To: Board of Commissioners
From: Andy Back, Planning and Development Services Manager
Subject: MINOR BOUNDARY CHANGE PROPOSAL NO. 16-055 LRP/BC ANNEXATION TO THE CLEAN WATER SERVICES DISTRICT

SUPPLEMENTAL STAFF REPORT
For the February 28, 2017 Board of Commissioners hearing
(The public hearing will begin no sooner than 6:30 PM)

STAFF RECOMMENDATION

Based on the analysis and findings in the staff report dated February 6, 2017 and this supplemental staff report, staff recommends that the Board APPROVE Minor Boundary Change 16-055 LRP/BC with the approval becoming effective immediately.

REQUESTED ACTION

It is proposed that two (2) parcels and a portion of one (1) parcel totaling approximately four (4) acres be annexed to the Clean Water Services District (CWS).

Applicant: Riverside Homes, LLC
Applicant’s Representative: Ken Sandblast, Westlake Consultants, Inc.
Affected Property: 2988 and 2996 SE 43rd Court and 3330 SW River Road
Generally located south of SE 43rd Court west of SE Lone Oak Street and east of SW River Road
Maps and Tax Lots: 1S209DB00900, 1S209DB01000, and 1S209AC06500 (portion)

BACKGROUND

At the February 21, 2017 hearing on this application, Clinton Keller, a property owner adjacent to the project area, raised a concern that approval of the Minor Boundary Change application (16-055) to annex the project area into the Clean Water Services district would impact an Open Space designation on the site. The Board requested staff to research this issue and confirm that the proposed annexation meets the Minor Boundary approval criteria, specifically that the proposed annexation is consistent with the applicable comprehensive plan and concept plan.
CRITERIA

As discussed in the February 6, 2017 staff report, the list of criteria for annexation includes the following:

(1) Find that the change is consistent with expressly applicable provisions in:

(A) Any applicable urban service agreement adopted pursuant to ORS 195.205;

(B) Any applicable annexation plan adopted pursuant to ORS 195.205;

(C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;

(D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

(E) Any applicable comprehensive plan; and

(F) Any applicable concept plan. [emphasis added]

The following are staff’s supplemental findings:

The city of Hillsboro’s Witch Hazel Village Community Plan, adopted in February 2004, shows the plan designation of the subject parcels to be a split of Medium Density Residential and Open Space. The subject parcels were annexed into the city of Hillsboro in 2016 with an approved zone change application (ZC-016-16) to change from the County’s FD-20 to the city’s Multi-Family Residential (MFR-1) for the entire subject area. The MFR-1 zone is one zone that implements the city’s plan designation of Medium Density Residential. To implement the Open Space plan designation, the city has Significant Natural Resource and Regulatory Floodplain Overlay Districts but does not have a specific implementing zone. A portion of this site contains this Significant Natural Resource Overlay. Impacts to natural resources on the site are addressed through the city’s Significant Natural Resource Permit.

Regarding the Open Space plan designation, the city’s staff report dated October 5, 2016 on the zone change application for this site states:

The OS Open Space designation has no specific implementing zones; however, the Community Development Code provisions for applications for Planned Unit Developments (Section 12.80.120) and Significant Natural Resources Permits (Section 12.80.130) would be applied through the land use review process, which will allow for preservation of “existing landscape features and natural resources” and better integration of “such features and resources into site design” (Section 12.80.120). (Page 2)

The approval of the city annexation and zone change for the subject site requires the applicant to work with the city to address their regulations regarding delineation of and impacts to the natural resources on the site.
The city’s annexation of these parcels in 2016 means urban services such as water, storm and sewer services are provided by the city of Hillsboro for this site. This is consistent with the 2003 Hillsboro Urban Services agreement that identifies the city as the ultimate urban service provider in the Witch Hazel Village area. CWS annexation allows the city to utilize CWS’ regulatory guidelines for storm and sewer development and includes CWS in the review of development projects to ensure regional services are not impacted.

Based on the information provided in the initial staff report and this supplemental report, staff finds that this CWS annexation request complies with the required criteria and recommends approval of the application.
To:            Board of Commissioners

From:          Andy Back, Planning and Development Services Manager

Subject:       MINOR BOUNDARY CHANGE PROPOSAL NO. 16-055 LRP/BC
               ANNEXATION TO THE CLEAN WATER SERVICES DISTRICT

STAFF REPORT
For the February 21, 2017 Board of Commissioners hearing
(The public hearing will begin no sooner than 10:00 AM)

STAFF RECOMMENDATION

Based on the analysis and findings in this staff report, staff recommends that the Board
APPROVE Minor Boundary Change 16-055 LRP/BC with the approval becoming effective
immediately.

