

Final Documents

For

Annexation to the
Clean Water Services District

WA7404
Order 05-37
DOR 34-1729-2005
Sec. State: SD-2005-0024

Final to DOR: _____

Signature:

 _____

Date of

Mailing: 3/8/05

Final to Secretary of State: _____

Signature:

 _____

Date of

Mailing: 3/16/05

WA 7404

Sent

Received

DOR:

3/8/05

3/9/05

Sec. State:

3/16/05

3/17/05

Assessor:

3/16/05

Elections:

3/16/05

Mapped:

Yes

Properties:

1S209DA00300

24925 SW Lone Oak

1S209DA00400

24985 SW Lone Oak

1S209DA00500

25065 SW Lone Oak

1S209DB00700

25145 SW Lone Oak

1S209DB00800

25205 SW Lone Oak

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

March 17, 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 March 17, 2005, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
ORD NO 05-25 (Tualatin Valley Water District)	SD 2005-0022
ORD NO 05-26 (Tualatin Hills Park & Rec District)	SD 2005-0023
ORD NO 05-37 (Clean Water Services District)	SD 2005-0024

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

Notice to Taxing Districts

ORS 308.225



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

Description and Map Approved
March 9, 2005
As Per ORS 308.225

Clean Water Services Dist.
 Support Services Manager
 155 N First Ave, Suite 270
 Hillsboro, OR 97124

Description Map received from: METRO
 On: 3/9/2005

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

ANNEX TO CLEAN WATER SERVICES DISTRICT

RES. #05-37 (WA-7404)

has been: Approved 3/9/2005
 Disapproved

Notes:

Department of Revenue File Number: 34-1729-2005

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-7404

APPLICANT:

J. T. Smith Companies
 Matt Brown
 4386 SW Macadam, Suite 102
 Portland, OR 97239

APPLICANT'S REPRESENTATIVE:

WRG Design Inc.
 Dennis Lisk
 5415 SW Westgate Drive, Suite 100
 Portland, OR 97221

CPO: 9

COMMUNITY PLAN: East Hillsboro

EXISTING LAND USE DISTRICT: FD-20

ASSESSOR MAP NO(S): 1S2 09DA and 1S2 09DB

SITE SIZE: 14.46 acres

TAX LOT NOS: 1S2 09 DA - T.L. 300, 400, and 500

TAX LOT NOS: 1S2 09 DB - T.L. 700 and 800

ADDRESS: See owners' addresses

LOCATION: Hillsboro, Oregon

PROPOSED MINOR BOUNDARY CHANGE:

Annexation to Clean Water Services District of 14.46 acres of land in Hillsboro.

OWNERS:

Tax Lot 300	Tax Lot 400
Gregory & Kelly Nelson 24925 SW Lone Oak Street Hillsboro, OR 97123	Edward & Joyce Stowe 24985 SW Lone Oak Street Hillsboro, OR 97123
Tax Lot 500	Tax Lot 700
Roy & Patricia Maddox 25065 SW Lone Oak Street Hillsboro, OR 97123	Richard Smith & William Smith 25145 SW Lone Oak Street Hillsboro, OR 97123
Tax Lot 800	
Frances Beaman 25205 SW Lone Oak Street Hillsboro, OR 97123	

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 **March 1, 2005**.

NOTICE MAILING DATE: March 3, 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 EXPLICITLY 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:

Suzanne Savin, 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: Public Hearing – Land Use & Transportation (CPO 9)

Agenda Title: CONSIDER THE ANNEXATION OF APPROXIMATELY 14.46 ACRES TO THE CLEAN WATER SERVICES DISTRICT (WA-7404)

Presented by: Brent Curtis, Planning Division Manager

SUMMARY:

The County has received a request to annex five parcels, comprising an area of approximately 14.46 acres in size, to the Clean Water Services District (District). The property is collectively located west of SW 247th Avenue and north of SW Lone Oak Street, and is further identified as tax map and lot numbers 1S2 09 DA 300, 400, and 500, and 1S2 09 DB 700 and 800. The property is within the regional Urban Growth Boundary and unincorporated Washington County. However, the applicant has requested annexation of the subject property into the City of Hillsboro, and the Hillsboro City Council approved the annexation request at its February 1, 2005 meeting. The annexation will become effective approximately 30 days after the Hillsboro City Council's approval date. 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-7404) 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.

