

Final Documents  
for  
Withdrawal from  
**Beaverton**

WA1011

Ordinance/Resolution: 4568

Annexation: ANX2011-0004

DOR: 34-1987-2011

Secretary of State: AN 2011-0074

Secretary of State Effective Date: 9/28/2011

OFFICE OF THE SECRETARY OF STATE

KATE BROWN  
SECRETARY OF STATE

BARRY PACK  
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION  
MARY BETH HERKERT  
DIRECTOR  
800 Summer Street NE  
Salem, Oregon 97310  
(503) 373-0701  
Facsimile (503) 378-4118

September 29, 2011

Metro  
Linda Martin  
600 NE Grand Ave  
Portland, Oregon 97232-2736

Dear Ms. Martin:

Please be advised that we have received and filed, as of the date below, the following records annexing territory to the following:

Ordinance/ Resolution Number(s)	Date	Our File Number
2038 (Milwaukie)	09/ 28/ 2011	AN 2011-0073
4568 (Withdrawal from Beaverton)	09/ 28/ 2011	AN 2011-0074

For your records please verify the effective date through the applicable ORS.

Our assigned file number(s) are included in the above information.

Sincerely,

Linda Bjornstad  
Official Public Documents

Cc: Department of Revenue  
ODOT  
Population Research Center



## CITY of BEAVERTON

---

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

September 20, 2011

RE: City of Beaverton ANX2011-0004 Barrows/Scholls Right-of-Way Withdrawal of Territory

Dear Ms. Martin,

Attached is the annexation packet for ANX2011-0004. The check with the \$250 filing and mapping fee (for 4.85 acres) will follow; it has been requested from our finance department and will be mailed as soon as it is cut. We respectfully request that you process the attached paperwork without the fee which should arrive in a few days. If you have any questions please do not hesitate to contact me. My phone number is (503)526-3710 and email is [jfox@beavertonoregon.gov](mailto:jfox@beavertonoregon.gov).

Thank you,

Jana Fox  
Associate Planner  
Community & Economic Development Department  
City of Beaverton

# Notice to Taxing Districts

ORS 308.225



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

City of Beaverton Community Dev.  
Planning Division  
PO Box 4755  
Beaverton, OR 97076

**Description and Map Approved**  
**September 19, 2011**  
**As Per ORS 308.225**

Description     Map received from: JANA FOX  
On: 8/23/2011

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

WITHDRAWAL FROM CITY OF BEAVERTON(SW BARROWS RD AREA)

ORD #4568(ANX2011-0004)

has been:     Approved        9/19/2011  
                   Disapproved

Notes:

This boundary change is approved with the following noted Typo which needs to be corrected on the legal desc. and sent to the required agencies.

Pg 2, Line 4: Typo, correct the spelling of "SW Scholls Ferry Rd" in the legal desc.

Department of Revenue File Number: 34-1987-2011

Prepared by: Elise Bruch 503-945-8344

Boundary:     Change     Proposed Change  
The change is for:

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

**AN ORDINANCE WITHDRAWING A PORTION OF THE RIGHT-OF-WAY OF SW BARROWS ROAD AND SW SCHOLLS FERRY ROAD, REMOVING THE RIGHT OF WAY FROM THE NEIGHBORS SOUTHWEST NEIGHBORHOOD ASSOCIATION COMMITTEE AND DECLARING AN EFFECTIVE DATE: ANNEXATION 2011-0004**

- WHEREAS,** the City of Tigard has requested the withdrawal of right-of-way as shown in attached Exhibit "A" and legally described in attached Exhibit "B" from the City of Beaverton; and
- WHEREAS,** ORS 222.460 and Metro Code Section 3.09 set forth the procedural requirements for the withdrawal of territory; and
- WHEREAS,** the City initiated a proposal by a resolution to withdraw from the City of Beaverton the property described in Exhibit "B". The Council provided notice and held a hearing on the proposal on July 12, 2011; and
- WHEREAS,** as required by ORS222.460, the Council held a final hearing on the withdrawal of the property on August 9, 2011; and
- WHEREAS,** a staff report, attached Exhibit "C", was prepared, and available to the public on July 25, 2011. The staff report was prepared consistent with the requirements of Metro Code Section 3.09; and
- WHEREAS,** the Council finds that the withdrawal of the right-of-way will further the public interest as demonstrated in the staff report, Exhibit "C"; and
- WHEREAS,** the Council finds that the City has complied with the criteria and notice provisions of Metro Code Section 3.09 and ORS222.460; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BEAVERTON, OREGON, ORDAINS AS FOLLOWS:**

