

Final Documents

For

Annexation to the
Washington County
Urban Road Maintenance District

WA6004
Ordinance 05-14
DOR 34-1722-2005
Sec. State: SD-2005-0014

Final to DOR: _____

Final to Secretary of State: _____

Date of
Mailing: 2/3/05

Date of
Mailing: 2/22/05

WA6004

Sent

Received

DOR:

2/3/05

2/17/05

Sec. State:

2/22/05

Assessor:

2/22/05

Elections:

2/22/05

Mapped:

Yes

Address Information:

1S214DC06200

5585 SW 209TH AVE



February 23, 2005

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

Dear Mr. Knight:

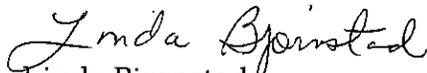
Please be advised that we have received and filed, as of February 23, 2005, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
ORD NO 2005-03	SD 2005-0012
ORD NO 05-13	SD 2005-0013
ORD NO 05-14	SD 2005-0014
ORD NO 759	AN 2005-0039
ORD NO 5466	AN 2005-0040
ORD NO 5480	AN 2005-0041
ORD NO 5482	AN 2005-0042
ORD NO 5484	AN 2005-0043

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

Urban Rd Maint Dist Wash Co
 Budget Officer
 150 N First Street
 Hillsboro, OR 97123

Description and Map Approved
February 17, 2005
As Per ORS 308.225

Description Map received from: METRO
 On: 2/4/2005

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

ANNEX TO WASHINGTON CO. URBAN ROAD MAINTENANCE DISTRICT
 WA6004

RES. # ORDER #05-14/05-10

has been: Approved 2/17/2005
 Disapproved

Notes:

Department of Revenue File Number: 34-1722-2005

Prepared by: Carolyn Sunderman, 503-945-8882

Boundary: Change Proposed Change
 The change is for:

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



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

BOARD OF COUNTY COMMISSIONERS NOTICE OF DECISION

CASE FILE NO.: WA-6004

APPLICANT:

Life Church
 Werner Rienas, Senior Pastor
 5585 SW 209th Avenue
 Beaverton, OR 97007

APPLICANT'S REPRESENTATIVE:

LDC Design Group
 3300 NW 211th Terrace
 Hillsboro, OR 97124

CONTACT PERSON: Matthew Newman

OWNER:

Life Church
 5585 SW 209th Avenue
 Beaverton, OR 97007

CPO: 9

COMMUNITY PLAN: Aloha-Reedville-Cooper Mountain

EXISTING LAND USE DISTRICT: Institutional

ASSESSOR MAP NO: 1S2 14DC

SITE SIZE: Approximately 13.57 acres

TAX LOT NO: 6200

ADDRESS: 5585 SW 209th Avenue, Aloha, Oregon

LOCATION: West side of SW 209th Avenue, approximately 800 feet north of SW Vermont Street

PROPOSED MINOR BOUNDARY CHANGE:

Annexation to Urban Road Maintenance District (URMD) of 13.57 acres (Tax Lot 6200).

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 18, 2005**.

DATE OF NOTICE MAILING: 01/21/2005

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)

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Consent – Land Use and Transportation (CPO 10)

Agenda Title: ENDORSE BOUNDARY CHANGE PROPOSAL NO. WA-6004 FOR ANNEXATION TO URBAN ROAD MAINTENANCE DISTRICT (URMD)

Presented by: Brent Curtis, Planning Manager

SUMMARY (Attach Supporting Documents if Necessary)

After the 1997 Legislature abolished the Boundary Commission and shifted the boundary change function back to the local level, Washington County (County) became responsible for district boundary changes within its jurisdiction. The governing bodies of county districts must endorse proposed annexations to their boundaries.

The County has received the following request to annex property to the Urban Road Maintenance District. The property to be annexed consists of a single parcel encompassing approximately 13.57 acres with a church, a school and a park. The property is located on the west side of SW 209th Avenue approximately 756 feet north of its intersection with SW Vermont Street and is further identified as Map and Tax Lot number 1S214DC 6200. The applicant was conditioned to annex the property into the URMD through Casefile 03-535-PA, which approved a planned land use designation change from AF-10 to Institutional.

County staff has reviewed the request and recommends endorsing the annexation. A public hearing has been scheduled for the proposed annexation on January 18, 2005.

