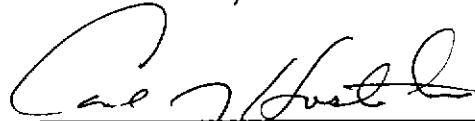


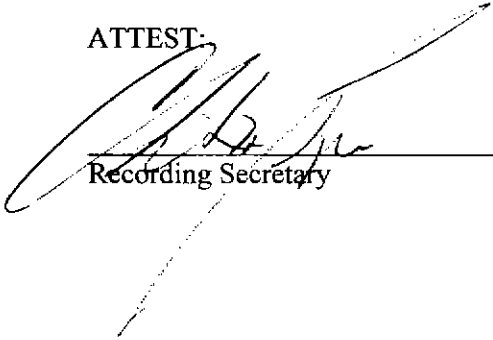


3. This ordinance is necessary for the immediate preservation of public health, safety and welfare because it is necessary to allow the Council to subsequently change the Urban Growth Boundary in a timely fashion. An emergency is therefore declared to exist, and this ordinance shall take effect immediately, pursuant to Metro Charter Section 39 (1).

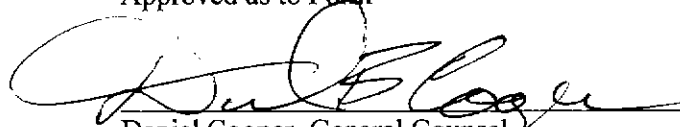
ADOPTED by the Metro Council this 18<sup>th</sup> day of April 2002.

  
\_\_\_\_\_  
Carl Hosticka, Presiding Officer

ATTEST:

  
\_\_\_\_\_  
Recording Secretary

Approved as to Form

  
\_\_\_\_\_  
Daniel Cooper, General Counsel

## EXHIBIT A

Map 1S214DC, Tax Lot 6200 and is more particularly described as follows, to-wit:

A tract of land in Section 14, Township 1 South, Range 2-West of the Willamette Meridian, in the County of Washington, State of Oregon, described as follows:

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



## FINDINGS

Based on the study and the public hearing, the Council found:

1. The territory to be annexed contains 13.3 acres, a church and a church school serving about 200 students.
2. The annexation is being sought so that the Urban Growth Boundary locational adjustment can be finalized. The UGB change was sought to legitimize the urban nature of the educational use of the site. In their application for the UGB change the petitioners stated:

Petitioner for this locational adjustment wants the land to be included in the UGB so there will be no question regarding the continued operation of the educational portion of its ministry. Washington County has determined the percentage of students attending petitioner's school who reside in urban areas is not permitted under the present zoning, and thus denied permission to operate and ordered the school closed.

3. Oregon Revised Statute 198.852 directs the Council 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 Chapter 3.09 of the Metro Code. That Code 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 seven minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans [ORS 195 agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place. Annexation plans are timelines for annexation which can only be done after all required 195 agreements are in place and which must have been voted on by the District residents and the residents of the area to be annexed.]
2. Consistency with directly applicable provisions of *urban planning area agreements* between the annexing entity and a necessary party. [A necessary party is governmental entity which is providing or might provide an urban service to the area to be annexed.]
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 territory 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.

The Metro Code also 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. This boundary change is not being contested by a necessary party so these additional criteria need not be addressed.

4. The site is basically flat. It contains a 38,000 square foot church and related educational facility with associated parking. The territory to be annexed also contains a soccer field and two softball fields. To the west of the site lies vacant EFU land. To the north and south is rural residential land containing single family dwellings on large lots. To the east are residential subdivisions inside the UGB.
5. This territory abuts the Metro jurisdictional boundary and the regional Urban Growth Boundary (UGB) on the east along SW 209<sup>th</sup> Avenue.

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]." The Framework Plan (which includes the regional urban growth goals and objectives and the 2040 Growth Concept) has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Plan and the Regional Transportation Plan. These were examined and found not to contain any directly applicable standards and criteria for boundary changes.

6. The Metro Council recently considered a proposal to add this property to the regional Urban Growth Boundary. On February 7, 2002 the Council expressed its intent to adopt an ordinance amending the Urban Growth Boundary to include this territory. The Council Resolution (No. 02-3153) states this ordinance will be adopted within 30 days of receiving notification that the property has been annexed to Metro.
7. The Washington County Comprehensive Plan was searched for criteria relative to annexations. No directly applicable criteria were found.

