



ANNEXATION APPLICATION

NAME OF APPLICANT: City of Banks
ADDRESS: 13690 NW Main St Banks Or 97106
PHONE NO: 503-324-5112 EMAIL ADDRESS _____
SIGNATURE: _____
DATE: _____ DO YOU OWN THE PROPERTY? YES ___ NO X

NAME OF OWNER*: (if different than applicant) Greg Walters
ADDRESS: 12693 NW Main St Banks Or 97106
PHONE NO: 503-708-6811 EMAIL ADDRESS HLyW@97@comcast.net
SIGNATURE: _____
DATE: 4-21-15

* "Owner" means any person shown as the owner of land on the last available assessment roll; however, where such person no longer holds the title to the property, then the term means any person entitled to be shown as owner of the land on the next assessment roll; or, where land is subject to a written agreement of sale, the term means any person shown in the agreement as purchaser to the exclusion of the seller; and the term includes any public agency owning land.

Municipal Ordinance No. 102500 (attached) establishes policies and procedures for annexing land into the City of Banks. In order to be eligible for annexation, the proposed annexation area must be contiguous to the existing city limits and located within the Banks Urban Growth Boundary. You should also know that the City Charter requires a referendum to approve the annexation. A summary of the City's annexation process is attached.

In addition, City Resolution #2006-22 (attached) requires an application fee deposit for major and minor annexations. Major annexations, which are defined as annexations of two acres or larger in area, requires an advance deposit against anticipated staff cost of \$2,500 of which \$500 is non-refundable. Minor annexations, which are defined as annexations of land less than two acres in area, requires an advance deposit against anticipated staff cost of \$1,000 of which \$500 is non-refundable.

The annexation application will be processed in conformance with Ordinance No. 102500 and state statute provisions. You will need to submit the following items (12 copies of items 1-10.) as specified under Section 3.A. of Ordinance No. 102500:

1. Written consent to the annexation signed by the requisite number of affected property owners, electors, or both within the area to be annexed, as provided by state law;
2. Legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor, including:
 - A. "*Certification of Legal Description and map*" form signed by Washington County Cartography staff (blank form attached);
 - B. "*Certification of Property Ownership of at least One-Half Land Area*" form signed by Washington County Cartography staff (blank form attached);
 - C. "*Certification of Registered Voters*" form signed by Washington County Elections Department staff (blank form attached);
3. Map of the area to be annexed including adjacent City territory;
4. General land use plan indicating types and intensities of proposed development, transportation corridors, watercourses, significant natural features, open space, and adjoining development;
5. A detailed statement of overall development concept and methods by which physical and related social environment of the site, surrounding area, and community will be enhanced;
6. A detailed statement of additional facilities required to meet any increased demand and a plan for the phasing in of any such facilities in accordance with the projected demand;
7. A detailed statement outlining method and source of financing required to provide the additional facilities;
8. A detailed statement of availability, capacity, and status of existing water, sewer, drainage, transportation, park and school facilities;

9. Comprehensive narrative of potential negative physical, aesthetic, and related social effects of the proposed development on the community as a whole and on the smaller sub-community or neighborhood that it will become a part of, and proposed actions to mitigate such effects;
10. Narrative demonstrating need for the urban development proposed for the annexation area; need should be demonstrated based upon a factual analysis of the following factors:
 - A. Availability within the current City limits of undeveloped land designated for proposed urban development;
 - B. Analysis of immediate, short-term (1 to 5 years) demand for proposed urban development; and
 - C. Probable phasing of proposed urban development consistent with projected demand for the period that the annexation area is expected to be developed;
11. List of property owners (printed on self-adhesive labels) within three hundred (300) feet of the exterior boundary of the annexation property; the list shall be based on the latest tax assessment records at the Washington County Department of Assessment and Taxation; and a legible scale drawing of the site.

FOR OFFICIAL USE ONLY		FILING FEE DEPOSIT _____
DATE RECEIVED _____	DATE APPROVED _____	REVIEWED BY _____



Memorandum

TO: Banks City Council

FROM: Stacey Goldstein, City Planner

DATE: August 5, 2014 for the August 12, 2014 meeting

RE: Annexation of the Walters Property – Tax Map 2N4 36 TL 1001 and 1002

Background

Planning staff was asked to research the process for the potential annexation of the Walters property to the City of Banks.