DEPARTMENT'S REQUESTED ACTION:

Endorse Boundary Change Proposal No. WA-6004.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 05-14

Agenda Item No.	<u>1.k.</u>
Date:	1/18/05

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

In the Matter of Endorsing Boundary) RESOLUTION AND ORDER

Change Proposal No. WA-6004) No. 05-14

The above-entitled matter (WA-6004) came before the Board of County Commissioners (Board) at its regular public meeting on January 18, 2005; and

It appearing that the Board is charged with endorsing proposed boundary changes pursuant to ORS 198.850(1); and

It appearing that the Board has received an annexation petition which meets the double majority requirements of ORS 198.855(3); and

It appearing that the property is within Metro's jurisdictional boundary and the regional Urban Growth Boundary; and the Board being fully advised; it is therefore

RESOLVED AND ORDERED that the Board endorses Boundary Change Proposal No. WA-6004, having the boundaries depicted in Exhibit "B" attached hereto and by this reference incorporated herein; and it is further

RESOLVED AND ORDERED that this Resolution and Order shall be immediately filed for further action to approve boundary change proposal WA-6004.

DATED this 18th day of January 18, 2005.

BOARD OF COUNTY COMMISSIONERS FOR WASHINGTON COUNTY, OREGON

Table with columns: NAME, AYE, NAY, ABSENT. Rows: BRIAN, SCHOUTEN, LEEPER, ROGERS, DUYCK.

Signature of Andy Dorn, CHAIRMAN

Signature of Barbara Hejtmanek, RECORDING SECRETARY

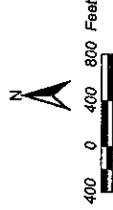
Date Signed: _____

Approved as to form:

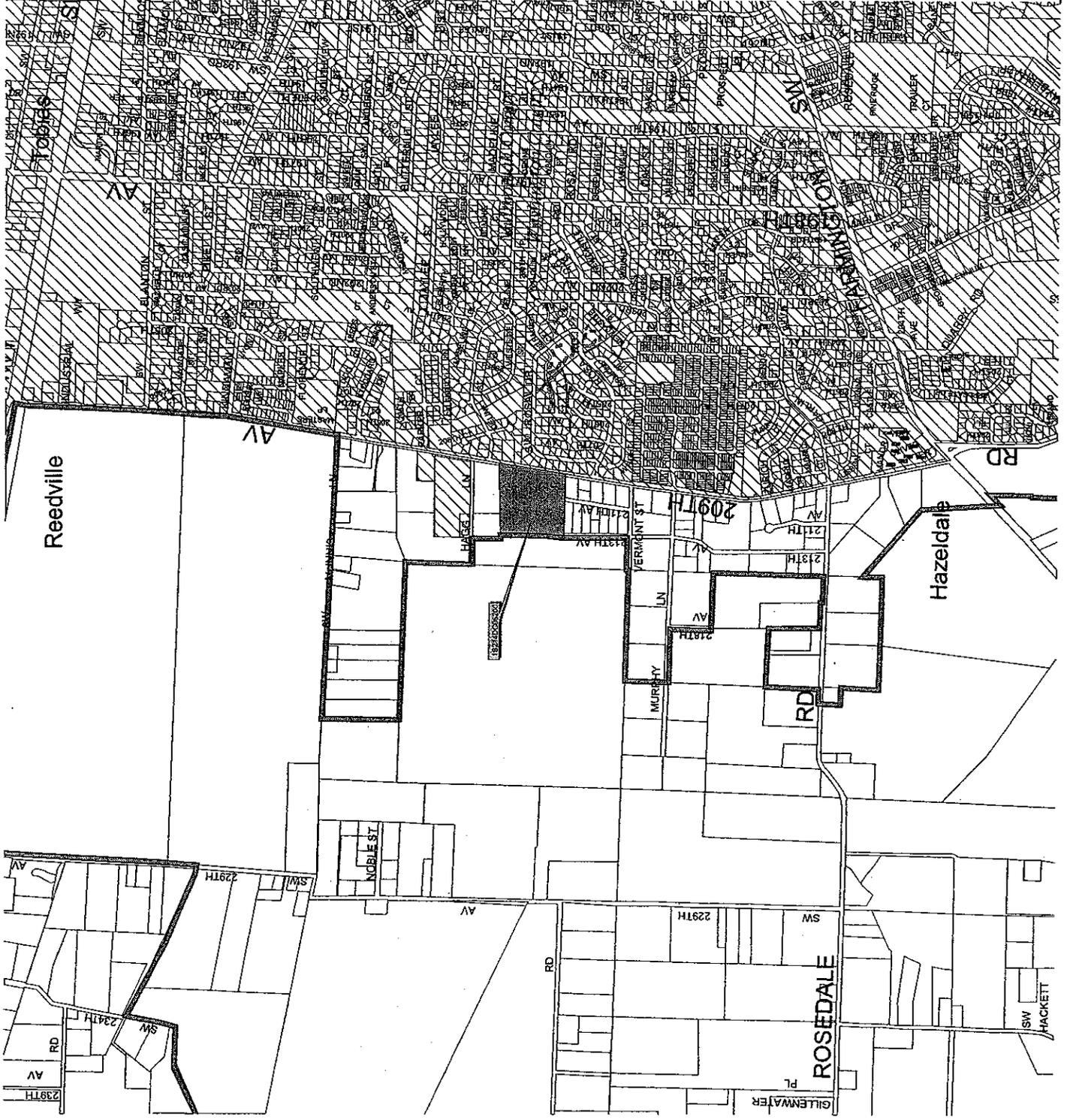
Signature of Assistant County Counsel for Washington County, Oregon

