



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

### NOTICE OF ADOPTED AMENDMENT

April 22, 2008

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Beaverton Plan Amendment  
DLCD File Number 004-08



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: May 7, 2008**

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Meg Fernekees, DLCD Regional Representative  
Jeff Salvon, City of Beaverton

<paa>

# DLCD

## Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Beaverton**  
**0001**

Local file number: **CPA2008-0001/ZMA2008-**

Date of Adoption: **4/15/2008**

Date Mailed: **4/17/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **No**Date:

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation

- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Non-discretionary annexation related comprehensive plan map amendment and zoning map amendment for a single property identified on the Washington County Tax Assessors Map as 1S114AB03700. The adopted designations were prescribed by the Beaverton - Washington County Urban Planning Area Agreement and as such required no discretion in the adoption process.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **Washington Co. OC**

to: **City of Beaverton Corridor**

Zone Map Changed from: **Washington Co. OC**

to: **City of Beaverton OC**

Location: **9217 SW Beaverton Hillsdale Hwy**

Acres Involved: **0.16**

Specify Density: Previous: **N/A - Commercial**

New: **N/A - Commercial**

Applicable statewide planning goals:

- |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                 | <b>2</b>                 | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                 | <b>10</b>                | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD file No. 004-08 (NOA)

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Washington County, Clean Water Services, West Slope Water District

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Local Contact: **Jeff Salvon**

Phone: **(503) 526-3725** Extension:

Address: **PO Box 4755**

Fax Number: **503-526-3720**

City: **Beaverton**

Zip: **97076-4755**

E-mail Address: **jsalvon@ci.beaverton.or.us**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: [webserver.lcd.state.or.us](http://webserver.lcd.state.or.us). To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us).
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

**ORDINANCE NO. 4475**

AN EMERGENCY ORDINANCE ANNEXING ONE PARCEL  
LOCATED AT 9217 SW BEAVERTON-HILLSDALE HIGHWAY  
TO THE CITY OF BEAVERTON AND ADDING THE PROPERTY  
TO THE DENNEY WHITFORD/RALEIGH WEST  
NEIGHBORHOOD ASSOCIATION COMMITTEE: EXPEDITED  
ANNEXATION 2008-0002

- WHEREAS,** ORS 222.125 grants the City authority to initiate an expedited annexation process with the consent of all land owners and at least 50 percent of the electors of the territory to be annexed; and
- WHEREAS,** No electors currently occupy the subject parcel and the owner of the property has signed and submitted a petition to annex the property into the City; and
- WHEREAS,** The property is in Beaverton’s Assumed Urban Services Area, and Policy 5.3.1.d of the City’s acknowledged Comprehensive Plan states: “The City shall seek to eventually incorporate its entire Urban Services Area.”; and
- WHEREAS,** The property is in area “A” as set forth in the “Beaverton-Washington County Intergovernmental Agreement Interim Urban Service Plan” and, as prescribed by the agreement, the Washington County Board of Commissioners has agreed not to oppose annexations in area “A”; and
- WHEREAS,** Council Resolution No. 3785 sets forth annexation policies for the City, and this action implements those policies; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

- Section 1.** The property shown on Exhibit A, and more particularly described in Exhibit B, is hereby annexed to the City of Beaverton, effective May 21, 2008.
- Section 2.** Pursuant to Beaverton Code Section 9.06.035A, this property shall be added to the Denney Whitford / Raleigh West Neighborhood Association Committee Boundary.
- Section 3.** The Council hereby withdraws the property annexed by this Ordinance from the Washington County’s Enhanced Sheriff’s Patrol District and Washington County’s Urban Road Maintenance District.
- Section 4.** The Council accepts the findings in the staff report attached hereto as Exhibit C as adequate demonstration of compliance with all applicable approval criteria.
- Section 5.** The City Recorder shall place a certified copy of this Ordinance in the City’s permanent records, and the Community Development Department shall forward a certified copy of this Ordinance to Metro and all necessary parties within five working days of adoption.



**Section 6.** The Community Development Department shall transmit copies of this Ordinance and all other required materials to all public utilities and telecommunications utilities affected by this Ordinance in accordance with ORS 222.005.

**Section 7.** Emergency Clause. The Council finds that immediate adoption of this ordinance is necessary to meet State of Oregon filing requirements for having the annexed property placed on the City's property tax rolls beginning in Fiscal Year 2008-09.

First Reading March 17, 2008  
Date

Second Reading and Passed March 17, 2008  
Date

Approved by the Mayor March 18, 2008  
Date

ATTEST

  
\_\_\_\_\_  
SUE NELSON, City Recorder

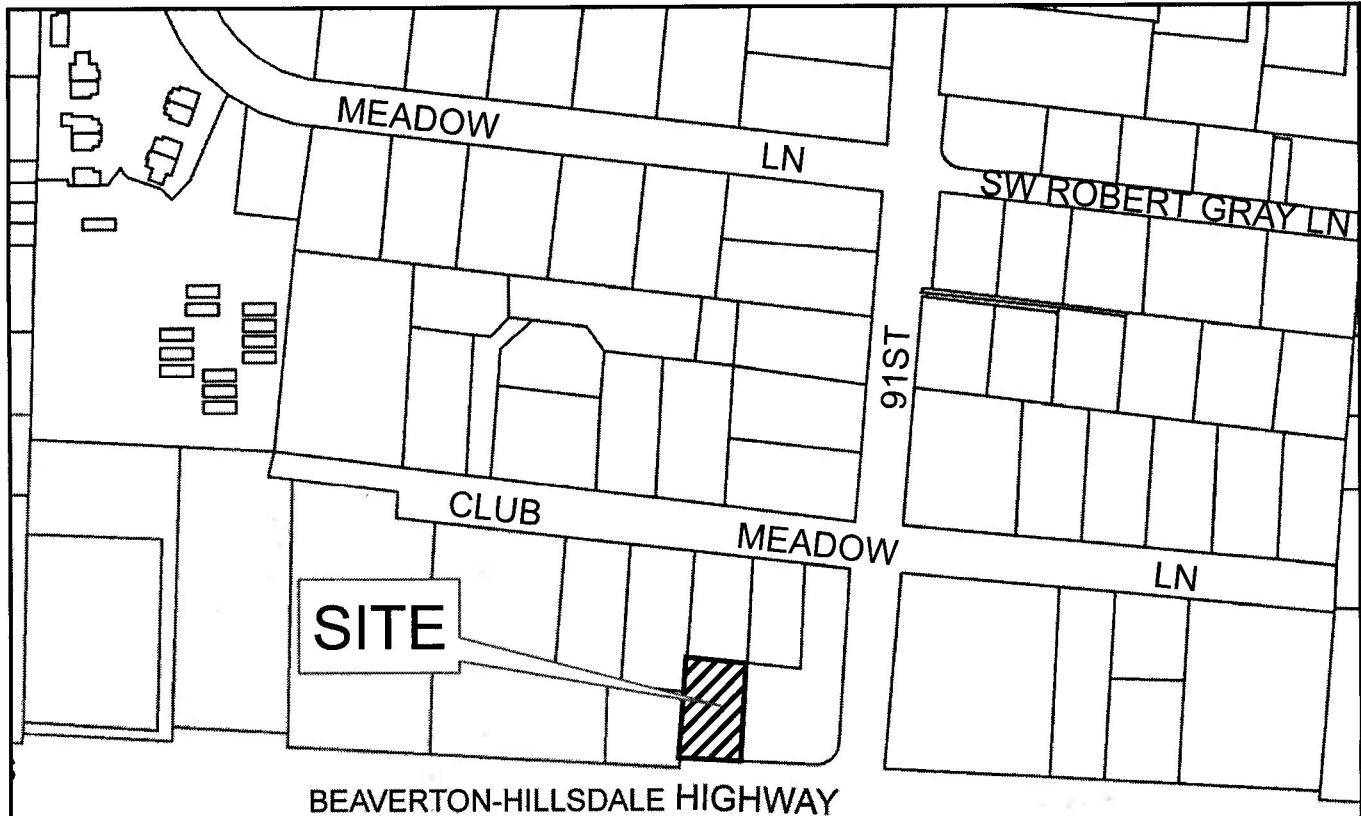
APPROVED:

  
\_\_\_\_\_  
ROB DRAKE, Mayor

# VICINITY MAP

ORDINANCE  
NO. 4475

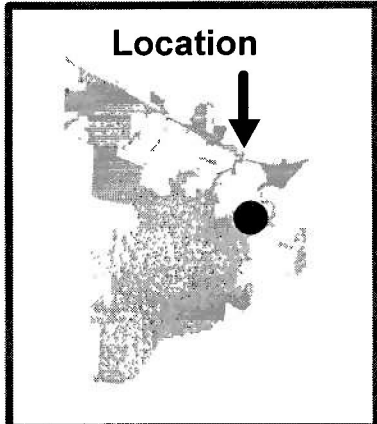
## EXHIBIT A



BEAVERTON-HILLSDALE HIGHWAY

**Legend**

- CITY LIMITS
- BEAVERTON
- SITE



City of Beaverton

### 9217 SW Beaverton-Hillsdale Hwy

COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Services Division

1/28/08

Tax Lot #'s  
1S114AB03700



Application #  
ANX2008-0002



**City of Beaverton**  
Engineering Department

**EXHIBIT B**

ORDINANCE  
NO. 4475

**LEGAL DESCRIPTION**  
**FOR**  
**THE SOUTH HALF OF LOT 11 "CLUB MEADOW" (TAX LOT 1S114AB03700)**

**ANNEXATION 2008-002**

EXPLANATION: THIS LEGAL DESCRIPTION IS PREPARED FOR THE OREGON DEPARTMENT OF REVENUE FOR THE PURPOSE OF DESCRIBING A PARCEL OF LAND TO BE ANNEXED FROM WASHINGTON COUNTY TO THE CITY OF BEAVERTON, LOCATED ON THE NORTH SIDE OF BEAVERTON- HILLSDALE HIGHWAY WEST OF 91<sup>ST</sup> AVENUE. SAID PARCEL IS WITHIN THE SUBDIVISION KNOWN AS "CLUB MEADOW" RECORDED JULY 14, 1926, IN BOOK 8, PAGE 30 OF RECORDS OF PLATS.

