

Final Documents
for
Annexation to
Clean Water Services District

WA6406
Ordinance: 07-18
Annexation:
DOR: 34-1846-2007
Secretary of State: SD 2007-0044



March 29, 2007

Metro
Linda Martin
600 NE Grand Ave
Portland, Oregon 97232-2736

Dear Ms. Martin:

Please be advised that we have received and filed, as of March 29, 2007, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
2007-02 (Forest Grove)	AN 2007-0170
06-1015 (Oregon City)	AN 2007-0157
1229-07 (Tualatin)	AN 2007-0158
5725 (Hillsboro)	AN 2007-0159
5737 (Hillsboro)	AN 2007-0160
5708 (Hillsboro)	AN 2007-0161
5721 (Hillsboro)	AN 2007-0162
5723 (Hillsboro)	AN 2007-0163
06-1017 (Oregon City)	AN 2007-0164
06-1016 (Oregon City)	AN 2007-0165
06-1014 (Oregon City)	AN 2007-0166
07-18 (Clean Water Services District)	SD 2007-0044
07-40 (Clean Water Services District)	SD 2007-0045
07-19 (Tualatin Hills Parks & Recreation)	SD 2007-0046
2007-68 (Clackamas River Water District)	SD 2007-0047
2007-69 (Sunrise Water Authority)	SD 2007-0048
2007-84 (Tri-City Service District #4)	SD 2007-0049

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
Linda Bjornstad
Official Public Documents

cc: County Clerk(s)
Department of Revenue
ODOT
Population Research Center



February 28, 2007

Metro
Carol Hall, Data Resource Center
600 NE Grand Ave.
Portland, OR 97232-2736

Re: Notice of Decision for Casefile WA-6406

Dear Ms. Hall,

On January 9, 2007, the Washington County Board of Commissioners approved an annexation into Clean Water Services District (WA-6406). The Oregon Department of Revenue approved the final review on February 12, 2007. I enclosed the mapping fee, DOR Final Review and Preliminary Review, Washington County Notice of Decision, and Signed R&O. A GIS map and legal description of the subject properties are included in the Resolution and Order, Exhibit B and C, respectively.

If you have any questions on this request please contact me at 503-846-3963 or via e-mail at laurie_harris@co.washington.or.us.

Sincerely,

Laurie Harris
Planning Assistant

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 12, 2007
As Per ORS 308.225

Description Map received from: COUNTY
 On: 2/9/2007

This is to notify you that your boundary change in Washington County for
 ANNEX TO CLEAN WATER SERVICES DISTRICT (WA-6406 CAMPBELL)
 RES. AND ORDER #07-18

has been: Approved 2/12/2007
 Disapproved

Notes:

Department of Revenue File Number: 34-1846-2007

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
www.co.washington.or.us

NOTICE OF DECISION

CPO: 9 – Hillsboro/Orengo

Existing Land Use District: R9 – Residential 9 units/acre

Community Plan: East Hillsboro

Assessor Map No(s): 1N2 30BA

Tax Lot No(s): 200

Site Size: 0.89acres

Address: 29500 NW Evergreen Rd., Hillsboro, OR

Location: On the south side of NW Evergreen Rd., west of NE Jackson School Rd.

Proposed Minor Boundary Change: Annexation to Clean Water Services District of 0.89 acres.

Applicant:

Kent Campbell
PO Box 526
Hillsboro, OR 97123

Applicant's Representative:

Applicant

Petitioners/Owners:

Kent & Lorelee Campbell
PO Box 526
Hillsboro, OR

Donald Quirk
29500 NW Evergreen Rd.
Hillsboro, Oregon

Notice is hereby given that the County Board of Commissioners **APPROVED** the request for the above-stated proposed Minor Boundary Change at a meeting on **February 6, 2007**.