This territory is zoned AF-10, Agriculture and Forestry. The AF-10 designation is intended to retain the area's rural character and conserve natural resources while providing for rural residential uses. This designation normally requires a minimum lot size of 10 acres. The Planning designations are the same as the zoning designations on the Washington County Comprehensive Plan. Churches are permitted in AF-10 areas.

In its County 2000 program Washington County has adopted a policy favoring a service delivery system which distinguishes between municipal and countywide services. The reason for the policy

is to achieve tax fairness and expenditure equity in the provision of public services. The County policy favors municipal services being provided by cities or special districts.

8. The territory is not within any city's Urban Planning Area since it has been outside the regional Urban Growth Boundary. No urban planning area agreements cover this territory. The City of Beaverton's Urban Planning Area Boundary lies along SW 209<sup>th</sup> Avenue. Notice of this annexation was sent to the City.
9. 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. The statute was enacted in 1993 but there are no urban service agreements in place in this general area to date. In fact the requirement for urban service agreements only applies to areas within urban growth boundaries. Thus no ORS 195 agreements were required relative to the territory since it has been outside the regional UGB.

ORS 195 also provides for a new method of annexation based on an annexation plan which has been voted on by the residents of a governmental entity and the residents of the area the entity intends to annex. No such plans cover this area.

10. Some urban services are currently extended to this site despite the fact that it is not within an urban growth boundary. The County granted approval for extension of public sewer service to the site from the Clean Water Services county service district. The Boundary Commission approved extension of water service to the site from the Tualatin Valley Water District.

Annexation to Metro in and of itself will not make additional urban services available because the services which Metro offers are not what would generally be described as *urban services*.

11. This territory lies within Tualatin Valley Fire & Rescue. This is a large rural fire protection district serving both urban and rural areas in Washington, Multnomah and Clackamas counties. The nearest District station is at SW 209<sup>th</sup> & Blanton about a mile north of the territory to be annexed.

The site is within the Hillsboro School District and the Portland Community College District. The jurisdictional boundaries of Tri-Met and the Portland of Portland also cover the territory.

Other services are provided generally at a rural level by Washington County. This includes police protection, the Courts, tax collection, etc.

12. Metro provides a number of services on the regional level. Primary among these is regional land use planning and maintenance of the regional Urban Growth Boundary. Metro has provided this service to this site through the process of reviewing and tentatively approving the inclusion of this area in the UGB.

Metro provides some direct park service at what are basically regional park facilities and has an extensive green spaces acquisition program funded by the region's voters. Metro is responsible for solid waste disposal including the regional transfer stations and contracting for the ultimate disposal at Arlington. The District runs the Oregon Zoo and other regional facilities such as the Convention Center and the Performing Arts Center. These are all basically regional services provided for the benefit of and paid for by the residents within the region. These facilities are funded through service charges, excise taxes and other revenues including a small tax base for operating expenses at the Zoo and tax levies for bonded debt.

Metro has no service agreements with local governments that would be relative to district annexation in general or to this particular site.

13. There is no known opposition to this annexation. No one has contacted staff on this matter despite extensive notification which included posting and publishing of notices and notices to surrounding property owners. There was no opposition to the UGB change.

### CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Council concluded:

1. Oregon Revised Statutes 198 requires the Council to consider the local comprehensive plan when deciding a boundary change. The Metro Code at 3.09.050 (d) (3) calls for consistency between the Council decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ." The Council has reviewed the applicable comprehensive plan which is the Washington County Comprehensive Plan and finds that it contains no directly applicable criteria for making district boundary change decisions.
2. Oregon Revised Statutes 198 also requires consideration of "any service agreement executed between a local government and the affected district." As noted in Finding No. 12 Metro has no relevant service agreements.
3. Metro Code 3.09.050 (d) (1) requires the Council to address the consistency between its decision and any urban service agreement or annexation plan under ORS 195. There are no ORS 195 agreements or annexation plans in place in this area (see Finding No. 9). Therefore the Council concludes that its decision is not inconsistent with any such agreements or plans.
4. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements. There are no urban planning area agreements covering the area to be annexed.
5. The Metro Code at 3.09.050 (d) (4) calls for consistency between the Council decision and any



"specific directly applicable standards or criteria for boundary changes contained in . . . regional framework and functional plans . . . " As noted in Finding No. 5 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.

