



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: February 03, 2016

Jurisdiction: City of Beaverton

Local file no.: CPA 2015-0007

DLCD file no.: 001-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 02/02/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us

DLCD FORM 2



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
DEPT OF
File No.:
FEB 02 2016
Received:
LAND CONSERVATION AND DEVELOPMENT

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Beaverton

Local file no.: CPA2015-0007

Date of adoption: 1/13/16

Date sent: 12/15/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): NO

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Steven A. Sparks, Principal Planner

Phone: 5035262429

E-mail: ssparks@beavertonoregon.gov

Street address: 12725 SW Millikan Way

City: Beaverton

Zip: 97076-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from County R5	to R7	.87 acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from County R5	to R7	Acres: .87
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

The Comprehensive Plan Map and Zone changes adopted here are annexation related and conform to the Urban Planning Area Agreement between Beaverton and Washington County. That agreement governs how comp plan and zone changes will be processed when annexations occur.

ORDINANCE NO. 4671

AN ORDINANCE ANNEXING ONE PARCEL LOCATED AT 7440 SW 78TH AVENUE TO THE CITY OF BEAVERTON, ADDING THE PROPERTY TO THE DENNY WHITFORD / RALEIGH WEST NEIGHBORHOOD ASSOCIATION COMMITTEE: EXPEDITED ANNEXATION – ANX 2015-0004

- WHEREAS,** ORS 222.125 grants the City authority to initiate an expedited annexation process with the consent of all landowners of the territory to be annexed; and
- WHEREAS,** the owner of the subject parcel had 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 Council finds that the City has complied with the criteria and notice provisions of Metro Code Section 3.09.45 for expedited annexations; 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 B, and more particularly described in Exhibit A, is hereby annexed to the City of Beaverton, effective on the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, or 30 days from the date of adoption, whichever is later.
- Section 2.** Pursuant to Beaverton Code Section 9.06.035A, this property shall be added to the Denny 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 adopts the staff report attached hereto as Exhibit C to find that this annexation meets 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. The Council authorizes the City Attorney to approve the final form of the metes and bounds legal description of the area annexed by this ordinance (as shown on Exhibit B hereto) to address any revisions in that description needed to meet the requirements of the State of Oregon.

First reading this 5th day of January, 2016.

Second reading and passage this 12th day of January, 2016.

Approved by the Mayor this 13th day of January, 2016.

ATTEST:

APPROVED:

for Nanci Mayo, Deputy City Recorder
CATHY JANSEN, City Recorder

Denny Doyle
DENNY DOYLE, Mayor

STATE OF OREGON,
COUNTY OF WASHINGTON, } ss CERTIFICATION
CITY OF BEAVERTON

I, Nanci Mayo, Deputy Recorder for the City of Beaverton, Washington County, Oregon, certify that this instrument is a true and correct copy of the original which is part of the official records of the City of Beaverton, Oregon.

Dated this 22 day of January, 2016.

Nanci Mayo
Deputy
Recorder, City of Beaverton



**EXHIBIT A
LEGAL DESCRIPTION
FOR ANX 2015-0004**

EXPLANATION: THIS LEGAL DESCRIPTION IS PREPARED FOR THE OREGON DEPARTMENT OF REVENUE FOR THE PURPOSE OF DESCRIBING A PARCEL OF LAND IN UNINCORPORATED WASHINGTON COUNTY TO BE ANNEXED TO THE CITY OF BEAVERTON, LYING NORTH OF S.W. GARDEN HOME ROAD BETWEEN S.W. 77TH AVENUE AND S.W. 78TH AVENUE, WASHINGTON COUNTY, OREGON.

