



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 005-08



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>

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**
0002

Local file number: **CPA2008-0002/ZMA2008-**

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

Date Mailed: **4/17/08**

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 1S130DD02100. 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. R-6**

to: **City of Beaverton NR-SD**

Zone Map Changed from: **Washington Co. R-6**

to: **City of Beaverton R-5**

Location: **9620 SW 166th Ave**

Acres Involved: **0.4**

Specify Density: Previous: **Maximum 6 units/Ac**

New: **Maximum 8 units/Ac**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <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. 005-08 (NOA)

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

Washington County, Clean Water Services, Tualatin Valley Water District,

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**

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. 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.
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 - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 4476

AN EMERGENCY ORDINANCE ANNEXING ONE PARCEL LOCATED AT 9620 SW 166TH AVENUE TO THE CITY OF BEAVERTON AND ADDING THE PROPERTY TO THE SEXTON MOUNTAIN NEIGHBORHOOD ASSOCIATION COMMITTEE: EXPEDITED ANNEXATION 2008-0003

- 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,** The owner and electors that occupy the subject parcel have 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 Sexton Mountain 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
SUE NELSON, City Recorder

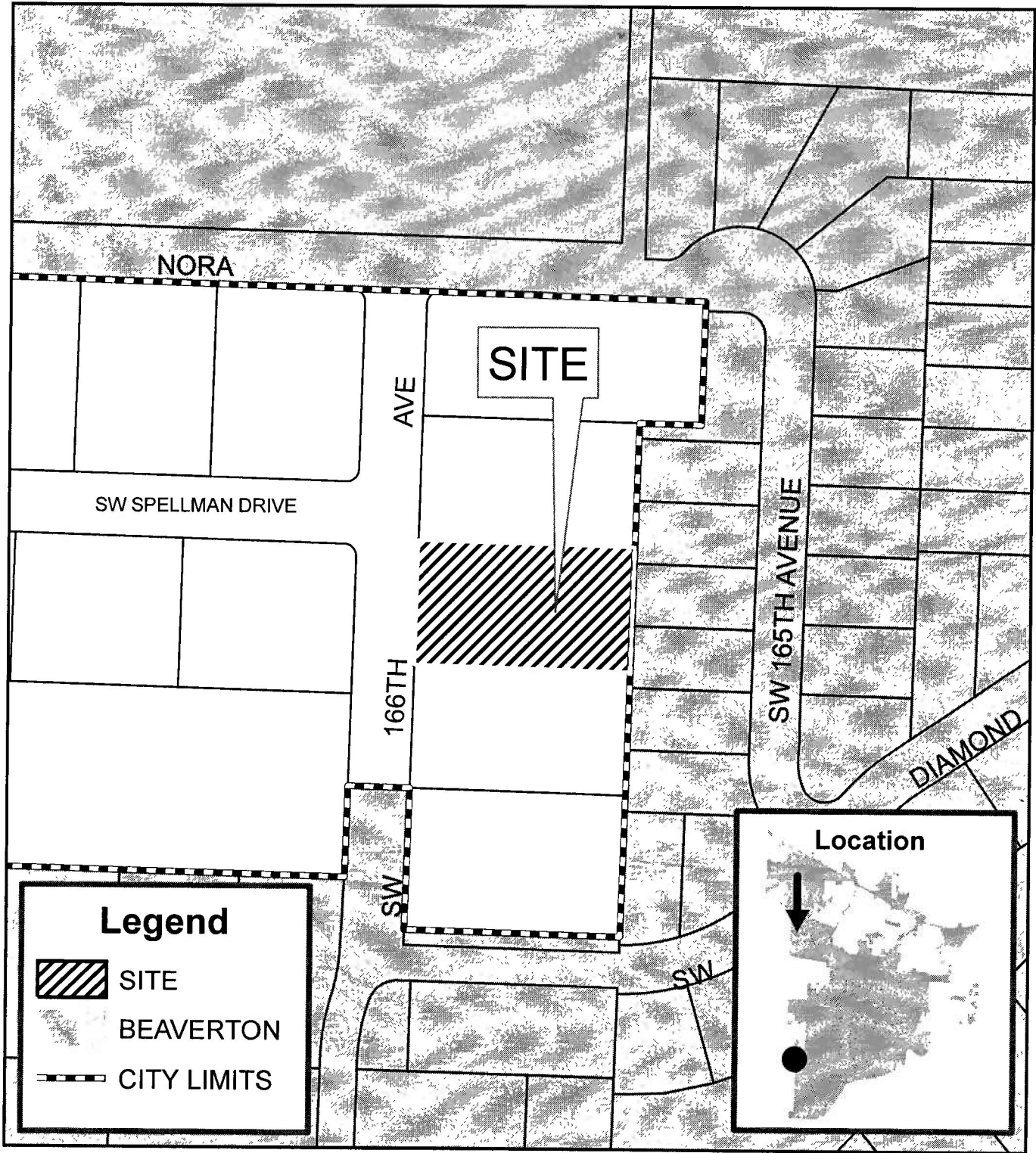
APPROVED:

Rob Drake
ROB DRAKE, Mayor

VICINITY MAP

ORDINANCE
NO. 4476

EXHIBIT "A"



City of Beaverton

9620 SW 166TH AVE ANNEXATION

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

1/29/08

Tax Lot #'s
1S130DD02100



Application #
ANX2008-0003



City of Beaverton
Engineering Department

EXHIBIT B

ORDINANCE
NO. 4476

LEGAL DESCRIPTION
FOR
LOT 15 "MADRONA TERRACE NO. 2" (TAX LOT 1S130DD02100)

ANNEXATION 2008-003

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 755 FEET NORTH OF WEIR ROAD AND ALONG THE EAST SIDE OF S.W. 166TH AVENUE.

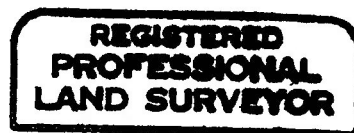
SAID PARCEL IS LOCATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., WASHINGTON COUNTY, OREGON, BEING LOT 15, OF "MADRONA TERRACE NO. 2" SUBDIVISION, RECORDED DEC 29, 1971, IN BOOK 30, PAGE 42 OF RECORDS OF PLATS IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE ALONG THE EAST LINE THEREOF NORTH 00°00'00" EAST, A DISTANCE OF 755.40 FEET TO THE POINT OF BEGINNING ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 15 "MADRONA TERRACE NO. 2"; THENCE SOUTH 89°51'00" WEST, A DISTANCE OF 175.60 FEET ALONG THE SOUTH LINE OF SAID LOT 15 TO THE EAST LINE OF 166TH AVE.; THENCE NORTH 00°09'00" WEST, A DISTANCE OF 100.00 FEET ALONG SAID EAST LINE; THENCE NORTH 89°51'00" EAST, A DISTANCE OF 175.86 FEET TO THE NORTHEAST CORNER OF LOT 15; THENCE SOUTH 00°00'00" WEST, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING

HAVING AN AREA OF 17,573 SQUARE FEET OR 0.40 ACRES MORE OR LESS.