6. Metro Code 3.09.050 (e) (5) 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 Council finds that the provision of public facilities and services to this area has already been addressed. As noted in Findings 10 & 11 all necessary urban services have already been made available to the site. Therefore the Council finds that this annexation does not interfere with the timely, orderly and economic provision of public facilities and services.
7. Metro Code 3.09.050 (d) (6) states that if a proposed boundary change is for annexation to Metro, a determination by the Council that the property should be within the UGB shall be the primary criteria for approval. The Council has made such a determination as noted in Finding No. 6. Therefore the Council finds that the primary reason for approving this proposal is the determination that the property should be within the UGB.
8. The final criteria to be considered under the Metro Code 3.09.050 (d) (7) is consistency with other applicable criteria under state and local law. The applicable criteria under state law were covered in Reasons No. 1 & 2 above. No other local laws applying to this annexation were found to exist.

**STAFF REPORT**

IN CONSIDERATION OF ORDINANCE NO. 02-941 FOR THE PURPOSE OF ANNEXING LAND CONTAINING THE CHRISTIAN LIFE CENTER CHURCH TO THE METRO JURISDICTIONAL BOUNDARY, AND DECLARING AN EMERGENCY.

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Date: March 29, 2002

Prepared by: Ken Martin, Annexation Staff

**SECTION I: APPLICATION SUMMARY**

CASE: AN-0102, Annexation To Metro Jurisdictional Boundary

APPLICANT: Christian Life Center Church

PROPOSAL: The petitioner is requesting annexation to the Metro boundary following the Metro Council's "expression of intent to amend the urban growth boundary" on February 7, 2002.

LOCATION: The territory is located on the west edge of the District on the west edge of SW 209<sup>th</sup> Ave. north of Vermont St. and south of the SW Hagg Ln. (See Figure 1).

PLAN/ZONING AF-10, Agriculture and Forest - 10

APPLICABLE REVIEW CRITERIA: ORS Chapter 198, Metro Code 3.09

**SECTION II: STAFF RECOMMENDATION**

Staff recommends adoption of Ordinance No. 02-941 approving Boundary Change Proposal No. AN-0102, annexation to Metro.

**SECTION III: BACKGROUND INFORMATION**

Initiation: Proposal No. AN-0102 was initiated by a consent petition of the property owners and registered voters. 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).

Site Information: The territory to be annexed is located on the west edge of the District on the west edge of SW 209<sup>th</sup> Ave. north of Vermont St. and south of the SW Hagg Ln. The territory contains 13.3 acres, a church and a church school serving about 200 students.

## REASON FOR ANNEXATION

The annexation is being sought so that the Urban Growth Boundary locational adjustment can be finalized. The UGB change was sought to legitimize the urban nature of the educational use of the site. In their application for the UGB change the petitioners stated:

Petitioner for this locational adjustment wants the land to be included in the UGB so there will be no question regarding the continued operation of the educational portion of its ministry. Washington County has determined the percentage of students attending petitioner's school who reside in urban areas is not permitted under the present zoning, and thus denied permission to operate and ordered the school closed.

## CRITERIA

Oregon Revised Statute 198.852 directs the Council 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 Chapter 3.09 of the Metro Code. That Code 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 seven minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans [ORS 195 agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place. Annexation plans are timelines for annexation which can only be done after all required 195 agreements are in place and which must have been voted on by the District residents and the residents of the area to be annexed.]
2. Consistency with directly applicable provisions of *urban planning area agreements* between the annexing entity and a necessary party. [A necessary party is governmental entity which is providing or might provide an urban service to the area to be annexed.]
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 territory 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.

The Metro Code also 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. This boundary

change is not being contested by a necessary party so these additional criteria need not be addressed.

## **LAND USE PLANNING**

### *SITE CHARACTERISTICS*

The site is basically flat. It contains a 38,000 square foot church and related educational facility with associated parking. The territory to be annexed also contains a soccer field and two softball fields. To the west of the site lies vacant EFU land. To the north and south is rural residential land containing single family dwellings on large lots. To the east are residential subdivisions inside the UGB.