NOTICE MAILING DATE: February 8, 2007

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)

EXHIBIT B

WA-6406

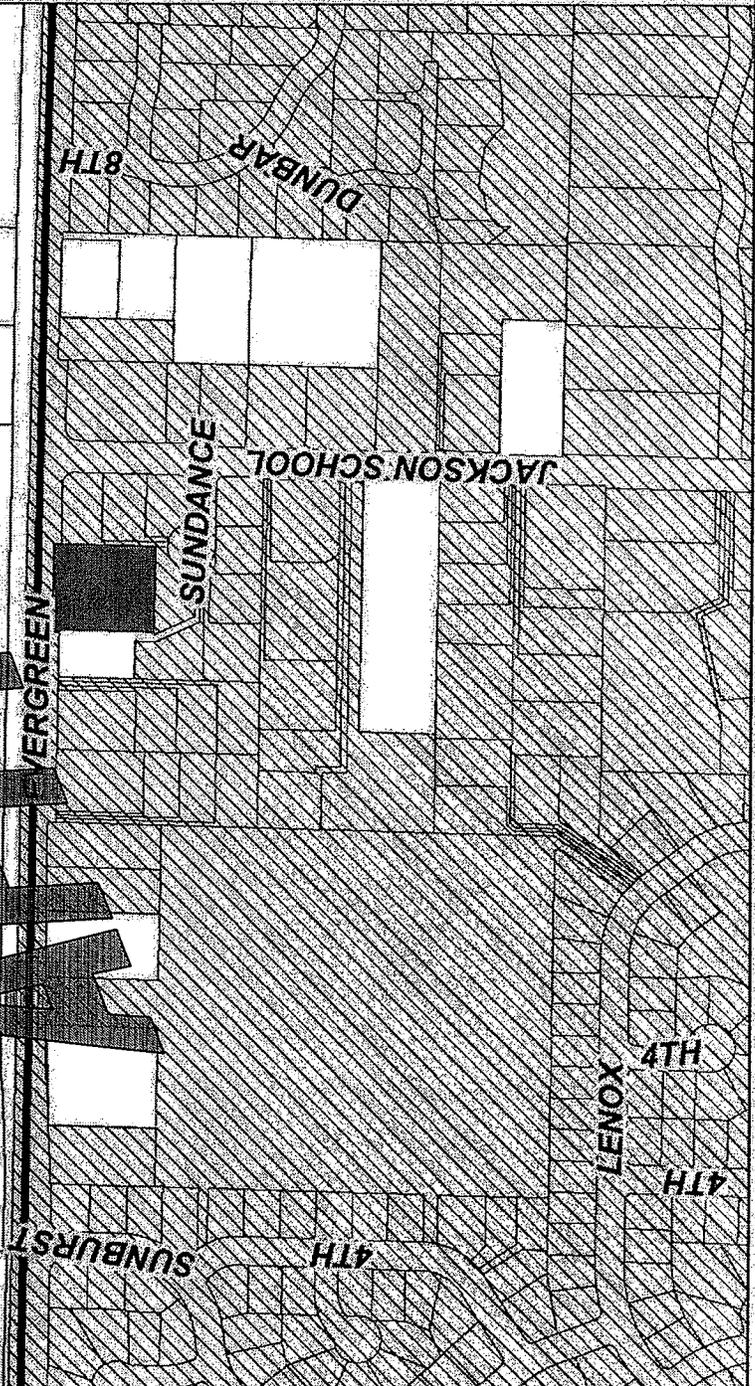
Annexation to
Clean Water Services
(CWS)

- Subject Taxlot(s)
- CWS
- Urban Growth Boundary



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

APPROVED



AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: **CONSIDER THE ANNEXATION OF PROPERTY
ENCOMPASSING APPROXIMATELY 0.89 ACRES TO CLEAN
WATER SERVICES DISTRICT (WA-6406)**

Presented by: Brent Curtis, Planning Division Manager

SUMMARY:

The County has received a request to annex property consisting of one parcel to the Clean Water Services District (District). The property is located on the south side of NW Evergreen Road, west of NW Jackson School Road and is further identified as tax map and lot number 1N2 30BA / 200.