- Section 1.** The property shown on Exhibit "A" and described in Exhibit "B," is hereby withdrawn from the City of Beaverton, effective either on September 30, 2011, or the effective date of the ordinance for annexation of the subject site by the City of Tigard, or on the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, whichever is later.
- Section 2.** Pursuant to Beaverton Code Section 9.06, this property shall be withdrawn from the Neighbors Southwest Neighborhood Association Committee Boundary.
- Section 3.** The Council adopts the staff report attached hereto as Exhibit "C" to find that this annexation meets applicable approval criteria for a land use decision.

**Section 4.** 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 5.** 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 6.** The Council authorizes the City Attorney to approve the final form of the metes and bounds legal description of the area withdrawn 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 9th day of August, 2011.

Second reading and passage this 16th day of August, 2011.

Approved by the Mayor this 17th day of August, 2011.

ATTEST:

APPROVED:

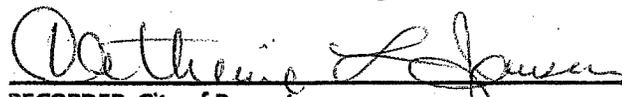
  
CATHY JANSEN, City Recorder

  
DENNY DOYLE, Mayor

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

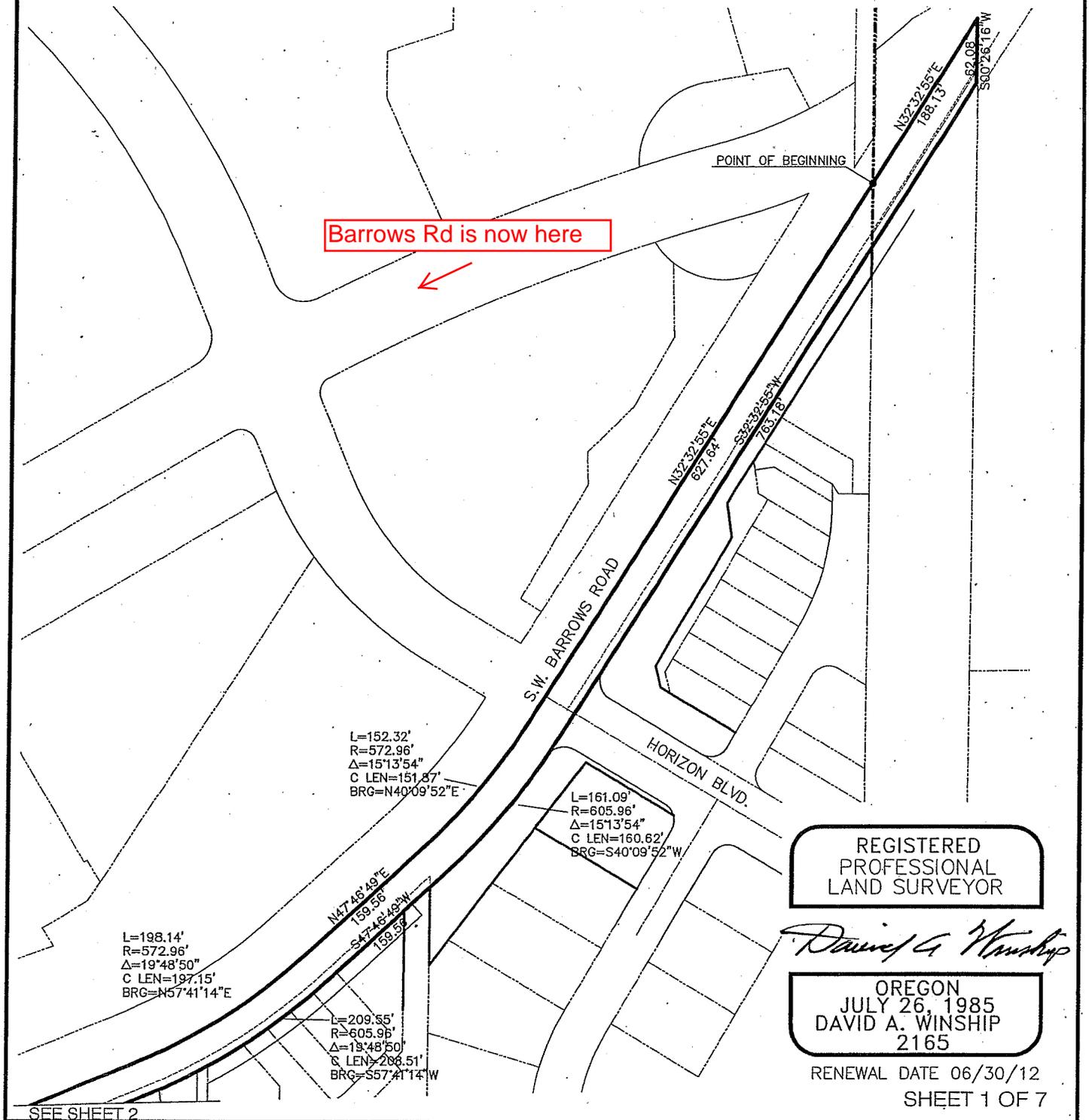
I, CATHERINE JANSEN Recorder for the City of Beaverton, Washington County, Oregon, certify that this instrument is a true and correct copy of the original which is part of the official records of the City of Beaverton, Oregon.