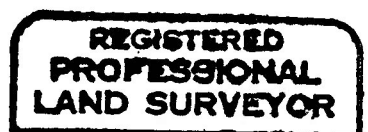
LYING IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., WASHINGTON COUNTY, OREGON, BEING THE SOUTH ONE-HALF OF LOT 11, OF "CLUB MEADOW" SUBDIVISION, IN THE COUNTY OF WASHINGTON AND STATE OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE MOST SOUTHERLY WEST CORNER AND INITIAL POINT OF THE ANTHONY HART D.L.C., 60; THENCE ALONG THE SOUTHERLY LINE OF SAID D.L.C., 60 SOUTH 85°05'00" EAST, A DISTANCE OF 465.50 FEET TO THE POINT OF BEGINNING ALSO BEING THE SOUTHEAST CORNER OF LOT 12 OF SAID "CLUB MEADOW" SUBDIVISION PER BOOK 8, PAGE 30 OF RECORDS OF PLATS AND ALSO BEING A POINT ALONG THE WEST LINE OF LOT 11; THENCE NORTH 01°58'00" EAST, A DISTANCE OF 38.90 FEET ALONG SAID WEST LINE; THENCE SOUTH 86°01'46" EAST, A DISTANCE OF 61.70 FEET TO THE EAST LINE OF SAID LOT 11; THENCE SOUTH 01°58'00" WEST, A DISTANCE OF 110.09 FEET TO THE NORTH RIGHT OF WAY LINE OF BEAVERTON HILLSDALE HIGHWAY ALSO BEING THE SOUTHEAST CORNER OF LOT 11; THENCE NORTH 88°26'00" WEST, A DISTANCE OF 59.30 FEET ALONG SAID RIGHT OF WAY LINE, TO THE SOUTHWEST CORNER OF LOT 11; THENCE NORTH 00°08'00" EAST, A DISTANCE OF 73.80 FEET TO THE POINT OF BEGINNING

HAVING AN AREA OF 6,781 SQUARE FEET OR 0.16 ACRES MORE OR LESS.

SEE EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

BASIS OF BEARING: IS SOUTH 85°05'00" EAST, ALONG THE SOUTHERLY LINE OF THE ANTHONY HART D.L.C., 60, AS SHOWN ON MAP IN BOOK 8, PAGE 30 RECORDS OF PLATS, IN WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, OREGON.



*David A. Winship*

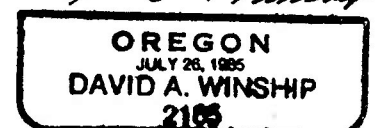


EXHIBIT B

ORDINANCE  
NO. 4475

ANNEXATION 2008-002 EXHIBIT MAP  
SITUATED IN LOT 11, BLOCK 1 OF "CLUB MEADOW"  
NW 1/4, NE 1/4 SECTION 14, T.1S., R.1W., W.M.,  
WASHINGTON COUNTY, OREGON

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

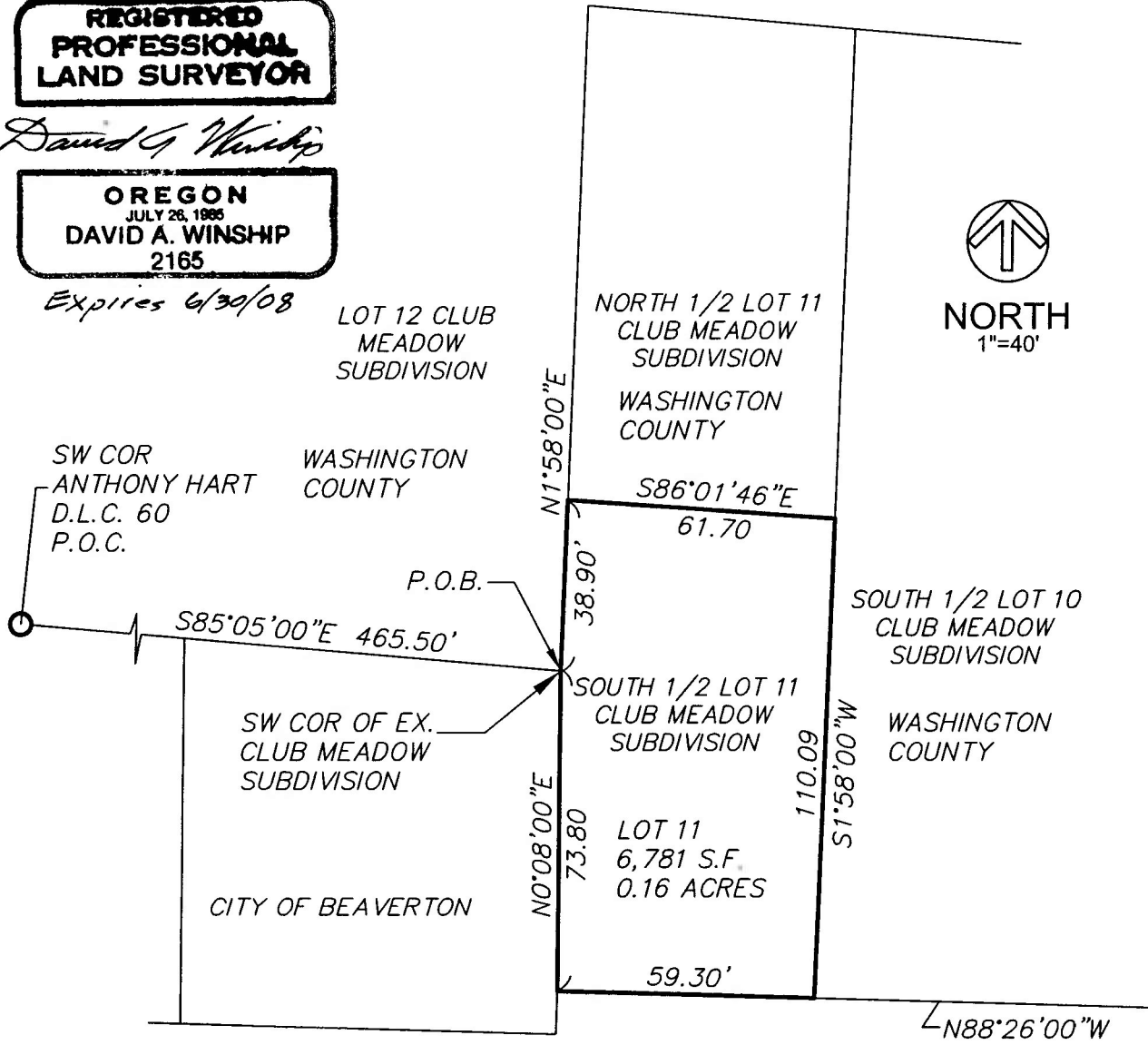
*David A. Winship*

**OREGON**  
JULY 26, 1986  
**DAVID A. WINSHIP**  
2165

*Expires 6/30/08*



**NORTH**  
1"=40'



S.W. BEAVERTON - HILLSDALE HWY



EXHIBIT MAP FOR  
ANNEXATION 2008-002  
LEGAL DESCRIPTION

PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

JOB NO: 08-002  
DATE: 02.04.08  
DRAWN BY: MTS  
CHECKED BY: MTS  
APPROVED BY:

REVISION \_\_\_\_\_  
REVISION \_\_\_\_\_





# CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

**EXHIBIT C**

ORDINANCE  
NO. 4475

## STAFF REPORT

**TO:** City Council

**AGENDA DATE:** March 17, 2008 **REPORT DATE:** 3/10/08

**FROM:** Jeff Salvon, AICP, Associate Planner  
Community Development Department

**SUBJECT:** Expedited Annexation (ANX2008-0002)

**ACTIONS:** Annexation to the City of Beaverton of one parcel located at 9217 SW Beaverton-Hillsdale Highway. The property proposed for annexation is identified as parcel 1S114AB03700 as shown on the attached map, and more particularly described by the attached legal description (Attachment A). Annexation of this property is owner initiated and is being processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045.

**NAC:** This property is located adjacent to the boundary of the Denny Whitford / Raleigh West Neighborhood Association Committee (NAC). The Neighborhood Office is recommending that staff include a provision in the ordinance to amend the Denny Whitford / Raleigh West NAC boundary to include the subject parcel.