The property constitutes an island of unincorporated Washington County land surrounded by the City of Banks. The properties are surrounded by Sunset Park. A map is provided below and the properties are shown outlined in blue.

In 2007, the properties were annexed into the Clean Water Services District (CWS) boundary to allow the property to connect to the sanitary sewer system due to a failing septic system. A condition of approval required the property owner to sign and record a non-remonstrance waiver to annex the two tax lots into the City of Banks. A waiver was signed on April 30, 2008.

Findings

ORS 222.750 relates to an annexation of unincorporated territory surrounded by a city. It provides that “Unless otherwise required by its charter, annexation by a city under this section shall be by ordinance or resolution subject to a referendum, with or without the consent of any owner of property within the territory or residential in the territory.”

The Banks City Charter, Section 3 states the following:

“The City shall include all territory encompassed by its boundaries now existing or hereafter as modified as provided herein, unless otherwise mandated by State law. All annexations to the City shall be approved by the City Council in compliance with the City's requirements and procedures regarding annexations as provided in the City's ordinances and shall be referred to the electorate for final approval by the majority of the electorate voting. The City Recorder shall keep at the City Hall at least two copies of this Charter in each of which the City Recorder shall maintain an accurate, up-to-date description of the boundaries. The copies and description shall be available for public inspection at any time during regular office hours of the City Recorder.”

Therefore, any annexations, including the island annexation in this matter, must go through the complete annexation process as required by the Banks Municipal Code including Planning Commission and City Council review and ultimately go before the voters.

Staff can begin the annexation process if directed by the City Council.

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05-29-08 09:22 RCVD

Washington County, Oregon 2008-044603

05/16/2008 10:12:46 AM

D-IPPS Cnt=1 Stn=9 C TOMPKINS

\$10.00 \$5.00 \$11.00 - Total = \$26.00



01251285200800446030020022

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

Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio County Clerk



RETURN RECORDED DOCUMENT TO:
CITY HALL RECORDS DEPARTMENT,
CITY OF BANKS
120 S. Main Street, Banks Oregon 97106

WAIVER
&

Space above reserved for Washington County Recording Information

(NON-REMONSTRANCE AGREEMENT)

ANNEXATION tax map and lot numbers 2N4 36 / 1001 and 1002 into the City of Banks
The undersigned owners (including purchasers) of the real property described below do hereby record their consent to the annexation of the subject property for the purpose of satisfying Board of Commissioners Resolution, and Order #07-50, Boundary Change Proposal No. WA-4106. This consent is irrevocable to the annexation of the subject property into the City of Banks.

The real property that is the subject of this consent covenant is described as follows:
Attached Exhibit "A"

IN WITNESS WHEREOF, I hereunto set my hand on this day of April, 2008.

Greg Walters OWNER

Signature

4-30-08

DATE

STATE OF OREGON)
) ss. Non-Remonstrance Agreement
County of Washington)

This instrument was acknowledged before me on April 30, 2008 by Greg Walters

Notary's Signature

My Commission Expires: 9/10/11

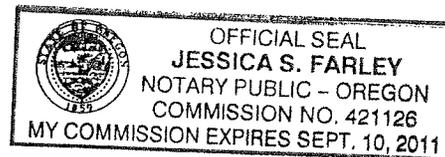


Exhibit A
Proposal No. WA-4106
Page 1 of 1

The South one-half of the following described real property, in the City of Banks, County of Washington and State of Oregon;

Beginning at a point on the West line of the Southwest one-quarter of Section 31, Township 2 North, Range 3 West of the Willamette Meridian, this point being 469.0 feet South of the Northwest corner of said one-quarter section, and from which point an iron pipe bears East 30.0 feet; from this point of beginning run South along the section line a distance of 208.7 feet; thence East at an angle of 90° to the section line a distance of 208.7 feet; thence North a distance of 208.7 feet; thence West a distance of 208.7 feet to the place of beginning.

