Final Documents

For

Annexation to the
Unified Sewerage Agency

WA6000
DOR 34-1482-2001
Ordinance #01-15

Final to DOR:

Signature:

Date of
Mailing: 02/08/01

Final to Others:

Signature:

Date of
Mailing: 04/6/01

DOR 34-1482-2001

Notice to Taxing Districts

ORS 308.225

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

Unified Sewer Agency
Support Services Manager
155 N First Ave, Suite 270
Hillsboro, OR 97124

Description and Map Approved
February 12, 2001
As Per ORS 308.225

☒ Description ☒ Map received from: METRO
On: 2/12/01

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

ANNEX TO THE UNIFIED SEWERAGE AGENCY

RES & ORDER #01-15

has been: ☒ Approved 2/12/01
☐ Disapproved

Notes:

Department of Revenue File Number: 34-1482-2001

Prepared by: Jennifer Dudley, 503-945-8666

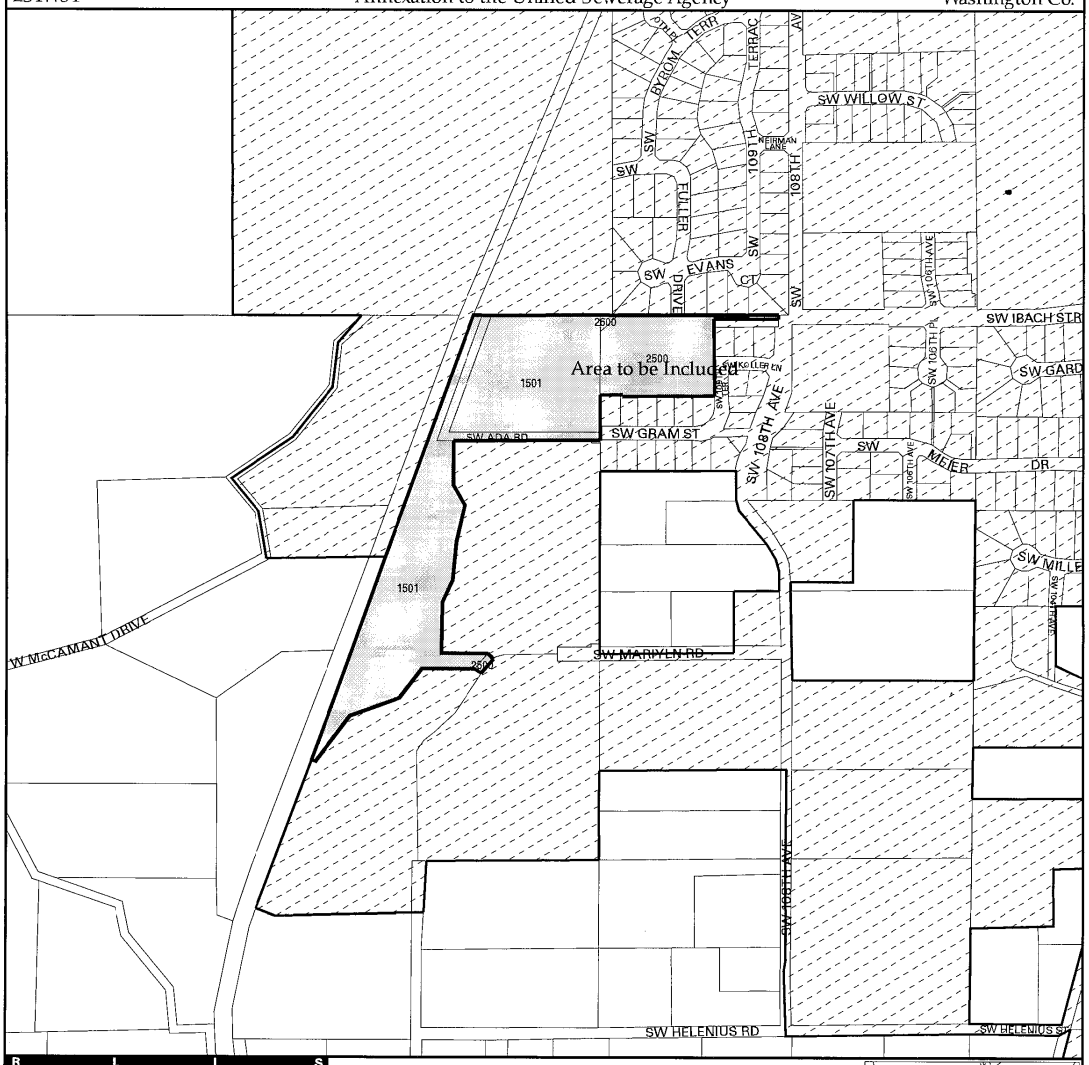
Boundary: ☒ Change ☐ Proposed Change
The change is for:

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

Secretary of State's Copy

Proposal No. WA6000

2S1W34 | Annexation to the Unified Sewerage Agency | 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

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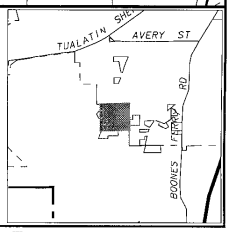
County lines
Annexation boundary
District

Proposal No. WA6000
UNIFIED SEWERAGE AGENCY
Figure 1

Scale: 1" = 500'
0 500 1000



/bdyadmin/plots/plotjur/begin.aml, plot date: December 27, 2000

Please recycle with colored office grade paper

Address(s):	2S134A001501	No Address
	2S134AA02600	No Address
	2S134AA02500	22005 SW 108th Ave. Tualatin, OR 97062

Metro

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category Public Hearing - County Administrative Office

Agenda Title **ANNEXATION OF 13.59 ACRES TO THE UNIFIED SEWERAGE AGENCY**

To be presented by Charles D. Cameron, County Administrator

SUMMARY (Attach Support 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 handle their own boundary changes.

The County has received a request to annex 13.59 acres to the Unified Sewerage Agency. The applicant desires sewer service to facilitate development of the northern portion of the property with approximately 35 single-family dwellings. The property is currently in the process for annexation to the City of Tualatin. The southern part of the property, which is part of the Tonquin Scablands, would be deeded to the City of Tualatin to remain as permanent open space.

The Unified Sewerage Agency will be considering endorsement of the annexation on February 6, 2001. Notice of today's hearing has been made in accordance with state law requirements. A staff report has been prepared by the County's contractor, Ken Martin, Metro, Local Government Boundary Office. This report is available at the clerk's desk. Mr. Martin will be available to answer any questions.

COUNTY ADMINISTRATOR'S REQUESTED ACTION:
Hold a public hearing to consider the annexation of this property to the Unified Sewerage Agency. Adopt a Resolution and Order approving the annexation.

R001-15

Agenda Item No. 5.a.
Date 2/06/01

IN THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

In the Matter of Approving Boundary Change Proposal No. WA-6000	))	RESOLUTION AND ORDER No. 01-15

This matter having come before the Board at its public hearing on February 6, 2001; and

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

It appearing to the Board that staff retained by the County 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-6000, as described in the staff report hereby is approved, based on the analysis, findings and conclusions set forth in Exhibit 'A' of the staff report, incorporated herein by reference; and, it is further

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

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WASHINGTON COUNTY COUNSEL
155 N. FIRST AVE, SUITE 340
HILLSBORO, OR 97124
PHONE (503) 648-8747 - FAX (503) 648-8636

RESOLVED AND ORDERED that this boundary change proposal shall be effective 30 days following the date that this decision is mailed to all necessary parties and that the County Administrator or his designees shall take all necessary steps to effectuate this proposal.

DATED this 6th day of February, 2001.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

Andy Duyck
CHAIRMAN

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

Barbara Hejtmanek
RECORDING SECRETARY

WASHINGTON COUNTY COUNSEL
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EXHIBIT B

Proposal No. WA-6000

Property to Annex to the Unified Sewerage Agency

A tract of land situated in the N.E. 1/4 of Section 34, T.2S., R.1W., W.M., Washington County, Oregon, being more particularly described as follows:

Beginning at the Southwest corner of Lot 13 "Hedges Park", a subdivision filed in Washington County Plat Records; thence along the South line of said "Hedges Park", S 89°50'53" E, 643.13 feet to the West right of way line of SW 108th Avenue, being 20 feet, when measured at right angles, from the centerline; thence Southerly along said right of way line, 15.00 feet to the North line of "Park Ridge West", a subdivision filed in Washington County Plat Records; thence along the North and West lines of said "Park Ridge West" the following six courses: S 89°41'44" W, 233.12 feet; thence S 0°24'09" E, 252.26 feet; thence S 89°42'28" W, 330.00 feet; thence N 0°10'17" W, 6.00 feet; thence S 89°42'30" W, 81.52 feet; thence S 0°03'59" E, 164.98 feet to the Easterly extension of the South right of way line of S.W. Ada Road; thence along said line, S 89°47'34" W, 537.23 feet to the Northwest corner of Lot 4 "North Tonquin", a subdivision filed in Washington County Plat Records; thence along the West line of Lots 4 and 7 of said "North Tonquin" the following six courses: S 1°24'56" E, 186.90 feet; thence S 29°49'26" E, 78.01 feet; thence S 11°44'34" W, 151.02 feet; thence S 6°07'34" W, 136.48 feet; thence S 19°54'34" W, 87.13 feet; thence S 1°19'04" W, 179.42 feet to the North line of Lot 8 of said "North Tonquin"; thence along the North line of said Lot 8, N 89°47'34" E, 173.64 feet to the centerline of vacated SW Marilyn Street; thence along said centerline, S 31°49'13" W, 70.77 feet to a point 60.00 feet distant, when measured at right angles, from the North line of said Lot 8; thence parallel with the North line of said Lot 8, S 89°47'34" W, 198.24 feet to the West line of said Lot 8; thence along the West lines of said Lot 8 the following five courses: S 29°12'34" W, 24.08 feet; thence S 37°36'34" W, 130.67 feet; thence S 69°43'34" W, 173.73 feet; thence S 39°37'34" W, 203.30 feet; thence N 69°32'56" W, 37.28 feet to the East right of way line of Oregon Electric Railroad; thence Northerly along said line 1724 feet, more or less, to the Northwest corner of said "North Tonquin", thence along the North line thereof, S 89°50'53" E, 451.58 feet to the point of beginning.