A PARCEL OF LAND, RECORDED IN DEED 2015-090438, WASHINGTON COUNTY RECORDERS OFFICE, LYING IN THE SOUTH ONE HALF OF SECTION 24, TOWNSHIP 1 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF LOT 15, GARDEN HOME WHICH IS SOUTH 0° 34' EAST 498.2 FEET FROM THE MONUMENTED NORTHWEST CORNER OF THAT TRACT CONVEYED TO OLIVE STOTT GABRIEL BY DEED BOOK 144, PAGE 558 AT THE NORTHWEST CORNER OF THAT TRACT CONVEYED TO WILLIAM C. PARTLOW ET UX, BY DEED IN DEED BOOK 369, PAGE 137, RUNNING THENCE NORTH 89° 54' EAST ON THE NORTH LINE OF SAID PARTLOW TRACT AND SAID NORTH LINE EXTENDED 334.05 FEET TO THE EAST LINE OF SAID LOT 15, AT THE NORTHEAST CORNER OF THAT TRACT CONVEYED TO EARL THOMAS LOWHEAD ET UX BY DEED IN DEED BOOK 370, PAGE 417 RUNNING THENCE NORTH 0° 31' WEST ON THE EAST LINE OF SAID LOT 158.6 FEET TO THE NORTHEAST CORNER OF THAT TRACT CONVEYED TO JAMES F. PARTLOW ET UX BY DEED IN DEED BOOK 312, PAGE 338, RUNNING THENCE SOUTH 89° 49' WEST ON THE NORTH LINE OF SAID PARTLOW TRACT 334.02 FEET MORE OR LESS TO THE NORTHWEST CORNER OF SAID LAST MENTIONED PARTLOW TRACT ON THE WEST LINE OF SAID LOT 15; THENCE SOUTH 0° 34' EAST 158.1 FEET MORE OR LESS TO THE POINT OF BEGINNING.

HAVING AN AREA OF 46,573 SQUARE FEET, 1.10 ACRES MORE OR LESS

TOGETHER WITH THE FOLLOWING DESCRIBED RIGHT OF WAYS:

COMMENCING AT THE CENTERLINE INTERSECTION OF S.W. GARDEN HOME ROAD AND S.W. 77TH AVENUE ALSO BEING THE SOUTHEAST CORNER OF LOT 15 AS SHOWN IN "GARDEN HOME" PLAT RECORDED IN WASHINGTON COUNTY RECORDERS OFFICE; THENCE NORTH 00°31'00" WEST, ALONG THE CENTERLINE OF SAID S.W. 77TH AVENUE A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°54'00" WEST A DISTANCE OF 20.00 FEET TO THE WEST RIGHT OF WAY OF SAID S.W. 77TH AVENUE; THENCE NORTH 00°31'00" WEST, ALONG SAID WEST RIGHT OF WAY, A DISTANCE OF 286.57 FEET; THENCE LEAVING SAID WEST RIGHT OF WAY NORTH 89°49'00" EAST, A DISTANCE OF 40.00 FEET TO THE EAST RIGHT OF WAY LINE OF S.W. 77TH AVENUE; THENCE SOUTH 00°31'00" EAST, ALONG THE EAST RIGHT OF WAY OF S.W. 77TH AVENUE, A DISTANCE OF 276.91 FEET; THENCE SOUTH 43°46'36" EAST A DISTANCE OF 13.44 FEET TO THE NORTH RIGHT OF WAY LINE OF S.W. GARDEN HOME ROAD; THENCE SOUTH 89°54'00" WEST, A DISTANCE OF 29.21 FEET TO THE POINT OF BEGINNING,

HAVING AN AREA OF 11,509 SQUARE FEET

REGISTERED
PROFESSIONAL
LAND SURVEYOR

M.T. Sprague 3
OREGON
JULY 09, 2013
MARTIN T. SPRAGUE
81280

RENEWAL DATE, 06/30/16



**EXHIBIT A
LEGAL DESCRIPTION
FOR ANX 2015-0004**

TOGETHER WITH THE FOLLOWING DESCRIBED RIGHT OF WAYS:

