

Final Documents

For

Annexation to the
Clean Water Services District

WA5305

Order No. 06-3

DOR: 34-1778-2005

Sec. State: SD-2006-0025

WA5305

Sent

Received

DOR:

1/25/06

2/3/06

Sec. State:

2/8/06

2/16/06

Assessor:

2/8/06

Elections:

2/8/06

Mapped:

Yes

Posted to Web:

Assessor Information:

1N325B000100

31260 NW Camp Ireland

Proposal No. WA5305

1N3W25

Annexation to the Clean Water Services District

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

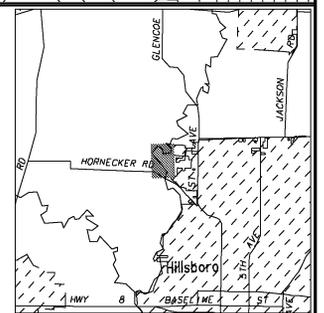
METRO

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. WA5305
CLEAN WATER SERVICES DISTRICT
Figure 1

Scale: 1" = 500'





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
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

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

Description and Map Approved
February 3, 2006
As Per ORS 308.225

Description Map received from: METRO
 On: 1/27/2006

This is to notify you that your boundary change in Washington County for
 ANNEX TO CLEAN WATER SERVICES DISTRICT (WA-5305)

RES. AND ORDER #06-3

has been: Approved 2/3/2006
 Disapproved

Notes:

Department of Revenue File Number: 34-1778-2006

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-5305

APPLICANTS:

Swallowtail School Inc.
 P.O. Box 3753
 Hillsboro, OR 97123

APPLICANT'S REPRESENTATIVE:

Beth O'Mahony
 Corporate Secretary
 P.O. Box 3753,
 Hillsboro, OR 97123
CONTACT PERSON: Beth O'Mahony

OWNERS:

Swallowtail School, Inc.
 P.O. Box 3753
 Hillsboro, OR 97123

BOARD OF COUNTY COMMISSIONERS NOTICE OF DECISION

CPO: 9

COMMUNITY PLAN: Not Applicable ,City of Hillsboro

EXISTING LAND USE DISTRICT: R 7 City of Hillsboro

ASSESSOR MAP NO(S): 1N 3 25B /100

SITE SIZE: Approximately 25.63 acres

TAX LOT NO(S): 100

ADDRESS: 31620 NW Camp Ireland Hillsboro, OR

LOCATION: : North of the Southern Pacific Railroad, East of McKay Creek and West of NW313th Ave

PROPOSED MINOR BOUNDARY CHANGE:

Annexation to the Clean Water Services District of Approximately 25.63 acres (Tax Lot 100).

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 **January 17, 2006**.

NOTICE MAILING DATE: January 18, 2006

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)

Metro
 Bob Knight, Data Resource Center
 600 NE Grand Ave.
 Portland, OR 97232-2736

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Department of Land Use & Transportation (CPO 9)

Agenda Title: CONSIDER THE ANNEXATION OF ONE PARCEL
ENCOMPASSING APPROXIMATELY 25.63 ACRES TO THE
CLEAN WATER SERVICES DISTRICT (WA-5305)

Presented by: Brent Curtis, Planning Division Manager

SUMMARY:

The County has received a request to annex one parcel, approximately 25.63 acres in size, to the Clean Water Services District (District). The property is located generally at the western terminus of NW Camp Ireland Road, which is west of NW 313th Avenue, in the City of Hillsboro. The property is further identified as tax map and lot number 1N3 25B / 100. 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-5305) 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.

RO 06-3

| | |
|-----------------|-------------|
| Agenda Item No. | <u>4.a.</u> |
| Date: | 1-17-06 |

1 IN THE BOARD OF COUNTY COMMISSIONERS

2
3 FOR WASHINGTON COUNTY, OREGON

4
5 In the Matter of Approving Boundary) RESOLUTION AND ORDER
6 Change Proposal No. WA-5305) No. 06-3
7

8 The above-entitled matter (WA-5305) came before the Board at its
9 regular public meeting on January 17, 2005; and

10 It appearing to the Board that this annexation to the Clean Water
11 Services District involves one tax lot (1N3 25B / 100), located generally at the
12 western terminus of NW Camp Ireland Road, which is west of NW 313th
13 Avenue, in the City of Hillsboro; and

14 It appearing to the Board that WA-5305 was initiated by a consent
15 petition of the property owners and registered voters and meets the
16 requirement for initiation set forth in ORS 198.855 (3), ORS 198.750 and
17 Metro Code 3.09.040 (a); and

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

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

24 It appearing to the Board that notice of the meeting was provided
25 pursuant to ORS 198.730, ORS 197.763 and Metro Code 3.09.030; and