The property was annexed into the City of Hillsboro on January 16, 2007 (Ordinance No. 5715). In order for the 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-6406) 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.

100-601000

RO07-18

Agenda Item No. 4.b.

Date: 2/6/07

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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-6406) No. 07-18

The above-entitled matter (WA-6406) came before the Board at its regular meeting on February 6, 2007; and

It appearing to the Board that this proposal involves the annexation of one tax lot (1N2 30BA / 200) located on the south side of NW Evergreen Road, west of NE Jackson School Road in Hillsboro to the Clean Water Services District; and

It appearing that the property was annexed into the City of Hillsboro on January 16, 2007 (Ordinance No. 5715); and

It appearing to the Board that WA-6406 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 the proposal has not been contested by any necessary party; 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 notice of the meeting was provided pursuant to ORS 198.730, ORS 197.763 and Metro Code 3.09.030; and

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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

RESOLVED AND ORDERED that Boundary Change Proposal No. WA-6406, 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

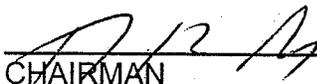
RESOLVED AND ORDERED that the property depicted in Exhibit B and legally described in Exhibit C is hereby declared to be annexed to the Clean Water Services District; and it is further

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 6th day of February, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

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


CHAIRMAN


RECORDING SECRETARY

Date Signed: 2-6-07

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Approved as to form:

A handwritten signature in black ink, appearing to be 'CWD', written over a horizontal line.

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 property to be annexed consists of a parcel encompassing approximately 0.89 acres and is located on the south side of NW Evergreen Road, west of NW Jackson School Road in the City of Hillsboro (City). The property was annexed into the City on January 16, 2007. The property is also inside Metro's jurisdictional boundary. The property is further identified as tax map and lot number 1N2 30BA / 200.
2. The property maintains approximately 190 feet of street frontage along NW Evergreen Road. The property is generally level and supports a detached single family residence and a few accessory buildings. There are no known significant natural or historical resources present on the property.
3. To the west, south and east of the property are detached single family homes. To the north of the property (across NW Evergreen Road) is rural farm land designated Exclusive Farm Use (EFU).
4. The applicant requests approval of the minor boundary change in order to divide the property into 3 tax lots and to construct new single-family residential detached units on two of the new lots. The existing residence will be retained on the third lot. The property must be brought into the Clean Water Services District (District) in order to be provided the necessary sanitary and storm sewer service.
5. 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. The property is located within the Regional UGB and in the City of Hillsboro. Upon annexation into the City of Hillsboro, the property became subject to the City's comprehensive plan and development regulations.

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 h. (under Policy 15) applies directly to service district annexations and reads as follows:

Implementing Strategies

The County will:

h. Not oppose proposed annexations to a special service district:

1. *That are consistent with an urban service agreement; or*
2. *If no urban service agreement applies to the property, the property lies within an area for which the district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020 and the district has adopted a Master Plan for the area.*

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.