COMMENCING AT THE CENTERLINE INTERSECTION OF GARDEN HOME ROAD AND S.W. 77TH AVENUE ALSO BEING THE SOUTHEAST CORNER OF LOT 15 AS SHOWN IN "GARDEN HOME" PLAT RECORDED IN WASHINGTON COUNTY RECORDERS OFFICE; THENCE SOUTH 89°54'00" WEST, ALONG THE CENTERLINE OF SAID S.W. GARDEN HOME ROAD, A DISTANCE OF 314.14 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°06'00" EAST, TO THE SOUTH RIGHT OF WAY LINE OF S.W. GARDEN HOME ROAD, A DISTANCE OF 30.00 FEET; THENCE SOUTH 89°54'00" WEST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 40.00 FEET; THENCE LEAVING SAID SOUTH RIGHT OF WAY, NORTH 00°06'00" WEST, A DISTANCE OF 60.00 FEET TO THE NORTH RIGHT OF WAY OF S.W. GARDEN HOME ALSO BEING THE WEST RIGHT OF WAY LINE OF S.W. 78TH AVENUE; THENCE NORTH 00°34'00" WEST, ALONG SAID WEST RIGHT OF WAY LINE OF SAID S.W. 78TH AVENUE, A DISTANCE OF 286.09 FEET; THENCE LEAVING SAID RIGHT OF WAY, NORTH 89°49'00" EAST, A DISTANCE OF 40.00 FEET TO THE EAST RIGHT OF WAY LINE OF SAID S.W. 78TH AVENUE; THENCE SOUTH 00°34'00" EAST, ALONG SAID EAST RIGHT OF WAY, A DISTANCE OF 286.15 FEET TO THE NORTH RIGHT OF WAY LINE OF S.W. GARDEN HOME ROAD; THENCE SOUTH 00°06'00" EAST A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

HAVING AN AREA OF 13,845 SQUARE FEET

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

BASIS OF BEARING: NORTH 89°54'00" EAST, BEING THE CENTERLINE OF S.W. GARDEN HOME ROAD IN RECORD OF SURVEY MAP 5,441, IN THE WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, OREGON.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

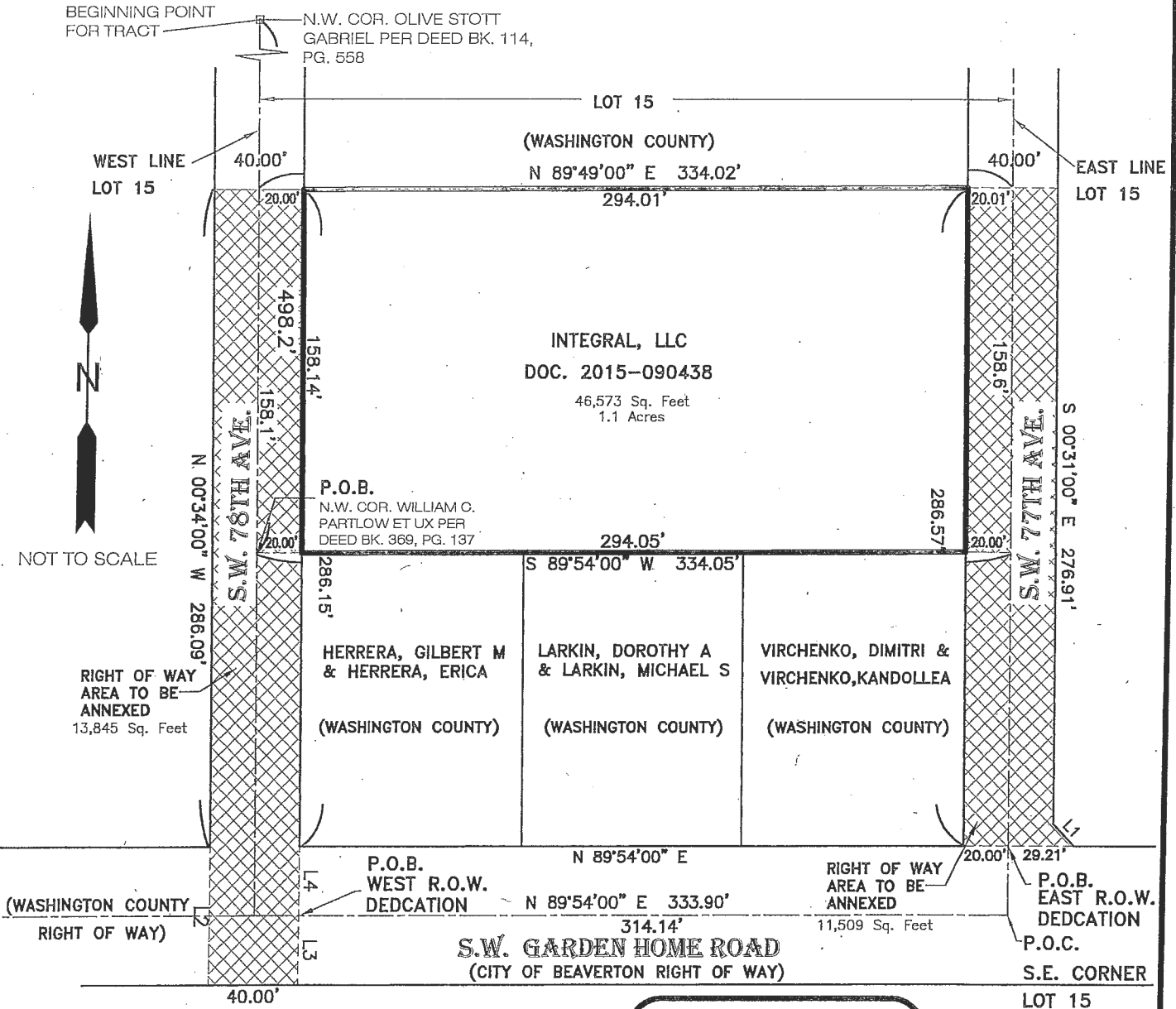
A handwritten signature in black ink, appearing to read "Martin T. Sprague".