Agenda Item No.	<u>4.a.</u>
Date:	<u>03/01/05</u>

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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-7404) No. 05-37

The above-entitled matter (WA-7404) came before the Board at its regular public meeting on March 1, 2005; and

It appearing to the Board that this annexation to the Clean Water Services District involves five tax lots (1S2 09 DA 300, 400, and 500, and 1S2 09 DB 700 and 800), located west of SW 247th Avenue and north of SW Lone Oak Street in unincorporated Washington County; and

It appearing to the Board that WA-7404 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 Clean Water Services District; 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

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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-7404, 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 1st day of March, 2005.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

Tom Bush

CHAIRMAN

Barbara Heitmanek
RECORDING SECRETARY

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

Date Signed: 3-1-05

Approved as to form:

[Signature]
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 to be annexed consists of five (5) parcels encompassing approximately 14.46 acres in size. The property is collectively located west of SW 247th Avenue and north of SW Lone Oak Street and is further identified as tax maps and lot numbers 1S2 09 DA #300, 400 and 500, and 1S2 09 DB #700 and 800.
3. The applicant desires storm and sanitary sewer service to facilitate future development of the property in accordance with the City of Hillsboro's adopted Witch Hazel Village Community Plan. Although the property is currently within unincorporated Washington County, the applicant has submitted a request for annexation of the subject property into the City of Hillsboro (ORD 3104). The Hillsboro City Council approved the annexation request at its February 1, 2005 meeting; the annexation will become effective approximately 30 days after the City Council's February 1st approval. After the annexation becomes effective, the applicant proposes the development of a medium-density residential Planned Unit Development with single-family detached homes, in accordance with the densities planned for the site in the City's Witch Hazel Village Community Plan. The property must be brought into the District in order to be provided with the necessary sanitary and storm sewer service.
4. 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.
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.

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 or ORS 195 annexation plans [ORS 195 agreements are cooperative agreements and urban service agreements. The required cooperative agreement for water service provision by the District with cities (including the City of Portland) and Washington County has been adopted.]

- 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. However, a cooperative agreement for sanitary sewer service provision by the District with cities, including the cities of Hillsboro, Beaverton and Tigard, and Washington County, has been adopted. Additionally, the subject properties are within the Hillsboro Urban Service Area Boundary identified in the Hillsboro Urban Service Agreement adopted in 2003. At time of writing, a necessary party is **not** contesting this boundary change. Therefore, these additional criteria need not be addressed.

6. The subject property is comprised of five tax lots; each tax lot contains one single-family dwelling. The tax lots are generally level, with slopes of less than 10 percent. Tax Lot 800 is bisected from the northeast to the southwest by a tributary of the Tualatin River. All five tax lots have public street frontage on SW Lone Oak Street.

To the north of the subject property are Tax Lots 2304 and 2502 (Map 1S2 09AC), which are larger lots within the City of Hillsboro, each containing a single-family residence. Also to the north are numerous tax lots comprising the Wynn Wood subdivision, all within the City of Hillsboro. To the east, the subject property abuts Tax Lot 200 (Map 1S2 09DA), which contains a single-family residence, and Tax Lot 100, which is within the City of Hillsboro and is part of the Brookwood Crossing planned unit development, a medium-density residential development. To the south, the property abuts Tax Lot 6900 (Map 1S2 09DB) and Tax Lots 600 and 700 (Map 1S2 09DA), all of which are within the City of Hillsboro and are part of the Brookwood Crossing PUD, which will contain medium-density, high-density, and mixed-use residential uses. To the west, the property abuts Tax Lot 900 (Map 1S2 09 DB), which contains a single-family residence.

7. This property is within 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.

8. The City of Hillsboro will provide sanitary sewer service for the property with an 8-inch sanitary sewer line extending from SW Davis Road to the District's treatment facility located in SW River Road. The applicant is proposing to extend a sanitary sewer line from the existing line within SW Davis Road to SW Lone Oak Street and the subject 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.
9. The City of Hillsboro will serve the subject property and surrounding properties with a 10-inch water line that extends from SW Davis Road to Witch Hazel Road. The applicant is proposing to extend an 8-inch water line from SW Davis Road to SW Lone Oak Street and the subject property.
10. Washington County Fire District #2 presently serves the property. Fire service will not change as a result of annexation to the District. Once the property has been annexed into the City of Hillsboro, the City of Hillsboro Fire Department will serve the property.
11. The subject property presently receives police protection from the Washington County Sheriff's Department. This service will not be affected by the annexation to the District. Once the property has been annexed to the City of Hillsboro, the City of Hillsboro Police Department will provide the property with police protection.
12. Once the property has been annexed to the City of Hillsboro, access to the future development will be required to be in accordance with the approved Planned Unit Development and the City's Witch Hazel Village Community Plan. Annexation of the subject property to the District will not affect transportation through the City of Hillsboro or unincorporated Washington County.
13. The District has responsibility for surface water management within urban Washington County. Clean Water Services 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. The City of Hillsboro will provide storm sewer service to the property from, in part, a 16-inch storm drain system located in SE Alexander Road, to the east of the subject property. The applicant is proposing to extend a storm drain from SE Alexander Road to the

