

Final Documents

For

Annexation to the
Tualatin Valley Water District

WA5401
DOR 34-1547-2002
Ordinance #02-12

Final to DOR: _____

Signature:

Date of

Mailing: 2/15/02

Final to Secretary of State _____

Signature:

Date of

Mailing: 3/4/02

WA5401

Sent

Received

DOR: 2/15/02 2/27/02

Sec. State: 3/4/02

Assessor: 3/4/02

Elections: 3/4/02

Mapped: Yes

Posted to Web:

Addresses:	1S130AB00100	8182 SW 175 th Ave
	1S130AB00400	8308 SW 175 th Ave
	1S130AB00500	8080 SW 175 th Ave
	1S130AB00600	17230 SW Rigert Rd
	1S130AB00700	No Site Address
	1S130AB00800	No Site Address
	1S130AB01100	8200 SW 175 th Ave

Proposal No. WA5401

1S1W30AB

Annexation to the Tualatin Valley Water Dist.

Washington Co.



R L I S
REGIONAL LAND INFORMATION SYSTEM



METRO

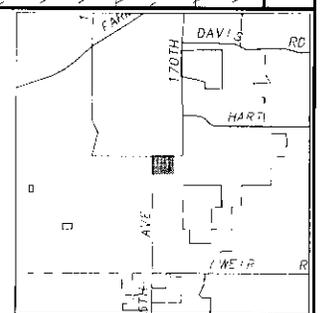
The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional inaccuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

- County lines
- Annexation boundary
- District
- Urban Growth Boundary

Proposal No. WA5401
TUALATIN VALLEY WATER DIST.
Figure 1

Scale: 1" = 250'



Notice to Taxing Districts

ORS 308.225



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

Tualatin Valley Water Dist.
 Budget Officer
 PO Box 745
 Beaverton, OR 97075

Description and Map Approved
February 27, 2002
As Per ORS 308.225

Description Map received from: METRO
 On: 2/21/02

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

ANNEX TO THE TUALATIN VALLEY WATER DIST.

ORDER #02-12 (WA5401)

has been: Approved 2/27/02
 Disapproved

Notes:

Department of Revenue File Number: 34-1547-2002

Prepared by: Jennifer Dudley, 503-945-8666

Boundary: Change Proposed Change
 The change is for:

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

AGENDA

2-UT
Plan

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing –Land Use and Transportation (CPO 6)

Agenda Title: ANNEXATION OF SEVEN PARCELS ENCOMPASSING 11.37 ACRES TO TUALATIN VALLEY WATER DISTRICT

Presented by: Brent Curtis, Planning Division Manager

SUMMARY (Attach Supporting Documents if Necessary)

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

The County has received a request to annex seven parcels encompassing a total of 11.37 acres to Tualatin Valley Water District (District). The District submitted the request on behalf of the property owners. The properties are located at the southeast corner of the intersection of SW Rigert Road and SW 175th Avenue and are surrounded by parcels currently in the District. Two of the parcels are undeveloped, while the remaining properties support detached single family residences. In order for the parcels to be served by the District, should redevelopment occur, the parcels would first need to annex into the District.

Notice of today's hearing has been made in accordance with the state law requirements. Ken Martin, with the Local Government Boundary Office at Metro, who is on contract with the County, has prepared a staff report. This report (File Number: WA-5401) is available at the clerk's desk. Mr. Martin will be available to answer any questions. A Resolution and Order approving the annexation is attached to the agenda.