WA-6004 Exhibit B

- Subject Taxlot
- Urban Road Maintenance District
- UGB



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.



AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Land Use & Transportation (CPO 10)

Agenda Title: CONSIDER THE ANNEXATION OF APPROXIMATELY 13.57 ACRES, PLUS RIGHT-OF-WAY, TO THE URBAN ROAD MAINTENANCE DISTRICT (WA-6004)

Presented by: Brent Curtis, Planning Division Manager

SUMMARY (Attach Supporting Documents if Necessary)

The County has received a request to annex a single parcel encompassing 13.57 acres, including right-of-way, to the Urban Road Maintenance District (District). The property is located on the west side of SW 209th Avenue approximately 756 feet north of its intersection with SW Vermont Street. The property is developed with a church, a school and a park and is further identified as tax map and lot number 1S2 14DC 6200.

The property must be brought into the (District) in order to comply with a condition of approval imposed through Casefile 03-535-PA, a plan amendment that changed the land use designation from AF-5 to Institutional.

Notice of today's hearing has been made in accordance with the state law requirements. The staff report (File Number: WA-6004) 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 Urban Road Maintenance 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 05-10

Agenda Item No.	<u>4.b.</u>
Date:	01/18/05

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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-6004) No. 05-10

The above-entitled matter (WA-6004) came before the Board at its regular public meeting on January 18, 2005; and

It appearing to the Board that this annexation to the Urban Road Maintenance District involves one tax lot (1S2 14DC 6200), including right-of-way, located on the west side of SW 209th Avenue in unincorporated Washington County; and

It appearing to the Board that WA-6004 was initiated by a consent petition of the property owners and registered voters and meets the requirement for initiation set forth in ORS 198.855 (3), ORS 198.750 and Metro Code 3.09.040 (a); and

It appearing to the Board that pursuant to ORS 198.850 the Washington County Board is authorized to approve annexations to the Urban Road Maintenance District; and

It appearing that the Board endorsed the annexation as required by ORS 198.850(1); and

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

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

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

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

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RESOLVED AND ORDERED that Boundary Change Proposal No. WA-6004, as described in the staff report, is hereby approved, based on the analysis, findings and conclusions set forth in Exhibit "A", incorporated herein by reference; and it is further

RESOLVED AND ORDERED that the property depicted in Exhibit "B" and legally described in Exhibit "C" is hereby declared to be annexed to the Urban Road Maintenance District; and it is further

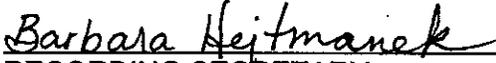
RESOLVED AND ORDERED that this boundary change proposal shall be effective immediately and that the County Administrator or his designees shall take all necessary steps to effectuate this proposal.

DATED this 18th day of January, 2005.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

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


CHAIRMAN


RECORDING SECRETARY

Date Signed: 1-18-05

Approved as to form:


Assistant County Counsel for
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 west side of SW 209th Avenue approximately 756 feet north of its intersection with SW Vermont Street and is further identified as tax map and lot number 1S2 14DC 6200. The property encompasses 13.57 acres, including right-of-way. The property gradually from south to north and currently supports a church, a school and a park.
3. On February 4, 2004, the Washington County Planning Commission approved a plan amendment request for the property from Agriculture & Forest - 10 Acre District (AF-10) to Institutional (INS). The applicant was conditioned to annex the property into both the Urban Road Maintenance District (WA-6004) and the Enhanced Sheriff Patrol District (WA-5904) pursuant to Policy 41 of the Comprehensive Framework Plan for the Urban Area. Annexation of the property into the Urban Road Maintenance District will satisfy the condition of approval.
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.