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

BASIS OF BEARING: IS NORTH 00°00'00" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 30, AS SHOWN ON MAP IN BOOK 30, PAGE 42 RECORDS OF PLATS, IN WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, OREGON.



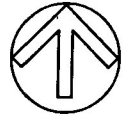
David A. Winship
OREGON
JULY 29, 1923
DAVID A. WINSHIP
2165

Expires 6/30/08

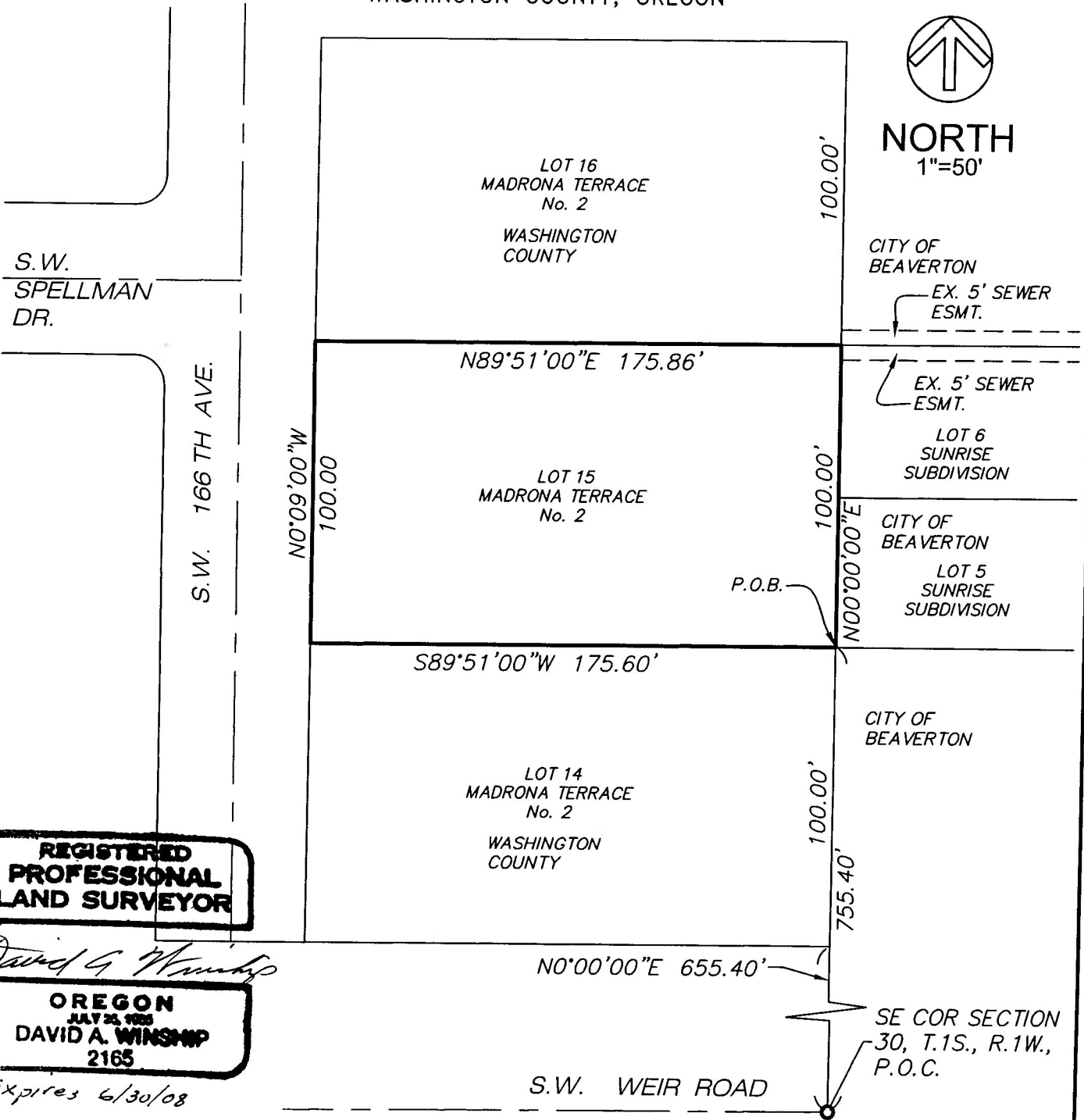
EXHIBIT B

ORDINANCE
NO. 4476

ANNEXATION 2008-003 EXHIBIT MAP
LOT 15, OF "MADRONA TERRACE NO. 2"
SE 1/4, SE 1/4 SECTION 30, T.1S., R.1W., W.M.,
WASHINGTON COUNTY, OREGON



NORTH
1"=50'



**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

David G. Winsnip

OREGON
JUL 26, 1925
DAVID A. WINSNIP
2165

Expires 6/30/08

Y:\SURV\martin\2008\annexations\anx2008-003\anx-2008-003.dwg

SHEET 1 OF 1



City of Beaverton

EXHIBIT MAP FOR
ANNEXATION 2008-003
LEGAL DESCRIPTION

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

JOB NO: 08-003
DATE: 02.06.08
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

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 (ANX2008-0003)

ACTIONS: Annexation to the City of Beaverton of one parcel located at 9620 SW 166th Avenue. The property proposed for annexation is identified as parcel 1S130DD02100 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 Sexton Mountain Neighborhood Association Committee (NAC). The Neighborhood Office is recommending that staff include a provision in the ordinance to amend the Sexton Mountain NAC boundary to include the subject parcel.