6. The property is located within the urban service area for the District as well as the City of Hillsboro. Consequently, the proposed annexation (WA-6406) is consistent with an adopted urban service agreement and therefore consistent with the Washington County Comprehensive Plan.
7. The City of Hillsboro'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.
8. 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 has been annexed into the City of Hillsboro. At time of annexation to the city, the property was designated R-9 Residential (7-9 units per acre). Upon annexation, the subject property was given a city comprehensive plan designation of RL / Low Density Residential and a city zoning designation of R-10, Single Family Residential.
9. 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, the petition was signed by 100-percent of the property owners. At the time of writing, a necessary party is not contesting this boundary change. Therefore, if approved, the minor boundary change can be effective immediately.
10. A public sanitary sewer line is in place to the east of the site that will serve the future residential development. The District will provide the sewage treatment and transmission of effluent to the regional treatment plant through major trunks and interceptors. The District has also endorsed the proposed minor boundary change.
11. The City of Hillsboro has a domestic 12-inch water line in NW Evergreen Road that is capable of serving the future residential development.
12. The City Council, as authorized by ORS 222.520 (1), withdrew the property from the County's Rural Fire Protection District No. 2 at the same time that it annexed the property to the city. Consequently, upon annexation to the City of Hillsboro, the City of Hillsboro Fire Department became the provider of emergency protection to the property.
13. The City Council, as authorized by ORS 222.520 (1), withdrew the property from the County's Enhanced Sheriff Patrol District at the same time that it annexed the property to the city. Consequently, upon annexation to the City of Hillsboro, the City became the provider of police protection to the property.
14. The City Council, as authorized by ORS 222.520 (1), withdrew the property from the County's Urban Road Maintenance District at the same time that it annexed the property to the City. Consequently, any new public roads developed as part of the future residential development will be maintained by the City. In addition, access will be addressed in detail as a part of the City of Hillsboro's subdivision review process.

Annexation to the District will also 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.

15. The District has responsibility for surface water management within the Washington County urban growth boundary. The District has entered into an intergovernmental agreement with the City of Hillsboro for allocation of City and District responsibilities. The City has responsibilities for operations and maintenance of storm and surface water facilities within the City of Hillsboro.
16. The City of Hillsboro maintains its own Park & Recreation Department. The annexation to the District will not affect that fact.
17. The property is located within the Hillsboro School District.
18. The District supports the proposed annexation to its boundary. The Board of County Commissioners has endorsed this annexation as the Board of Directors of Clean Water Services District.
19. A necessary party has not contested this boundary change.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Commission concludes:

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 Hillsboro comprehensive plan and finds that the proposed minor boundary change is consistent with the City'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. Additionally, the City has endorsed the minor boundary change.

Notwithstanding, the proposed minor boundary change is consistent with Implementing Strategy h. of Policy 15 of the Washington County *Comprehensive Framework Plan for the Urban Area*. Policy 15 identifies the roles and responsibilities that governmental entities and service districts have in serving growth in Washington County. Implementation strategy h. (under Policy 15) states that 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.

3. 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 agreement between service districts, cities and Washington County has 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. 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 as well as storm sewer service to the property, as they provide sanitary and storm sewer service to other urban lands within the City of Hillsboro.
4. 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 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 will not interfere with the timely provision of those services.
5. 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.
6. A necessary party has not contested this boundary change. The change can become effective immediately upon adoption by the Board pursuant to Metro Code Section 3.09.050 (f).

EXHIBIT B

WA-6406

Annexation to
Clean Water Services
(CWS)

Subject Taxlot(s)