**AREA:** The parcel totals approximately 0.16 acres

**TAXABLE ASSESSED VALUE:** \$ 348,300

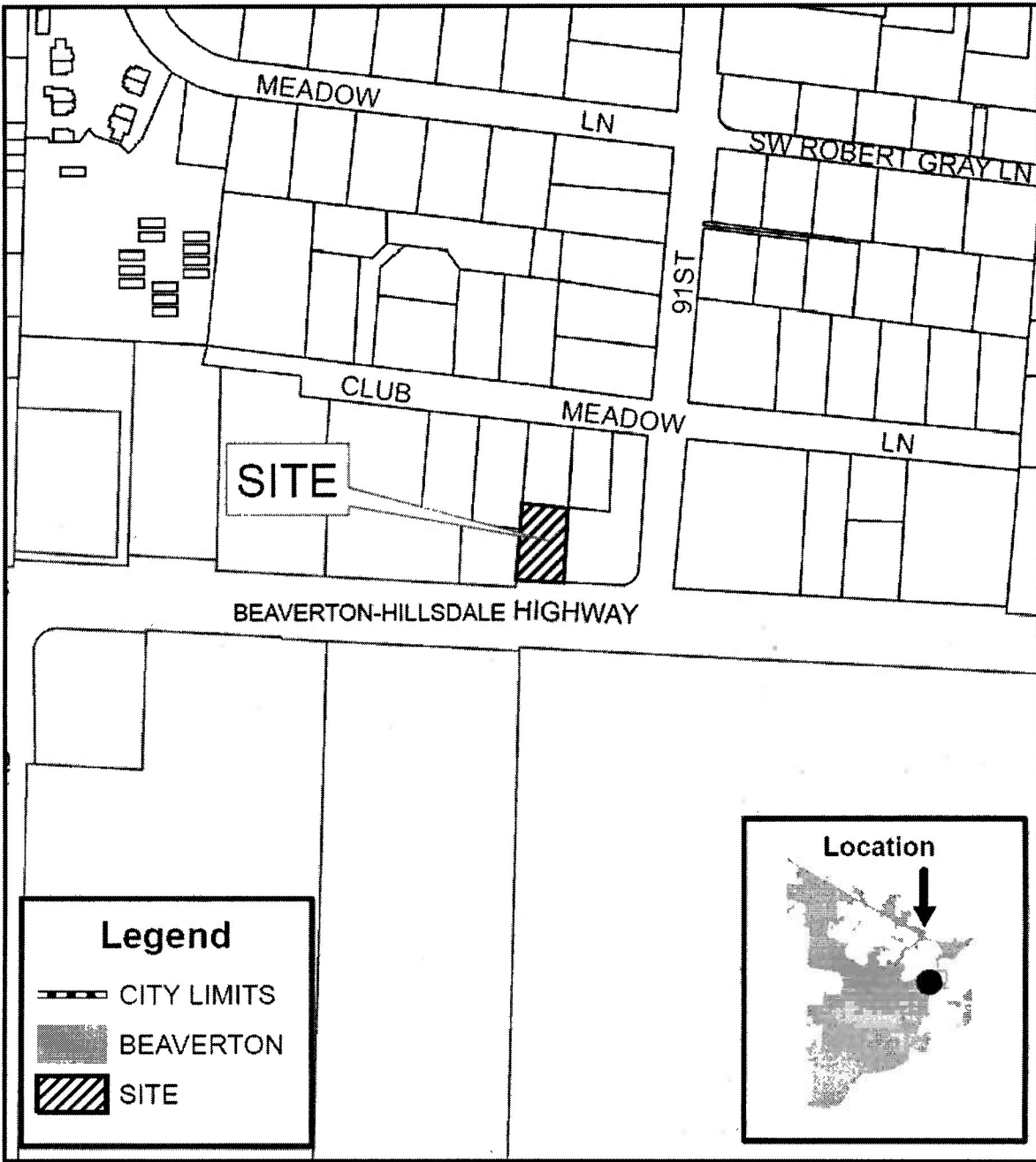
**ASSESSOR'S REAL MARKET VALUE:** \$ 529,760

**NUMBER OF LOTS:** 1

**EXISTING COUNTY ZONE:** The subject parcel is designated Office Commercial (OC) by Washington County.

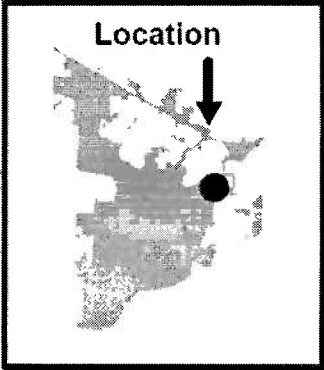
**RECOMMENDATION:** **Staff recommends the City Council adopt an ordinance annexing the referenced property, with an effective date delayed to May 21, 2008 in order to comply with ORS 222.040 which restricts municipal boundary changes from occurring 90 days prior to the date of a primary election.**

# VICINITY MAP



**Legend**

- CITY LIMITS
- BEAVERTON
- SITE



City of Beaverton

**9217 SW Beaverton-Hillsdale Hwy**

**COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Services Division**

**1/28/08**

Tax Lot #'s  
1S114AB03700

N



**Application #  
ANX2008-0002**

## BACKGROUND

The subject property supports a building of approximately 3,300 square feet divided into three retail units. Two units are occupied and support a tattoo parlor and a coffee shop. The third unit is vacant. The parcel is currently zoned Washington County Office Commercial (OC). In previous attempts to improve the property, the owner found that restrictions associated with this zoning limited the ability to apply building related improvements. In petitioning to annex into the City of Beaverton, the owner hopes to satisfy two objectives.

First, the property owner wants more flexibility to make improvements to the property without restrictions dictated by the property's zoning. The owner realizes that annexation into the City will not in itself accomplish this goal. However, subsequent to annexation and the annexation related Plan and Zone amendments which will accompany this annexation, the owner intends to pursue a rezone of the property from the City's OC district to the City's CS district. Although there is no guarantee that this subsequent proposal will be granted, the owner feels that the change will be consistent with the City's zoning in the area and is willing to assume a certain amount of risk.

The second motivation involves the fact that the neighboring property to the west which is also owned by the property owner and currently supporting parking to serve the subject parcel, is within in the City boundary. Annexation of the subject parcel would provide the benefit of subjecting both properties to a corresponding set of standards.

Consent to annex on the part of the landowner allows this proposal to be processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045 so no public hearing is required. In addition, in December 2004, the City and Washington County entered into an Intergovernmental Agreement for an Interim Urban Services Plan that established an area "A", in which the City could proceed with annexations without County consent and an area "B", in which the City would need to obtain County consent to proceed with annexation. The proposed annexation is in area "A" thus allowing the proposal to proceed without further approval on the County's part. Finally, it is understood that changing the property from County OC to the City's Corridor plan and Office Commercial (OC) zoning designations will occur through an annexation related non-discretionary process requiring approval by the City Council.

## EXISTING CONDITIONS

Map and Tax Lot	Site Address	Lot Size (acres)	Existing Land Use
1S114AB03700	9215 & 9217 SW BEAVERTON-HILLSDALE HWY	0.16	Retail

## **SERVICE PROVISION:**

The following analysis details the various services available to the property to be annexed. Cooperative, urban service and intergovernmental agreements affecting provision of service to the subject property are:

- The City has entered into ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire and Rescue District, West Slope Water District, Tualatin Hills Parks and Recreation District, and Clean Water Services.
- The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services.
- The City has been a party to a series of ORS Chapter 190 intergovernmental agreements “for Mutual Aid, Mutual Assistance, and Interagency Cooperation Among Law Enforcement Agencies Located in Washington County, Oregon”, the last of which was signed by Beaverton Mayor Rob Drake on August 9, 2004. This agreement specifies the terms under which a law enforcement agency may provide assistance in response to an emergency situation outside its jurisdiction when requested by another law enforcement agency.
- On December 22, 2004, the City entered into an intergovernmental agreement with Washington County defining areas that the City may annex for ten years from the date of the agreement without opposition by the County. The property proposed for annexation by this application is included in the areas the City may annex without County consent.

This action is consistent with those agreements.

**POLICE:** The property to be annexed currently receives police protection from the Washington County Enhanced Sheriff's Patrol District (ESPD). The property will be withdrawn from the ESPD, and the City will provide police service upon annexation. In practice, whichever law enforcement agency is able to respond first, to an emergency, does so in accordance with the mutual aid agreement described above.

**FIRE:** Tualatin Valley Fire & Rescue (TVF&R) provides fire and ambulance service to the property. The City annexed its own fire services to TVF&R in 1995. TVF&R is designated as the long-term service provider to this area.

**SEWER:** An 8 inch pipe maintained by the City runs under Beaverton-Hillsdale Hwy in front of the property. A lateral line serving the subject parcel extends off of this line. The subject parcel is currently being billed for maintenance services by Clean Water Services. Any plans to redevelop the property will involve a connection to existing lines requiring city permitting and inspection. Subsequent to annexation, the City will establish a



billing account to recover costs associated with sewer service.

**WATER:**

West Slope Water District currently provides service to the property. Subsequent to annexation the West Slope Water District will continue to provide service to the properties and bill for services rendered although the City reserves the right to assume responsibility for provision of water service sometime in the future.

**STORM WATER DRAINAGE:**

Storm water on the subject property is directed to a City maintained 12" pipe within the B-H Hwy right-of-way. Runoff in this line flows eastward approximately 100' to a junction under the intersection of B-H Hwy and SW 91<sup>st</sup> Avenue. From there it is redirected southward under B-H Hwy with the natural grade of the landscape. Clean Water Services currently bills for services rendered. Subsequent to annexation, the City will takeover billing responsibilities. If the property redevelops, upgrades to the on-site storm water drainage facilities will be required. Subsequent needed storm water improvements will be determined in the City's development review process.

**STREETS and ROADS:**

The properties are located on SW Beaverton-Hillsdale Hwy (a State maintained highway classified as an arterial on the City's Functional Classification Map). Subsequent to annexation maintenance responsibilities for SW Beaverton Hillsdale Hwy will remain with the State.