### *REGIONAL PLANNING*

This territory abuts the Metro jurisdictional boundary and the regional Urban Growth Boundary (UGB) on the east along SW 209<sup>th</sup> Avenue.

#### Regional Framework Plan

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]." The Framework Plan (which includes the regional urban growth goals and objectives and the 2040 Growth Concept) 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.

#### Tentative Urban Growth Boundary Change

The Metro Council recently considered a proposal to add this property to the regional Urban Growth Boundary. On February 7, 2002 the Council expressed its intent to adopt an ordinance amending the Urban Growth Boundary to include this territory. The Council Resolution (No. 02-3153) states this ordinance will be adopted within 30 days of receiving notification that the property has been annexed to Metro.

### *COUNTY PLANNING*

The Washington County Comprehensive Plan was searched for criteria relative to annexations. No directly applicable criteria were found.

This territory is zoned AF-10, Agriculture and Forestry . The AF-10 designation is intended to retain the area's rural character and conserve natural resources while providing for rural residential uses. This designation normally requires a minimum lot size of 10 acres. The Planning designations are the same as the zoning designations on the Washington County Comprehensive Plan. Churches are permitted in AF-10 areas.

#### County 2000

In its County 2000 program Washington County has adopted a policy favoring a service delivery system which distinguishes between municipal and countywide services. The reason for the policy is to achieve tax fairness and expenditure equity in the provision of public services. The County policy favors municipal services being provided by cities or special districts.

### *CITY PLANNING*

The territory is not within any city's Urban Planning Area since it has been outside the regional Urban Growth Boundary. No urban planning area agreements cover this area. The City of Beaverton's Urban Planning Area Boundary lies along SW 209<sup>th</sup> Avenue. Notice of this annexation was sent to the City.

### **FACILITIES AND SERVICES**

ORS 195 Agreements. This statute 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. The statute was enacted in 1993 but there are no urban service agreements in place in this general area to date. In fact the requirement for urban service agreements only applies to areas within urban growth boundaries. Thus no ORS 195 agreements were required relative to the territory since it has been outside the regional UGB.

ORS 195 also provides for a new method of annexation based on an annexation plan which has been voted on by the residents of a governmental entity and the residents of the area the entity intends to annex. No such plans cover this area.

Urban Services. Some urban services are currently extended to this site despite the fact that it is not within an urban growth boundary. The County granted approval for extension of public sewer service to the site from the Clean Water Services county service district. The Boundary Commission approved extension of water service to the site from the Tualatin Valley Water District.

Annexation to Metro in and of itself will not make additional urban services available because the services which Metro offers are not what would generally be described as *urban services*.

Other Services. This territory lies within Tualatin Valley Fire & Rescue. This is a large rural fire protection district serving both urban and rural areas in Washington, Multnomah and Clackamas counties. The nearest District station is at SW 209<sup>th</sup> & Blanton about a mile north of the territory to be annexed.

The site is within the Hillsboro School District and the Portland Community College District. The jurisdictional boundaries of Tri-Met and the Portland of Portland also cover the territory.

Other services are provided generally at a rural level by Washington County. This includes police protection, the Courts, tax collection, etc.

Metro Services. Metro provides a number of services on the regional level. Primary among these is regional land use planning and maintenance of the regional Urban Growth Boundary. Metro has provided this service to this site through the process of reviewing and tentatively approving the inclusion of this area in the UGB.

Metro provides some direct park service at what are basically regional park facilities and has an extensive green spaces acquisition program funded by the region's voters. Metro is responsible for solid waste disposal including

the regional transfer stations and contracting for the ultimate disposal at Arlington. The District runs the Oregon Zoo and other regional facilities such as the Convention Center and the Performing Arts Center. These are all basically regional services provided for the benefit of and paid for by the residents within the region. These facilities are funded through service charges, excise taxes and other revenues including a small tax base for operating expenses at the Zoo and tax levies for bonded debt.

Metro has no service agreements with local governments that would be relative to district annexation in general or to this particular site.