CWS

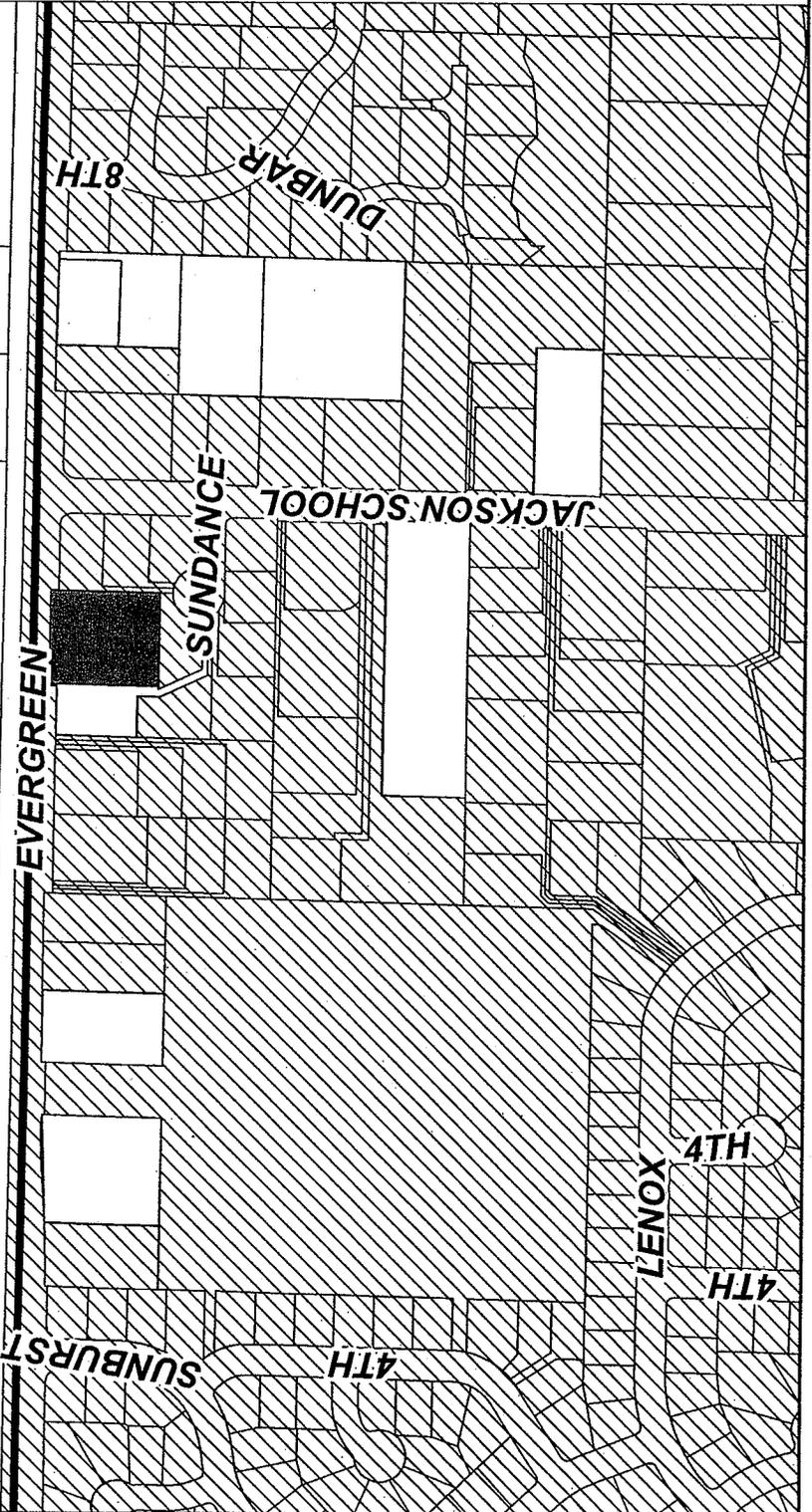
Urban Growth Boundary



200 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.



A tract of land, being a portion of the C.D. Wilcox Donation Land Claim No. 59, situated in Sections 19 and 30, Township 1 North, Range 2 West of the Willamette Meridian, Washington County, Oregon, being more particularly described as follows:

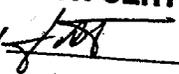
Commencing at the Northwest corner of the J.S. Griffin Donation Land Claim No. 56, which point is at the intersection of NW Jackson School Road (County Road A-36) and NW Evergreen Road (County Road A-99); thence, along the centerline of said NW Evergreen Road, South 90°00' West 184.12 feet to the true point of beginning; thence, leaving said centerline, South 0°44'41" West 242.02 feet; thence South 90°00' West 188.02 feet; thence North 0°44'41" East 242.02 feet to a point on the centerline of said NW Evergreen Road; thence, along said centerline, North 90°00' East 188.02 feet to the true point of beginning.