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 urban service provisions by the District with cities, including the Cities of Hillsboro, Beaverton and Tigard, and Washington County has been adopted. However, the cooperative agreement did not address this urban service (URMD) nor include the subject property. An urban service agreement for the Hillsboro urban service area has also been adopted, but it did not address the subject property either. Notwithstanding, the District would be the provider of police service to the property, as they provide police service to the lands across SW 209th Avenue to the east. 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. Clean Water Services District (CWS) provides storm sewer service to the property. CWS will also provide the storm water treatment through major storm drain lines as well as storm sewer service for lands within unincorporated Washington County.
- 7. CWS provides sanitary sewer service for the property. 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.
- 8. The property is not located within the Tualatin Valley Water District (TVWD) service boundary. However, TVWD does provide water to the property via an extraterritorial waterline extension approved by the Boundary Commission (before it was abolished).

9. Tualatin Valley Fire & Rescue serves the property. Fire service will not change as a result of annexation to the District.
10. The property is not currently located within the Enhanced Sheriff Patrol District (ESPD) but the applicant has requested through a separate application (WA-5904) that the property be annexed to the ESPD service boundary. The ESPD provides an augmented level of service, which would approach the recommended minimum level of service of approximately one sworn officer per one thousand population. With voter approval the district was formed and funded in 1987. The District provides services for Washington County residents living in the unincorporated area, outside city limits, but within the County's adopted Urban Growth Boundary. The property will be brought into the ESPD upon the approval of WA-5904.
11. Annexation to the District will not effect transportation through unincorporated Washington County. The County is responsible for reviewing all county developments that access County public roads for compliance with the adopted Transportation Plan and Article V. of the Community Development Code.
12. The property is not located within the Washington County Service District for Urban Road Maintenance (URMD), which provides financing for maintenance of local streets. Upon approval of the subject application, the property will be annexed to the URMD service boundary.
13. The property is not located in a park and recreation district. In addition the ultimate parks provider for the area in which the property is located has not yet been determined. Notwithstanding, existing park facilities are located along the property's western boundary. Additionally, according to the application future plans call for park facilities, including ball fields, a soccer field, a gym and children's play area.
14. The Hillsboro School District currently services this area.
15. The District supports the proposed annexation to its boundary. The Board of County Commissioners has endorsed this as the Board of Directors of the Urban Road Maintenance 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 . . ."* Policy 41 of the *Comprehensive Framework Plan for the Urban Area* addresses urban growth boundary expansions for the purpose of ensuring an efficient and effective transition of rural land to urban development. Furthermore, Implementation Strategy e. (under Policy 41) requires that lands added to the Regional Urban Growth Boundary be annexed into the Urban Road Maintenance District (URMD), the Enhanced Sheriff Patrol District (ESPD). The subject property was added to the urban growth boundary (UGB) by Metro through a locational adjustment on May 9, 2002. Annexation of the property to the District is consistent with the Framework Plan as well as satisfies a condition imposed through Casefile 03-535-PA.
3. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements (UPAA). The property is not subject to the provisions of the Hillsboro-Washington County UPAA because the UPAA's current boundaries do not include this or other recently added UGB lands. Future amendments are planned to be made to the UPAA's that the County has with certain cities, including Hillsboro, to address the recently added UGB lands.
4. The Metro Code also requires that the decision address consistency between this decision and any urban service agreements under ORS 195. Cooperative agreements and urban service agreements are ORS 195 agreements. A cooperative agreement for urban service provisions by the District with cities, including the Cities of Hillsboro, Beaverton and Tigard, and Washington County has been adopted. However, the agreement does not address this urban service (URMD) nor include this or other new UGB lands. Additionally an urban service agreement for the Hillsboro urban service areas has been adopted. However, the recently adopted urban service agreement for the Hillsboro did not address this property or other new UGB lands.
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 Urban Road Maintenance 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-6004 Exhibit B

- Subject Taxlot
- Urban Road Maintenance District
- UGB



400 0 400 800 Feet

This map was derived from several databases. The County cannot accept responsibility for any errors. Therefore, there are no warranties for this product. However, notification of errors would be appreciated.