subject property. The District provides the storm water treatment through major storm drain lines as well as storm sewer service for lands within unincorporated Washington County.

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

CONCLUSIONS AND REASONS FOR DECISION

Based on the above Findings, the Board concluded:

1. The Metro Code at 3.09.050 (d) (4) calls for consistency between the Board decision and any *"specific directly applicable standards or criteria for boundary changes contained in . . . regional framework and functional plans . . ."* There are no directly applicable criteria in Metro's regional framework plan or in the two adopted functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan.
2. ORS 198 and the Metro Code at 3.09.050 (d) (3) call for consistency between the Board decision and any *"specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ."* The Board has reviewed the applicable comprehensive plan, which is the Washington County Comprehensive Plan, and finds that the annexation is consistent with said document.
3. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements (UPAA). The County recently adopted an ordinance (A-Engrossed Ordinance 613) that revised the Hillsboro-Washington County UPAA to include the recently added UGB lands, which include the subject properties. The annexation is consistent with the revised UPAA.
4. 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 the District, cities (including the City of Hillsboro) 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 agreements. An urban service agreement for the City of Hillsboro has also been adopted; the subject property is within the urban service area boundary identified in the adopted urban service agreement. Annexation of the subject property to the District is consistent with the adopted urban service agreement.
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 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.

6. 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.
7. A necessary party has not contested this boundary change. Therefore, the change may become effective immediately upon adoption by the Board pursuant to Metro Code Section 3.09.050 (f).

WA-7404 Exhibit B

-  Subject Taxlot
-  Clean Water Services
-  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.

EXHIBIT C

**Legal Description for Tax Lots 1S209DA00300, 1S209DA00400, 1S209DA00500,
1S209DB00700 and 1S209DB00800**

**Lots 11 and 12 of the duly recorded plat of "Witch Hazel Little Farms", Washington County Plat
Records, Washington County, Oregon. Located in the southeast one-quarter of Section 9,
Township 1 South, Range 2 West, Willamette Meridian.**

***ANNEXATION TO
CLEAN WATER SERVICES DISTRICT***

Boundary Change Proposal No. WA-7404

Staff Report

For the March 1, 2005
Board of Commissioners' Hearing



February 15, 2005

To: Board of County Commissioners
From: Brent Curtis, Planning Manager *ABC*
Subject: **MINOR BOUNDARY CHANGE PROPOSAL NO. WA-7404 - ANNEXATION TO THE CLEAN WATER SERVICES DISTRICT**

STAFF REPORT

**For the March 1, 2005 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-7404 with the approval becoming effective immediately.

REQUESTED ACTION

The applicant requests that approximately 14.46 acres be annexed to the Clean Water Services District (District) in order to facilitate the future development of the property in accordance with the Witch Hazel Village Community Plan (Hillsboro).

Petitioners: R. Gregory and Kelly Nelson (tax lot 300)
Edward M. Stowe Jr. and Joyce C. Stowe (tax lot 400)
Roy L. Maddox and Patricia D. Maddox (tax lot 500)
Richard P. Smith and William Garry Smith (tax lot 700)
Frances Barbara Beaman (tax lot 800)

Applicant: J. T. Smith Companies / Contact: Matt Brown

Applicant's Representative: WRG Design, Inc. / Contact: Dennis Lisk

ENDORSEMENTS

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 as required by statute.

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 financial impacts associated with this Minor Boundary Change that would prevent the Board from approving the annexation.

LEGAL ISSUES

There are no legal issues associated with this Minor Boundary Change that would prevent the Board from approving the annexation.