**PARKS and SCHOOLS:**

The proposed annexation is within the Beaverton School District and the Tualatin Hills Parks and Recreation District. Because the proposed action does not involve residential uses, school enrollment will not be affected by the proposed annexation and no additional service demands will be imposed upon the park district. Subsequent to annexation, service district boundaries will remain unaffected and property taxes for both districts will also continue to be assessed.

**PLANNING, ZONING and BUILDING:**

Washington County currently provides long-range planning, development review, and building inspection for the property. Upon annexation, the City will provide those services. City Comprehensive Plan and Zoning Designations will be applied to these parcels in a separate process.

# CRITERIA FOR APPROVAL

## REGIONAL ANNEXATION CRITERIA

In December 1998 the Metro Council adopted Metro Code Chapter 3.09 (Local Government Boundary Changes). This Chapter was recently amended through Ordinance 07-1165A (adopted January 17, 2008). Metro Code Sections 3.09.045 (c) and (d) include the following minimum criteria for expedited annexation decisions:

**3.09.045 (c) At least seven days prior to the date of decision the City or Metro shall make available to the public a report that includes the following information:**

**(1) The extent to which urban services are available to serve the affected territory, including any extra-territorial extensions of service;**

The proposal involves annexation of a single parcel of 0.16 acres containing a single building capable of supporting three small retail uses. Urban services are already provided to the subject parcel by the County and the area's special service districts. Given the size of the parcel, the service demands of the property are minimal. Services that will transfer to the City subsequent to annexation are sanitary and storm sewer maintenance, police protection, long-range planning, development review and building inspection. The proposed annexation does not entail extra-territorial extensions of service.

**(2) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party;**

Consistent with the provisions established in the City of Beaverton - Clean Water Services Inter-Governmental Agreement signed July 1, 2004, the City will assume sanitary and storm sewer maintenance responsibilities for the property from Clean Water Services subsequent to annexation. Additionally, in accordance with the terms specified in the City of Beaverton - Washington County Urban Planning Area Agreement, the property will also be removed from the Enhanced Sheriff's Patrol and Washington County's Urban Road Maintenance Improvement District. The proposed annexation will not require withdrawal of territory from any of the City's other special service district partners identified as necessary parties.

**(3) The proposed effective date of the boundary change.**

The timing of this annexation proposal subjects it to provisions contained in ORS 222.040. This section of state statute dictates that changes in jurisdiction boundaries shall not become effective within a period of 90 days prior to a primary election. This year's primary election date is scheduled to occur on May 20<sup>th</sup> which will affect the processing of this proposal. To comply with this section of statute, staff is proposing that the effective date be delayed to May 21<sup>st</sup>, 2008. Staff will proceed with this

expedited annexation in the interim however so that the City can respond to the petitioner's request that services associated with the annexation will be provided in as timely a manner as possible.

**3.09.045 (d) To approve a boundary change through an expedited process, the city shall:**

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

**(A) Any applicable urban service agreement adopted pursuant to ORS 195.065;**

The Service Provision Section of this staff report addresses the provision of services in detail. However, although discussion with other urban services providers on the content of an agreement have occurred sporadically over the last several years, and the City has proposed an agreement that is acceptable to most of the parties, the City has not yet entered into an urban services provider agreement under ORS 195.065 that relates to all potential urban service providers in and around the City.

As previously noted, on December 22, 2004 the City did enter into an interim intergovernmental agreement with Washington County, titled the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Services Plan". This agreement defines areas that the City may annex for ten years from the date of the agreement without the County's consent, and references ORS 195.065(1) among its recitals. The property proposed for annexation by this application is within the ten year annexation area. No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this proposed annexation.

***FINDING:*** *Staff finds that where applicable, the proposed annexation is consistent with urban service agreements in place as demonstrated in the staff report and as such the proposal satisfies Metro Code Section 3.09.045 (d)(1)(A).*

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

As noted previously, the City has not yet entered into an urban services provider agreement under ORS 195.065 that relates to all potential urban service providers in and around the City. Because a comprehensive urban service agreement has not been completed, it is not possible to consider adoption of individual annexation plans as provided under ORS 195.205.

***FINDING:*** *Due to the fact that a comprehensive urban service agreement has not been established upon which to develop City annexation plans, staff finds that*

**provisions in Metro Code Section 3.09.045 (d)(1)(B) do not apply and are therefore not applicable to this proposal.**

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

- As noted in the Urban Service Provision section of this report the City has entered into ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire and Rescue District, West Slope Water District, Tualatin Hills Parks and Recreation District, and Clean Water Services. These agreements call for coordination of planning activities between each service district and the City, although annexations are not subject to coordination under the agreement language. However, as necessary parties, the subject districts have been notified of this proposed annexation.

**FINDING: Staff finds that the proposed annexation is not subject to existing cooperative agreements.**

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

The City's public facilities plan consists of the Public Facilities and Services Element of the Comprehensive Plan, the Transportation Element of the Comprehensive Plan, the City's Capital Improvements Plan, and the most recent versions of master plans adopted by providers of the following facilities and services in the City: storm water drainage, potable water, sewerage conveyance and processing, parks and recreation, schools and transportation. Where a service is provided by a jurisdiction other than the City, by adopting the master plan for that jurisdiction as part of its public facilities plan, the City has essentially agreed to abide by any provisions of that master plan. The property proposed for annexation does not involve changes to facilities that would significantly affect the public facilities plans of applicable service districts for the area. No relevant urban services as defined by Metro Code Section 3.09.020(l) will change subsequent to this annexation.

Staff could not identify any provisions in the Washington County Public Facilities Plan relevant to this proposed annexation.

**FINDING: Staff finds that the proposed annexation is consistent with applicable Public Facility Plans and therefore satisfies Metro Code Criterion 3.09.045 (d)(1)(D).**



***(E) Any applicable comprehensive plan;***

The only relevant policy of the City of Beaverton's Comprehensive Plan is Policy 5.3.1.d, which states "The City shall seek to eventually incorporate its entire Urban Services Area." The subject territory is within Beaverton's Assumed Urban Services Area, which is Figure V-1 of the City of Beaverton's Acknowledged Comprehensive Plan.

In reviewing the Washington County Comprehensive Framework Plan for the Urban Area on the County's web site (reflecting changes through County Ordinance No. 686) that amended the Comprehensive Framework Plan, staff finds that the following provisions may be applicable to this proposed annexation:

- A paragraph in the "County-Wide Development Concept" at the beginning of the Comprehensive Framework Plan which states:

As development occurs in accordance with this development concept, issues of annexation or incorporation may arise. Annexation or incorporation issues will necessarily relate to various other planning issues such as community identity, fiscal impacts of growth and service provision, coordination between service providers to achieve efficiencies and ensure availability, etc. As such issues arise; the County should evaluate community identity as an issue of equal importance with public service provision issues when developing policy positions on specific annexation or incorporation proposals.

Staff views this statement as direction to the County itself in how to evaluate annexation proposals, and not guidance to the City regarding this specific proposal. As a necessary party, the County has an opportunity to comment on and appeal this proposed boundary change if they believe the boundary change is inconsistent with the approval criteria (see Metro Code Section 3.09).

- Policy 15 of the Comprehensive Framework Plan, relating to Roles and Responsibilities for Serving Growth, says:

It is the policy of Washington County to work with service providers, including cities and special service districts, and Metro, to ensure that facilities and services required for growth will be provided when needed by the agency or agencies best able to do so in a cost effective and efficient manner.

Two implementing strategies under Policy 15 that relate to annexation state:

The County will:

- f. If appropriate in the future, enter into agreements with service providers which address one or more of the following:
  3. Service district or city annexation

- g. Not oppose proposed annexations to a city that are consistent with an urban service agreement or a voter approved annexation plan.

The City of Beaverton, Washington County and the other urban service providers for the subject area worked off and on for several years to arrive at an urban service area agreement for the Beaverton area pursuant to ORS 195.065 that would be consistent with Policy 15 and the cited implementing strategies. Unfortunately, although most issues were resolved, a few issues remained between the County and the City that prevented completion of the agreement. These issues do not relate to who provides services or whether they can be provided when needed in an efficient and cost effective manner so much as how the transfer of service provision responsibility occurs, particularly the potential transfer of employees and equipment from the County to the City. As previously noted the County and the City have entered into an intergovernmental agreement that sets an interim urban services plan area in which the County commits to not oppose annexations by the City.