AREA: The parcel totals approximately 0.4 acres

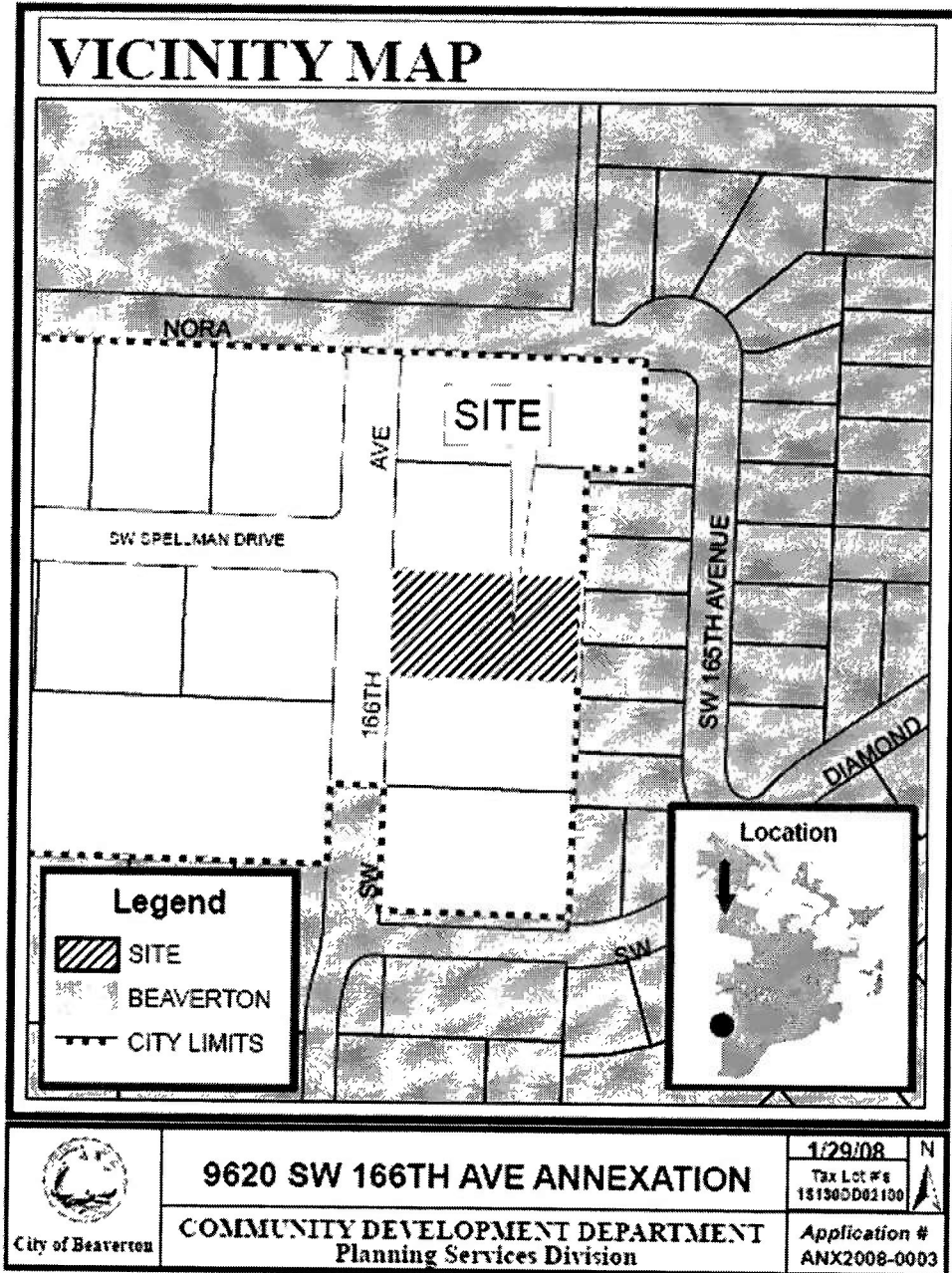
TAXABLE ASSESSED VALUE: \$ 274,050

ASSESSOR'S REAL MARKET VALUE: \$ 481,200

NUMBER OF LOTS: 1

EXISTING COUNTY ZONE: The subject parcel is designated R-6 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.**



ANX 2008-0003
3/17/08 Agenda Date

BACKGROUND

The subject property contains a residential dwelling of approximately 3,700 square feet. The owner is in the process of making improvements to the property and has expressed a desire to connect to a sanitary sewer line that abuts his rear property line. The neighboring parcel with this segment of sewer line is within the City's boundary. The City of Beaverton requires that property owners seeking connection to a City maintained line consent to annex so that the City can bill the property for sewer line maintenance costs.

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 R-6 to the City's Neighborhood Residential Standard Density (NR-SD) plan and R-5 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
1S130DD02100	9620 SW 166 th Avenue	0.4	Residential

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, Tualatin Valley 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: The subject parcel is currently on septic. However, a 6 inch lateral pipe extension runs under the abutting parcel directly east of the parcel and stubs at the western boundary of the neighboring parcel. The property owner has expressed an interest in connecting to this line subsequent to annexation. This line was installed as a condition of approval for the Sunrise Subdivision located next to the subject parcel in order to ensure that sanitary access to the subject property was available as a precautionary measure so that the new development would not disrupt existing drainage fields. Since the subject parcel is currently on septic no fees related to sewer maintenance are collected. Subsequent to annexation, initial connection to this line will require city permitting and inspection. The City will then assume maintenance responsibilities for the line, and Tualatin Valley Water District will establish a billing account to recover costs and reimburse the City for services rendered.

WATER: Tualatin Valley Water District currently provides service to the property. Subsequent to annexation the water district will continue to provide service to the properties and bill for services rendered.

STORM WATER DRAINAGE:

The building footprint of the dwelling unit occupying the subject parcel sits on the front portion of the property adjacent to SW 166th Avenue. This area of the parcel is relatively flat and runoff that collects on the impervious surface is directed to SW 166th Avenue. The rear of the parcel is sloped at a 5% grade. This area is pervious and landscaped. Runoff in this area filters unimpeded into the soil with the natural grade of the hillside. Currently, the property is billed for storm water maintenance by Tualatin Valley Water which directs a portion of the payment to Clean Water Services for storm water maintenance. Subsequent to annexation, the City will assume responsibility for servicing storm water runoff. TVWD will continue to bill the property for storm water maintenance and reimburse the City for fees related to this service. 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 property is located on SW 166th Avenue, a County maintained street classified on the County's Functional Classification Map as a Neighborhood Route. This proposal does not involve annexation of the public right-of-way. Subsequent to annexation maintenance responsibilities for SW 166th Avenue will remain with the County's Urban Road Maintenance District. However, upon annexation, the property will be withdrawn from the District.

PARKS and SCHOOLS:

The proposed annexation is within the Beaverton School District and the Tualatin Hills Parks and Recreation District. The proposal involves a single parcel supporting a single family dwelling. The expected impact imposed upon park and school services is not significant enough to warrant concern. Additionally, no change to the use of the property is proposed. Subsequent to annexation, these service district boundaries will remain unaffected. School enrollment will not be affected and no additional service demands will be imposed upon the park district. 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 this parcel 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 0.4 acres containing a single family residential dwelling. Essential urban services are already provided to the subject parcel by the County and the area's special service districts. After annexation if the property owner wishes to connect to sanitary sewer as he has indicated, the request can be accommodated. Considering the size of the parcel, service demands to serve 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 District. The proposed annexation will not require withdrawal of territory from any other special service districts 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 after 90 days prior to a primary or general election. This year's primary election date is scheduled to occur on May 20th 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 21st, 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.

As required in Metro Section 3.09.045.C, the City will make available this report addressing the above information at least seven days prior to the date of decision.

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 as a basis for preparing City annexation plans, staff finds that provisions in Metro Code Section 3.09.045 (d)(1)(B) do not apply.

(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, Tualatin Valley 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, sewage 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).

ANX 2008-0003
3/17/08 Agenda Date

(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 Aloha-Reedville-Cooper Mountain Community Plan that includes the subject property, and was unable to identify any provision relating to this proposed annexation.