RECEIVED
FEB 07 2002
PLANNING DIVISION
Land Use & Transportation

DEPARTMENT'S REQUESTED ACTION:

Hold a public hearing to consider the annexation of this property into the Tualatin Valley Water District. Adopt a Resolution and Order approving the annexation.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 02-12

Agenda Item No.	4.a.
Date:	02/05/02

1
2
3 IN THE BOARD OF COUNTY COMMISSIONERS
4 FOR WASHINGTON COUNTY, OREGON

5
6 In the Matter of Approving Boundary) RESOLUTION AND ORDER
7 Change Proposal No. WA-5401) No. 02-12
8

9
10 The above-entitled matter came regularly before the Board at its
11 public hearing on February 5, 2002; and

12 It appearing to the Board that the Board is charged with deciding
13 petitions for boundary changes pursuant to ORS Chapter 198 and Metro
14 Code Chapter 3.09; and

15 It appearing to the Board that staff retained by the County have
16 reviewed the proposed boundary change and determined that it complies
17 with the applicable procedural and substantive standards and should be
18 approved; and

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

22 RESOLVED AND ORDERED that Boundary Change Proposal No.
23 WA-5401, as described in the staff report, is hereby approved, based on the
24 analysis, findings and conclusions set forth in Exhibit "A" of the staff report,
25 incorporated herein by reference; and it is further

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

RESOLVED AND ORDERED that the boundaries of said proposal are as set forth in Exhibits "B" and "C", incorporated herein by reference; and it is further

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

DATED this 5th day of February 2002.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

Tom Busin

CHAIR

	AYE	NAY	ABSENT
BRIAN	✓	---	---
SCHOUTEN	✓	---	---
LEPPER	✓	---	---
ROGERS	✓	---	---
DUYCK	✓	---	---

Barbara Heitmanek

RECORDING SECRETARY

Date Signed: 2-5-02

Approved as to form:

Alvin R. Rapp

Assistant County Counsel for
Washington County, Oregon

FINDINGS

Based on the study and the public hearing the Board found:

1. The territory to be annexed contains 11.37 acres, 5 single family dwellings and is assessed at \$1,987,870.
2. The purpose of this annexation is to annex a small area which is completely surrounded by the District. Redevelopment could occur in the future but there are no development plans currently.
3. Oregon Revised Statute 198 provides that the Board is to consider the local comprehensive plan for the area, and any service agreements executed between a local government and the affected district when deciding an annexation proposal to a district.

A second set of criteria can be found in the Metro Code. That Code 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 seven minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 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 Plan or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria.
7. Consistency with other applicable criteria for the boundary change in question under state and local law.

The Metro Code also 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.

4. This is on the north facing base of Cooper Mountain. The property contains fir and deciduous trees. The territory is surrounded by residential subdivisions.

5. This territory is inside of 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. Another previously freestanding construct, which is now an element of the Framework Plan, is the 2040 Growth Concept. The Framework Plan has been examined and found not to contain any directly applicable standards and criteria for boundary changes. The region's two adopted functional plans (Urban Growth Management Functional Plan, Regional Transportation Plan) were examined and found not to contain any directly applicable standards and criteria for boundary changes of water districts.

6. The area is identified as R-6, Residential 6 Units Per Acre which permits detached and attached residential development with a minimum lot size of 5,000 square feet.

This property is covered by the Washington County-City of Beaverton Urban Planning Area Agreement (UPAA). The UPAA requires the County to notify of the City of any actions requiring quasi-judicial hearings at least 10 days before the hearing. The UPAA also requires either entity conducting a quasi-judicial hearing affecting the area to notify the appropriate Community Planning Organization. These notice requirements were met.

The Urban Planning Area Agreement also states that the City of Beaverton is responsible for conducting an "urban services study" within the Urban Planning Area to "... identify the area for long-range provision of urban level services and annexation to the CITY." The City did identify an urban services study area and the territory to be annexed to the Water District does fall within that study area. The area is not contiguous to the City nor does the City have water service available to this area.

The Washington County Comprehensive Plan was searched for criteria relative to annexations. No directly applicable criteria were found. Policy 14 speaks generally to the issue of water service. It provides that water service is a critical service. It also states that the standards established by the district will be the measurement of acceptability for the level of service provided.

Washington County has adopted urban growth management policies that require urban development be accompanied by adequate urban services. The growth management policies define both urban development and necessary urban services. Public sewer, public water, and a balanced urban-level transportation system are the primary urban services considered.