Finally, staff has reviewed other elements of the County Comprehensive Plan, particularly the Raleigh Hills – Garden Home Community Plan, and identified an Area of Special Concern that pertains to the subject parcel. The relevant section specifies the following:

*Land designated for commercial uses adjacent to Canyon Road and Beaverton-Hillsdale Highway comprises Area of Special Concern K. In order to promote the elimination of those strip commercial features which are vehicle and pedestrian traffic safety hazards and the addition of features which will enhance the business advantage and overall appearance of the subarea, the following standards shall apply to development of structures, land divisions and significant remodeling of existing structures within this Area.*

- a. Access drives and curb cuts shall be consolidated and, if feasible, shared between adjoining parcels.*
- b. Where no curb cuts onto Canyon Road or Beaverton-Hillsdale Highway now exist, new direct access shall be allowed only for an interim use until alternative access is completed, pursuant to access management provisions in the Comprehensive Framework Plan and Community Development Code.*
- c. A safe and convenient means of pedestrian circulation shall be provided to each use. The pedestrian system shall provide access from each use to the property line of adjacent uses and from the use to the nearest public transit facility or stop. The design of new pedestrian facilities shall complement the design of those already constructed in adjacent uses.*
- d. A landscape buffer area shall be established and maintained along that portion of the property abutting SW Canyon Road or Beaverton-Hillsdale Highway. This landscaping shall be done at least to the level of the Type I Screening and Buffering Standards in the Community Development Code.*
- e. Business identification and directional signs shall be brought into conformance with sign standards in the Community Development Code and consolidated whenever feasible.*
- f. Office commercial use of two parcels at the northwest corner of the intersection of SW Poplar Lane and Beaverton-Hillsdale Highway (tax lots 8000 and 8100) shall be permitted contingent upon the following strict design criteria: Commercial use of these*

*parcels shall be integrated with the existing office commercial area immediately to the west (White Fir Plaza, tax lot 100), utilizing that lot's existing access onto Beaverton-Hillsdale Highway for joint access. Screening and buffering of these parcels to the north and east shall be consistent with Type IV standards in the Community Development Code. No access shall be allowed onto SW Poplar Lane until tax lots 8000 and 8100 are redeveloped. Upon redevelopment, all three lots shall be served by joint access limited to one point onto Poplar Lane and the existing access onto Beaverton-Hillsdale Highway shall be removed.*

*g. In order to prevent encroachment into the adjacent residential neighborhood, development of the rear portion of the parcel at 8600 SW Canyon Road (tax lot 100) for General Commercial use shall be permitted only with the following design controls: No access onto SW Milton Lane shall be allowed. Screening and buffering of the property shall be done to the level of Type 2 standards of the Community Development Code, with the addition of Type S-2 fencing. Lighting, if any, shall be directional to minimize impacts on the adjacent neighborhood. Any development of this lot shall pay special attention to improvement of drainage problems in this area.*

The City of Beaverton requires that development proposals on recently annexed properties along the Beaverton-Hillsdale Highway that fall within Areas of Concern address the criteria on a case-by-case basis. Such was the case with three development proposals for properties located on Beaverton-Hillsdale Hwy just east of the subject parcel (specifically, property that supports a US Bank branch, the Human Bean espresso bar, and an commercial/office development currently in the predevelopment stages). In each case, specific design elements identified in the Raleigh Hills – Garden Home Community Plan were required and incorporated into the design of the proposed developments.

As with the developments cited above, redevelopment plans pertaining to the subject parcel will be required to address consolidated curb cuts, pedestrian circulation, landscape buffering, signage, and design specifications reflecting the standards indicated above.

***FINDING: Staff finds that the proposed annexation is consistent with applicable provisions contained in the City's of Beaverton's Comprehensive Plan and Washington County's Framework Plan and Raleigh Hills – Garden Home Community Plan. The proposed amendment therefore satisfies Metro Code Criterion 3.09.045 (d)(1)(E).***

***(2) Consider whether the boundary change would:***

***(A) Promote the timely, orderly and economic provision of public facilities and services;***

The existing conditions section of this staff report contains information addressing this criterion in detail. As indicated, changes that affect public facility and services provision to individual properties are generally subject to agreements between the City of Beaverton, Washington County, and special districts. These agreements address which urban service provider will assume responsibilities for service in the event of a boundary

change. By entering into these agreements and through the adoption of planning documents the City and its service district partners have attempted to ensure that the provision of services subsequent to the proposed boundary change will be timely, orderly, and economically viable.

***FINDING: Staff finds that for the reasons indicated above, changes in service provision occurring subsequent to the proposed boundary change have been adequately anticipated and planned for. The proposed amendment therefore satisfies Metro Code Criterion 3.09.045 (d)(2)(A).***

***(B) Affect the quality and quantity of urban services;***

The existing conditions section of this staff report contains information addressing this criterion in detail. As indicated, responsibilities pertaining to the provision of public facilities and services will either remain unchanged or transfer to the City. In general, because cities provide services on an urban scale, they can provide services at a level equal or higher than provided to unincorporated areas. Accordingly, the City is generally regarded as offering a level of service to properties that annex from unincorporated County that is equal or higher than what was previously received. Annexation to the City of Beaverton will therefore benefit the quality and quantity of urban services transferred to the City..

***FINDING: The proposed annexation will generally have a beneficial affect on the quality and quantity of urban service. Criterion 3.09.045(d)(2)(B) has been met.***

***(C) Eliminate or avoid unnecessary duplication of facilities or services.***

The intent of the intergovernmental agreements alluded to in the current condition section of this report is to clarify which agency bears responsibility for the provision of urban services in specific areas of the City and in circumstances of a jurisdictional boundary transfer. These agreements therefore fulfill the role of attempting to eliminate duplication of services where jurisdictional responsibilities may be unclear. The issue of duplication has therefore been addressed and resolved through these agreements.

***FINDING: As the proposed annexation is subject to the terms established by established service agreements between the City and its special district service providers, provisions have been made to avoid unnecessary duplication of facilities or services involving the subject parcel. Criterion 3.09.045(d)(2)(C) has been met.***

## PROCESS



**ORDINANCE NO. 4478**

AN ORDINANCE AMENDING ORD. 4187 FIGURE III-1 THE COMPREHENSIVE PLAN LAND USE MAP TO APPLY THE CITY'S CORRIDOR PLAN DESIGNATION AND ORD. 2050 THE ZONING MAP TO APPLY THE CITY'S OFFICE COMMERCIAL (OC) ZONE TO A PARCEL LOCATED AT 9217 SW BEAVERTON HILLSDALE HIGHWAY IN NORTHEAST BEAVERTON. CPA 2008-0001/ZMA 2008-0001, CITY OF BEAVERTON APPLICANT

**WHEREAS,** a proposal to annex the subject property into the City of Beaverton was approved by the City Council on March 17, 2008; and

**WHEREAS,** section 10.40.2 of the Development Code specifies that "[t]he City may consider the zoning for any area proposed for annexation at the same time as it considers annexation of the area...", and

**WHEREAS,** the Washington County – City of Beaverton Urban Planning Area Agreement specifies that "upon annexation the City agrees to convert County plan and zoning designations to City plan and zoning designations which most closely approximate the density, use provisions and standards of the County designations"; and

**WHEREAS,** pursuant to Ordinance 4187 Section 1.4.3.B.6 and Ordinance 2050 Section 40.97.15.C, the Beaverton Planning Services Division, on March 24, 2008 published a written staff report with findings and recommendations demonstrating applicability of the UPAA to the proposed action a minimum seven (7) calendar days in advance of the scheduled City Council meeting on April 7, 2008; and,

**WHEREAS,** the City Council adopts as to criteria, facts and findings described in Community Development Department staff report on CPA2008-0001/ZMA2008-0001 by Associate Planner Jeff Salvon, dated March 24, 2008, and attached hereto as Exhibit "B"; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** Ordinance No. 4187, the Comprehensive Plan Land Use Map, is amended to designate the subject properties on Map and Tax Lot 1S1 14 AB 03700 Corridor, as shown on Exhibit "A".

**Section 2.** Ordinance No. 2050, the Zoning Map, is amended to designate the properties on Map and Tax Lots 1S1 14 AB 03700 Office Commercial, as shown on Exhibit "A".

**Section 3.** This ordinance shall become effective on May 21, 2008.

First reading this 7th day of April, 2008.


Passed by the Council this 14th day of April, 2008.

Approved by the Mayor this 15th day of April, 2008.

ATTEST:

  
\_\_\_\_\_  
SUE NELSON, City Recorder

APPROVED:

  
\_\_\_\_\_  
ROB DRAKE, Mayor

# VICINITY MAP

Ordinance  
No: 4478

# EXHIBIT "A"

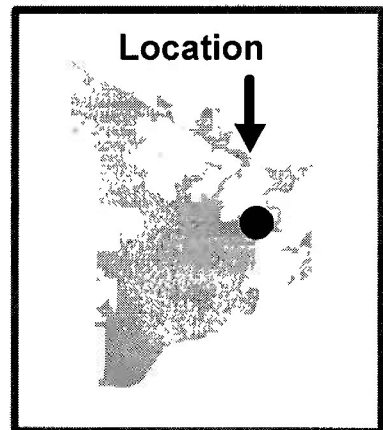


## Legend

-  CITY LIMITS
-  BEAVERTON
-  SITE

Proposal:  
Comprehensive Plan Map  
Amendment:  
Apply Corridor Designation

Zoning Map Amendment:  
Apply Office Commercial (OC)



City of Beaverton

**9217 SW Beaverton-Hillsdale Hwy**

**COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Services Division**

**03/03/08**

Tax Lot #'s  
**1S114AB03700**



**CPA 2008-0001  
ZMA 2008-0001**

**CITY of BEAVERTON**

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

**STAFF REPORT**

**TO:** City Council

**AGENDA DATE:** April 7, 2008                      **REPORT DATE:** March 24, 2008

**FROM:** Jeff Salvon, Associate Planner

**APPLICATIONS:** CPA2008-0001  
(9217 SW Beaverton Hillsdale Highway Land Use Map Amendment)  
ZMA2008-0001  
(9217 SW Beaverton Hillsdale Highway Zoning Map Amendment)

**LOCATION:** SW Beaverton Hillsdale Highway approximately 100 feet west of SW 91<sup>st</sup> Avenue in east Beaverton. The parcel is identified as 1S114AB03700.