Final Documents
for
Annexation to
Clean Water Services District

WA4106
Ordinance:
Annexation:
DOR: 34-1860-2007



WASHINGTON COUNTY
OREGON

April 10, 2007

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

Re: Notice of Decision for Proposal WA-4106

Dear Ms. Hall,

On March 20, 2007, the Washington County Board of Commissioners approved with condition an annexation into Clean Water Services District (WA-4106). The Oregon Department of Revenue approved the final review on March 27, 2007. I enclosed the DOR Final Review, signed Resolution and Order, and Washington County Notice of Decision. A GIS map and legal description of the subject properties are included in the Resolution and Order, Exhibit B and C, respectively.

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

Sincerely,

Laurie Harris
Planning Assistant

Notice to Taxing Districts
ORS 308.225

DOR 34-1860-2007



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

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

Description and Map Approved
March 27, 2007
As Per ORS 308.225

Description Map received from: COUNTY
On: 3/27/2007

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

ANNEX TO CLEAN WATER SERVICES DISTRICT (WA-4106)

RES. AND ORDER #07-50

has been: Approved 3/27/2007
 Disapproved

Notes:

Department of Revenue File Number: 34-1860-2007

Prepared by: Carolyn Sunderman, 503-945-8882

Boundary: Change Proposed Change
The change is for:

- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge

WASHINGTON COUNTY

PLAT INFORMATION

EXHIBIT B

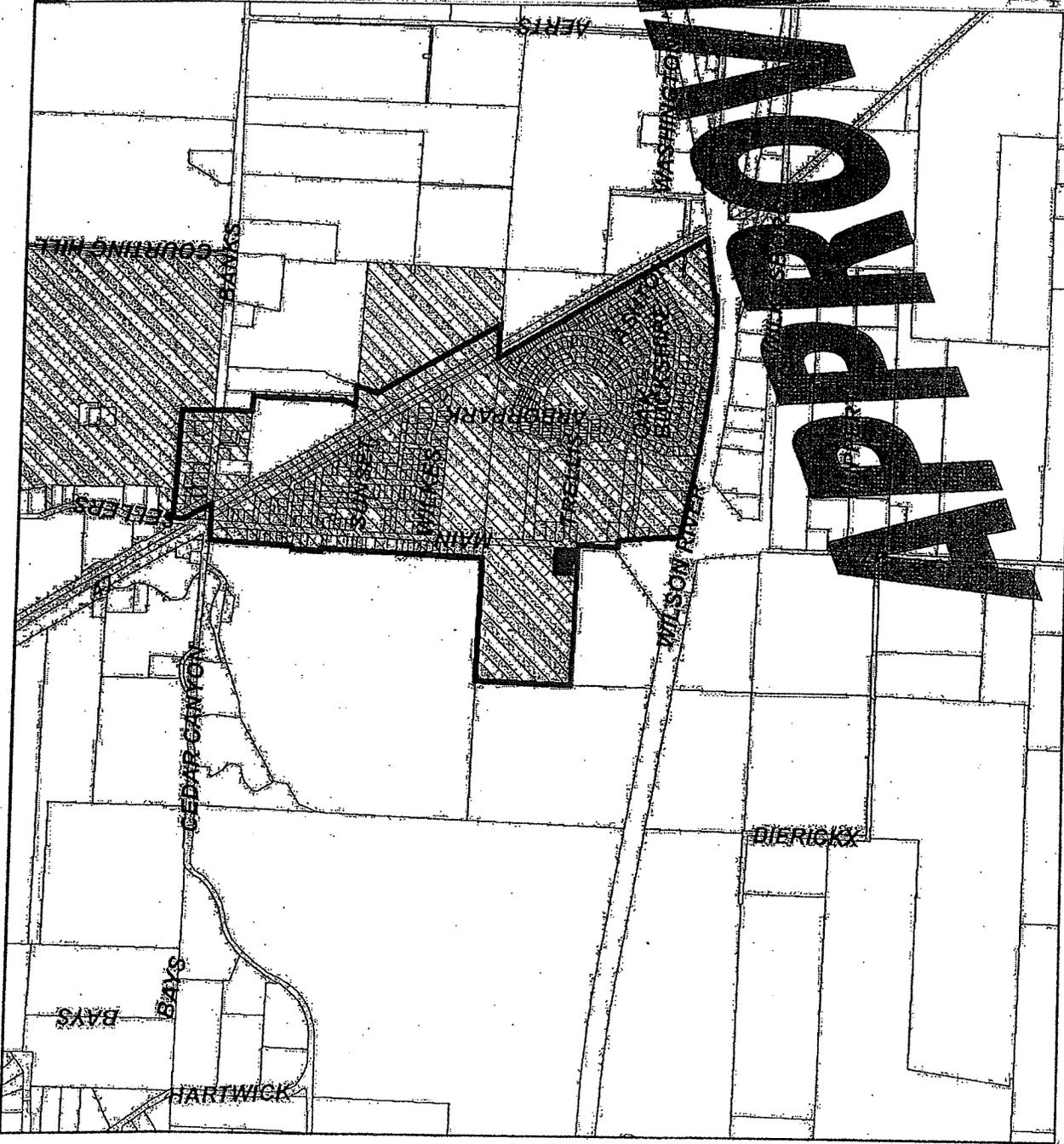
WA-4106

Annexation to
Clean Water Services
(CWS)

 Subject Taxlots
 CWS



This map was drafted from several addresses. The
 County cannot be held responsible for any errors.
 Please refer to the original plat for any product
 information. All rights reserved.



1101

WASHINGTON COUNTY

Inter-Department Correspondence

March 20, 2007

TO: Recording Division

FROM: Barbara Hejtmanek

SUBJECT: RESOLUTION & ORDER 07-50
CONSIDER THE ANNEXATION OF PROPERTY
ENCOMPASSING APPROXIMATELY 1.24 ACRES
TO CLEAN WATER SERVICES DISTRICT (WA-4106)
(CPO 14)

At its regular meeting on March 20, 2007, the Board adopted a Resolution and Order approving this annexation with the condition that the owner sign a non-remonstrance to the benefit of the City of Banks.

RO 07-50

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Department of Land Use & Transportation (CPO 14)

Agenda Title: CONSIDER THE ANNEXATION OF PROPERTY ENCOMPASSING APPROXIMATELY 1.24 ACRES TO CLEAN WATER SERVICES DISTRICT (WA-4106)

Presented by: Brent Curtis, Planning Division Manager

SUMMARY:

The County has received a request to annex property to the Clean Water Services District (District). The property constitutes an island of unincorporated Washington County land surrounded by the City of Banks.

The purpose of the annexation is to allow the property owner to connect the existing single family residence and, if approved by the County, a manufactured dwelling unit placed on the property under the health hardship provisions of the Community Development Code. According to the applicant's representative, the existing septic system is failing. However pursuant to OAR 340-071-0160 the failing system can not be repaired and extension of sanitary sewer to the property requires annexation into the District.

(continued)

Notice of today's hearing has been made in accordance with the state law requirements. Staff will be available to answer any questions. A Resolution and Order denying 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 denying the annexation.

COUNTY ADMINISTRATOR'S RECOMMENDATION: I concur with the requested action.

Agenda Item No.	<u>4.a.</u>
Date:	<u>3-20-07</u>

CONSIDER THE ANNEXATION OF 1.24 ACRES
TO THE CLEAN WATER SERVICES DISTRICT

March 20, 2007

Page 2

On December 5, 2006, the Board opened the public hearing on this request and received public testimony. Staff recommended the Board deny the request on the basis the proposed minor boundary change was not consistent with Policy 15 of the Comprehensive Framework Plan for the Urban Area. Staff's recommendation is consistent with the Board's direction that property, such as the subject property, annex into cities prior to annexing into a service district. The Board's direction is also consistent with Policy 15.

On December 5th, the Board continued the public hearing to January 9, 2007 in order for staff to provide additional information about the requirements governing repairs of failing septic systems and time to prepare a response to a letter faxed to the County by the applicant's representative after the Board work session and before the hearing. The addendum staff report prepared for the January 9th hearing contained staff's response and was provided to the Board prior to the hearing.

On January 9, 2007, the Board opened the hearing and received public testimony as well as the staff report. Staff continued to recommend the Board deny the request. After discussions with the applicant's representative, the Board voted to continue the hearing to March 6, 2007 in order to provide the applicant with time to pursue annexation of the property into the City. However, in a letter dated January 17, 2007 the applicant's representative stated that the applicant decided not to annex into the City of Banks. No specific reasons were given in the letter for declining annexation. For this reason, staff recommends that the Board deny the proposed minor boundary change.