In its County 2000 program Washington County has adopted a policy favoring a service delivery system, which distinguishes between municipal and countywide services. The reason for the policy is to achieve tax fairness and expenditure equity in the provision of public services. The County policy favors municipal services being provided by cities or special districts.

7. Tualatin Valley Water District has 12-inch water lines available adjacent to the site in both Rigert Road and SW 175th.
8. The property is already inside the Clean Water Services District. The District has sewer lines available to serve this site in the surrounding subdivisions.
9. This area is within the Tualatin Valley Fire and Rescue.
10. The territory receives police protection from the County and is within the Washington County Service District for Enhanced Law Enforcement.
11. Access to this site is provided by Rigert Road and 175th which are identified as major collectors on the Aloha-Reedville-Cooper Mountain Community Plan. The territory is also a part of the Washington County Service District for Urban Road Maintenance.
12. The Clean Water Services District has responsibility for surface water management within the Washington County urban growth boundary.
13. The territory will be within the Washington County Service District for Street Lights.
14. Washington County provides planning and zoning services, libraries, general administration, jails, community corrections, taxation, elections, and community health services.

REASONS FOR DECISION

Based on the Findings, the Board determined:

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" As noted in Finding No. 5 there are no directly applicable criteria in Metro's regional framework plan or two adopted functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan.
2. The Metro Code at 3.09.050 (d) (3) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ." As noted in Finding 6 there are no applicable standards or criteria for special district boundary changes to be found in 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 or other agreements except those formulated under ORS 195. As noted in Finding No. 6 this territory is covered by an urban planning

area agreement between Washington County and the City of Beaverton. The only applicable requirements of that agreement involve providing notice of the hearing on this boundary change to the City of Beaverton and to CPO 6. This notice was provided and no negative responses have been received. Nothing in the UPAA speaks directly to special district boundary changes. Also as noted in Finding No. 6 Beaverton has identified an urban service study area within which this area lies but nothing in the document establishing this area speaks to the issue of water district boundary changes

4. The Metro Code also requires that the decision address consistency between this decision and any urban service agreements under ORS 195. There are no urban service agreements under ORS 195 in place in this area. Therefore the Board concludes that its decision is not inconsistent with any such agreements.
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 Tualatin Valley Water District can directly provide the service it controls to the site immediately in adequate quantity and quality.

RECEIVED

JAN 28 2002

PLANNING DIVISION
Land Use & Transportation

EXHIBIT B

Proposal No. WA-5401

LEGAL DESCRIPTION:

A tract of land in the Northeast Quarter of Section 30, Township 1 South, Range 1 West of the Willamette Meridian, County of Washington and State of Oregon, more particularly described as follows:

Beginning at the North 1/4 corner of Section 30, described above, said 1/4 corner being at the centerline intersection of SW 175th Avenue (County Road No. 282) with SW Rigert Road (County Road No. 191); thence along the centerline of SW Rigert Road North 89°19'41" East, 894.11 feet; thence South 46°03'28" West, 36.47 feet to the South right of way line of SW Rigert Road; thence South 48°07'01" West, 453.97 feet; thence South 09°11'53" West, 171.22 feet to the Northwest corner of that tract of land described in Deed to George N. Anderson recorded in Book 644, Page 429, Washington County Deed Records; thence along the Northerly line of said Anderson tract South 87°22'32" East, 328.87 feet to the Northwesterly line of Tract "A", SUMMERCREST WEST, a duly recorded subdivision in Washington County; thence along the Southerly extension of said Northwesterly line South 09°31'35" West, 259.54 feet to the Northeast corner of BROOKRIDGE NO. 2, a duly recorded subdivision in said County; thence along the North line of BROOKRIDGE NO. 2 and BROOKRIDGE, a duly recorded subdivision in said County, South 89°22'49" West, 776.54 feet to the centerline of SW 175th Avenue (County Road No. 282); thence along said centerline North 00°51'40" West, 766.42 feet to the point of beginning.