FINDING: Staff finds that the proposed annexation is consistent with applicable provisions contained in the City's of Beaverton's Comprehensive Plan, Washington County's Framework Plan and the Aloha-Reedville-Cooper Mountain 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 Existing Conditions 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

- 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 # 1S130DD02100 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
LOT 15 "MADRONA TERRACE NO. 2" (TAX LOT 1S130DD02100)**

ANNEXATION 2008-003

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 755 FEET NORTH OF WEIR ROAD AND ALONG THE EAST SIDE OF S.W. 166TH AVENUE.

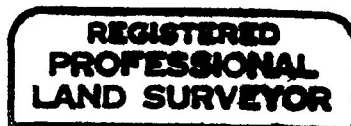
SAID PARCEL IS LOCATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., WASHINGTON COUNTY, OREGON, BEING LOT 15, OF "MADRONA TERRACE NO. 2" SUBDIVISION, RECORDED DEC 29, 1971, IN BOOK 30, PAGE 42 OF RECORDS OF PLATS IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE ALONG THE EAST LINE THEREOF NORTH 00°00'00" EAST, A DISTANCE OF 755.40 FEET TO THE POINT OF BEGINNING ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 15 "MADRONA TERRACE NO. 2"; THENCE SOUTH 89°51'00" WEST, A DISTANCE OF 175.60 FEET ALONG THE SOUTH LINE OF SAID LOT 15 TO THE EAST LINE OF 166TH AVE.; THENCE NORTH 00°09'00" WEST, A DISTANCE OF 100.00 FEET ALONG SAID EAST LINE; THENCE NORTH 89°51'00" EAST, A DISTANCE OF 175.86 FEET TO THE NORTHEAST CORNER OF LOT 15; THENCE SOUTH 00°00'00" WEST, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING

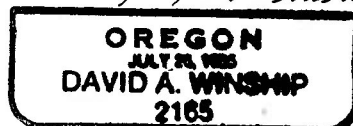
HAVING AN AREA OF 17,573 SQUARE FEET OR 0.40 ACRES MORE OR LESS.

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

BASIS OF BEARING: IS NORTH 00°00'00" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 30, AS SHOWN ON MAP IN BOOK 30, PAGE 42 RECORDS OF PLATS, IN WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, OREGON.



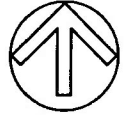
David A. Winship



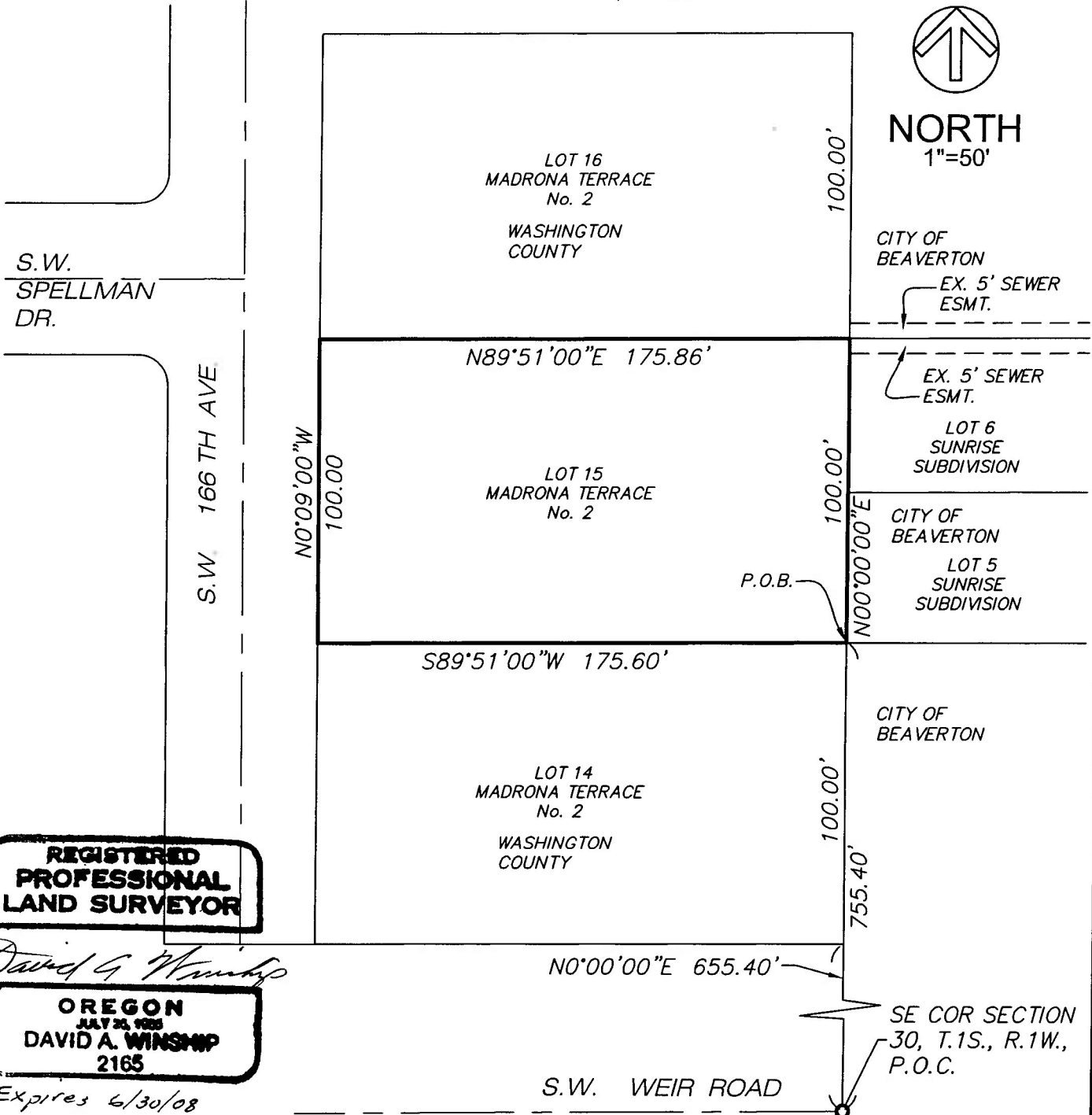
Expires 6/30/08

EXHIBIT B

ANNEXATION 2008-003 EXHIBIT MAP
 LOT 15, OF "MADRONA TERRACE NO. 2"
 SE 1/4, SE 1/4 SECTION 30, T.1S., R.1W., W.M.,
 WASHINGTON COUNTY, OREGON



NORTH
 1"=50'



**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

David G. Winship

OREGON
 JULY 25, 1925
DAVID A. WINSHIP
 2165

Expires 6/30/08

Y:\SURV\martin\2008\annexations\anx2008-003\anx-2008-003.dwg

SHEET 1 OF 1



EXHIBIT MAP FOR
 ANNEXATION 2008-003
 LEGAL DESCRIPTION

PUBLIC WORKS DEPARTMENT
 ENGINEERING DIVISION

JOB NO: 08-003
 DATE: 02.06.08

DRAWN BY: MTS
 CHECKED BY: MTS
 APPROVED BY:

REVISION: _____

 REVISION: _____

ORDINANCE NO. 4476

AN EMERGENCY ORDINANCE ANNEXING ONE PARCEL LOCATED AT 9620 SW 166TH AVENUE TO THE CITY OF BEAVERTON AND ADDING THE PROPERTY TO THE SEXTON MOUNTAIN NEIGHBORHOOD ASSOCIATION COMMITTEE: EXPEDITED ANNEXATION 2008-0003

- 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,** The owner and electors that occupy the subject parcel have 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 Sexton Mountain 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
SUE NELSON, City Recorder

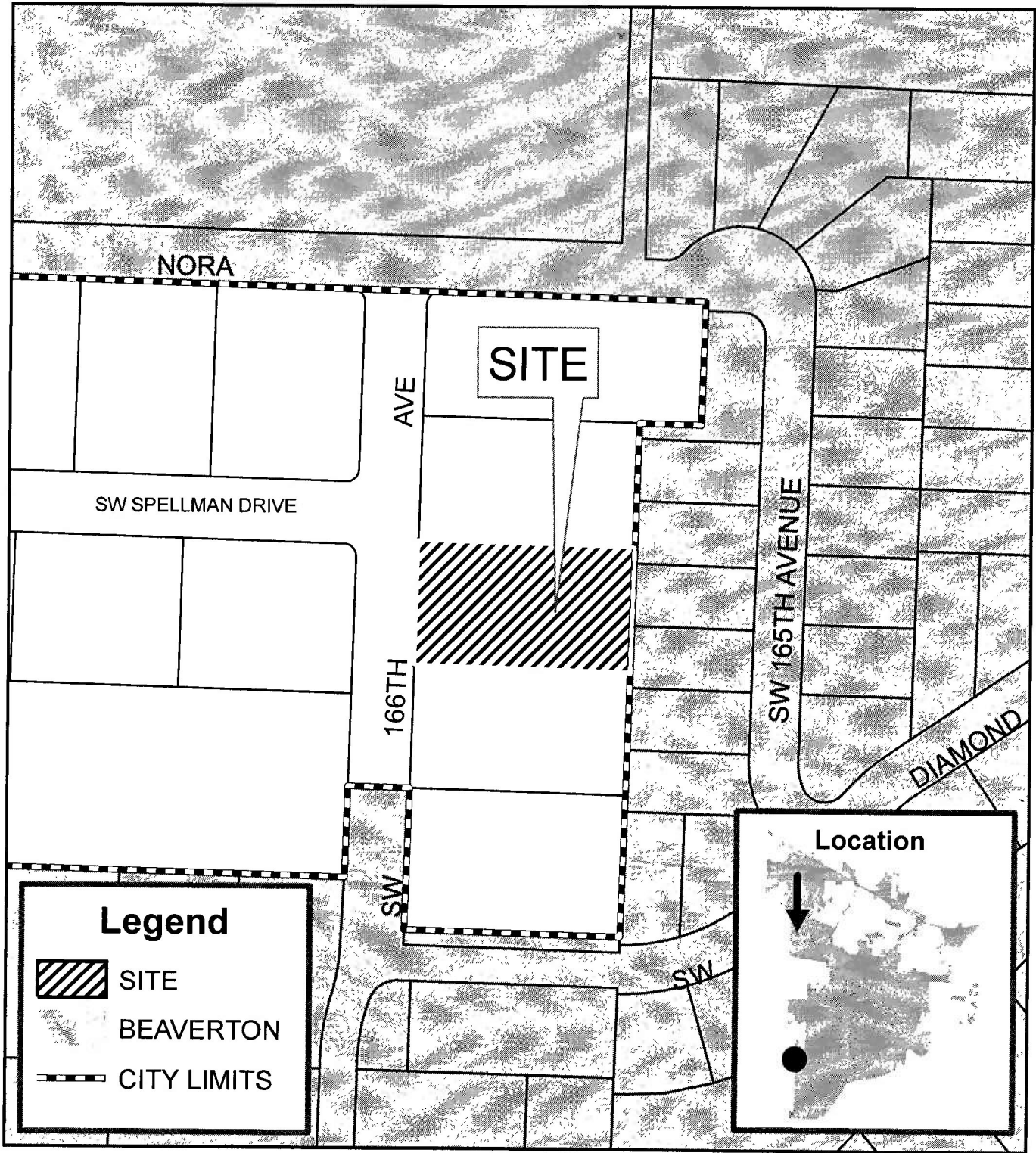
APPROVED:

Rob Drake
ROB DRAKE, Mayor

VICINITY MAP

ORDINANCE
NO. 4476

EXHIBIT "A"



City of Beaverton

9620 SW 166TH AVE ANNEXATION

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

1/29/08

Tax Lot #'s
1S130DD02100



Application #
ANX2008-0003



City of Beaverton
Engineering Department

EXHIBIT B

ORDINANCE
NO. 4476

LEGAL DESCRIPTION
FOR
LOT 15 "MADRONA TERRACE NO. 2" (TAX LOT 1S130DD02100)

ANNEXATION 2008-003

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 755 FEET NORTH OF WEIR ROAD AND ALONG THE EAST SIDE OF S.W. 166TH AVENUE.

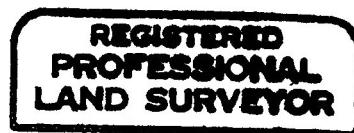
SAID PARCEL IS LOCATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., WASHINGTON COUNTY, OREGON, BEING LOT 15, OF "MADRONA TERRACE NO. 2" SUBDIVISION, RECORDED DEC 29, 1971, IN BOOK 30, PAGE 42 OF RECORDS OF PLATS IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE ALONG THE EAST LINE THEREOF NORTH 00°00'00" EAST, A DISTANCE OF 755.40 FEET TO THE POINT OF BEGINNING ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 15 "MADRONA TERRACE NO. 2"; THENCE SOUTH 89°51'00" WEST, A DISTANCE OF 175.60 FEET ALONG THE SOUTH LINE OF SAID LOT 15 TO THE EAST LINE OF 166TH AVE.; THENCE NORTH 00°09'00" WEST, A DISTANCE OF 100.00 FEET ALONG SAID EAST LINE; THENCE NORTH 89°51'00" EAST, A DISTANCE OF 175.86 FEET TO THE NORTHEAST CORNER OF LOT 15; THENCE SOUTH 00°00'00" WEST, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING

HAVING AN AREA OF 17,573 SQUARE FEET OR 0.40 ACRES MORE OR LESS.

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

BASIS OF BEARING: IS NORTH 00°00'00" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 30, AS SHOWN ON MAP IN BOOK 30, PAGE 42 RECORDS OF PLATS, IN WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, OREGON.