**NEIGHBORHOOD ASSOCIATION:** Denney Whitford / Raleigh West Neighborhood Association Committee

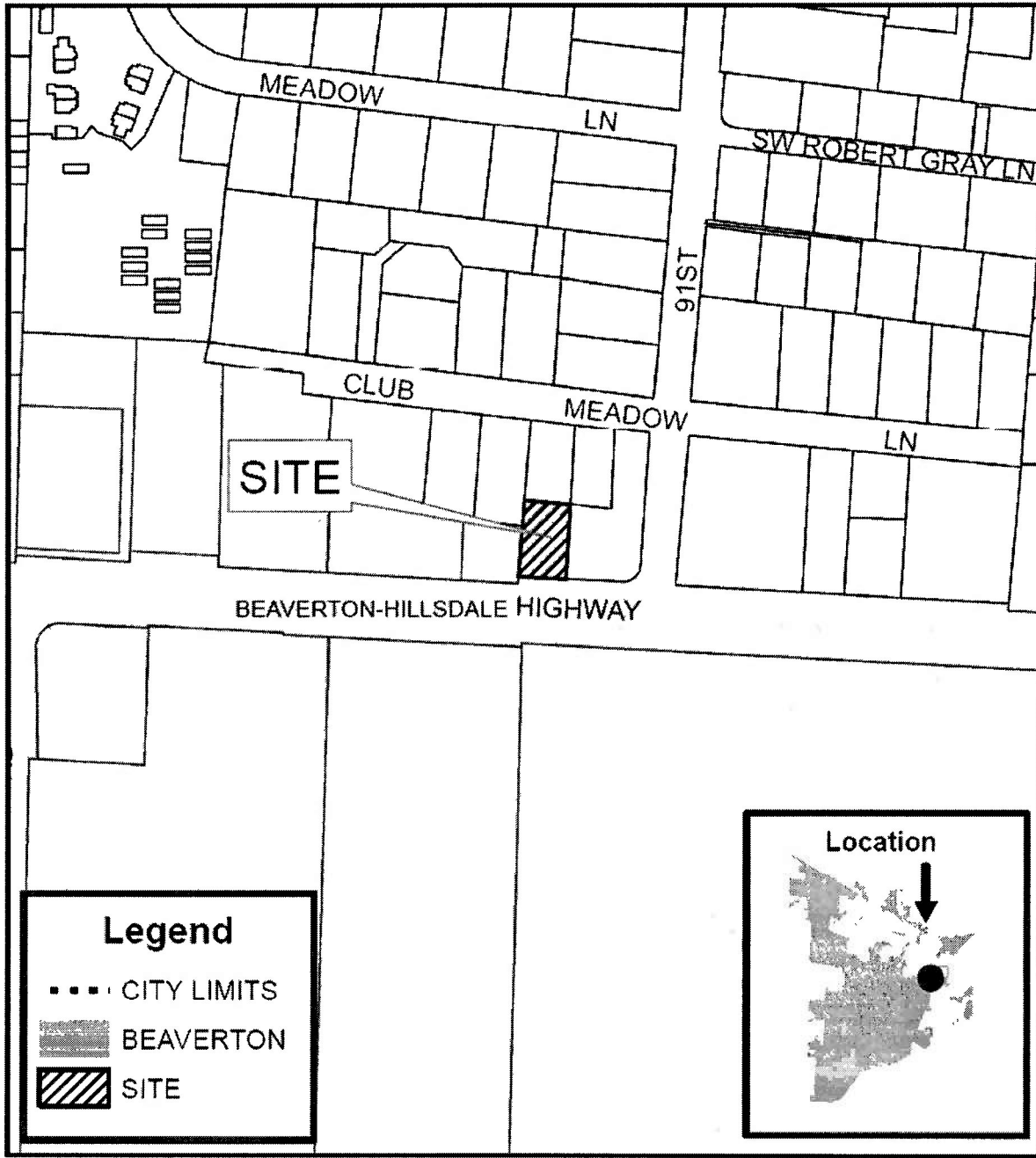
**REQUEST:** Apply the City's Corridor (COR) land use designation and the City's Office Commercial (OC) zoning designation to the subject parcel.

**APPLICANT:** City of Beaverton Community Development Director

**APPROVAL CRITERIA:** Comprehensive Plan Section 1.5.2 and the Development Code Section 40.97.15.3.C

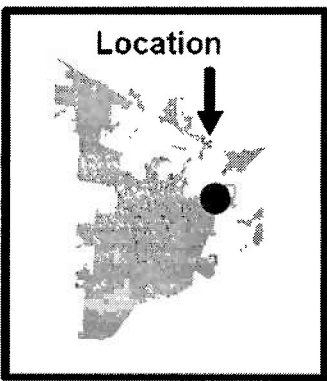
**RECOMMENDATION:** **Staff recommends the City Council adopt an ordinance applying the Corridor (COR) land use designation and the Office Commercial (OC) zoning designation to the subject parcel effective upon its annexation on May 21, 2008.**

# VICINITY MAP



**Legend**

- ..... CITY LIMITS
- BEAVERTON
- ▨ SITE



**9217 SW Beaverton-Hillsdale Hwy**

**COMMUNITY DEVELOPMENT DEPARTMENT**  
**Planning Services Division**

**03/03/08** N  
 Tax Lot #'s  
 1S114AB03700

CPA 2008-0001  
 ZMA 2008-0001

## BACKGROUND

CPA2008-0001 proposes amendment of the Land Use Map and ZMA2008-0001 proposes amendment of the Zoning Map. Both amendments are requested in order to apply City land use and zoning to the subject parcel which is currently annexing into the City. The parcel currently carries the Washington County Office Commercial (OC) designation, as depicted on the County's Raleigh Hills – Garden Home Community Plan Map.

### EXISTING CONDITIONS

**Uses.** Staff performed a field survey and observed the parcel supports a building of approximately 3,300 square feet divided among three retail tenants. Two units are occupied and support a tattoo parlor and a coffee shop. The third unit is vacant.

**Character.** The subject parcel is located on the Beaverton Hillsdale Highway, a state maintained street classified on the City's Functional Classification Map as an arterial. The development along this segment of highway is characterized as strip commercial and is exemplified by retail shops, convenience stores, fast food franchises, and offices. Off-street parking is typically situated along the street frontage and buildings are set back to the rear of the property. Development behind those properties fronting Beaverton Hillsdale Highway is single family residential in nature.

**Natural Resources.** Washington County's *Raleigh Hills – Garden Home Community Plan* map does not depict any significant natural resources on the subject parcel.

## ANALYSIS

### COMPATIBILITY OF LAND USE DESIGNATIONS

In 2000, Washington County adopted Ordinance 561 which amended the Comprehensive Framework Plan, to include a regional planning section for urban areas. This section identifies a number of Metro 2040 Growth Concept Design Types and includes a series of maps that identify the general location of these land use designations.

Policy 40 contains a map identifying areas assigned the Transit Corridor designation. The subject parcel is identified as falling within this design type. Text describing Transit Corridors is as follows: "Transit Corridors generally include areas along transit routes that have or will have frequent service. Transit Corridor development will include a mix of complementary land uses, including rowhouses, duplexes, apartments, office or retail buildings, institutional uses and mixed commercial and residential uses. Commercial and office uses will be allowed at specific points along the Transit Corridors and not in a linear matter that promotes strip commercial development and traffic congestion. Collectively, these land uses will generate increased pedestrian and transit ridership. Therefore, these areas will feature a high-quality pedestrian environment with wider



sidewalks and pedestrian amenities. Transit Corridors will evolve into environments that provide for walking, cycling and transit. Mixed-use development will enhance the vitality of businesses since they can provide services for employees during the day and goods and services to area residents during the evening."

Section 3.2 of the City of Beaverton Comprehensive Plan defines Corridors using the Metro Urban Growth Management Functional Plan definition as "Corridors - along good quality transit lines, corridors feature a high-quality pedestrian environment, convenient access to transit, and somewhat higher than current densities."

Thus, the Comprehensive Plan Land Use Designation of Corridor is an appropriate and most closely approximates the County designation of Transit Corridor as applied via Washington County Ordinance 561.

### COMPATABILITY OF ZONING DISTRICTS

The subject property is designated with the County Office Commercial (OC) land use district. Section 312 of the County Community Development Code states:

"The intent of this district is to encourage office complex development of institutional, professional, medical/dental, governmental and other office business uses. The purpose is to accommodate the increasing office needs in complexes ranging in size from small to large-scale development. Office uses are the primary use of the District. To serve the employees of the office complex, some accessory commercial and high density residential uses may be permitted through a Planned Development process."

The excerpt, from the Washington County – Beaverton Urban Planning Area Agreement (UPAA) below, specifies that the County’s OC land use designation is equivalent to the City’s OC zoning designation.

<i>WASHINGTON COUNTY – BEAVERTON URBAN PLANNING AREA AGREEMENT</i>		
<i>EXHIBIT "B"</i>		
<i>CITY-COUNTY LAND USE DESIGNATION EQUIVALENTS</i>		
<u><i>COUNTY</i></u>	<u><i>BEAVERTON</i></u>	
<i>Plan/Zoning</i>	<i>Plan</i>	<i>Zoning</i>
<i>Office Commercial</i>	<i>Office Commercial</i>	<i>OC</i>

**Summary.** Washington County Ordinance 561 specifies this area as Transit Corridor which corresponds directly with the City’s Corridor land use designation adopted through Ordinance 4125. Additionally, the UPAA specifies the City’s OC zoning district as the closest proximate zoning for the property.

## COUNTY RESPONSIBILITY TO NOTIFY

Special Policy II.A. of the UPAA states in part, "...the COUNTY will advise the CITY of adopted policies which apply to the annexed areas and the CITY shall determine whether CITY adoption is appropriate and act accordingly." The County has not advised the city of adopted policies which may apply to the annexed area.

