

Final Documents

For

Annexation to the
City of Hillsboro

WA6203
Ord. #5324
DOR 34-1644-2003
Sec. State: AN-2004-0005

Final to DOR: _____

Signature:

Date of
Mailing: 11/28/03

Final to Secretary of State: _____

Signature:

Date of
Mailing: 1/13/04

WA6203

Sent

Received

DOR:

11/28/03

12/9/03

Sec. State:

1/13/04

1/22/04

Assessor:

1/13/04

Elections:

1/13/04

Mapped:

Yes

Addresses:

1N325AC00400

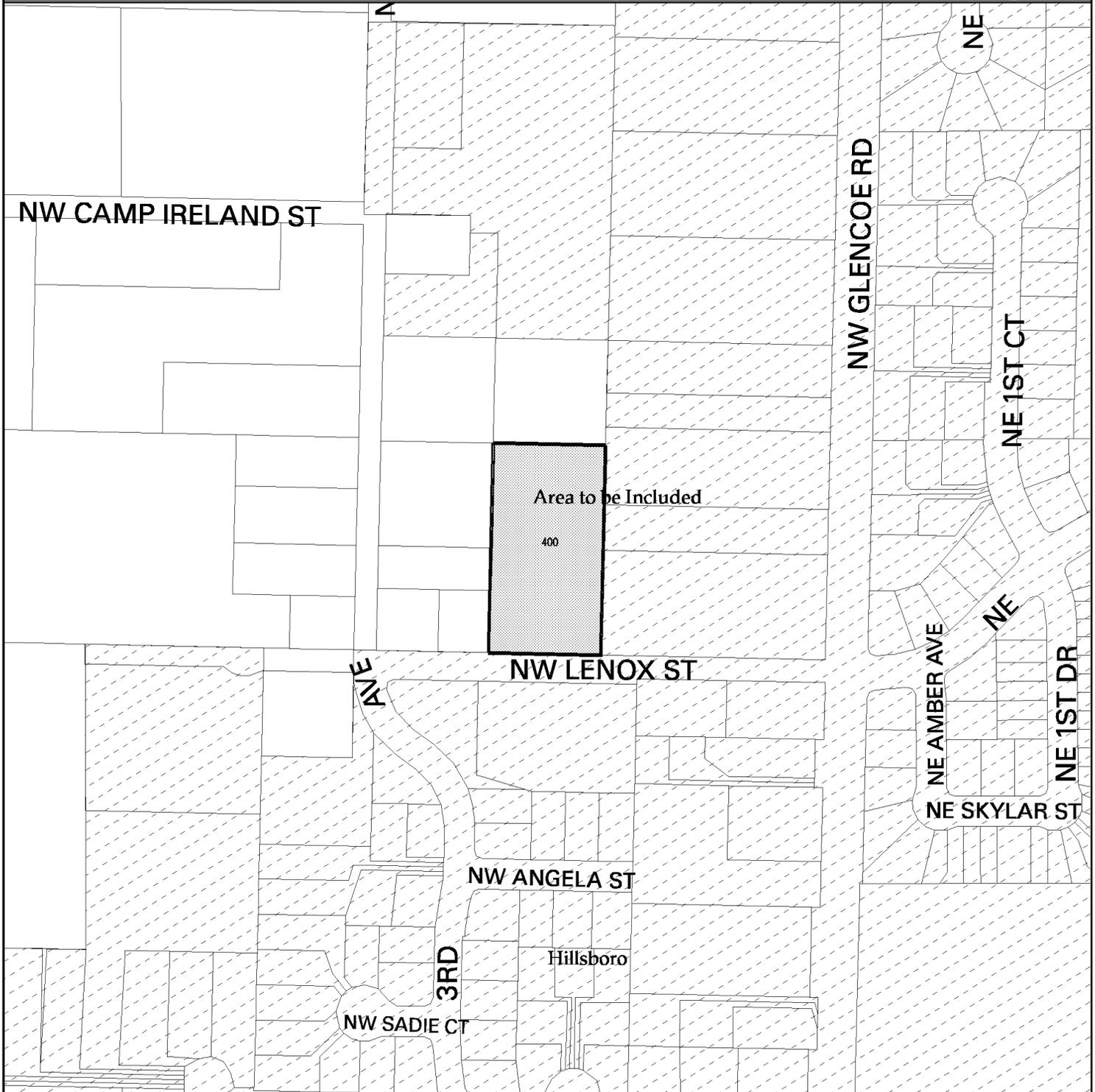
31145 NW Lenox St

Proposal No. WA6203

1N3W25

Annexation to the City of Hillsboro

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

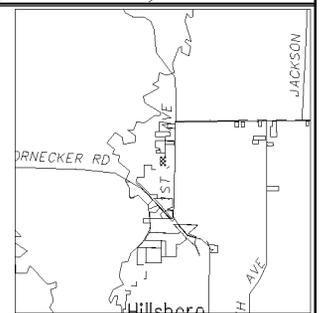
City

Annexation boundary

Urban Growth Boundary

Proposal No. WA6203
CITY OF HILLSBORO
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

City of Hillsboro
City Manager
123 W. Main St.
Hillsboro, OR 97123

Description and Map Approved
December 9, 2003
As Per ORS 308.225

Description Map received from: METRO
On: 12/1/2003

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

ANNEX TO THE CITY OF HILLSBORO & WITHDRAWAL FROM SEVERAL DIST.

ORD. #5324

has been: Approved 12/9/2003
 Disapproved

Notes:

Department of Revenue File Number: 34-1644-2003

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

Office of the Secretary of State

Bill Bradbury
Secretary of State



Archives Division
ROY TURNBAUGH
Director

800 Summer Street NE
Salem, Oregon 97310
(503) 373-0701