26 It appearing to the Board that County staff have reviewed the proposed
27 boundary change and determined that it complies with the applicable
28 procedural and substantive standards and should be approved; and

1 It appearing to the Board that the Board has reviewed whatever written
2 and oral testimony has been provided regarding this proposal; now, therefore
3 it is

4 RESOLVED AND ORDERED that Boundary Change Proposal No. WA-
5 5305, as described in the staff report, is hereby approved, based on the
6 analysis, findings and conclusions set forth in Exhibit A, incorporated herein
7 by reference; and it is further

8 RESOLVED AND ORDERED that the property depicted in Exhibit B
9 and legally described in Exhibit C is hereby declared to be annexed to the
10 Clean Water Services District; and it is further

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

14 DATED this 17th day of January, 2005.

15 BOARD OF COUNTY COMMISSIONERS
16 FOR WASHINGTON COUNTY, OREGON
17
18
19

| | AYE | NAY | ABSENT |
|-------------|-----|-----|--------|
| 20 | | | |
| 21 BRIAN | ✓ | --- | --- |
| 22 SCHOUTEN | ✓ | --- | --- |
| 23 LEEPER | ✓ | --- | --- |
| 24 ROGERS | ✓ | --- | --- |
| 25 DUYCK | ✓ | --- | --- |
| 26 | | | |

21 John Hayes for
22 CHAIRMAN

23 Barbara Hejtmansk
24 RECORDING SECRETARY

25 Date Signed: January 17, 2006

26 Approved as to form:

27 C. A.
28 Assistant County Counsel for
29 Washington County, Oregon
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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 western terminus of NW Camp Ireland Street and is further identified as tax map and lot number 1N3 25B 100. The property has a gentle slope downward to the northwest and southwest. The property is heavily treed along the western boundary of the property. Additionally, McKay Creek forms the western boundary of the property. The property contains an existing detached single family residence that will be removed to facilitate the future development of the property.
3. The applicant desires sanitary sewer service to facilitate the future development of a K-8 elementary school. Subsection A of Section IV (Special Policies) of the Hillsboro-Washington County UPAA requires that property in Urban Area A annex to the City of Hillsboro prior to development. The property was annexed into the City of Hillsboro on April 19, 2005 (Ordinance No. AN 4-05). Annexation of the property into the city serves as the city's endorsement of the proposed Minor Boundary Change. The city annexation ordinance included an emergency provision allowing the annexation to become effective upon approval by the City Council and the Mayor. The City Council and the Mayor both approved the annexation on April 19th. Therefore the property is effectively within the City of Hillsboro. Additionally, the property must first be brought into the Clean Water Services District (District) in order to be provided the necessary sanitary sewer service.
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 (cooperative agreements and urban service agreements) or ORS 195 annexation plans.
- 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.

The proposed minor boundary change is consistent with the City of Hillsboro Comprehensive Plan as well as the Washington County Comprehensive Plan. The proposed annexation is also consistent with the adopted cooperative agreement for sanitary sewer service provision by the District with cities, including the cities of Hillsboro, Beaverton and Tigard, and Washington County as well as the adopted urban service agreement for the Hillsboro urban service area (see additional findings under **CONCLUSIONS AND REASONS FOR DECISION** section below).

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. A cooperative agreement for sanitary sewer service provision by the District with cities and the Washington County has been adopted. 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 City of Hillsboro will provide storm sewer service to the property. A 12-inch storm drain line exists in NW Milne Street (approximately 100 feet to the east of the property). The District provides the storm water treatment through major storm drain lines as well as

storm sewer service for lands within unincorporated Washington County.

7. An 8-inch city water line is located in the abutting NW Camp Ireland Road right-of-way. Extending this 8-inch water line by the applicant will provide water service.
8. The City of Hillsboro Fire Department serves the property.
9. The City of Hillsboro will provide sanitary sewer service for the property with a 10-inch sanitary sewer line located in the NW 313th Avenue right-of-way (approximately 500 feet to the east of the property). Extending this 10-inch sanitary sewer line by the applicant will provide sanitary sewer service. The District provides the sewage treatment and transmission of effluent to the regional treatment plants through major trunks and interceptors as well as sanitary sewer service for lands within unincorporated Washington County.
10. The City of Hillsboro provides the property with police protection. This service will not be affected by the annexation to the District.
11. Annexation to the District will not effect transportation through the City of Hillsboro or unincorporated Washington County. Access to the future development will be in accordance with the City of Hillsboro's Transportation Plan.
12. The City of Hillsboro Parks and Recreation Department serves lands within Hillsboro. Park and recreation service will not change as a result of annexation to the District.
13. The Hillsboro School District services this property. Education services provided by the city to residents will benefit from the future construction of a new K-8 elementary school. The new school will add needed school capacity.
14. The District supports the proposed annexation to its boundary. The Board of County Commissioners has endorsed this as the Board of Directors of Clean Water Services District.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Commission 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 is no longer directly applicable since the property was annexed to the City of Hillsboro on April 19, 2005. Annexation of the property to the District is consistent with the City of Hillsboro's Comprehensive Plan. The city's comprehensive plan contains provisions governing special service district annexations. The sanitary and storm sewer service (and service district annexation) policies in place are consistent with the adopted Hillsboro Urban Service Area Agreement between the city, the county and special service districts, including the District.