However, SUBAREA 3, Specific Design Element 5 of the *Raleigh Hills – Garden Home Community Plan* relates in particular to this area. It specifies the following:

*5. Land designated for commercial uses adjacent to Canyon Road and Beaverton-Hillsdale Highway comprises Area of Special Concern K. In order to promote the elimination of those strip commercial features which are vehicle and pedestrian traffic safety hazards and the addition of features which will enhance the business advantage and overall appearance of the subarea, the following standards shall apply to development of structures, land divisions and significant remodeling of existing structures within this Area.*

*a. Access drives and curb cuts shall be consolidated and, if feasible, shared between adjoining parcels.*

*b. Where no curb cuts onto Canyon Road or Beaverton-Hillsdale Highway now exist, new direct access shall be allowed only for an interim use until alternative access is completed, pursuant to access management provisions in the Comprehensive Framework Plan and Community Development Code.*

*c. A safe and convenient means of pedestrian circulation shall be provided to each use. The pedestrian system shall provide access from each use to the property line of adjacent uses and from the use to the nearest public transit facility or stop. The design of new pedestrian facilities shall complement the design of those already constructed in adjacent uses.*

*d. A landscape buffer area shall be established and maintained along that portion of the property abutting SW Canyon Road or Beaverton-Hillsdale Highway. This landscaping shall be done at least to the level of the Type I Screening and Buffering Standards in the Community Development Code.*

*e. Business identification and directional signs shall be brought into conformance with sign standards in the Community Development Code and consolidated whenever feasible.*

*f. Office commercial use of two parcels at the northwest corner of the intersection of SW Poplar Lane and Beaverton-Hillsdale Highway (tax lots 8000 and 8100) shall be permitted contingent upon the following strict design criteria: Commercial use of these parcels shall be integrated with the existing office commercial area immediately to the west (White Fir Plaza, tax lot 100), utilizing that lot's existing access onto Beaverton-Hillsdale Highway for joint access. Screening and buffering of these parcels to the north and east shall be consistent with Type IV standards in the Community Development Code. No access shall be allowed onto SW Poplar Lane until tax lots 8000 and 8100 are redeveloped. Upon redevelopment, all three lots shall be served by joint access limited to one point onto Poplar Lane and the existing access onto Beaverton-Hillsdale Highway shall be removed.*

*g. In order to prevent encroachment into the adjacent residential neighborhood, development of the rear portion of the parcel at 8600 SW Canyon Road (tax lot 100) for General Commercial use shall be permitted only with the following design controls: No access onto SW Milton Lane shall be allowed. Screening and buffering of the property shall be done to the level of Type 2 standards of the Community Development Code, with the addition of Type S-2 fencing. Lighting, if any, shall be directional to minimize impacts*

*on the adjacent neighborhood. Any development of this lot shall pay special attention to improvement of drainage problems in this area.*

The City of Beaverton requires that development proposals on recently annexed properties along the Beaverton-Hillsdale Highway falling within County specified Areas of Concern address the Community Plan design criteria on a case-by-case basis. Such was the case with three development proposals for properties located on Beaverton-Hillsdale Hwy just east of the subject parcel (specifically, property that supports a US Bank branch, the Human Bean espresso bar, and a commercial/office development currently in the predevelopment stages). In each case, specific design elements identified in the Raleigh Hills – Garden Home Community Plan were required and incorporated into the design of the proposed developments.

As with the developments cited above, redevelopment plans pertaining to the subject parcel will be required to address consolidated curb cuts, pedestrian circulation, landscape buffering, signage, and design specifications reflecting the standards indicated above.

## PROCESS

### THRESHOLD

The subject property is designated on the County's *Raleigh Hills – Garden Home Community Plan* Map as Office Commercial, which, in a non-discretionary process, requires that the City apply the terms specified in the Beaverton-Washington County Urban Planning Area Agreement (UPAA). Specifically, the City must apply plan and zone designations which most closely approximate Washington County designations applied to the property. The proposed zone change from County Office Commercial (OC) to City Office Commercial (OC) conforms to this requirement.

Policy 40 of Washington County's Comprehensive Framework Plan shows that the Transit Corridor Design Type has also been applied to the property. The proposed plan map change from the County Transit Corridor design type to the City's Corridor plan designation also conforms to the UPAA requirement that the City apply the plan map designation which most closely approximates Washington County designation.

**Comprehensive Plan Process.** Non-discretionary amendments are amendments to the Comprehensive Plan Land Use Map to add annexed property to the Map with a Land Use Map designation assigned through direct application of the UPAA. County Ordinance 561 amended Washington County's Comprehensive Framework Plan to apply Metro 2040 design type designations to particular areas of the County. This includes the application of Transit Corridor to the subject parcel. The Transit Corridor Design Type designation was adopted after the UPAA was adopted in 1989 and no updates to the agreement have been adopted since that time. Because both the City Corridor and County Transit Corridor land use designations were adopted pursuant to the Metro Urban Growth Management Functional Plan requirements and contain similar language, application of the City's Corridor plan designation to the subject property

therefore constitutes the closest proximate plan designation to Washington County's Transit Corridor design type and satisfies the requirements specified in the UPAA. The proposed plan map amendment therefore satisfies the Non-Discretionary Annexation Related threshold requirements and no interpretation or exercise of discretion is necessary to identify Corridor as the appropriate plan designation for the property.

**Development Code Process.** Due to annexation of the subject parcel and the non-discretionary nature of the proposal, review and approval of this proposed Zoning Map Amendment qualifies as a Non-Discretionary Annexation Related Zoning Map Amendment per Development Code Section 40.97.15.3.A, which states that, "An application for Non-Discretionary Annexation Related Zoning Map Amendment shall be required when the following thresholds apply:

1. "The change of zoning to a City zoning designation as a result of annexation of land into the City."
2. "The Urban Planning Area Agreement (UPAA) is specific as to the City zoning designation to be applied to the parcel being annexed and does not allow for discretion."

## **SUBMISSION REQUIREMENTS**

According to Development Code Section 40.97.15.3.D. "an application for a Non-Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement". The annexation of the subject property was owner initiated with consent of the property owner and electors under ORS 222.125, and a petition for annexation was submitted. The annexation associated with this proposal was approved by the Beaverton City Council on March 17, 2008. Pursuant to ORS 222.040 which restricts municipal boundary changes prior to a primary election, the annexation will become effective on May 21, 2008. Proposed plan and zone amendments will be effective upon annexation of the subject parcel.

## **PUBLIC NOTICE**

Section 1.4.3.A of the Comprehensive Plan prescribes the notice to be provided for these types of applications.

Notice for Non-Discretionary Annexation Related Comprehensive Plan Map Amendments must be provided, as indicated below, not less than twenty (20) and not more than forty (40) calendar days prior to when the item first appears on the City Council's agenda.

1. Legal notice was published in the Beaverton Valley Times on March 6, 2008 and again on April 3, 2008 with notification of a change in scheduling.
2. Notice was mailed to the Denney Whitford / Raleigh West Neighborhood Association Committee, West Slope / Raleigh Hills / Garden Home Citizen

Participation Organization (CPO 3), Chair of the Committee for Citizen Involvement (CCI), the Washington County Department of Land Use and Transportation (DLUT), and to the subject property owner on March 5, 2008 and again on March 25, 2008 to notify of a change in scheduling.

3. Notice was posted on the City's website on March 6, 2008 and again on March 26, 2008.

The City Council has not directed staff to provide additional notice for this amendment beyond the notices described above. The notice requirements for this CPA/ZMA have been met.

## CRITERIA FOR APPROVAL

### COMPREHENSIVE PLAN AMENDMENT CRITERIA

Comprehensive Plan Section 1.5.2.A specifies that non-discretionary annexation related map amendments need not comply with Plan criteria because they are not land use decisions under Oregon Statutes and are those stipulated by Exhibit "B" of the Urban Planning Area Agreement. Findings to address Comprehensive Plan sections which address Statewide Planning Goals and Metro Urban Growth Regional Framework Plan criteria are therefore regarded as not applicable to this proposal.

### ZONING MAP AMENDMENT CRITERIA

Development Code Section 40.97.15.3.C., which contains Non-Discretionary Annexation Related Zoning Map Amendment Approval Criteria, states:

"In order to approve a Non-Discretionary Annexation Related Zoning Map Amendment application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:"

- 1. The proposal satisfies the threshold requirements for a Non Discretionary Annexation Related Zoning Map Amendment application.***

Section 40.97.15.3.A. Threshold, states:

"An application for Annexation Related Zoning Map Amendment shall be required when one or more of the following thresholds apply:

1. The change of zoning to a City zoning designation as a result of annexation of land into the City.
2. The Urban Planning Area Agreement (UPAA) is specific as to the City zoning designation to be applied to the parcel being annexed and does not allow for discretion."

The zone change is requested in order to apply City land use and zoning to the subject parcel in the process of annexing into the City. The parcel carries the Washington County Office Commercial (OC) designation, as depicted on the County's Raleigh Hills – Garden Home Community Plan Map.

As noted in the Process section of this report, the UPAA specifies a City OC zoning designation for the County OC designation. Therefore, no discretion is required in determining the appropriate zoning designation.

**Finding: Staff finds that the request satisfies the threshold requirements for a Non-Discretionary Annexation Related Zoning Map Amendment application.**

**2. *All City application fees related to the application under consideration by the decision making authority have been submitted.***

The City is assuming the role of the applicant in this proposed zoning map amendment. Fees have not been submitted for review of the application as the City does not require collection of fees from itself.