BACKGROUND

Proposal No. WA-7404 was initiated by a consent petition 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). If the Board of County Commissioners (Board) approves the proposal and there are no objections from necessary parties, the boundary change can become effective immediately. However, the change would become effective 30 days following approval if a necessary party were to contest the petition. At the time of writing, a necessary party is **not** contesting this boundary change.

The property to be annexed consists of five (5) parcels encompassing approximately 14.46 acres in size. The property is collectively located west of SW 247th Avenue and north of SW Lone Oak Street and is further identified as tax maps and lot numbers 1S2 09 DA #300, 400 and 500, and 1S2 09 DB #700 and 800.

REASON FOR ANNEXATION

The applicant desires storm and sanitary sewer service to facilitate future development of the property in accordance with the City of Hillsboro's adopted Witch Hazel Village Community Plan. Although the property is currently within unincorporated Washington County, the applicant has submitted a request for annexation of the subject property into the City of Hillsboro (ORD 3104). The Hillsboro City Council approved the annexation request at its February 1, 2005 meeting. The annexation will become effective approximately 30 days after the February 1, 2005 City Council approval. After the effective date of the City annexation, the applicant proposes the development of a medium-density residential Planned Unit Development with single-family detached homes, in accordance with the densities planned for the site in the City's Witch Hazel Village Community Plan. The property must be brought into the District in order to

be provided with the necessary sanitary and storm sewer service.

The District supports the proposed annexation of the subject parcel to its boundary. The Board of County Commissioners has endorsed this request as the Board of Directors of Clean Water Services District.

CRITERIA

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. However, a cooperative agreement for sanitary sewer service provision by the District with cities, including the cities of Hillsboro, Beaverton and Tigard, and Washington County, has been adopted. Additionally, the subject properties are within the Hillsboro Urban Service Area Boundary identified in the Hillsboro Urban Service Agreement, which was adopted in 2003. Both agreements identify the District's service area within these urban service areas.

The District would be the provider of sanitary sewer service to the property, as they provide sanitary sewer service to the surrounding lands inside the UGB. Furthermore, 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 subject property is comprised of five tax lots; each tax lot contains one single-family dwelling. The tax lots are generally level, with slopes of less than 10 percent. Tax Lot 800 is bisected from the northeast to the southwest by a tributary of the Tualatin River. All five tax lots have public street frontage on SW Lone Oak Street.

To the north of the subject property are Tax Lots 2304 and 2502 (Map 1S2 09AC), which are larger lots within the City of Hillsboro, each containing a single-family residence. Also to the north are numerous tax lots comprising the Wynn Wood subdivision, all within the City of Hillsboro. To the east, the subject property abuts Tax Lot 200 (Map 1S2 09DA), which contains a single-family residence, and Tax Lot 100, which is within the City of Hillsboro and is part of the Brookwood Crossing planned unit development, a medium-density residential development. To the south, the property abuts Tax Lot 6900 (Map 1S2 09DB) and Tax Lots 600 and 700 (Map 1S2 09DA), all of which are within the City of Hillsboro and are part of the Brookwood Crossing PUD, which will contain medium-density, high-density, and mixed-use residential uses. To the west, the property abuts Tax Lot 900 (Map 1S2 09 DB), which contains a single-family residence.

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 is presently located in unincorporated Washington County, and thus is subject to the County's Comprehensive Plan. The Comprehensive Plan is made up of the following documents: the *Resource Document*, the *Comprehensive Framework Plan for the Urban Area*, the *Rural / Natural Resource Plan*, the *Community Development Code*, the *Transportation Plan*, the *Community Plans and Background Documents*, and the *Unified Capital Improvements Program*. However, upon annexation of the property to the City of Hillsboro, future

development will become subject to the city's comprehensive plan and development regulations.

Until such time as the property is annexed, the Washington County Comprehensive Plan will govern the use of the property. The individual elements of the Comprehensive Plan applicable to the proposed annexation are the *Comprehensive Framework Plan for the Urban Area (CFP)* and the *Transportation Plan*. These elements were examined for policies or implementation strategies applicable to service district annexations. Policy 15 of the *Comprehensive Framework Plan for the Urban Area* identifies the roles and responsibilities that the County and service districts have in serving growth in Washington County. Implementation strategy g. (under Policy 15), which was added by Ordinance No. 612, applies directly to service district annexations and reads as follows:

Implementing Strategies

The County will:

- g. Not oppose proposed annexations to a city or special service district, which are in accord with an Urban Planning Area Agreement (UPAA), an Urban Service Agreement or a voter approved annexation plan. 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 noted previously, the subject property is located within the Hillsboro urban service area identified in the Hillsboro Urban Service Agreement, which was adopted in 2003. Consequently, the proposed annexation (WA-7404) is consistent with the adopted Hillsboro Urban Service Agreement. Therefore, the proposed annexation is consistent with the Washington County Comprehensive Plan.

