*Parks and recreation facilities are basic and essential for the health and welfare of the community. The City coordinates the land use aspects of locating these facilities but does not predetermine sites. Location and improvement decisions for these types of facilities are the responsibility of the Tualatin Hills Park and Recreation District (THPRD).*

Section 5.8 was examined and does not appear to contain any policies or implementation strategies directly applicable to the proposed service district annexation. Notwithstanding, the requested annexation, in staff's view, appears to meet the intent of Section 5.8 of the city's Comprehensive Plan as it relates to providing future city residents with park and recreation facilities and services (see 5.8.1 Goal):

*5.8.1 Goal: Cooperate with THPRD in implementation of its 20-Year Comprehensive Master Plan and Trails Master Plan in order to ensure adequate parks and recreation facilities and programs for current and future [emphasis added] City residents.*

### **URBAN PLANNING AREA AGREEMENTS (UPAA)**

The property is subject to the provisions of the Beaverton-Washington County UPAA. However, the UPAA does not contain any provisions directly addressing annexation of properties to service districts, such as is being proposed by the applicant. Therefore, staff finds that the proposed annexation is not inconsistent with the adopted Beaverton-Washington County UPAA.

### **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 between the City of Beaverton, the District and Washington County has been adopted.

Additionally, in December of 2004, the County and the city of Beaverton entered into an intergovernmental agreement that established the areas that the city may annex for 10 years

from the date of the agreement. The property (that was recently annexed to the city) was located within this area.

Sewer. The property is located within the Clean Water Services boundary. The applicant states that an 8-inch sewer line was installed (and stubbed to the northeast corner of the property) to serve an adjacent development (Satterberg Heights). Sanitary sewer lines will be extended from this 'stubbed' line to serve the future residential development. Clean Water Services District will provide the sewage treatment and transmission of effluent to the regional treatment plant through major trunks and interceptors.

Water. The applicant states that both a 20-inch and 16-inch waterline are adjacent to the property in SW Nora Road (along the southern and eastern perimeter of the property). Water service will be extended into the site from these lines to serve the future residential development.

Fire. Tualatin Valley Fire & Rescue serves this property.

Police. The property was annexed to the city of Beaverton on October 24, 2005. Upon annexation to the city of Beaverton, the property began to receive police protection from the city of Beaverton police.

Transportation. Access-related issues will be addressed through the city of Beaverton's development review process.

Storm Drainage. Clean Water Services has responsibility for storm water and surface water management within unincorporated Washington County.

Parks. The property is located, as stated previously, within the UGB and in the city of Beaverton. The Tualatin Hills Park & Recreation District (District) is the parks and recreation provider for the city of Beaverton. However, the property is not currently located within the District's service boundary. Upon approval of WA-4805, the property will be brought into District's service boundary in order to be provided with park and recreation services from the District.

Schools. The Beaverton School District currently services this area.