**Finding: Staff finds that this criterion is not applicable.**

**3. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.***

Development Code Section 50.25.1 states, "Non-Discretionary Annexation Related Zoning Map Amendment and Discretionary Annexation Zoning Map Amendment applications processed by the City shall be determined to be complete upon submittal of a valid annexation petition or executed annexation agreement." The subject property was petitioned with the owners' consent under ORS 222.125. City Council approved the owner-initiated annexation on March 17, 2008 and it becomes effective on May 21, 2008. This proposed rezone would become effective concurrent with the annexation on May 21, 2008.

**Finding: Staff finds that the request satisfies the application submittal requirements for a Non-Discretionary Annexation Related Zoning Map Amendment application.**

**4. *The proposed zoning designation is consistent with the Washington County - Beaverton UPAA.***

As noted in the Analysis section of this report, the UPAA is specific for the proposed amendment. Washington County Office Commercial goes to City Office Commercial.

**Finding: The OC zoning district is specified by, and is therefore consistent with, the Washington County – Beaverton UPAA.**



5. ***Applications and documents related to the request, which will require further City approval, shall be submitted to the City in proper sequence.***

No further applications and documents are required of this request.

**Finding: Staff find s that this criterion is not applicable.**

## **CONCLUSION**

Based on the facts and findings presented, staff concludes that amending the Comprehensive Plan Land Use Map to depict the City's Corridor land use designation and amending the City's Zoning Map to depict the City's Office Commercial (OC) zoning district is appropriate for the subject parcels and is consistent with the Washington County – Beaverton Urban Planning Area Agreement.

- Consistent with Metro Code Section 3.09.045, the City sent notice of the proposed annexation on February 22, 2008 (24 days prior to the date of decision) to all necessary parties including Washington County, Metro, affected special districts and County service districts.
- The notice and a copy of this staff report will be posted on the City's web page on March 10, 2008 (7 days prior to the date of decision).

## CONCLUSION

***Based on the facts and findings in this report, staff concludes that approval of the owner initiated annexation of parcel # 1S114AB03700 meets all pertinent criteria outlined in Metro Section 3.09.045.***

Attachments:       A) Legal Description  
                          B) City Annexation Policies



**City of Beaverton  
Engineering Department**

**LEGAL DESCRIPTION  
FOR  
THE SOUTH HALF OF LOT 11 "CLUB MEADOW" (TAX LOT 1S114AB03700)**

**ANNEXATION 2008-002**

EXPLANATION: THIS LEGAL DESCRIPTION IS PREPARED FOR THE OREGON DEPARTMENT OF REVENUE FOR THE PURPOSE OF DESCRIBING A PARCEL OF LAND TO BE ANNEXED FROM WASHINGTON COUNTY TO THE CITY OF BEAVERTON, LOCATED ON THE NORTH SIDE OF BEAVERTON- HILLSDALE HIGHWAY WEST OF 91<sup>ST</sup> AVENUE. SAID PARCEL IS WITHIN THE SUBDIVISION KNOWN AS "CLUB MEADOW" RECORDED JULY 14, 1926, IN BOOK 8, PAGE 30 OF RECORDS OF PLATS.

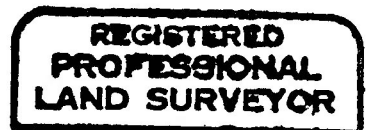
LYING IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 14, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., WASHINGTON COUNTY, OREGON, BEING THE SOUTH ONE-HALF OF LOT 11, OF "CLUB MEADOW" SUBDIVISION, IN THE COUNTY OF WASHINGTON AND STATE OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE MOST SOUTHERLY WEST CORNER AND INITIAL POINT OF THE ANTHONY HART D.L.C., 60; THENCE ALONG THE SOUTHERLY LINE OF SAID D.L.C., 60 SOUTH 85°05'00" EAST, A DISTANCE OF 465.50 FEET TO THE POINT OF BEGINNING ALSO BEING THE SOUTHEAST CORNER OF LOT 12 OF SAID "CLUB MEADOW" SUBDIVISION PER BOOK 8, PAGE 30 OF RECORDS OF PLATS AND ALSO BEING A POINT ALONG THE WEST LINE OF LOT 11; THENCE NORTH 01°58'00" EAST, A DISTANCE OF 38.90 FEET ALONG SAID WEST LINE; THENCE SOUTH 86°01'46" EAST, A DISTANCE OF 61.70 FEET TO THE EAST LINE OF SAID LOT 11; THENCE SOUTH 01°58'00" WEST, A DISTANCE OF 110.09 FEET TO THE NORTH RIGHT OF WAY LINE OF BEAVERTON HILLSDALE HIGHWAY ALSO BEING THE SOUTHEAST CORNER OF LOT 11; THENCE NORTH 88°26'00" WEST, A DISTANCE OF 59.30 FEET ALONG SAID RIGHT OF WAY LINE, TO THE SOUTHWEST CORNER OF LOT 11; THENCE NORTH 00°08'00" EAST, A DISTANCE OF 73.80 FEET TO THE POINT OF BEGINNING

HAVING AN AREA OF 6,781 SQUARE FEET OR 0.16 ACRES MORE OR LESS.

SEE EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

BASIS OF BEARING: IS SOUTH 85°05'00" EAST, ALONG THE SOUTHERLY LINE OF THE ANTHONY HART D.L.C., 60, AS SHOWN ON MAP IN BOOK 8, PAGE 30 RECORDS OF PLATS, IN WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, OREGON.



*David A. Winship*



*Surveyor License*

EXHIBIT B

ANNEXATION 2008-002 EXHIBIT MAP  
 SITUATED IN LOT 11, BLOCK 1 OF "CLUB MEADOW"  
 NW 1/4, NE 1/4 SECTION 14, T.1S., R.1W., W.M.,  
 WASHINGTON COUNTY, OREGON

**REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR**

*David G. Winship*

**OREGON**  
 JULY 26, 1985  
**DAVID A. WINSHIP**  
 2165

*Expires 6/30/08*

LOT 12 CLUB  
 MEADOW  
 SUBDIVISION

NORTH 1/2 LOT 11  
 CLUB MEADOW  
 SUBDIVISION  
 WASHINGTON  
 COUNTY



SW COR  
 ANTHONY HART  
 D.L.C. 60  
 P.O.C.

WASHINGTON  
 COUNTY

P.O.B.

S85°05'00"E 465.50'

SW COR OF EX.  
 CLUB MEADOW  
 SUBDIVISION

CITY OF BEAVERTON

N1°58'00"E

N0°08'00"E

38.90'

73.80'

S86°01'46"E  
 61.70

59.30'

SOUTH 1/2 LOT 11  
 CLUB MEADOW  
 SUBDIVISION  
 LOT 11  
 6,781 S.F.  
 0.16 ACRES

110.09'

SOUTH 1/2 LOT 10  
 CLUB MEADOW  
 SUBDIVISION

WASHINGTON  
 COUNTY

N88°26'00"W

S.W. BEAVERTON - HILLSDALE HWY



City of Beaverton

EXHIBIT MAP FOR  
 ANNEXATION 2008-002  
 LEGAL DESCRIPTION

PUBLIC WORKS DEPARTMENT  
 ENGINEERING DIVISION

JOB NO: 08-002  
 DATE: 02.04.08

DRAWN BY: MTS

CHECKED BY: MTS

APPROVED BY:

REVISION	_____
REVISION	_____
REVISION	_____

## **City of Beaverton Urban Service Area and Corporate Limits Annexation Policies**

### **A. City of Beaverton Urban Service Area Policy**

The City remains committed to annexing its urban services area over time, but the City will be selective regarding the methods of annexation it chooses to use. The City of Beaverton prefers to avoid use of annexation methods that may force annexation against the will of a majority of voters in larger unincorporated residential neighborhoods. The City is, however, open to annexation of these areas by other means where support for annexation is expressed, pursuant to a process specified by State law, by a majority of area voters and/or property owners. The City is open to pursuing infrastructure/service planning for the purposes of determining the current and future needs of such areas and how such areas might best fit into the City of Beaverton provided such unincorporated residents pursue an interest of annexing into the City.

### **B. City of Beaverton Corporate Limits Policy**

The City of Beaverton is committed to annexing those unincorporated areas that generally exist inside the City's corporate limits. Most of these areas, known as "islands", generally receive either direct or indirect benefit from City services. The Washington County 2000 Policy, adopted in the mid-1980s, recognizes that the County should not be a long-term provider of municipal services and that urban unincorporated areas including unincorporated islands should eventually be annexed to cities. As such, primarily through the use of the 'island annexation method', the City's objectives in annexing such areas are to:

- Minimize the confusion about the location of City boundaries for the provision of services;
- Improve the efficiency of city service provision, particularly police patrols;
- Control the development/redevelopment of properties that will eventually be within the City's boundaries;
- Create complete neighborhoods and thereby eliminate small pockets of unincorporated land; and
- Increase the City's tax base and minimize increasing the City's mill rate.

In order to achieve these stated objectives, the City chooses to generally pursue the following areas for 'island annexation' into the City of Beaverton:

- Undeveloped property zoned for industrial, commercial uses or mixed uses;
- Developed or redevelopable property zoned for industrial, commercial or mixed uses;
- Undeveloped or redevelopable property zoned for residential use;
- Smaller developed property zoned residential (within a neighborhood that is largely incorporated within the City of Beaverton).