URBAN PLANNING AREA AGREEMENTS (UPAA)

The County recently adopted an ordinance (A-Engrossed Ordinance 613) that revised the Hillsboro-Washington County UPAA to include the recently added UGB lands, which include the subject properties. The requested annexation is consistent with the revised UPAA.

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 for sanitary sewer service provision by the District with cities, including the cities of Hillsboro, Beaverton and Tigard, and Washington County has been adopted. An urban service agreement for the Hillsboro urban service area was adopted on April 2, 2003. The adopted urban service agreement identifies the District's service area within the Hillsboro urban service area; the subject properties are within the District's service area and the Hillsboro Urban Service Boundary as set forth in the Hillsboro Urban Service Agreement.

Storm Sewer. The District has responsibility for surface water management within urban Washington County. Clean Water Services 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. The City of Hillsboro will provide storm sewer service to the property from, in part, a 16-inch storm drain system located in SE Alexander Road, to the east of the subject property. The applicant is proposing to extend a storm drain line from SE Alexander Road to the subject property. The District provides the storm water treatment through major storm drain lines as well as storm sewer service for lands within unincorporated Washington County.

Water. The City of Hillsboro will serve the subject property and surrounding properties with a 10-inch water line extending from SW Davis Road to Witch Hazel Road. The applicant is proposing to extend an 8-inch water line from SW Davis Road to SW Lone Oak Street and the subject property.

Fire. Washington County Fire District #2 presently serves the property. Fire service will not change as a result of annexation to the District. Once the property has been annexed into the City of Hillsboro, the City of Hillsboro Fire Department will serve the property.

Sanitary Sewer. The City of Hillsboro will provide sanitary sewer service for the property with an 8-inch sanitary sewer line extending from SW Davis Road to the District's treatment facility located on SW River Road. The applicant is proposing to extend a sanitary sewer line from the existing line within SW Davis Road to SW Lone Oak Street and the subject 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.

Police. The subject properties presently receive police protection from the Washington County Sheriff's Department. This service will not be affected by the annexation to the District. Once the properties have been annexed to the City of Hillsboro, the City of Hillsboro Police Department will provide the property with police protection.

Transportation. Annexation to the District will not affect transportation through the City of Hillsboro or unincorporated Washington County. Access to the future development will be in accordance with the adopted Witch Hazel Village Community Plan.

Parks. The City of Hillsboro Parks and Recreation Department serves lands within Hillsboro. Park and recreation service will not change as a result of annexation to the District.

Schools. The Hillsboro School District currently services this area.

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 to be annexed consists of five (5) parcels encompassing approximately 14.46 acres in size. The property is collectively located west of SW 247th Avenue and north of SW Lone Oak Street and is further identified as tax maps and lot numbers 1S2 09 DA #300, 400 and 500, and 1S2 09 DB #700 and 800.
3. The applicant desires storm and sanitary sewer service to facilitate future development of the property in accordance with the City of Hillsboro's adopted Witch Hazel Village Community Plan. Although the property is currently within unincorporated Washington County, the applicant has submitted a request for annexation of the subject property into the City of Hillsboro (ORD 3104). The Hillsboro City Council approved the annexation request at its February 1, 2005 meeting; the annexation will become effective approximately 30 days after the City Council's February 1st approval. After the annexation becomes effective, the applicant proposes the development of a medium-density residential Planned Unit Development with single-family detached homes, in accordance with the densities planned for the site in the City's Witch Hazel Village Community Plan. The property must be brought into the District in order to be provided with the necessary sanitary and storm sewer service.
4. 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.
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.

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 or ORS 195 annexation plans [ORS 195 agreements are cooperative agreements and urban service agreements. The required cooperative agreement for water service provision by the District with cities (including the City of Portland) and Washington County has been adopted.]

- 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. However, a cooperative agreement for sanitary sewer service provision by the District with cities, including the cities of Hillsboro, Beaverton and Tigard, and Washington County, has been adopted. Additionally, the subject properties are within the Hillsboro Urban Service Area Boundary identified in the Hillsboro Urban Service Agreement adopted in 2003. At time of writing, a necessary party is **not** contesting this boundary change. Therefore, these additional criteria need not be addressed.