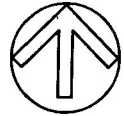
David A. Winship
OREGON
JULY 29, 1923
DAVID A. WINSHIP
2165

Expires 6/30/08

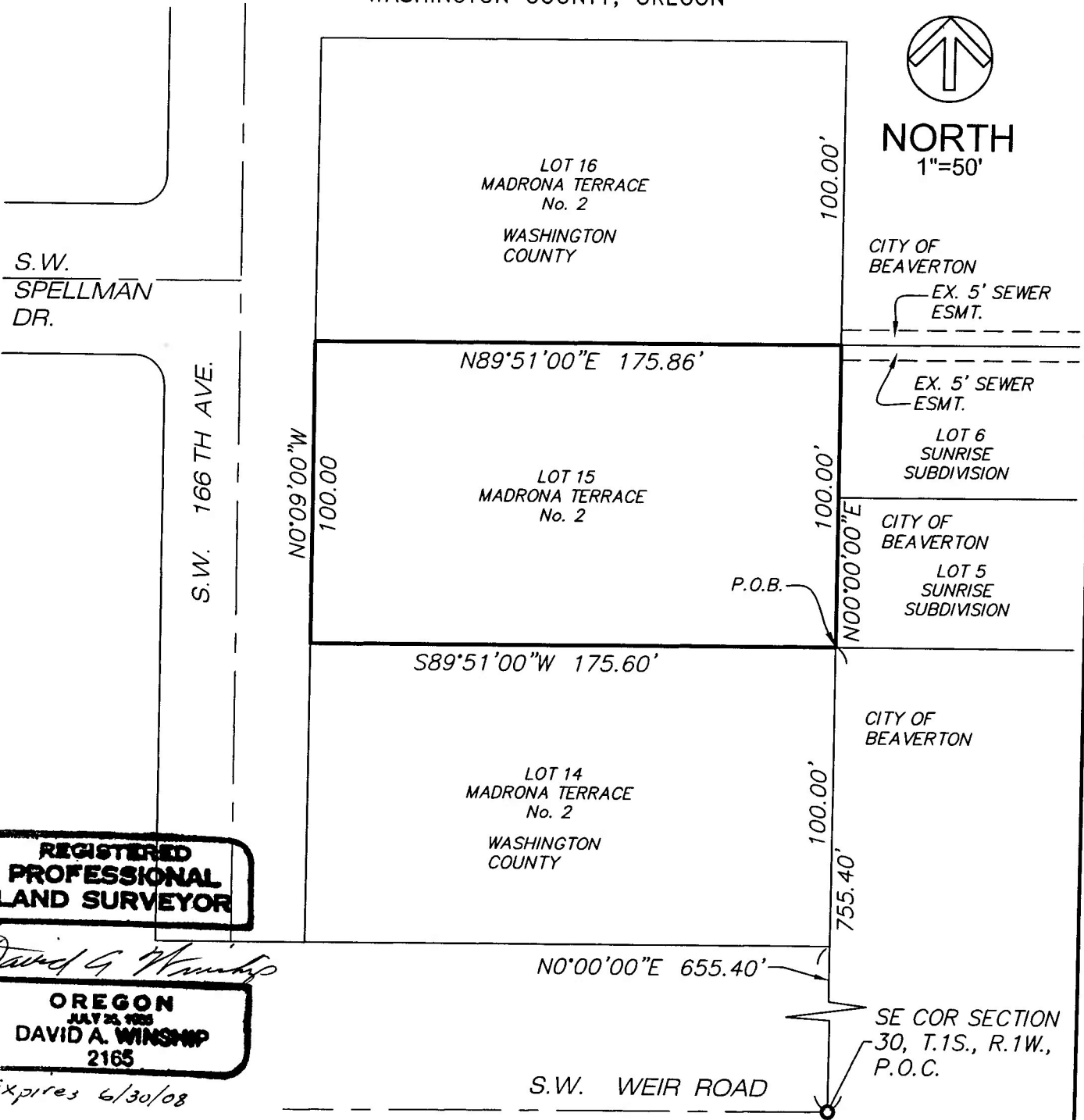
EXHIBIT B

ORDINANCE
NO. 4476

ANNEXATION 2008-003 EXHIBIT MAP
LOT 15, OF "MADRONA TERRACE NO. 2"
SE 1/4, SE 1/4 SECTION 30, T.1S., R.1W., W.M.,
WASHINGTON COUNTY, OREGON



NORTH
1"=50'



**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

David G. Winsnip

OREGON
JUL 26, 1925
DAVID A. WINSNIP
2165

Expires 6/30/08

Y:\SURV\martin\2008\annexations\anx2008-003\anx-2008-003.dwg

SHEET 1 OF 1



City of Beaverton

EXHIBIT MAP FOR
ANNEXATION 2008-003
LEGAL DESCRIPTION

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

JOB NO: 08-003
DATE: 02.06.08

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

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 (ANX2008-0003)

ACTIONS: Annexation to the City of Beaverton of one parcel located at 9620 SW 166th Avenue. The property proposed for annexation is identified as parcel 1S130DD02100 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 Sexton Mountain Neighborhood Association Committee (NAC). The Neighborhood Office is recommending that staff include a provision in the ordinance to amend the Sexton Mountain NAC boundary to include the subject parcel.