Excepting therefrom:

Beginning at the Northeast corner of Lot 6, SUNSHINE PARK, a subdivision in the Southwest one-quarter of Section 19 and the Northwest one-quarter of Section 30, Township 1 North, Range 2 West of the Willamette Meridian, in the City of Hillsboro, Washington County, Oregon; thence South 00°44'41" West 197.02 feet to the Southwest corner of said Lot 6; thence North 90°00'00" East 5.00 feet, along the North line of Lot 7 of said SUNSHINE PARK; thence North 00°44'41" East 197.02 feet; thence South 90°00'00" West 5.00 feet to the point of beginning.

Also excepting therefrom that portion conveyed to Washington County, a political subdivision of the State of Oregon, by Dedication Deed recorded April 20, 2001, Fee No. 2001035420.

ANNEXATION CERTIFIED

BY 

NOV 29 2006

WASHINGTON COUNTY A & T
CARTOGRAPHY

**CLEAN WATER SERVICES DISTRICT
ANNEXATION**

Boundary Change Proposal No. WA-6406

Staff Report

**For the February 6, 2007
Board of Commissioners' Hearing**



WASHINGTON COUNTY OREGON

January 22, 2007

To: Board of County Commissioners
From: Brent Curtis, Planning Manager *BC*
Subject: **MINOR BOUNDARY CHANGE PROPOSAL NO. WA-6406 - ANNEXATION
TO THE CLEAN WATER SERVICES DISTRICT**

**STAFF REPORT
For the February 6, 2007 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-6406 with the approval becoming effective immediately.

REQUESTED ACTION

The applicant requests that approximately 0.89 acres be annexed to the Clean Water Services District in order to facilitate the future redevelopment of the property.

Petitioners/Owners: Kent and Lorelee Campbell
Donald Quirk

Applicant: Kent Campbell

ENDORSEMENTS

The District supports the proposed annexation to its boundary. The Board of County Commissioners (Board) has endorsed this request as the Board of Directors of Clean Water Services District as required by statute.

Property identified as tax map and lot number 1N2 30BA / 200 was annexed into the City of Hillsboro on January 16, 2007 (Ordinance No. 5715). No persons or necessary parties contested either annexation. Annexation of the two parcels into the city serves as the city's endorsement.

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 and with the approval becoming effective immediately. Additionally, at the time of writing, a necessary party is not contesting this boundary change.

BACKGROUND

Proposal No. WA-6406 was initiated by a consent petition of the property owners. In fact, the petition was signed by 100-percent of the property owners. 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).

The property to be annexed consists of a single parcel encompassing approximately 0.89 acres. The property is located on the south side of NW Evergreen Road, west of NW Jackson School Road, in the City of Hillsboro. The property was annexed into the City on January 16, 2007 (Ordinance No. 5715). The property is further identified as tax map and lot number 1N2 30BA / 200 (see Exhibit B).

REASON FOR ANNEXATION

The applicant desires sanitary and storm sewer service to facilitate the future redevelopment of the property. The property is anticipated to be divided into a total of three tax lots, one of which would contain the existing detached single family home. The land division would support the construction of two additional homes. The property must first 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 January 16, 2007 (Ordinance No. 5715).

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-10, Single Family Residential. (Note: The property was previously designated R-9 Residential on the East Hillsboro Community Plan.)

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 has also endorsed the annexation to the District.

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 Banks, Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, Sherwood, Tigard, and Tualatin 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 as well as storm sewer service to the property, as they provide sanitary and storm sewer service to other urban lands within the City of Hillsboro. 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 0.89 acres and maintains approximately 190 feet of street frontage along NW Evergreen Road in the City of Hillsboro. The property is generally level with scattered trees dispersed throughout the property. An existing detached single family residence is located on tax lot 1900. There are no known significant natural or historical resources present on the property.