OREGON
JULY 09, 2013
MARTIN T. SPRAGUE
81280

RENEWAL DATE 06/30/16

EXHIBIT B

A PORTION OF LOT 15 OF "GARDEN HOME" LYING IN THE SOUTH HALF (S 1/2) OF SECTION 24,
TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., WASHINGTON COUNTY, OREGON



LINE	BEARING	DISTANCE
L1	S 43°46'36" E	13.44'
L2	N 00°06'00" W	60.00'
L3	S 00°06'00" E	30.00'
L4	S 00°06'00" E	30.00'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Martin T. Sprague
OREGON
JULY 09, 2013
MARTIN T. SPRAGUE
81280

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Y:\SURVEY\ANNEX\2015-004\DWG\exhibit B.dwg

RENEWAL DATE 06/30/16

SHEET 1 OF 1

<p>PUBLIC WORKS DEPARTMENT ENGINEERING DIVISION</p>	JOB NO: 15-004	REVISION: _____
	DATE: 11.16.15	REVISION: _____
	DRAWN BY: MTS	REVISION: _____
	CHECKED BY: MTS	REVISION: _____
	APPROVED BY: _____	



Ordinance No. 4671

STAFF REPORT

TO: City Council

AGENDA DATE: January 5, 2016

FROM: Steven A. Sparks, AICP

SUBJECT: Expedited Annexation (ANX 2015-0004)

ACTIONS: Annexation to the City of Beaverton of one parcel located at 7440 SW 78th Avenue (TLID # 1S124CAO3500) to the City of Beaverton. The property is located north of Garden Home Road between SW 77th and 78th Avenues. The property is more particularly described by the attached legal description. Annexation is owner initiated due to the request for City services and is being processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045.

NAC: The subject parcel 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 NAC boundaries to include the parcel proposed for annexation.

AREA: The parcel is approximately 0.87 acres.