AREA: The parcel totals approximately 0.4 acres

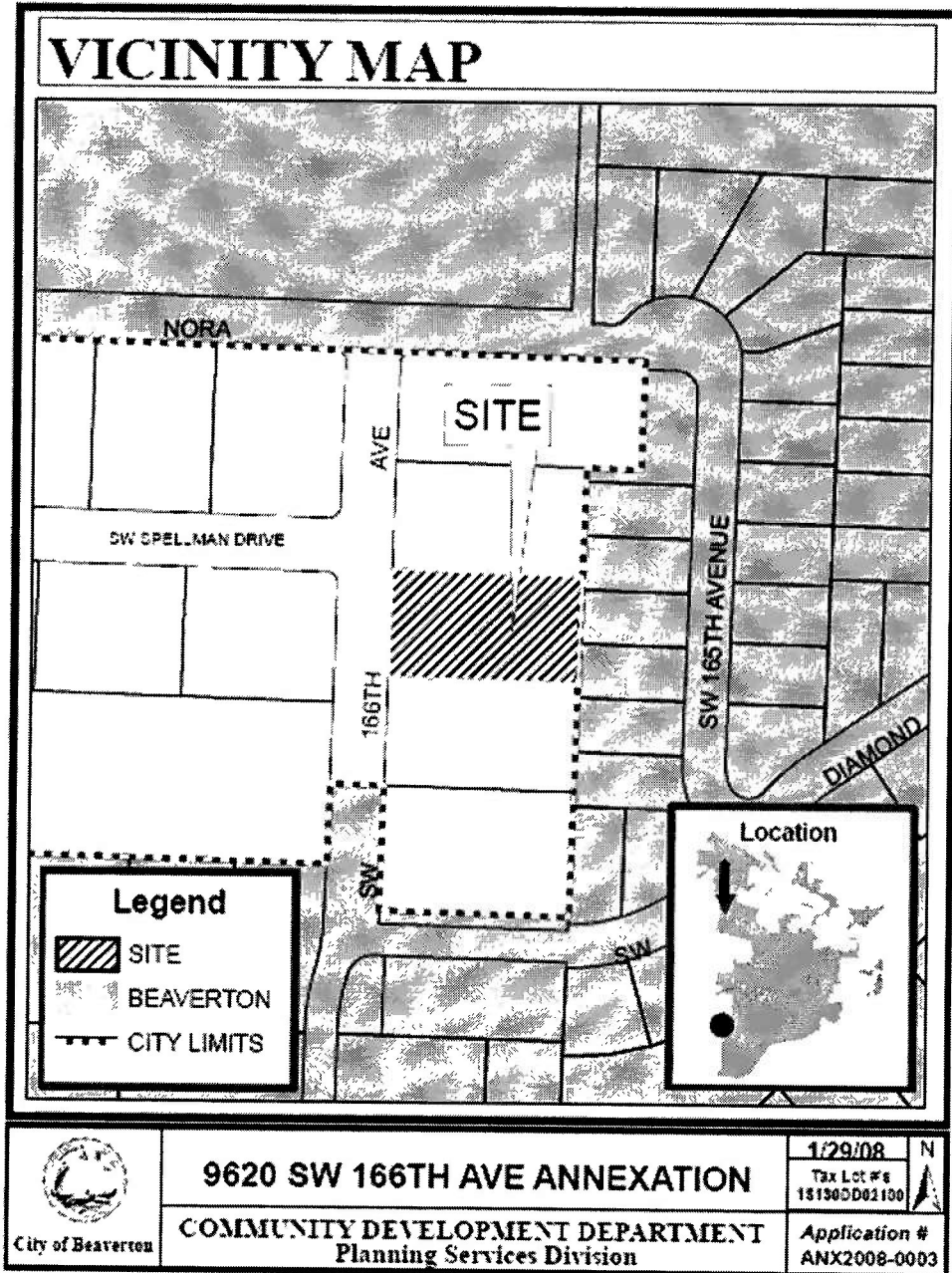
TAXABLE ASSESSED VALUE: \$ 274,050

ASSESSOR'S REAL MARKET VALUE: \$ 481,200

NUMBER OF LOTS: 1

EXISTING COUNTY ZONE: The subject parcel is designated R-6 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.**



ANX 2008-0003
3/17/08 Agenda Date

BACKGROUND

The subject property contains a residential dwelling of approximately 3,700 square feet. The owner is in the process of making improvements to the property and has expressed a desire to connect to a sanitary sewer line that abuts his rear property line. The neighboring parcel with this segment of sewer line is within the City's boundary. The City of Beaverton requires that property owners seeking connection to a City maintained line consent to annex so that the City can bill the property for sewer line maintenance costs.

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 R-6 to the City's Neighborhood Residential Standard Density (NR-SD) plan and R-5 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
1S130DD02100	9620 SW 166 th Avenue	0.4	Residential

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, Tualatin Valley 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: The subject parcel is currently on septic. However, a 6 inch lateral pipe extension runs under the abutting parcel directly east of the parcel and stubs at the western boundary of the neighboring parcel. The property owner has expressed an interest in connecting to this line subsequent to annexation. This line was installed as a condition of approval for the Sunrise Subdivision located next to the subject parcel in order to ensure that sanitary access to the subject property was available as a precautionary measure so that the new development would not disrupt existing drainage fields. Since the subject parcel is currently on septic no fees related to sewer maintenance are collected. Subsequent to annexation, initial connection to this line will require city permitting and inspection. The City will then assume maintenance responsibilities for the line, and Tualatin Valley Water District will establish a billing account to recover costs and reimburse the City for services rendered.

WATER: Tualatin Valley Water District currently provides service to the property. Subsequent to annexation the water district will continue to provide service to the properties and bill for services rendered.

STORM WATER DRAINAGE:

The building footprint of the dwelling unit occupying the subject parcel sits on the front portion of the property adjacent to SW 166th Avenue. This area of the parcel is relatively flat and runoff that collects on the impervious surface is directed to SW 166th Avenue. The rear of the parcel is sloped at a 5% grade. This area is pervious and landscaped. Runoff in this area filters unimpeded into the soil with the natural grade of the hillside. Currently, the property is billed for storm water maintenance by Tualatin Valley Water which directs a portion of the payment to Clean Water Services for storm water maintenance. Subsequent to annexation, the City will assume responsibility for servicing storm water runoff. TVWD will continue to bill the property for storm water maintenance and reimburse the City for fees related to this service. 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 property is located on SW 166th Avenue, a County maintained street classified on the County's Functional Classification Map as a Neighborhood Route. This proposal does not involve annexation of the public right-of-way. Subsequent to annexation maintenance responsibilities for SW 166th Avenue will remain with the County's Urban Road Maintenance District. However, upon annexation, the property will be withdrawn from the District.

PARKS and SCHOOLS:

The proposed annexation is within the Beaverton School District and the Tualatin Hills Parks and Recreation District. The proposal involves a single parcel supporting a single family dwelling. The expected impact imposed upon park and school services is not significant enough to warrant concern. Additionally, no change to the use of the property is proposed. Subsequent to annexation, these service district boundaries will remain unaffected. School enrollment will not be affected and no additional service demands will be imposed upon the park district. 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 this parcel 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 0.4 acres containing a single family residential dwelling. Essential urban services are already provided to the subject parcel by the County and the area's special service districts. After annexation if the property owner wishes to connect to sanitary sewer as he has indicated, the request can be accommodated. Considering the size of the parcel, service demands to serve 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 District. The proposed annexation will not require withdrawal of territory from any other special service districts 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 after 90 days prior to a primary or general election. This year's primary election date is scheduled to occur on May 20th 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 21st, 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.

As required in Metro Section 3.09.045.C, the City will make available this report addressing the above information at least seven days prior to the date of decision.

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 as a basis for preparing City annexation plans, staff finds that provisions in Metro Code Section 3.09.045 (d)(1)(B) do not apply.

(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, Tualatin Valley 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, sewage 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).

ANX 2008-0003
3/17/08 Agenda Date

(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 Aloha-Reedville-Cooper Mountain Community Plan that includes the subject property, and was unable to identify any provision relating to this proposed annexation.

FINDING: Staff finds that the proposed annexation is consistent with applicable provisions contained in the City's of Beaverton's Comprehensive Plan, Washington County's Framework Plan and the Aloha-Reedville-Cooper Mountain 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 Existing Conditions 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

- 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 # 1S130DD02100 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
LOT 15 "MADRONA TERRACE NO. 2" (TAX LOT 1S130DD02100)**

ANNEXATION 2008-003

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 755 FEET NORTH OF WEIR ROAD AND ALONG THE EAST SIDE OF S.W. 166TH AVENUE.