Facsimile (503) 373-0953

January 15, 2004

Metro
600 NE Grand Ave
Portland, OR 97232-2736

Dear Mr. Knight:

Please be advised that we have received and filed on January 15, 2004 the following Annexation(s).

| Ordinance(s): | Jurisdiction: | Our File Number(s): |
|---------------|---------------------|---------------------|
| 2003-220 | Clackamas County | AN 2004-0002 |
| 03-1013 | City of Oregon City | AN 2004-0003 |
| 03-09 | City of Tigard | AN 2004-0004 |
| 5324 | City of Hillsboro | AN 2004-0005 |
| 5328 | City of Hillsboro | AN 2004-0006 |

Determination of the effective date for all the above Final Order(s) is subject to ORS199.461 and/or ORS 222.180 and/or ORS 222.750.

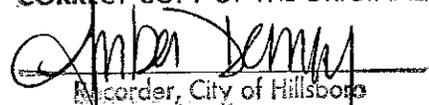
Our assigned file number(s) are included with the above information.

Sincerely,

Linda Bjornstad
Linda Bjornstad
Official Public Documents

cc: County Clerk
ODOT/Highway Dept
PSU/Population Research Ctr.
Revenue Cartography Section

ORDINANCE NO. 5324
AN 12-03: KIM


Recorder, City of Hillsboro

AN ORDINANCE ANNEXING A CERTAIN TRACT OF LAND INTO THE CITY LIMITS OF HILLSBORO AND WITHDRAWING THE TRACT FROM THE TERRITORIES OF WASHINGTON COUNTY RURAL FIRE PROTECTION DISTRICT NO. 2, WASHINGTON COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT, WASHINGTON COUNTY SERVICE DISTRICT FOR URBAN ROAD MAINTENANCE, AND WASHINGTON COUNTY SERVICE DISTRICT NO. 1 FOR STREET LIGHTS, AND DECLARING AN EMERGENCY.