REQUESTED ACTION

It is proposed that two (2) parcels and a portion of one (1) parcel totaling approximately four (4)
acres be annexed to the Clean Water Services District (CWS).

Applicant:     Riverside Homes, LLC

Applicant’s Representative: Ken Sandblast, Westlake Consultants, Inc.

Affected Property: 2988 and 2996 SE 43rd Court and 3330 SW River Road
                    Generally located south of SE 43rd Court west of SE Lone Oak
                    Street and east of SW River Road
                    Maps and Tax Lots: 1S209DB00900, 1S209DB01000, and
                    1S209AC06500 (portion)

ENDORSEMENTS

The City of Hillsboro endorses this CWS annexation as described in Hillsboro City Council
Ordinance No. 6203. The Board of Commissioners (Board) has endorsed the request as the
Board of Directors of the Clean Water Services District as required by statute. CWS supports the
proposed annexation to its district.
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 parcels and in the Public Services Building at least 20 days prior to the hearing; 2) Publishing notice twice in The Oregonian; 3) Mailing notices to all affected local governments and adjacent property owners. At the time of writing this staff report, the County received no comment letters.

FINANCIAL IMPACT

There are no known financial impacts associated with this minor boundary change to prevent the Board from approving the annexation.

LEGAL ISSUES

There are no known legal impacts associated with this minor boundary change to prevent the Board from approving the annexation. If the Board approves the proposal, the boundary change would become effective immediately.

BACKGROUND

A consent petition of the property owners initiated this proposal (Case File 16-055 LRP/BC). The petition meets the requirements for initiation set forth in ORS 198.857 (annexation without election by petition of landowner), ORS 198.750 (contents of petition) and Metro Code 3.09.040(a) (minimum requirements for petition).

The parcels to be annexed are located inside the Urban Growth Boundary inside the city limits of Hillsboro. The parcels total approximately four acres with two parcels each containing one single-family dwelling. The current total assessed value of the area is approximately $550,000.

REASON FOR ANNEXATION

The owners of the properties desire to annex into CWS for the future development of the site to meet the requirements of the City. The applicant states the anticipated development for the project area is a 29-lot single-family detached Planned Unit Development.

CRITERIA

Oregon Revised Statute Chapter 198 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. To approve a boundary change, the reviewing entity [the County Board] must apply the criteria and consider the factors set forth in the Code. To approve a boundary change the County must:

1. Find that the change is consistent with expressly applicable provisions in:
   - Any applicable urban service agreement adopted pursuant to ORS 195.205;
   - Any applicable annexation plan adopted pursuant to ORS 195.205;
   - Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;
   - Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;
   - Any applicable comprehensive plan; and
   - Any applicable concept plan.

2. Consider whether the boundary change would:
   - Promote the timely, orderly and economic provision of public facilities and services;
   - Affect the quality and quantity of urban services; and
   - Eliminate or avoid unnecessary duplication of facilities and services.

This proposed CWS annexation request was submitted after the approved annexation of the subject parcel into the city limits of Hillsboro in 2016. CWS and the City are parties to a City-Agency Intergovernmental Agreement, identifying the responsibility of each agency. The parcels are within CWS’ ultimate service area and the proposed action is consistent with this agreement.

The subject site is within the City of Hillsboro’s Witch Hazel Village Community Plan. The City adopted conceptual plans for public facilities systems in this area. The proposed annexation will allow the site to be serviced in a timely manner with the expansion of the existing system.

**LAND USE PLANNING**

**REGIONAL PLANNING**

**General Information**

The properties are located within the city limits of Hillsboro inside the regional Urban Growth Boundary (UGB) and Metro’s jurisdictional boundary.
Regional Framework and Functional Plans

The law that requires Metro to adopt criteria for boundary changes specifically states that Metro shall “. . . ensure that a boundary change is in compliance with the Metro regional framework plan as defined in ORS 197.015 and cooperative agreements and urban service agreements adopted pursuant to ORS 195.” ORS 197.015 states, “Metro regional framework plan means the regional framework plan required by the 1992 Metro Charter or its separate components.” The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Functional Plan and the Regional Transportation Plan, which were examined and the applicable standards and criteria for boundary changes were identified and addressed in the section above. Staff finds this request complies with regional criteria for annexation.