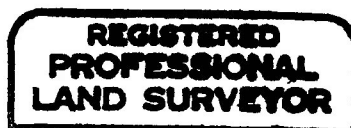
SAID PARCEL IS LOCATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., WASHINGTON COUNTY, OREGON, BEING LOT 15, OF "MADRONA TERRACE NO. 2" SUBDIVISION, RECORDED DEC 29, 1971, IN BOOK 30, PAGE 42 OF RECORDS OF PLATS IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE ALONG THE EAST LINE THEREOF NORTH 00°00'00" EAST, A DISTANCE OF 755.40 FEET TO THE POINT OF BEGINNING ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 15 "MADRONA TERRACE NO. 2"; THENCE SOUTH 89°51'00" WEST, A DISTANCE OF 175.60 FEET ALONG THE SOUTH LINE OF SAID LOT 15 TO THE EAST LINE OF 166TH AVE.; THENCE NORTH 00°09'00" WEST, A DISTANCE OF 100.00 FEET ALONG SAID EAST LINE; THENCE NORTH 89°51'00" EAST, A DISTANCE OF 175.86 FEET TO THE NORTHEAST CORNER OF LOT 15; THENCE SOUTH 00°00'00" WEST, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING

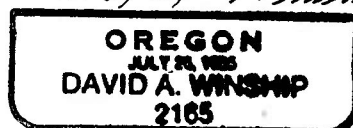
HAVING AN AREA OF 17,573 SQUARE FEET OR 0.40 ACRES MORE OR LESS.

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

BASIS OF BEARING: IS NORTH 00°00'00" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 30, AS SHOWN ON MAP IN BOOK 30, PAGE 42 RECORDS OF PLATS, IN WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, OREGON.



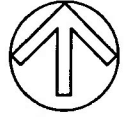
David A. Winship



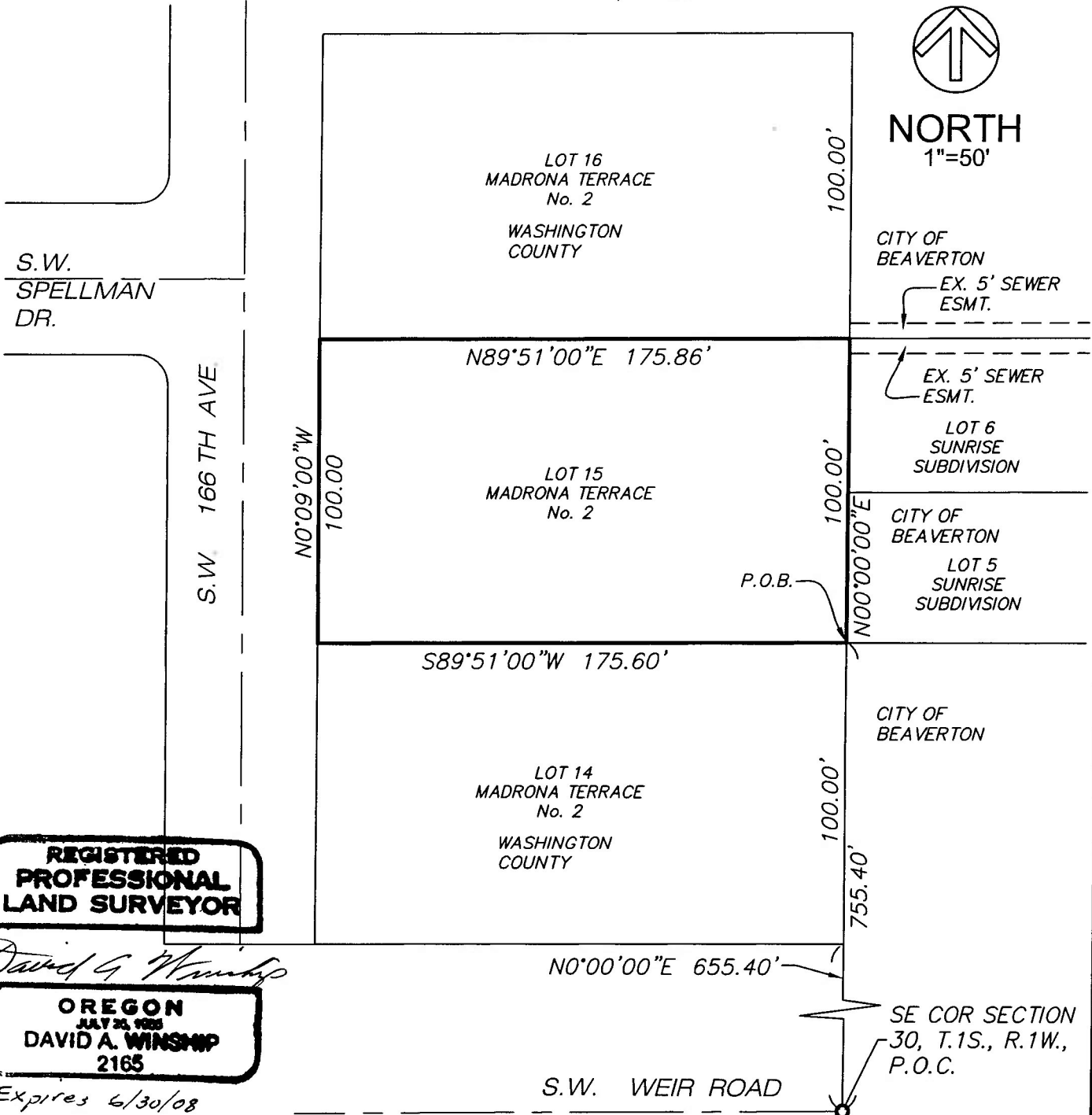
Expires 6/30/08

EXHIBIT B

ANNEXATION 2008-003 EXHIBIT MAP
 LOT 15, OF "MADRONA TERRACE NO. 2"
 SE 1/4, SE 1/4 SECTION 30, T.1S., R.1W., W.M.,
 WASHINGTON COUNTY, OREGON



NORTH
 1"=50'



**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

David G. Winship

OREGON
 JULY 25, 1925
DAVID A. WINSHIP
 2165

Expires 6/30/08

Y:\SURV\martin\2008\annexations\anx2008-003\anx-2008-003.dwg

SHEET 1 OF 1



EXHIBIT MAP FOR
 ANNEXATION 2008-003
 LEGAL DESCRIPTION

PUBLIC WORKS DEPARTMENT
 ENGINEERING DIVISION

JOB NO: 08-003
 DATE: 02.06.08

DRAWN BY: MTS
 CHECKED BY: MTS
 APPROVED BY:

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).

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).