WHEREAS, the City received a complete petition from the property owners of a certain tract of land, described in Exhibit A to this ordinance, requesting that the property be annexed to the city limits of Hillsboro;

WHEREAS, the petition represented 100 percent of the property owners of the territory requesting to be annexed into the City Limits of Hillsboro as required by ORS 222.125 in order to consent to an annexation;

WHEREAS, the tract of land is contiguous to the City and can be served by City services;

WHEREAS, the City Council dispenses with submitting the question of the proposed annexation to the electors of the City for their approval or rejection;

WHEREAS, the tract of land is located within Urban Planning Area A of the Urban Planning Area Agreement between Washington County and the City of Hillsboro, adopted on December 15, 1998;

WHEREAS, the Urban Planning Area Agreement specifies that all land in Urban Planning Area A shall annex to the City prior to development;

WHEREAS, the tract of land lies within the following districts: Washington County Rural Fire Protection District No. 2; Washington County Service District for Enhanced Law Enforcement; Washington County Service District for Urban Road Maintenance; and Washington County Service District #1 for Street Lights;

WHEREAS, notice of the proposed annexation and withdrawals has been published, mailed and posted in the manner provided by law;

WHEREAS, the City Council conducted a public hearing on this matter on November 18, 2003, and does hereby favor the annexation of the subject tract of land and withdrawals from the districts based on the findings attached hereto as Exhibit B;

WHEREAS, the annexation and withdrawals are not contested by any necessary party;

NOW, THEREFORE, THE CITY OF HILLSBORO DOES ORDAIN AS FOLLOWS:

Section 1. The tract of land, described in Exhibit A, is declared to be annexed to the City of Hillsboro, Oregon.

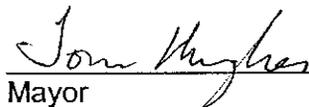
Section 2. The tract of land annexed by this ordinance and described in Section 1 is withdrawn from the following districts upon the effective date of the annexation: Washington County Rural Fire Protection District No. 2; Washington County Service District for Enhanced Law Enforcement; Washington County Service District for Urban Road Maintenance; and Washington County Service District #1 for Street Lights.

Section 3. The findings attached as Exhibit B are adopted. The City Recorder shall immediately file a certified copy of this Ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050(f) and ORS 222.005. The annexation and withdrawals shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

Section 4. Inasmuch as it is necessary that this annexation become effective soon, so as to avoid unnecessary hardship to the property owner and allow for the immediate provision of City services, an emergency is declared to exist and this ordinance shall become effective immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council this 18th day of November, 2003.

Approved by the Mayor this 18th day of November, 2003.



Mayor

ATTEST: 

City Recorder

City of Hillsboro
Annex 12-03: Kim
Proposed legal description
NS, September 10, 2003

Exhibit 'A'

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

BEGINNING at the southeast corner of Lot 19 of Milne Acres, a duly recorded subdivision in said county;

thence North, along the east line of said lot, a distance of 368.92 feet to the northeast corner thereof;

thence South $89^{\circ}52'00''$ West, along the north line of said lot, a distance of 200.0 feet;

thence South, parallel with the east line of said lot, a distance of 368.92 feet to a point on the north right of way line of Northwest Lenox Street;

thence North $89^{\circ}52'00''$ East, along said right of way line, a distance of 200.0 feet to the POINT OF BEGINNING.

FIDELITY NATIONAL TITLE CO. 06-67293

RECORDING REQUESTED BY
FIDELITY NATIONAL TITLE COMPANY OF OREGON

GRANTOR'S NAME
Eve Ann Smiley Trust

GRANTEE'S NAME
Western Oregon Development, Inc.

SEND TAX STATEMENTS TO:
Western Oregon Development, Inc.
16620 SW Springwater Court
Beaverton, OR 97006

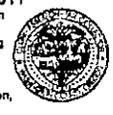
AFTER RECORDING RETURN TO:
Western Oregon Development, Inc.
16620 SW Springwater Court
Beaverton, OR 97006

Washington County, Oregon 2002-124636
10/23/2002 10:38:22 AM

D-DW Cnt=1 Btm=4 A DUJCK
\$5.00 \$8.00 \$11.00 \$208.00 - Total=\$231.00



I, Jerry Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.
Jerry N. Hanson, Director of Assessment and Taxation, Ex-Officio County Clerk



SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Richard Lee Smiley, Successor Trustee of the Eve Ann Smiley Trust No. 501-10-3512, Grantor, conveys and warrants to

Western Oregon Development, Inc., an Oregon Corporation, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Washington, State of Oregon,

The East one-half of Lot 19, MILNE ACRES, in Washington County, Oregon.