Contains 13.87 acres, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Kenneth D. Griffin

OREGON
JULY 26, 1985
KENNETH D. GRIFFIN
2147

Proposal No. WA6000

600 NE Grand Ave.
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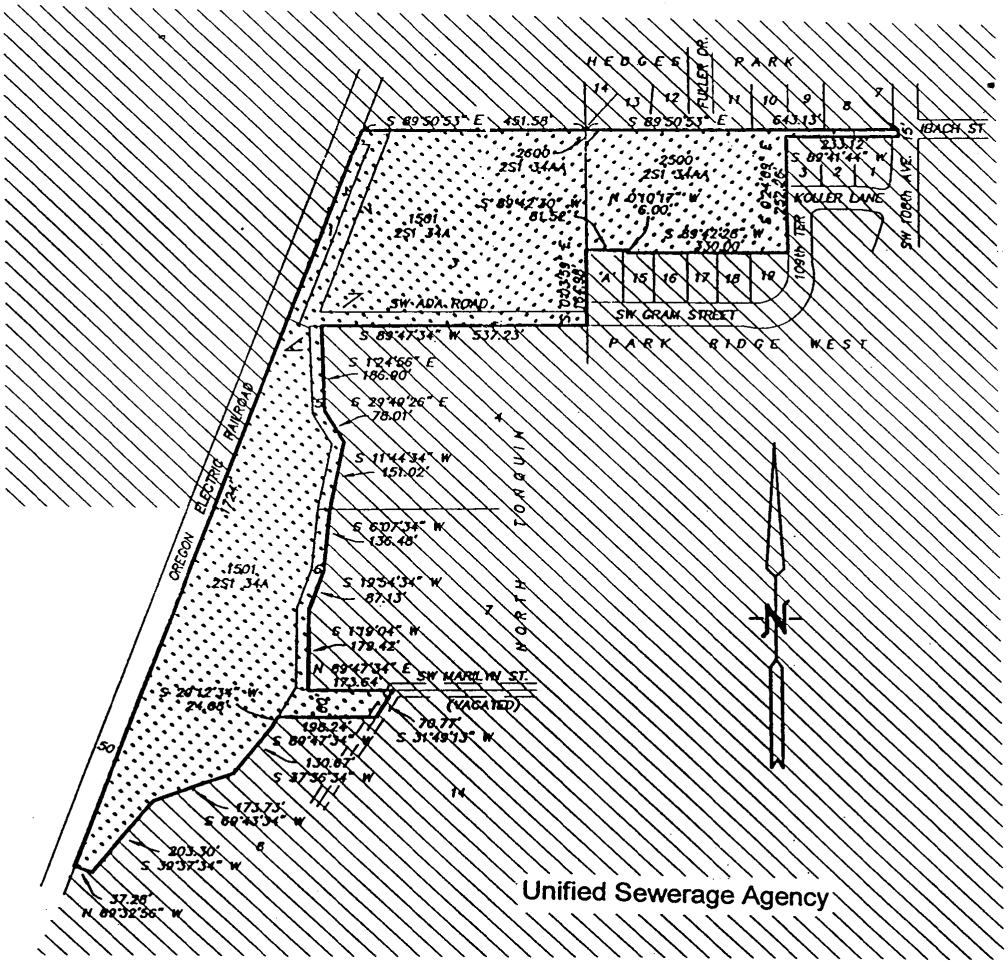
METRO Email drc@metro-region.org

Annexation to the Unified Sewerage Agency
Washington Co.
Section 2S1W34

EXHIBIT C

Proposal No. WA-6000



Area to be Annexed

PROPOSAL NO. WA6000
UNIFIED SEWERAGE AGENCY
Figure 2

FINDINGS

Based on the study and the public hearing, the Commission found:

1. The territory to be annexed contains 13.59 acres, is vacant and is evaluated at $148,840.

2. The applicant desires sewer service to facilitate development of the northern portion of the property with approximately 35 single family dwellings. The southern part of the property, which is part of the Tonquin Scablands, would be deeded to the City of Tualatin to remain as permanent open space.