TAXABLE ASSESSED VALUE: \$ 224,390

ASSESSOR'S REAL MARKET VALUE: \$ 501,580

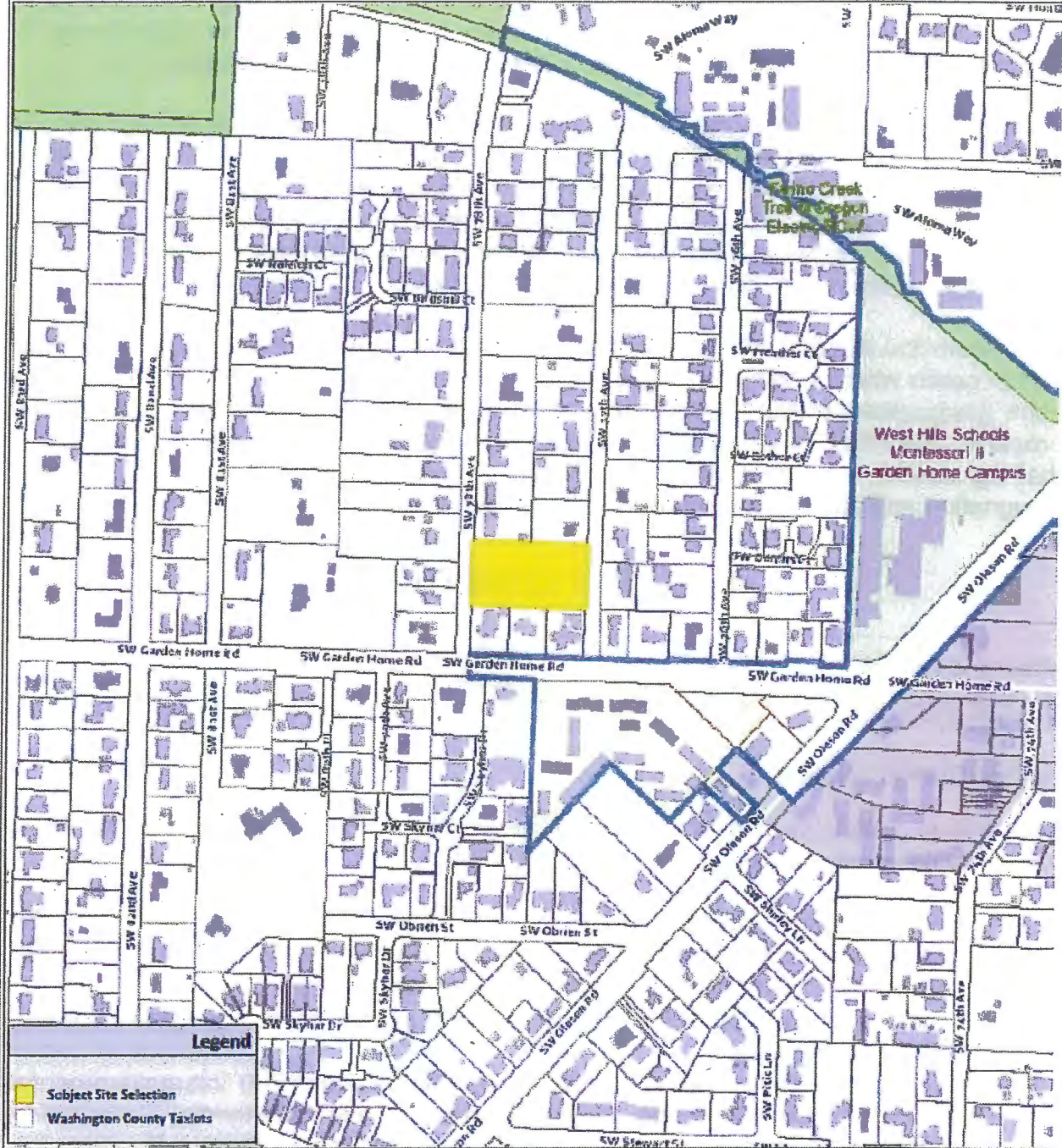
NUMBER OF LOTS: 1

EXISTING COUNTY ZONE: The subject parcel is designated R5 by Washington County.

RECOMMENDATION: **Staff recommends the City Council adopt an ordinance annexing the referenced property, effective as of the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, or 30 days from date the ordinance is signed, whichever is later.**

VICINITY MAP

EXHIBIT A



Legend

- Subject Site Selection
- Washington County Taxlots



**4470 SW 78TH AVENUE EXPEDITED ANNEXATION
ANX2015-0004**

**COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division**

The information supplied in this application represents the best data available at the time of publication. City of Beaverton GIS makes no claims, representations, or warranties as to its accuracy or completeness.

11/18/2015
Faxlot No:
1S124CA03500

N
Application #
See Notice

The subject site is currently within unincorporated Washington County. The parcel is occupied by a detached dwelling and is an over sized parcel. The property owners wish to have access to the City maintained storm sewer in SW Garden Home right-of-way. In accordance with City policy, annexation is required to receive City services.

Upon annexation, the City of Beaverton will provide urban service to the subject site and incur the costs associated with providing those services such as police, stormwater conveyance, and urban planning. 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. Because the petitioners represent 100% of the ownership of the parcel and reside on the parcel, no public hearing is required.

The Beaverton-Washington County Urban Planning Area Agreement (UPAA) specifies that in cases where Washington County lands are annexed, application of City plan and zone designations reflect the most proximate zones to what is currently applied to the property. Specific City – County plan and zone designations are provided in Exhibit B of that agreement. In accordance with these specifications, the City will apply a plan designation and a zoning designation to the property through a separate process.