#### **SECTION IV: ANALYSIS/INFORMATION**

1. **Known Opposition** - There is no known opposition to this annexation. No one has contacted staff on this matter despite extensive notification which included posting and publishing of notices and notices to surrounding property owners. There was no opposition to the UGB change.
2. **Legal Antecedents** - This annexation is a follow-up to the tentative UGB change passed by the Council as Resolution 02-3153. The annexation is being processed under provisions of ORS 198 and Metro Code 3.09.
3. **Anticipated Effects** - No significant effect is anticipated. The uses allowed on this site are already in place.
4. **Budget Impacts** - None

#### **SECTION V: SUMMARY AND RECOMMENDATION**

This petition seeks to annex approximately 13.3 acres of land into the Metro Jurisdictional boundary in order to allow expansion of the UGB. This expansion will legitimize the urban use of the land which includes a church and school. Based on the study above and the proposed Findings and Reasons For Decision found in Exhibit A, the staff recommends that Proposed Annexation No. AN-0102 be *approved*. This approval should be implemented by adoption of Ordinance No. 02-941 (attached).







## FINDINGS

Based on the study and the public hearing, the Council found:

1. The territory to be annexed contains 13.3 acres, a church and a church school serving about 200 students.
2. The annexation is being sought so that the Urban Growth Boundary locational adjustment can be finalized. The UGB change was sought to legitimize the urban nature of the educational use of the site. In their application for the UGB change the petitioners stated:

Petitioner for this locational adjustment wants the land to be included in the UGB so there will be no question regarding the continued operation of the educational portion of its ministry. Washington County has determined the percentage of students attending petitioner's school who reside in urban areas is not permitted under the present zoning, and thus denied permission to operate and ordered the school closed.

3. Oregon Revised Statute 198.852 directs the Council 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 Chapter 3.09 of the Metro Code. That Code 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 seven minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans [ORS 195 agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place. Annexation plans are timelines for annexation which can only be done after all required 195 agreements are in place and which must have been voted on by the District residents and the residents of the area to be annexed.]
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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 territory 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.

The Metro Code also 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. This boundary change is not being contested by a necessary party so these additional criteria need not be addressed.

4. The site is basically flat. It contains a 38,000 square foot church and related educational facility with associated parking. The territory to be annexed also contains a soccer field and two softball fields. To the west of the site lies vacant EFU land. To the north and south is rural residential land containing single family dwellings on large lots. To the east are residential subdivisions inside the UGB.
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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]." The Framework Plan (which includes the regional urban growth goals and objectives and the 2040 Growth Concept) has been examined and found not to contain any directly applicable standards and criteria for boundary changes.

There are two adopted regional functional plans, the Urban Growth Management Plan and the Regional Transportation Plan. These were examined and found not to contain any directly applicable standards and criteria for boundary changes.

6. The Metro Council recently considered a proposal to add this property to the regional Urban Growth Boundary. On February 7, 2002 the Council expressed its intent to adopt an ordinance amending the Urban Growth Boundary to include this territory. The Council Resolution (No. 02-3153) states this ordinance will be adopted within 30 days of receiving notification that the property has been annexed to Metro.
7. The Washington County Comprehensive Plan was searched for criteria relative to annexations. No directly applicable criteria were found.

This territory is zoned AF-10, Agriculture and Forestry. The AF-10 designation is intended to retain the area's rural character and conserve natural resources while providing for rural residential uses. This designation normally requires a minimum lot size of 10 acres. The Planning designations are the same as the zoning designations on the Washington County Comprehensive Plan. Churches are permitted in AF-10 areas.

In its County 2000 program Washington County has adopted a policy favoring a service delivery system which distinguishes between municipal and countywide services. The reason for the policy

is to achieve tax fairness and expenditure equity in the provision of public services. The County policy favors municipal services being provided by cities or special districts.

8. The territory is not within any city's Urban Planning Area since it has been outside the regional Urban Growth Boundary. No urban planning area agreements cover this territory. The City of Beaverton's Urban Planning Area Boundary lies along SW 209<sup>th</sup> Avenue. Notice of this annexation was sent to the City.
9. 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. The statute was enacted in 1993 but there are no urban service agreements in place in this general area to date. In fact the requirement for urban service agreements only applies to areas within urban growth boundaries. Thus no ORS 195 agreements were required relative to the territory since it has been outside the regional UGB.