Dated this 18th day of August 2011.

  
RECORDER, City of Beaverton

S.W. BARROWS ROAD EXHIBIT MAP

THAT PORTION OF S.W. BARROWS ROAD LYING IN THE NORTH HALF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M., CITY OF BEAVERTON, WASHINGTON COUNTY, OREGON



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*David A. Winship*

OREGON  
JULY 26, 1985  
DAVID A. WINSHIP  
2165

RENEWAL DATE 06/30/12  
SHEET 1 OF 7

Economic & Capital Development	REVISION: _____
	REVISION: _____
S.W. BARROWS ROAD	
DRAWN BY: MTS	CHECKED BY: MS
APPROVED BY: DW	

S.W. BARROWS ROAD EXHIBIT MAP  
THAT PORTION OF S.W. BARROWS ROAD LYING IN THE  
NORTH HALF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 1 WEST,  
W.M., CITY OF BEAVERTON, WASHINGTON COUNTY, OREGON

Barrows Rd is now here



S.W. BARROWS ROAD

N67°35'38"E  
1464.05'  
S67°35'38"W  
1464.05'

S.W. MENLOR LANE

SEE SHEET 3

SEE SHEET 1

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*David A. Winship*

OREGON  
JULY 26, 1985  
DAVID A. WINSHIP  
2165

RENEWAL DATE 06/30/12  
SHEET 2 OF 7

Economic & Capital Development

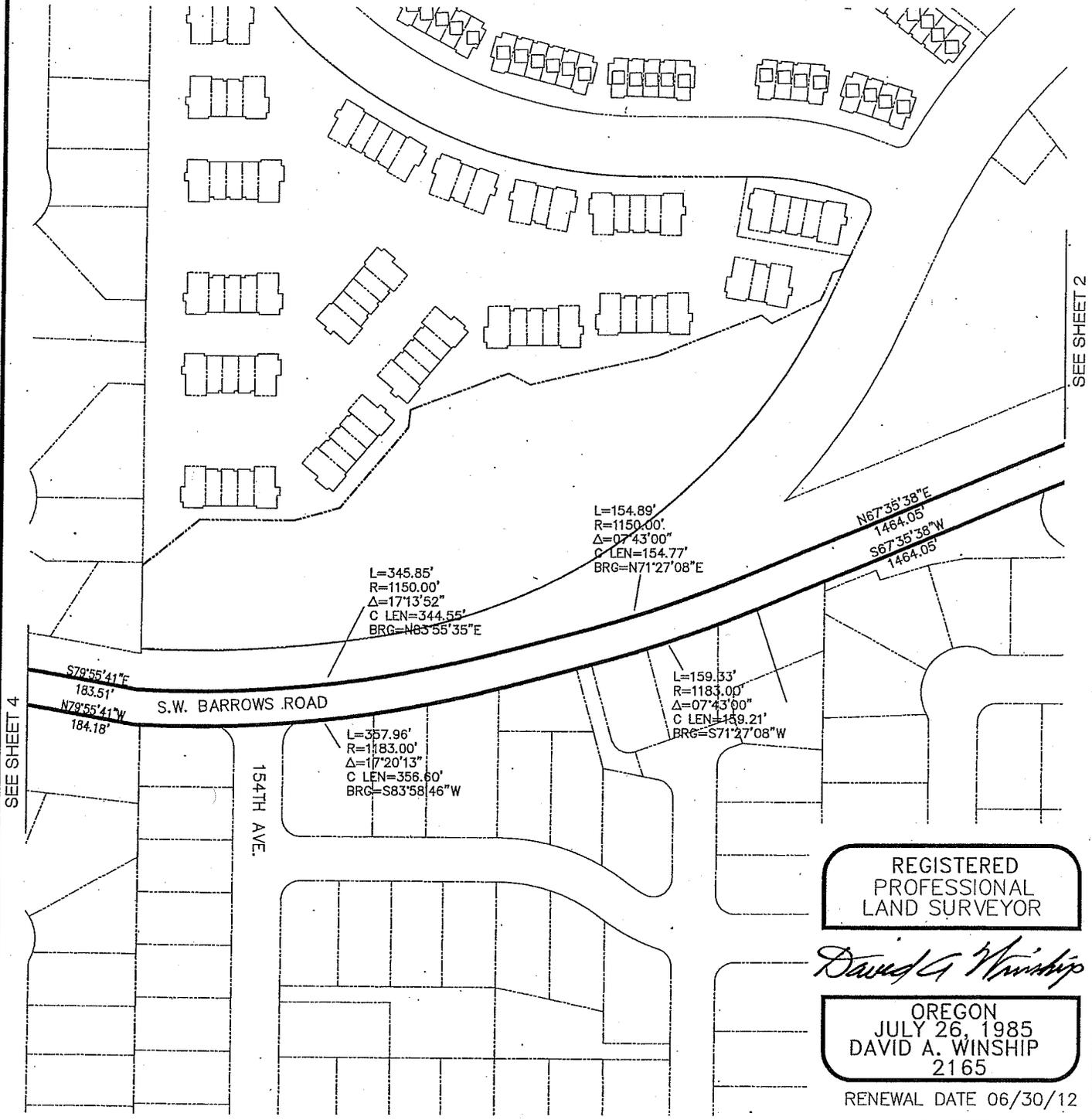
S.W. BARROWS ROAD

DRAWN BY: MTS | CHECKED BY: MS | APPROVED BY: DW

REVISION: \_\_\_\_\_

REVISION: \_\_\_\_\_

S.W. BARROWS ROAD EXHIBIT MAP  
 THAT PORTION OF S.W. BARROWS ROAD LYING IN THE  
 NORTH HALF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 1 WEST,  
 W.M., CITY OF BEAVERTON, WASHINGTON COUNTY, OREGON