- 6. The subject property is comprised of five tax lots; each tax lot contains one single-family dwelling. The tax lots are generally level, with slopes of less than 10 percent. Tax Lot 800 is bisected from the northeast to the southwest by a tributary of the Tualatin River. All five tax lots have public street frontage on SW Lone Oak Street.

To the north of the subject property are Tax Lots 2304 and 2502 (Map 1S2 09AC), which are larger lots within the City of Hillsboro, each containing a single-family residence. Also to the north are numerous tax lots comprising the Wynn Wood subdivision, all within the City of Hillsboro. To the east, the subject property abuts Tax Lot 200 (Map 1S2 09DA), which contains a single-family residence, and Tax Lot 100, which is within the City of Hillsboro and is part of the Brookwood Crossing planned unit development, a medium-density residential development. To the south, the property abuts Tax Lot 6900 (Map 1S2 09DB) and Tax Lots 600 and 700 (Map 1S2 09DA), all of which are within the City of Hillsboro and are part of the Brookwood Crossing PUD, which will contain medium-density, high-density, and mixed-use residential uses. To the west, the property abuts Tax Lot 900 (Map 1S2 09 DB), which contains a single-family residence.

- 7. This property is within 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.

8. The City of Hillsboro will provide sanitary sewer service for the property with an 8-inch sanitary sewer line extending from SW Davis Road to the District's treatment facility located in SW River Road. The applicant is proposing to extend a sanitary sewer line from the existing line within SW Davis Road to SW Lone Oak Street and the subject 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.
9. The City of Hillsboro will serve the subject property and surrounding properties with a 10-inch water line that extends from SW Davis Road to Witch Hazel Road. The applicant is proposing to extend an 8-inch water line from SW Davis Road to SW Lone Oak Street and the subject property.
10. Washington County Fire District #2 presently serves the property. Fire service will not change as a result of annexation to the District. Once the property has been annexed into the City of Hillsboro, the City of Hillsboro Fire Department will serve the property.
11. The subject property presently receives police protection from the Washington County Sheriff's Department. This service will not be affected by the annexation to the District. Once the property has been annexed to the City of Hillsboro, the City of Hillsboro Police Department will provide the property with police protection.
12. Once the property has been annexed to the City of Hillsboro, access to the future development will be required to be in accordance with the approved Planned Unit Development and the City's Witch Hazel Village Community Plan. Annexation of the subject property to the District will not affect transportation through the City of Hillsboro or unincorporated Washington County.
13. The District has responsibility for surface water management within urban Washington County. Clean Water Services 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. The City of Hillsboro will provide storm sewer service to the property from, in part, a 16-inch storm drain system located in SE Alexander Road, to the east of the subject property. The applicant is proposing to extend a storm drain from SE Alexander Road to

the subject property. The District provides the storm water treatment through major storm drain lines as well as storm sewer service for lands within unincorporated Washington County.

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

CONCLUSIONS AND REASONS FOR DECISION

Based on the above Findings, the Board concluded:

1. The Metro Code at 3.09.050 (d) (4) calls for consistency between the Board decision and any *"specific directly applicable standards or criteria for boundary changes contained in . . . regional framework and functional plans . . ."* There are no directly applicable criteria in Metro's regional framework plan or in the two adopted functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan.
2. ORS 198 and the Metro Code at 3.09.050 (d) (3) call for consistency between the Board decision and any *"specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ."* The Board has reviewed the applicable comprehensive plan, which is the Washington County Comprehensive Plan, and finds that the annexation is consistent with said document.
3. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements (UPAA). The County recently adopted an ordinance (A-Engrossed Ordinance 613) that revised the Hillsboro-Washington County UPAA to include the recently added UGB lands, which include the subject properties. The annexation is consistent with the revised UPAA.
4. 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 the District, cities (including the City of Hillsboro) 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 agreements. An urban service agreement for the City of Hillsboro has also been adopted; the subject property is within the urban service area boundary identified in the adopted urban service agreement. Annexation of the subject property to the District is consistent with the adopted urban service agreement.
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 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.

6. 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.
7. A necessary party has not contested this boundary change. Therefore, the change may become effective immediately upon adoption by the Board pursuant to Metro Code Section 3.09.050 (f).