Subject to and excepting:

Covenants, conditions, restrictions and easements of record; taxes for the year 2002-03, a lien not yet due and payable.

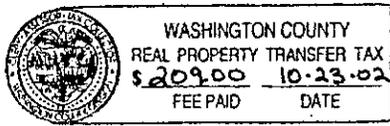
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$209,000.00 (See ORS 93.030)

DATED: September 26, 2002

Eve Ann Smiley Trust

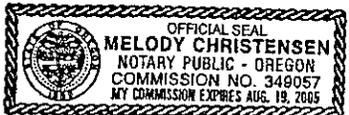
By: [Signature]
Richard Lee Smiley, Trustee



STATE OF OREGON
COUNTY OF Sackson

This instrument was acknowledged before me on
September 26, 2002
by Richard Lee Smiley
as Successor Trustee
of The Eve Ann Smiley Trust No. 501-10-3512

Melody Christensen
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: 8-19-05



X

EXHIBIT B

FINDINGS IN SUPPORT KIM ANNEXATION FILE NO. AN 12-03

I. BACKGROUND INFORMATION AND SITE DESCRIPTION

A petitioner representing one property requested City Council approval for annexation of approximately 1.70 acres into the City Limits of Hillsboro.

The property under consideration is located generally north of NW Lenox Street, south of NW Camp Ireland Street, west of NW Glencoe Road and east of NW 313th Avenue. The property can be specifically identified as Tax Lot 400 on Washington County Tax Assessor's Map 1N3-25AC. The total assessed value of the property is \$147,760.

The property has a slight downward slope to the southwest with scattered trees and vegetation. A single family residence and associated accessory structures are located on the lot, which is addressed at 31145 NW Lenox Street.

II. PROCEDURAL REQUIREMENTS

In accordance with ORS 222.125 the petition for annexation from the property owners constituted 100 percent of the property owners and at least 50 percent of the registered voters residing on the property. Notice of the proposed annexation was given as specified by Metro Code Chapter 3.09.030 and ORS 222.120. A staff report was prepared and available 15 days prior to the hearing as stipulated by Metro Code Chapter 3.09.050. A public hearing on the matter was conducted by the City Council on November 18, 2003.

III. APPLICABLE APPROVAL CRITERIA

Metro Code Chapter 3.09.050(d) specifies the minimum review criteria for a proposed annexation. The six minimum applicable criteria are as follows:

- 1) *Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;*

FINDING: There is currently a Hillsboro Urban Service Provider Agreement in place for this area, dated April 2, 2003, as required by ORS 195.065 (Senate Bill 122). The units of local government which have entered into this agreement are as follows: Washington County; City of Hillsboro; City of Beaverton; Metro; Clean Water Services; TriMet; Tualatin Valley Park and Recreation District; Tualatin Valley Fire and Rescue District; Tualatin Valley Water District; and Washington County Fire

District No. 2. The annexation is consistent with the applicable provisions of the Agreement, specifically Section 1 Roles and Responsibilities(C) and (E).

- 2) *Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;*

FINDING: The property is identified as being within Urban Area A of the Urban Planning Area Agreement (UPAA) between Washington County and the City of Hillsboro, adopted on December 15, 1998. Pursuant to that agreement, *“the City shall regulate the conversion of vacant land to urban uses in Urban Area A through the extension of water and sewer service, land partitioning requirements, provision of transportation facilities and annexations within the area. Land within Urban Area A shall not be converted to urban uses prior to annexation to the City.”* Section IV (A) of the UPAA also specifies that *“all land in Area A shall annex to the City prior to development. As used in this subsection, “development” includes the construction of any residential dwelling unit structure or related accessory structures.”* Annexation of this property would be consistent with the UPAA, and allow the petitioner the ability to further develop the property.