3. 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. 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 [ORS 195 agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place. Annexation plans are timelines for annexation which can only be done after all required 195 agreements are in place and which must have been voted on by the City residents and the residents of the area to be annexed.]
   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 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. This boundary change is not being contested by a necessary party so these additional criteria need not be addressed.

4. The eastern portion of the site is relatively flat. As the property approaches the railroad tracks, it slopes at about a 10% grade. The southern portion is characterized by the Tonquin Scablands Geologic Area which are significant wetlands. This portion of the site is heavily vegetated.

5. This territory 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. 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.

   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 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 sewer service. It provides that sewer 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.

   Under the Washington County/Tualatin Urban Planning Area Agreement (UPAA), the City of Tualatin was responsible for preparing the comprehensive plan within the regional urban growth boundary

surrounding the City limits, and the County adopted the City's Plan map and text. In the UPAA the County agreed that:

E. The COUNTY shall not approve land divisions within the unincorporated Urban Planning Area that are inconsistent with the provisions of the Future Development 10 acre District (FD-10).

F. The COUNTY shall not approve a development proposal in the Urban Planning Area if the proposal would not provide for, nor be conditioned to provide for, an enforceable plan for redevelopment to urban densities consistent with the CITY'S Comprehensive Plan in the future upon annexation to the City as indicated by the CITY Comprehensive Plan.

G. The COUNTY shall not oppose annexations to the CITY within the CITY'S Urban Planning Area.

* * *

I. The Tualatin Comprehensive Plan employs a one-map system wherein the Comprehensive Plan Map fulfills a dual role by serving as both the Plan Map and Zone Map, thus eliminating the need for a separate Zone Map. The CITY's Comprehensive Plan Map establishes land use designations for unincorporated portions of the Urban Planning Area. Upon annexation of any property within the Urban Planning Area to the CITY, the Planning District specified by the Tualatin Comprehensive Plan Map is automatically applied to the property on the effective date of the annexation (as authorized by ORS 215.130(2)(a)).

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.

7. 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.

8. The territory is within the City of Tualatin's Urban Planning Area as identified on the acknowledged Tualatin Comprehensive Land Use Plan and the Tualatin/Washington County Urban Planning Area Agreement. The City Plan designates the territory as Low Density Residential (RL), 1 to 5 units per acre. The City has a one map planning and zoning system, so zoning on the site is RL as well.

9. Sewer service is available on the west where there is a 8 inch sewer line and sewer lines are in adjoining subdivisions to the east and north. The City will provide sewer service to the area when it is annexed to the City which will happen prior to development. The Unified Sewerage Agency will provide the sewage treatment and transmission of effluent to the regional treatment plant through major trunks and interceptors.

10. The City of Tualatin has 8 inch water lines available upon annexation to the City which will occur prior to development. The City has 8 inch water lines in adjacent subdivisions on the east, west and north.

11. This area is within the Tualatin Valley Fire and Rescue.

12. The territory currently receives police protection from Washington County. When the territory is annexed to Tualatin, the City Department will provide that service.

13. Access to this site can be provided from SW Gram and other streets which are stubbed into the property. This issue would be addressed in detail as a part of the subdivision review process once the property is annexed to Tualatin.

14. The USA has responsibility for surface water management within the Washington County urban growth boundary. USA has entered into an intergovernmental agreement with Tualatin for allocation of the City and the USA responsibilities. The City has responsibilities for operations and maintenance of storm and surface water facilities within the City. Therefore once this property is annexed to the City, the City will take over the primary responsibility for surface water management.

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 Board has reviewed the applicable comprehensive plan which is the Washington County Comprehensive Plan and finds that it contains no directly applicable criteria for making district boundary change decisions.

3. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements. There is an urban planning area agreement between Washington County and the City of Tualatin covering the territory to be annexed. That agreement calls for notice to be provided to one unit of government when the other unit is taking an action such as an annexation. While this agreement is between Washington County and the City of Tualatin and therefore might not technically apply to an action by U.S.A., none-the-less the City was notified of this annexation.

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 ORS 195 agreements 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 Unified Sewerage Agency can serve this area. As noted in Findings 9-14 other urban services are either available or will be available when the area is annexed into the City of Tualatin. Therefore the Board finds that the annexation is a logical step towards making urban services available to the territory and does not interfere with the timely provision of those services.