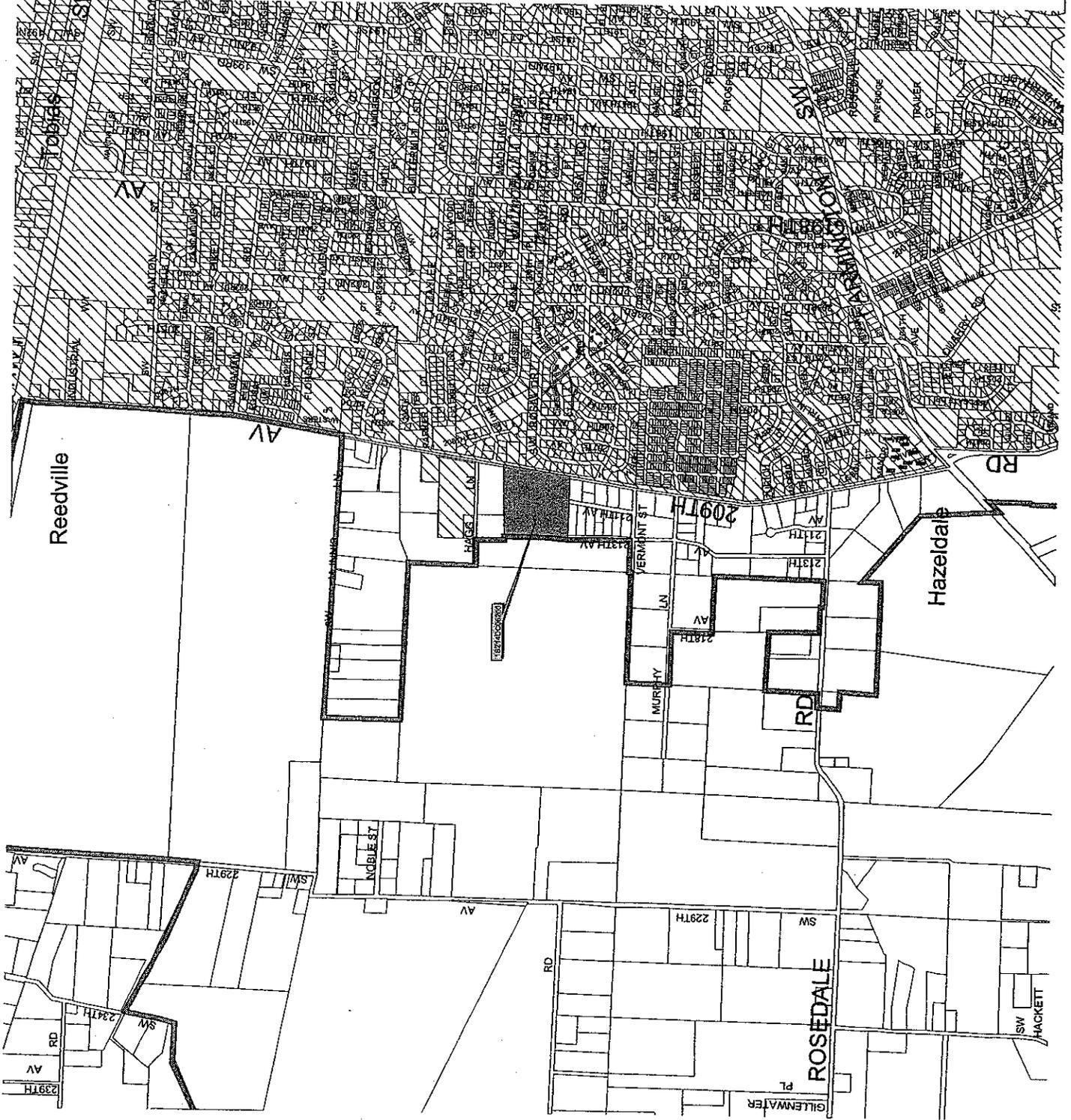


EXHIBIT C

Beginning at a point in the West line of the A.J. Masters D.L.C. in Section 14, Township 1 South, Range 2 West, Willamette Meridian, in the County of Washington and State of Oregon, 780 feet North of the Southwest corner of said claim; thence North on said West line of the A.J. Masters D.L.C. about, 768.5 feet to the Northwest corner of the land deeded to The Oregon Realty Co. by J.B. Kishpaugh, et al, and recorded November 14, 1912 in Book 95, Page 56; thence East, 860.5 feet, more or less, to the center of the County Road; thence Southwesterly, 780.5 feet, more or less, to the Northeast corner of the land deeded by the Oregon Realty Co. to Geo. Chiebowski recorded February 26, 1914, in Book 101, Page 360; thence West along the North line said Geo. Chiebowski tract 741 feet, more or less, to the point of beginning.