Notwithstanding, Policy 15 of the Comprehensive Framework Plan for the Urban Area identifies the roles and responsibilities that governmental entities 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.** [emphasis added]

As stated previously, the property is located within the urban service area for the District as well as the City of Hillsboro. Consequently, the proposed annexation (WA-5305) is consistent with an adopted urban service agreement and therefore consistent with the Washington County Comprehensive Plan.

3. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements (UPAA). Subsection A of Section IV (Special Policies) of the Hillsboro-Washington County UPAA requires that properties in Urban Area A annex to the City of Hillsboro prior to development. The property was annexed into the City of Hillsboro on April 19, 2005.
4. The Metro Code also requires that the decision address consistency between this decision and any urban service agreements under ORS 195. [ORS 195 agreements are cooperative agreements and urban service agreements.] The required cooperative agreements between the City of Hillsboro, service districts and Washington County have been adopted. The advertisement of the public hearing for the proposed annexation was consistent with the adopted cooperative agreement. The Board therefore concluded that its decision is not inconsistent with the adopted cooperative agreement. An urban service agreement for the City of Hillsboro has also been adopted. The proposed annexation is consistent with the adopted Hillsboro urban service agreement.

EXHIBIT A

Proposal No. WA-5305

Page 5 of 5

5. Metro Code 3.09.050 (e) (3) states that another criteria to be addressed is *"Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services."* The Board finds that the Clean Water Services District can serve this area. Therefore the Board finds that the annexation is a logical step towards making urban services available to the property and does not interfere with the timely provision of those services.

WA-5305 EXHIBIT B

Annexation to
Clean Water Services

Subject Taxlot

Clean Water Services

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

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

Commencing at the Initial Point of Milne Acres, a duly recorded subdivision in said county, said point being also the northeast corner of that tract of land conveyed to Washington County by deed recorded in Deed Book 172, Page 193 in Deed Records of said county;

thence South 1°36' East, along the west line of Milne Acres and the east line of said Washington County Tract, a distance of 705.4 feet to the southeast corner of said tract and the point of beginning;

thence South 1°36' East, along the west line of Milne Acres, a distance of 1314.6 feet, more or less, to a point in the center of McKay Creek;

thence upstream, along the center of McKay Creek, in a northwesterly, northeasterly and southeasterly direction, a distance of 4000.0 feet, more or less, to a point on the west line of said Washington County Tract;

thence South 1°36' East, along said west line, a distance of 506.0 feet, more or less, to the southwest corner of said tract;

thence North 88°24' East, along the south line of said tract, a distance of 718.5 feet to the point of beginning.

CLEAN WATER SERVICES DISTRICT
ANNEXATION

Boundary Change Proposal No. WA-5305

Staff Report

For the January 17, 2006
Board of Commissioners' Hearing



January 3, 2006

To: Board of County Commissioners
From: Brent Curtis, Planning Manager *BC*
Subject: **MINOR BOUNDARY CHANGE PROPOSAL NO. WA-5305 - ANNEXATION
TO THE CLEAN WATER SERVICES DISTRICT**

**STAFF REPORT
For the January 17, 2006 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-5305 with the approval becoming effective immediately.

REQUESTED ACTION

The applicant requests that approximately 25.63 acres be annexed to the Clean Water Services District in order to facilitate the future development of a K-8 elementary school.

Petitioners: Swallowtail School, Inc.

Applicant: Swallowtail School, Inc.

Applicant's Representative: Swallowtail School, Inc./ Contact: Beth O'Mahony

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 property was annexed into the City of Hillsboro on April 19, 2005 (Ordinance No. AN 4-05). Annexation of the property into the city serves as the city's endorsement of the proposed Minor Boundary Change. The city annexation ordinance included an emergency provision allowing the annexation to become effective upon approval by the City Council and the Mayor. The City Council and the Mayor both approved the annexation on April 19th. Therefore the property is effectively within the City of Hillsboro.

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. Costs for extending the sanitary and storm sewer service to the future development will be borne by the applicant.