EXISTING CONDITIONS

Map and Tax Lot	Site Address	Lot Size (acres)	Existing Land Use
1S124CA03500	7440 SW 78 th Ave	0.87	Detached Single Family Residence

SERVICE PROVISION:

Cooperative, urban service and intergovernmental agreements affecting provision of service to the subject property include the following:

- The City has entered into ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire and Rescue District, Tualatin Hills Park 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 then 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.

This action is consistent with those agreements.

The following details the various services available to the property to be annexed.

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 parcel is currently served and new development can be served by existing 8" pipes maintained by Clean Water Services (CWS) which are located within both SW 77th and 78th Avenues. The City of Beaverton will eventually provide service to the parcel depending on the scope of the street annexation and eventual City limits boundary and bill the property for services rendered upon annexation per the terms of the existing Intergovernmental Agreement between the City and CWS.

WATER: The subject parcel falls within the service area of the Tualatin Valley Water District. Subsequent to annexation, Tualatin Valley Water District will continue to provide service to the parcel.

STORM WATER DRAINAGE: The parcel slopes toward the southwest. The existing house roof downspouts and nearly all the properties in the vicinity drain toward open-channel swales that flow toward Garden Home Road. Within Garden Home Road are inlets and pipes maintained by the City of Beaverton. A land division cannot occur on this parcel without new public storm sewers being extended up (and northerly) from Garden Home Road within both SW 77th and 78th Avenues in order to provide adequate storm drainage service provision.

STREETS and ROADS: The property fronts both on SW 77th Avenue and SW 78th Avenue. Both streets are classified as local streets. In addition to being annexed into the City, the subject property will be withdrawn from the County Urban Road Maintenance District.

**PARKS and
SCHOOLS:**

The proposed annexation is within the Beaverton School District (BSD). The site is developed with a single family dwelling. The annexation does not change the number of dwellings on site; therefore, school enrollment will not be affected by the proposed annexation and no additional service demands will be imposed upon BSD. The proposed annexation is located within the Tualatin Hills Park and Recreation District (THPRD).

Subsequent to annexation, service district boundaries will remain unaffected. Future development of the subject parcel and that development's potential impacts will be subject to BSD review at the time of development proposal.

**PLANNING,
ZONING and
BUILDING:**

Washington County currently provides long-range planning, development review, and building inspection for the property. All future planning and zoning functions associated with the property will be performed by the City.

City plan and zone designations that approximate County designations will be proposed in a separate process. The choice as to which designations will be applied will be dictated by the terms specified in the UPAA. This separate process will be conducted concurrently with the annexation.

**CRITERIA FOR APPROVAL
REGIONAL ANNEXATION CRITERIA**

In December 1998, the Metro Council adopted Metro Code Chapter 3.09 (Local Government Boundary Changes). 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 one parcel, approximately 0.87 acres in size. As indicated in the previous section, adequate capacity exists in terms of water, sanitary sewer, stormwater and transportation facilities to service the property in its current use.

Other essential urban services are already provided to the parcel by the County and area special service districts. Services that will transfer to the City subsequent to annexation are 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;

In accordance with the terms specified in the City of Beaverton – Washington County Urban Planning Area Agreement, the property will be removed from Washington County's Enhanced Sheriff's Patrol and Urban Road Maintenance Districts. The proposed annexation will not require withdrawal of territory from any other service districts identified as necessary parties.

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

The proposed annexation was prompted by a desire on the part of the property owner to be served by the City of Beaverton. Upon annexation, the City of Beaverton will service the subject site and incur the costs associated with those services provided, such as police, planning, development review, code enforcement, and economic development.

ORS 222.180 specifies that the date an approved annexation becomes effective is determined by the date the Secretary of State files the jurisdiction's decision with its office. ORS 222.180 also specifies that when annexation proceedings are initiated by a city, the city may specify a later effective date than that determined by the Secretary of State.

The City's annexation process requires that the proposed ordinance receive first and second readings on consecutive meeting dates. Additionally, Section 36 of the City's Charter specifies that City ordinances shall take effect thirty (30) days after their adoption by the Council and approval of the Mayor. Accordingly, the ordinance language for this proposal includes the following statement:

The property shown on Exhibit A, and more particularly described in Exhibit B, is hereby annexed to the City of Beaverton effective upon the date the ordinance is filed with the Secretary of State (as specified by ORS 222.180), or thirty (30) days from the date of adoption, whichever is later."