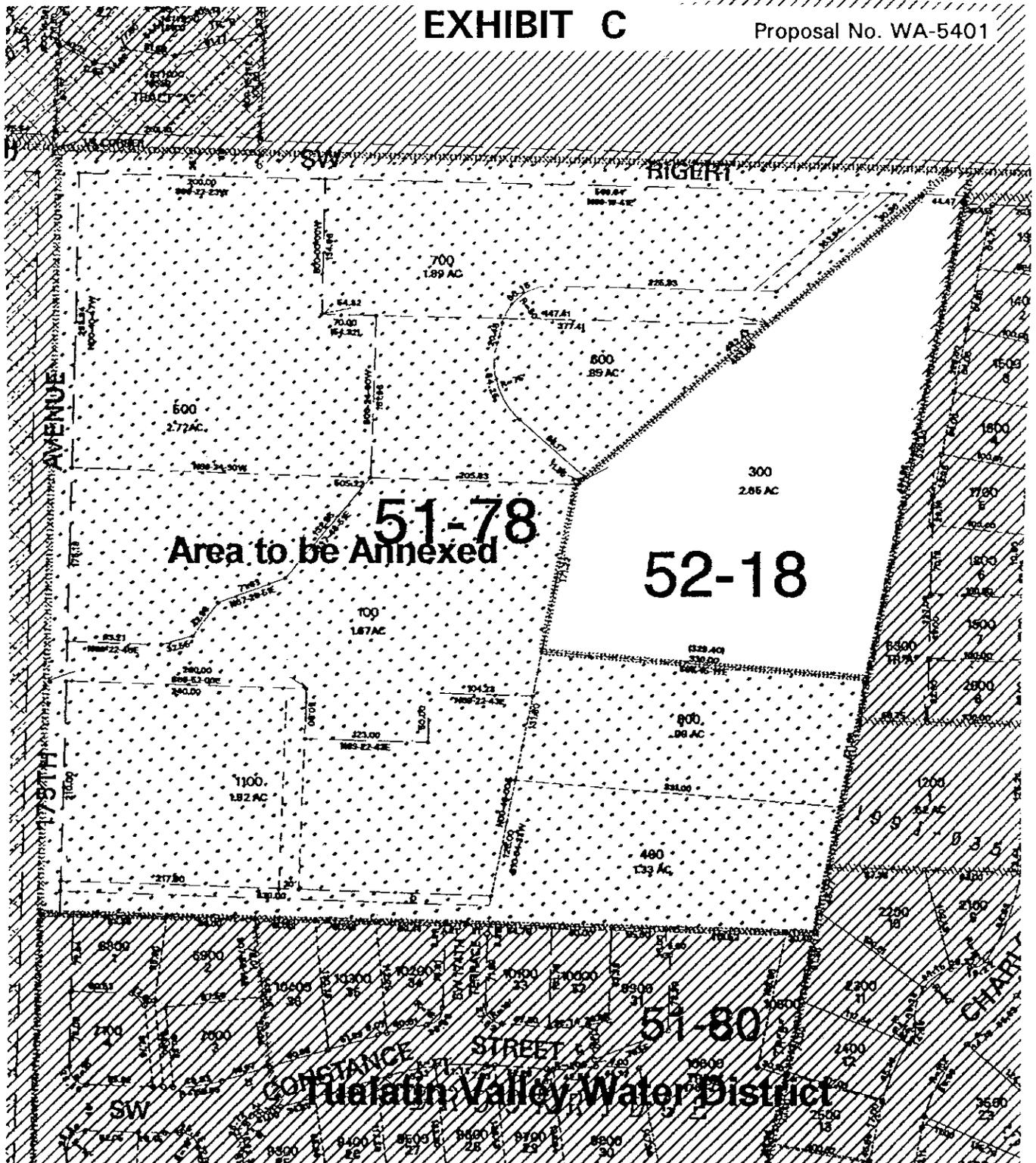
Containing therein 12.23 acres more or less.

Proposal No. WA5401



600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

Annexation to the Tualatin Valley Water Dist.
Washington Co.
Map 151W30AB



PROPOSAL NO. WA5401
TUALATIN VALLEY WATER DIST.
Figure 2