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-5305 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (which lists minimum requirements for petition). In fact, 100 percent of the property owners and registered voters signed the 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 a single tax lot encompassing approximately 25.63 acres. The property is located north of the Southern Pacific Railroad, East of McKay Creek and West of NW 313th Avenue. The property was annexed to the City of Hillsboro on April 19, 2005. The property is further identified as tax map and lot numbers 1N3 25B / 100 (see Exhibit B).

REASON FOR ANNEXATION

The applicant desires sanitary and storm sewer service to facilitate the future development of a K-8 elementary school. The property must be brought into the Clean Water Services District (District) in order to be provided the necessary sanitary and storm sewer service. The property was annexed into the City of Hillsboro on April 19, 2005.

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. The City of Hillsboro also supports the service district annexation as indicated in the

annexation of the property into the city on April 19, 2005 and declaring an emergency so that the approval could become effective immediately. As a result of the subject property's annexation to the City of Hillsboro, the subject property was given a city comprehensive plan designation of RL / Low Density Residential and a city zoning designation of R-7, Single Family Residential (**Note:** The property was previously designated R-9 Residential on the East Hillsboro Community Plan.) The property must be brought into the District in order to be provided with the necessary sanitary and storm sewer service.

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 (see findings under *County Planning and City Planning* below).

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. A cooperative agreement for sanitary sewer service provision by the District with cities, including the cities of Hillsboro, Beaverton and Tigard, and Washington County has been adopted. Additionally, an urban service agreement for the Hillsboro urban service area has been adopted. Both agreements identify the District's service area within these urban service areas. The District would be the provider of sanitary sewer service to the property, as they provide sanitary sewer service to much of the surrounding lands inside the UGB. Additionally, at time of writing, a necessary party is **not** contesting this

boundary change. Therefore, these additional criteria need not be addressed.

LAND USE PLANNING

SITE CHARACTERISTICS

The property encompasses 25.63 acres and maintains street frontage at the western terminus of NW Camp Ireland Street. The property has a gentle slope downward to the northwest and southwest. The property is heavily treed along the western boundary of the property. Additionally, McKay Creek forms the western boundary of the property. The property contains an existing detached single family residence that will be removed to facilitate the future K-8 elementary school.

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 annexation to the city became effective on April 19, 2005. Consequently, the property is no longer subject to the County's Comprehensive Plan.

Notwithstanding, Policy 15 of the *Comprehensive Framework Plan for the Urban Area* identifies the roles and responsibilities that governmental entities 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.** [emphasis added]

As stated previously, the property is located within the urban service area for the District as well as the City of Hillsboro. Consequently, the proposed annexation (WA-5305) is consistent with an adopted urban service agreement and therefore consistent with the Washington County Comprehensive Plan.

CITY PLANNING

The property is located in the City of Hillsboro and is therefore subject to the city's comprehensive plan policies governing service district annexations. The city's comprehensive plan contains provisions governing special service district annexations. The sanitary and storm sewer service (and service district annexation) policies in place are consistent with the adopted Hillsboro Urban Service Area Agreement between the city, the county and special service districts, including the District.

URBAN PLANNING AREA AGREEMENTS (UPAA)

Subsection A of Section IV (Special Policies) of the Hillsboro-Washington County UPAA requires that properties in Urban Area A annex to the City of Hillsboro prior to development. The property was annexed into the City of Hillsboro on April 19, 2005.

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 cities, including the cities of Hillsboro, Beaverton and Tigard, and Washington County has been adopted. An urban service agreement for the Hillsboro urban service areas was adopted on April 2, 2003. The adopted urban service agreement identifies the District's service area within this urban service area. The area to be annexed to the District was annexed to the City of Hillsboro on April 19, 2005.

Storm Sewer. The City of Hillsboro will provide storm sewer service to the property. A 12-inch storm drain line exists in NW Milne Street (approximately 100 feet to the east of the property). The District provides the storm water treatment through major storm drain lines as well as storm sewer service for lands within unincorporated Washington County.

Water. An 8-inch city water line is located in the abutting NW Camp Ireland Road right-of-way. Extending this 8-inch water line by the applicant will provide water service.

Fire. The City of Hillsboro Fire Department serves the property.

Sanitary Sewer. A 10-inch sanitary sewer line is located in the NW 313th Avenue right-of-way (approximately 500 feet to the east of the property). Extending this 10-inch sanitary sewer line by the applicant will provide sanitary sewer service. The District provides the sewage treatment and transmission of effluent to the regional treatment plants through major trunks and interceptors as well as sanitary sewer service for lands within unincorporated Washington County.

Police. The City of Hillsboro provides the property with police protection.

Transportation. Annexation to the District will not effect transportation through the City of Hillsboro or unincorporated Washington County. Access to the future development will be in accordance with the City of Hillsboro's Transportation Plan.

Parks. The City of Hillsboro Parks and Recreation Department serves lands within Hillsboro.

Schools. The Hillsboro School District serves this property.