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 property consists of a single tax lot that was annexed to the City of Hillsboro on January 16, 2007. 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 h. (under Policy 15) applies directly to service district annexations and reads as follows:

Implementing Strategies

The County will:

h. Not oppose proposed annexations to a special service district:

1. *That are consistent with an urban service agreement; or*
2. *If no urban service agreement applies to the property, the property lies within an area for which the district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020 and the district has adopted a Master Plan for the area.*

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.

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-6406) 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 those properties in Urban Area A annex to the City of Hillsboro prior to development. The property has been annexed into the City of Hillsboro.

At time of annexation to the city, the property was designated R-9 Residential (7-9 units per acre). Upon the effective date of the annexation, the subject property was given a city comprehensive plan designation of RL / Low Density Residential and a city zoning designation of R-10, Single Family Residential.

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 between the City of Hillsboro, service districts 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 has been annexed into the City of Hillsboro.

Sewer. A public sanitary sewer line is in place to the east of the site that will serve the future residential development. The District will provide the sewage treatment and transmission of effluent to the regional treatment plant through major trunks and interceptors.

Water. The City of Hillsboro has a domestic 12-inch water line in NW Evergreen Road that is capable of serving the future residential development.

Fire. The City Council, as authorized by ORS 222.520 (1), withdrew the property from the County's Rural Fire Protection District No. 2 at the same time that it annexed the property to the city. Consequently, upon the effective date of the annexation to the City of Hillsboro, the City of Hillsboro Fire Department became the provider of emergency protection to the property.

Police. The City Council, as authorized by ORS 222.520 (1), withdrew the property from the County's Enhanced Sheriff Patrol District at the same time that it annexed the property to the city. Consequently, upon the effective date of the annexation to the City of Hillsboro, the city became the provider of police protection to the property.

Transportation. The City Council, as authorized by ORS 222.520 (1), withdrew the property from the County's Urban Road Maintenance District at the same time that it annexed the property to the city. Consequently, any new public roads developed, as part of the future residential development will be maintained by the city. In addition, access will be addressed in detail as a part of the City of Hillsboro's subdivision review process.

Storm Drainage. The District has responsibility for surface water management within the Washington County urban growth boundary. The District has entered into an intergovernmental agreement with the City of Hillsboro for allocation of City and District responsibilities. The City has responsibilities for operations and maintenance of storm and surface water facilities within the City of Hillsboro.

Parks. The City of Hillsboro maintains its own Park & Recreation Department. The annexation to the District will not affect that fact.

Schools. The property is located within the Hillsboro School District. The annexation to the District will not affect that fact.

FINDINGS

Based on the study and the public hearing, the Board of County Commissioners (Board) finds:

1. The property to be annexed consists of a parcel encompassing approximately 0.89 acres and is located on the south side of NW Evergreen Road, west of NW Jackson School Road in the City of Hillsboro (City). The property was annexed into the City on January 16, 2007. The property is also inside Metro's jurisdictional boundary. The property is further identified as tax map and lot number 1N2 30BA / 200.
2. The property maintains approximately 190 feet of street frontage along NW Evergreen Road. The property is generally level and supports a detached single family residence and a few accessory buildings. There are no known significant natural or historical resources present on the property.
3. To the west, south and east of the property are detached single family homes. To the north of the property (across NW Evergreen Road) is rural farm land designated Exclusive Farm Use (EFU).
4. The applicant requests approval of the minor boundary change in order to divide the property into 3 tax lots and to construct new single-family residential detached units on two of the new lots. The existing residence will be retained on the third lot. The property must be brought into the Clean Water Services District (District) in order to be provided the necessary sanitary and storm sewer service.
5. 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. The property is located within the Regional UGB and in the City of Hillsboro. Upon annexation into the City of Hillsboro, the property became subject to the City's comprehensive plan and development regulations.