- 3) *Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;*

FINDING: The annexation would be consistent with the following Comprehensive Plan policies and implementation measures:

Section 2. Urbanization Policy (III)(A) Urbanization within the planning area shall be consistent with the goals and policies of this Plan. Development shall occur according to the availability of urban services and within the context of the Urban Planning Area Agreement. The City and other government agencies shall encourage property owners to maintain the present rural use and character of undeveloped or underdeveloped lands within the Hillsboro Planning Area until such land is required and proposed for urban use and the necessary urban services are available.

Section 2. Urbanization Implementation Measure (IV)(A)(5) The infill of vacant, bypassed lands, between areas of development, at an urban level, shall be encouraged. Appropriate measures shall be taken to insure that new development in infill areas is compatible with existing developed areas. The City will support a proposed annexation of infill areas and allow subsequent development to occur under the clear and objective standards in its implementing ordinances, including the Zoning and Subdivision ordinances.

Section 2. Urbanization Implementation Measure (IV)(F) All land in the Hillsboro Planning Area is assumed to be available for annexation and/or development, consistent with the Comprehensive Plan, zoning, subdivision regulations, and the Urban Planning Area Agreement.

Section 7. Air, Water and Land Resource Quality Policy (III)(B) The City shall design a storm sewer and sanitary sewer master plan and develop implementation measures necessary to assure that a storm sewer and sanitary system are provided to areas designated urban. The plan shall be designed to accommodate the growth anticipated in undeveloped portions of the Hillsboro Planning Area.

Section 12. Public Services Implementation Measure (V)(C)(2) The City shall require properties to annex to the City prior to the provision of sanitary sewer service.

Section 12. Public Services Implementation Measure (V)(I)(2) The City shall require properties in the urban area to annex to the City prior to the provision of water service.

In particular, the annexation would be consistent with Section 2. Urbanization Implementation Measure (IV)(A)(5), supporting the annexation of infill areas; and Section 2. Urbanization Implementation Measure (F), all land in the Hillsboro Planning Area is assumed to be available for annexation.

- 4) *Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;*

FINDING: The annexation would be consistent with regional framework and functional plans. The City's current plan designation for the property is RL – Low Density Residential, which is consistent with the regional urban growth goals and objectives. The property will be rezoned to R-7 Single Family Residential pursuant to Section 97 of Hillsboro Zoning Ordinance No. 1945, unless the property owners apply for a different zoning designation.

- 5) *Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;*

FINDING: Water is available to the property from an eight-inch City line located in the NW Lenox Street right-of-way. Sanitary sewer is available through a eight-inch City line located in the NW Lenox Street right-of-way. Storm water disposal is available through a ten-inch City line located in the NW Lenox Street right-of-way.

Fire and police protection would be provided by the City of Hillsboro and the property would be withdrawn from the Washington County Rural Fire Protection District No. 2; Washington County Service District for Enhanced Law Enforcement; Washington County Service District for Urban Road Maintenance; and Washington County Service District No. 1 for Street Lights as of the effective date of the annexation.

Annexation of the subject property would not interfere with the provisions of public facilities and services.

- 6) *Consistency with other applicable criteria for the boundary change in question under state and local law.*

FINDING: Pursuant to ORS 222.524, the City of Hillsboro has determined that withdrawal of the property from the Washington County Rural Fire Protection District No. 2; Washington County Service District for Enhanced Law Enforcement; Washington County Service District for Urban Road Maintenance; and Washington County Service District No. 1 for Street Lights is in the best interest of the City.