On March 6, 2007, the Board opened the hearing. Chairman Brian and Commissioner Rogers were not in attendance as they were away on County business. For this reason, the Board voted to continue the hearing to March 20, 2007 to provide them with an opportunity to discuss the issues surrounding the proposed minor boundary change.

WASHINGTON COUNTY

Inter-Office Memorandum

March 21, 2007

To: Barbara Hejtmanek, Sr. Administrative Specialist

From: Laurie Harris, Planning Assistant

Re: **Signed Resolution & Order for WA-4106**

Attached is a revised Resolution and Order pertaining to agenda item 4.a of the Board of Commissioners Agenda for March 20, 2007. Please present to Chair Tom Brian for a signature.

On March 20, 2007, the Washington County Board of Commissioners approved with condition the minor boundary change proposal no. WA-4106, an annexation of two tax lots into Clean Water Services District. Subsequently, the resolution and order was revised to reflect the condition of approval that requires the property owner to annex the two tax lots into the City of Banks before the annexation into Clean Water Services District becomes effective.

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4 IN THE BOARD OF COUNTY COMMISSIONERS
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6 FOR WASHINGTON COUNTY, OREGON
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9 In the Matter of Approving Boundary) RESOLUTION AND ORDER
10 Change Proposal No. WA-4106) No. 07-50
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15 The above-entitled matter (WA-4106) came before the Board at its
16 regular meeting on March 20, 2007; and

17 It appearing to the Board that this proposal involves the annexation of
18 an island of unincorporated Washington County land (designated FD-10)
19 surrounded by the City of Banks to the Clean Water Services District (District);
20 and

21 It appearing to the Board that the property is also within the City of
22 Bank's urban planning area, located on the west side of South Main Street
23 across from NW Trellis Way, and further identified as tax map and lot
24 numbers 2N4 36 / 1001 and 1002; and

25 It appearing to the Board that WA-4106 was initiated by a consent
26 petition of all property owners and meets the requirement for initiation set forth
27 in ORS 198.855 (3) and ORS 198.750; and

28 It appearing to the Board that the Board is charged with deciding
29 petitions for boundary changes pursuant to ORS Chapter 198; and

30 It appearing to the Board that notice of the meeting was provided
31 pursuant to ORS 198.730 and ORS 197.763; and

32 It appearing to the Board that the District Board of Directors endorsed
the proposed minor boundary change based on the condition that the

1 petitioner sign and record a non-remonstrance waiver to annex tax map and
2 lot numbers 2N4 36 / 1001 and 1002 into the City of Banks; and

3 It appearing to the Board that the proposed minor boundary change
4 should be approved subject to the condition that the petitioner sign and record
5 a non-remonstrance waiver to annex tax map and lot numbers 2N4 36 / 1001
6 and 1002 into the City of Banks; and

7 It appearing to the Board that the Board has reviewed whatever written
8 and oral testimony has been provided regarding this proposal; now, therefore
9 it is

10 RESOLVED AND ORDERED that the property depicted in Exhibit B
11 and legally described in Exhibit C is hereby conditionally annexed to the
12 District; and it is further

13 RESOLVED AND ORDERED that Boundary Change Proposal No. WA-
14 4106, as described in the staff report, which is incorporated herein by
15 reference, and in Exhibit A is hereby approved on the condition that the
16 petitioner sign and record an agreement with the City of Banks providing an
17 irrevocable consent to annexation of tax map and lot numbers 2N4 36 / 1001
18 and 1002; and it is further

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1 RESOLVED AND ORDERED that the approval of Boundary Change
2 Proposal No. WA-4106 shall become effective upon recordation of the signed
3 consent agreement to annex tax map and lot numbers 2N4 36 / 1001 and
4 1002 into the City of Banks.

5 DATED this 20th day of March, 2007.

6 BOARD OF COUNTY COMMISSIONERS
7 FOR WASHINGTON COUNTY, OREGON
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9

10 *Tom Brun*
11 CHAIRMAN
12

	AYE	NAY	ABSENT
13 BRIAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14 SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15 STRADER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16 ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17 DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

18 *Barbara Hejmanek*
19 RECORDING SECRETARY
20

21 Date Signed: 3-22-07
22

23 Approved as to form:
24

25 *C. J.*
26 Sr. County Counsel for
27 Washington County, Oregon
28
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