FINDING: Having addressed the elements contained in Metro Code Section 3.09.045 (c) above, and as this staff report will be made available to the public on or before September 29, 2015, at least seven days prior to the date of decision, the proposal satisfies Metro Code Section 3.09.045 (c).

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. 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.

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 Park 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, 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. Staff could not identify any relevant urban services as defined by Metro Code Section 3.09.020(l) that 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 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.

Raleigh Hills - Garden Home Community Plan

Staff have reviewed other elements of the County Comprehensive Plan and have determined that the subject site is not designated as an area of special concern by the Raleigh Hills - Garden Home Community Plan nor is the parcel subject to any specific policy contained within the Community Plan.

Subsequent to annexation, the City of Beaverton will apply its plan and zone designations to the parcel as a substitute for what had been designated by Washington County. Selection as to which plan and zone designations are appropriate will be dictated by the terms specified in the Beaverton – Washington County Urban Planning Area Agreement (UPAA). The intent is to apply City designations that most closely correspond to what had previously been applied. Subsequently, all City design standards pertaining to pedestrian access, landscaping, etc. will be applied in any future development review process.

FINDING: Staff finds that the proposed annexation is consistent with applicable provisions contained in the City of Beaverton’s Comprehensive Plan, Washington County’s Framework Plan and the 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 service provisions 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 in 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 effect 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 described 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 eliminating 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.

CONCLUSION

Based on the facts and findings in this report, staff concludes that approval of the owner initiated annexation of Tax Lot # 1S124CA03500, meets all pertinent criteria outlined in Metro Section 3.09.045.

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP TO APPLY THE CITY'S NEIGHBORHOOD RESIDENTIAL-STANDARD DENSITY (NR-SD) DESIGNATION AND ORDINANCE 2050, THE ZONING MAP, TO APPLY THE CITY'S URBAN STANDARD DENSITY (R7) ZONE TO ONE PARCEL LOCATED AT 7440 SW 78TH AVENUE IN BEAVERTON. CPA 2015-0007/ZMA 2015-0009, CITY OF BEAVERTON APPLICANT

WHEREAS, a proposal to annex the subject properties into the City of Beaverton is being considered by City Council on January 5, 2016; 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 No. 4187, Section 1.4.3.B.6, and Ordinance No. 2050, Section 40.97.15.C, the Beaverton Community Development Department, on December 15, 2015, 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 January 5, 2016; and

WHEREAS, the City Council adopts as to criteria, facts and findings described in Community Development Department staff report on CPA2015-0007/ZMA2015-0009 dated December 15, 2015, 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 Tax Lot 1S124CA03500 Neighborhood Residential-Standard Density, as shown on Exhibit “A”.

Section 2. Ordinance No. 2050, the Zoning Map, is amended to designate Tax Lot 1S124CA03500 Urban Standard Density (R7) as shown on Exhibit “A”.

Section 3. This ordinance shall become effective thirty (30) days after its adoption by the Council and approval by the Mayor or upon the effective date of the ordinance annexing the subject property, whichever is later.

First reading this 5th day of January, 2016.

Passed by the Council this 12th day of January, 2016.

Approved by the Mayor this 13th day of January, 2016

ATTEST:

APPROVED:

for Nancy Mayo, Deputy City Recorder
CATHY JANSEN, City Recorder

Denny Doyle
DENNY DOYLE, Mayor

STATE OF OREGON,
COUNTY OF WASHINGTON,
CITY OF BEAVERTON

} ss CERTIFICATE

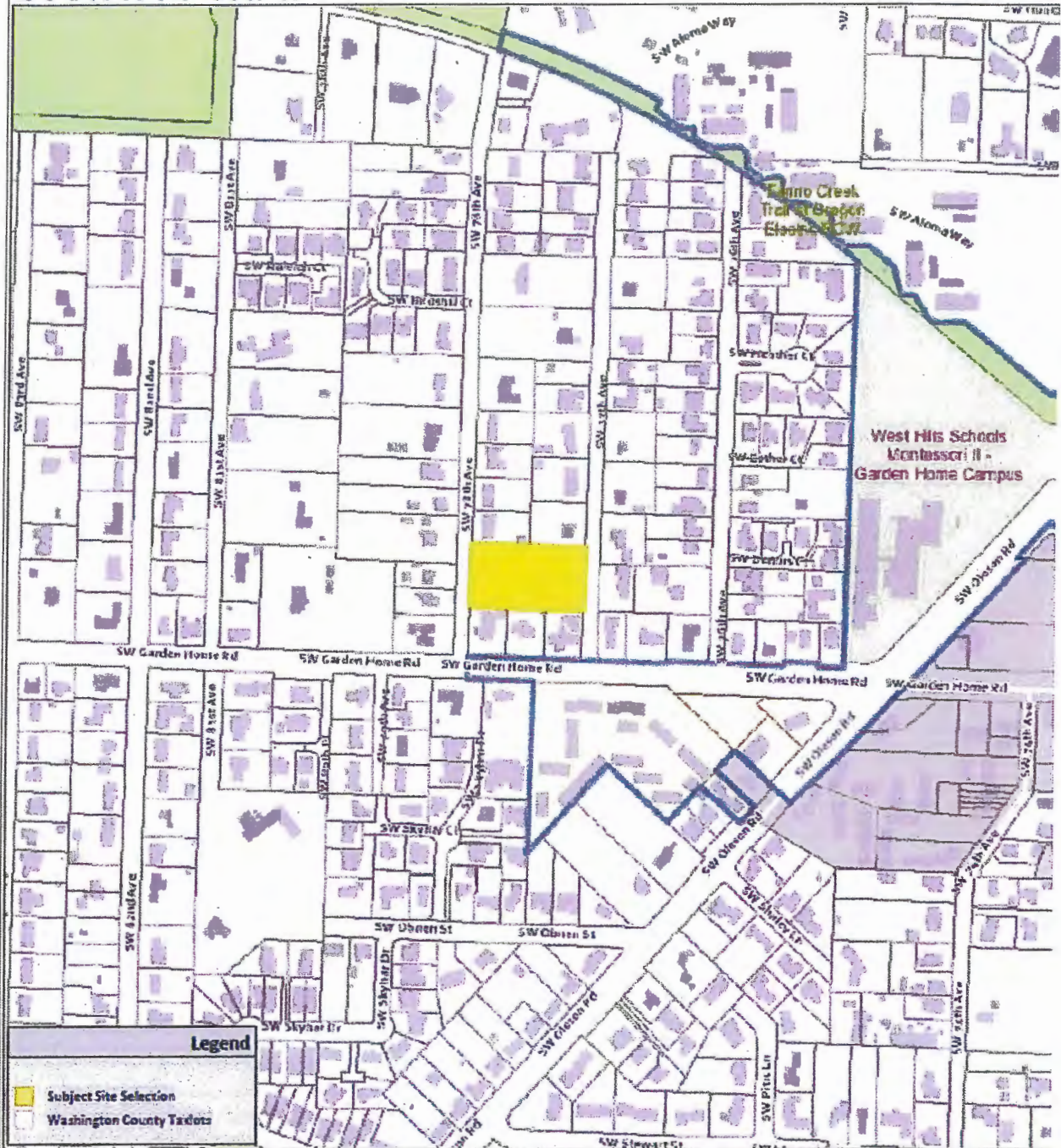
I, Nanci Mayo, ^{Deputy} Recorder for the
City of Beaverton, Washington County, Oregon, certify
that this instrument is a true and correct copy of the
original which is part of the official records of the City of
Beaverton, Oregon.

Dated this 22 day of January, 2016.

Nanci Mayo
Deputy
Recorder, City of Beaverton, Oregon

VICINITY MAP

EXHIBIT A



Legend

- Subject Site Selection
- Washington County Taxlots



4470 SW 78TH AVENUE EXPEDITED ANNEXATION
ANX2015-0004

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

The information supplied in this application represents the best data available at the time of publication. City of Beaverton GIS makes no claims, representations, or warranties as to its accuracy or completeness.

11/18/2015

Taxlot No:
1S124CA03500

N

Application #
See Notice

Beaverton

CDD

City of Beaverton
PO Box 4755
Beaverton, OR 97076

FIRST CLASS



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DEPT OF

FEB 02 2016

LAND CONSERVATION
AND DEVELOPMENT

ATTN: PLAN AMENDMENT SPECIALIST
DEPT. OF LAND CONSERVATION AND
DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540