COUNTY PLANNING

The property was annexed to the City of Hillsboro in 2016 under Ordinance No. 6203. The County’s Comprehensive Framework Plan for the Urban Area contains Policy 15, which is relevant to the annexation. Implementation Strategy h. of Policy 15 says:

The County will:

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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 Plan.

This proposed annexation request was submitted after the approved annexation of the subject parcel into the city limits of Hillsboro. CWS and the City are parties to a City-Agency Intergovernmental Agreement, identifying the responsibility of each agency. The action is consistent with the Washington County Comprehensive Plan, and therefore the County does not oppose this annexation.

CITY PLANNING

The subject parcels are located in the city limits of Hillsboro and contains the city zoning designations Multi-Family Residential – MFR-1 and Single Family Residential - SFR-7. The
applicant will work with the City of Hillsboro through their land use process. Development of
the site will include connection of water, storm and sewer lines to the city system and the
eventual connection to CWS’ regional system. Staff finds this request complies with city
requirements.

FACILITIES AND SERVICES

ORS 195 Agreements: ORS 195 requires agreements between providers of urban services.
Urban services are defined as: sanitary sewers, water, fire protection, parks, open space,
recreation and streets, roads and mass transit. 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 creation of these agreements.

Water: Water service will be provided by the City of Hillsboro and will be available from 8-inch
lines in SE Lone Oak Street to the east and west of the subject properties.

Sewer: Sewer service will be provided by an 8-inch line from SE Lone Oak Street. CWS has
responsibility for regional sewer management within the Washington County UGB; the subject
parcel is not currently in CWS’ district. The applicant is requesting annexation into this district.

Storm Drainage: Storm lines will drain to an existing facility in the Brookwood Crossing #5
Subdivision, east of the site. CWS has entered into an intergovernmental agreement with the City
of Hillsboro for allocation of City and CWS responsibilities. CWS has responsibility for surface
water management within the Washington County UGB; the subject parcel is not currently in
CWS’ district. The applicant is requesting annexation into this district.

Parks and Recreation: The parcel is located within the city limits of Hillsboro and therefore
receives park and recreation services from the City.

Transportation: The property is served by SW River Road connecting from SE Lone Oak Street.

Fire: The subject parcel is part of Hillsboro’s Fire District. Fire Station 1 is the closest station
located northeast of the subject site at 240 S. 1st Avenue.

Police: The City of Hillsboro provides police service to the subject site.

Staff finds that this request complies with the requirements of ORS 195 and recommends
approval of the annexation of the property.
EXHIBIT

AN-012-16 Wright & Komp
Proposed Legal Description
RG November 28, 2016

All of Tract 13 “Witch Hazel Little Farms”, a duly recorded plat in the records of Washington County, together with that tract of land described in deed to Bill R. Komp, recorded November 25, 2013 as document number 2013-100518, together with that tract of land described in deed to Timothy Z. Wright and Susan B. Wright, recorded December 03, 2003 as document number 2003-201273, including the north one-half of the vacated portion of an un-named roadway described in Book 385 on Page 361, also including that portion of said Tract 13 described in deed to Jean M. Kennedy, recorded May 24, 2005 as document number 2005-058018, Washington County records, said tract being located in Township 1 South, Range 2 West, Section 09, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the northwest corner of said Tract 13, being on the south line of “Wynn Wood”, a duly recorded plat in the records of Washington County;

Thence East along the line common to said Tract 13 and south line of “Wynn Wood”, 330.00 feet to the northeast corner of Tract 13, said point also being on the west line of “Brookwood Crossing No. 5”, a duly recorded plat in the records of Washington County;

Thence along said west line South, 524.53 feet to the southeast corner of Tract 13;

Thence along the extension of the east line of Tract 13 South, 20.00 feet to the centerline of said vacated un-named roadway described in Book 385 on Page 361;

Thence West along said centerline 330.00 feet;

Thence North 20.00 feet to the southwest corner of Tract 13, said point also being on the East line of “Parkside Estates”, a duly recorded plat in the records of Washington County;

Thence North along said East line 524.53 feet to the point of beginning.