ORS 195 also provides for a new method of annexation based on an annexation plan which has been voted on by the residents of a governmental entity and the residents of the area the entity intends to annex. No such plans cover this area.

10. Some urban services are currently extended to this site despite the fact that it is not within an urban growth boundary. The County granted approval for extension of public sewer service to the site from the Clean Water Services county service district. The Boundary Commission approved extension of water service to the site from the Tualatin Valley Water District.

Annexation to Metro in and of itself will not make additional urban services available because the services which Metro offers are not what would generally be described as *urban services*.

11. This territory lies within Tualatin Valley Fire & Rescue. This is a large rural fire protection district serving both urban and rural areas in Washington, Multnomah and Clackamas counties. The nearest District station is at SW 209<sup>th</sup> & Blanton about a mile north of the territory to be annexed.

The site is within the Hillsboro School District and the Portland Community College District. The jurisdictional boundaries of Tri-Met and the Portland of Portland also cover the territory.

Other services are provided generally at a rural level by Washington County. This includes police protection, the Courts, tax collection, etc.

12. Metro provides a number of services on the regional level. Primary among these is regional land use planning and maintenance of the regional Urban Growth Boundary. Metro has provided this service to this site through the process of reviewing and tentatively approving the inclusion of this area in the UGB.

Metro provides some direct park service at what are basically regional park facilities and has an extensive green spaces acquisition program funded by the region's voters. Metro is responsible for solid waste disposal including the regional transfer stations and contracting for the ultimate disposal at Arlington. The District runs the Oregon Zoo and other regional facilities such as the Convention Center and the Performing Arts Center. These are all basically regional services provided for the benefit of and paid for by the residents within the region. These facilities are funded through service charges, excise taxes and other revenues including a small tax base for operating expenses at the Zoo and tax levies for bonded debt.

Metro has no service agreements with local governments that would be relative to district annexation in general or to this particular site.

13. There is no known opposition to this annexation. No one has contacted staff on this matter despite extensive notification which included posting and publishing of notices and notices to surrounding property owners. There was no opposition to the UGB change.

### CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the Council concluded:

1. Oregon Revised Statutes 198 requires the Council to consider the local comprehensive plan when deciding a boundary change. The Metro Code at 3.09.050 (d) (3) calls for consistency between the Council decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive plans, public facilities plans . . ." The Council has reviewed the applicable comprehensive plan which is the Washington County Comprehensive Plan and finds that it contains no directly applicable criteria for making district boundary change decisions.
2. Oregon Revised Statutes 198 also requires consideration of "any service agreement executed between a local government and the affected district." As noted in Finding No. 12 Metro has no relevant service agreements.
3. Metro Code 3.09.050 (d) (1) requires the Council to address the consistency between its decision and any urban service agreement or annexation plan under ORS 195. There are no ORS 195 agreements or annexation plans in place in this area (see Finding No. 9). Therefore the Council concludes that its decision is not inconsistent with any such agreements or plans.
4. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements. There are no urban planning area agreements covering the area to be annexed.
5. The Metro Code at 3.09.050 (d) (4) calls for consistency between the Council decision and any

"specific directly applicable standards or criteria for boundary changes contained in . . . regional framework and functional plans . . . " As noted in Finding No. 5 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.

6. Metro Code 3.09.050 (e) (5) 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 Council finds that the provision of public facilities and services to this area has already been addressed. As noted in Findings 10 & 11 all necessary urban services have already been made available to the site. Therefore the Council finds that this annexation does not interfere with the timely, orderly and economic provision of public facilities and services.
7. Metro Code 3.09.050 (d) (6) states that if a proposed boundary change is for annexation to Metro, a determination by the Council that the property should be within the UGB shall be the primary criteria for approval. The Council has made such a determination as noted in Finding No. 6. Therefore the Council finds that the primary reason for approving this proposal is the determination that the property should be within the UGB.
8. The final criteria to be considered under the Metro Code 3.09.050 (d) (7) is consistency with other applicable criteria under state and local law. The applicable criteria under state law were covered in Reasons No. 1 & 2 above. No other local laws applying to this annexation were found to exist.