IV. TESTIMONY FROM NECESSARY PARTIES

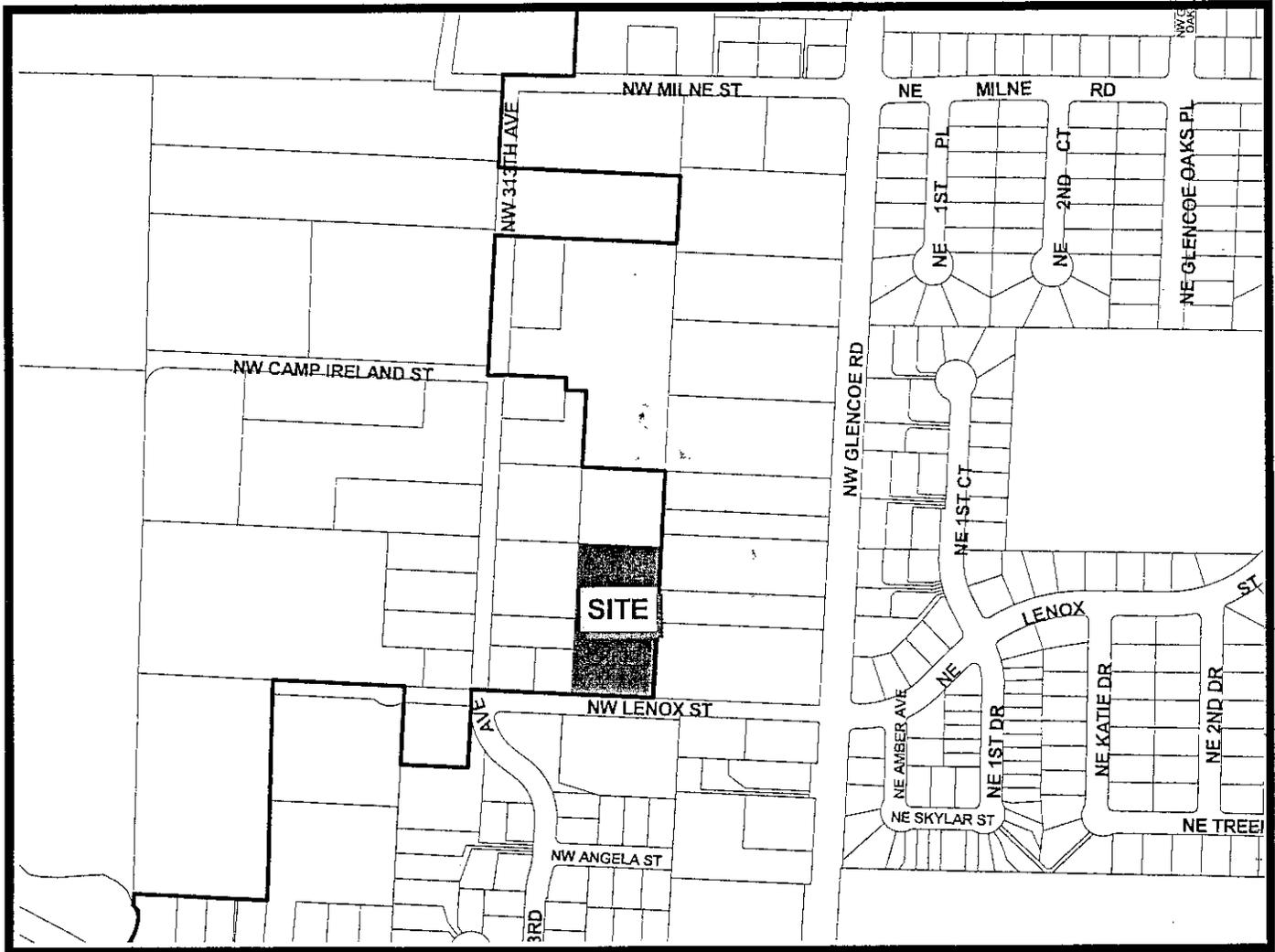
No written testimony was received prior to or at the public hearing from a necessary party as defined in Metro Code Chapter 3.09.020(j), nor was oral testimony received by the City Council from a necessary party at the public hearing.

V. ADDITIONAL MATERIALS CITED BY REFERENCE AND INCLUDED IN FINDINGS

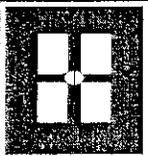
- Staff Report dated November 4, 2003

ANNEXATION VICINITY MAP

FILE NO: AN 12-03



-  Hillsboro City Limits
-  Site



**CITY OF
HILLSBORO**
PLANNING DEPARTMENT (503) 681-6153