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 h. (under Policy 15) applies directly to service district annexations and reads as follows:

Implementing Strategies

The County will:

h. Not oppose proposed annexations to a special service district:

- 1. That are consistent with an urban service agreement; or*
- 2. If no urban service agreement applies to the property, the property lies within an area for which the district is designated a party in a cooperative agreement adopted pursuant to ORS 195.020 and the district has adopted a Master Plan for the area.*

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.

6. The property is located within the urban service area for the District as well as the City of Hillsboro. Consequently, the proposed annexation (WA-6406) is consistent with an adopted urban service agreement and therefore consistent with the Washington County Comprehensive Plan.
7. The City of Hillsboro'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.
8. 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 has been annexed into the City of Hillsboro. At time of annexation to the city, the property was designated R-9 Residential (7-9 units per acre). Upon annexation, the subject property was given a city comprehensive plan designation of RL / Low Density Residential and a city zoning designation of R-10, Single Family Residential.
9. 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, the petition was signed by 100-percent of the property owners. At the time of writing, a necessary party is not contesting this boundary change. Therefore, if approved, the minor boundary change can be effective immediately.
10. A public sanitary sewer line is in place to the east of the site that will serve the future residential development. The District will provide the sewage treatment and transmission of effluent to the regional treatment plant through major trunks and interceptors. The District has also endorsed the proposed minor boundary change.
11. The City of Hillsboro has a domestic 12-inch water line in NW Evergreen Road that is capable of serving the future residential development.
12. The City Council, as authorized by ORS 222.520 (1), withdrew the property from the County's Rural Fire Protection District No. 2 at the same time that it annexed the property to the city. Consequently, upon annexation to the City of Hillsboro, the City of Hillsboro Fire Department became the provider of emergency protection to the property.
13. The City Council, as authorized by ORS 222.520 (1), withdrew the property from the County's Enhanced Sheriff Patrol District at the same time that it annexed the property to the city. Consequently, upon annexation to the City of Hillsboro, the City became the provider of police protection to the property.
14. The City Council, as authorized by ORS 222.520 (1), withdrew the property from the County's Urban Road Maintenance District at the same time that it annexed the property to the City. Consequently, any new public roads developed as part of the future residential development will be maintained by the City. In addition, access will be addressed in detail as a part of the City of Hillsboro's subdivision review process.

Annexation to the District will also 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.

15. The District has responsibility for surface water management within the Washington County urban growth boundary. The District has entered into an intergovernmental agreement with the City of Hillsboro for allocation of City and District responsibilities. The City has responsibilities for operations and maintenance of storm and surface water facilities within the City of Hillsboro.
16. The City of Hillsboro maintains its own Park & Recreation Department. The annexation to the District will not affect that fact.
17. The property is located within the Hillsboro School District.
18. The District supports the proposed annexation to its boundary. The Board of County Commissioners has endorsed this annexation as the Board of Directors of Clean Water Services District.
19. A necessary party has not contested this boundary change.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Commission concludes:

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 Hillsboro comprehensive plan and finds that the proposed minor boundary change is consistent with the City'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. Additionally, the City has endorsed the minor boundary change.

Notwithstanding, the proposed minor boundary change is consistent with Implementing Strategy h. of Policy 15 of the Washington County *Comprehensive Framework Plan for the Urban Area*. Policy 15 identifies the roles and responsibilities that governmental entities and service districts have in serving growth in Washington County. Implementation strategy h. (under Policy 15) states that 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.

3. 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 agreement between service districts, cities and Washington County has 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. 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 as well as storm sewer service to the property, as they provide sanitary and storm sewer service to other urban lands within the City of Hillsboro.
4. 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 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 will not interfere with the timely provision of those services.
5. 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.
6. A necessary party has not contested this boundary change. The change can become effective immediately upon adoption by the Board pursuant to Metro Code Section 3.09.050 (f).

EXHIBIT B

WA-6406

Annexation to
Clean Water Services
(CWS)

Subject Taxlot(s)



CWS



Urban Growth Boundary



200, 250 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.