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

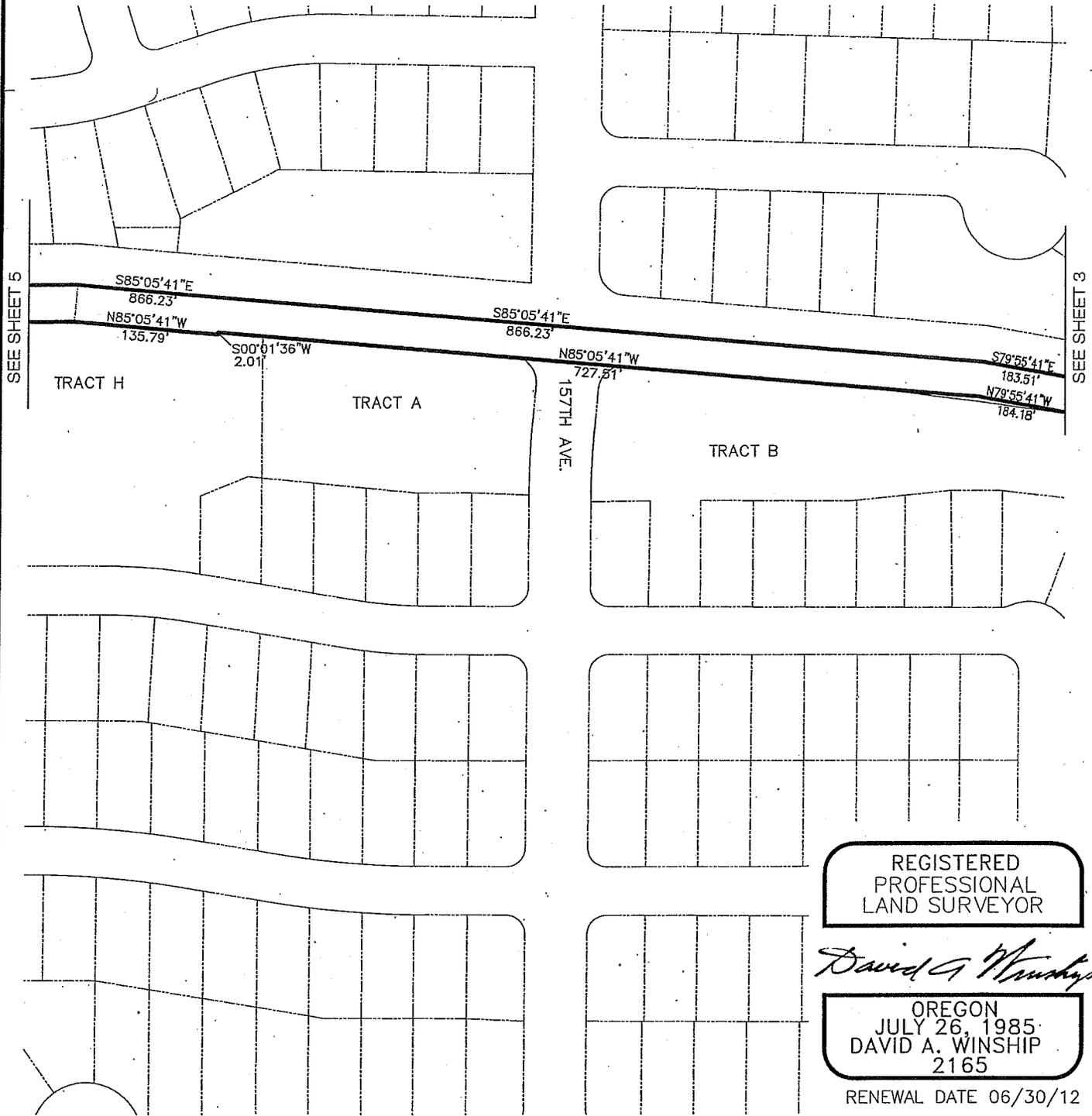
*David A. Winship*

OREGON  
 JULY 26, 1985  
 DAVID A. WINSHIP  
 2165

RENEWAL DATE 06/30/12  
 SHEET 3 OF 7

Economic & Capital Development		REVISION: _____
		REVISION: _____
S.W. BARROWS ROAD		
DRAWN BY: MTS	CHECKED BY: MS	APPROVED BY: DW

S.W. BARROWS ROAD EXHIBIT MAP  
THAT PORTION OF S.W. BARROWS ROAD LYING IN THE  
NORTH HALF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 1 WEST,  
W.M., CITY OF BEAVERTON, WASHINGTON COUNTY, OREGON



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

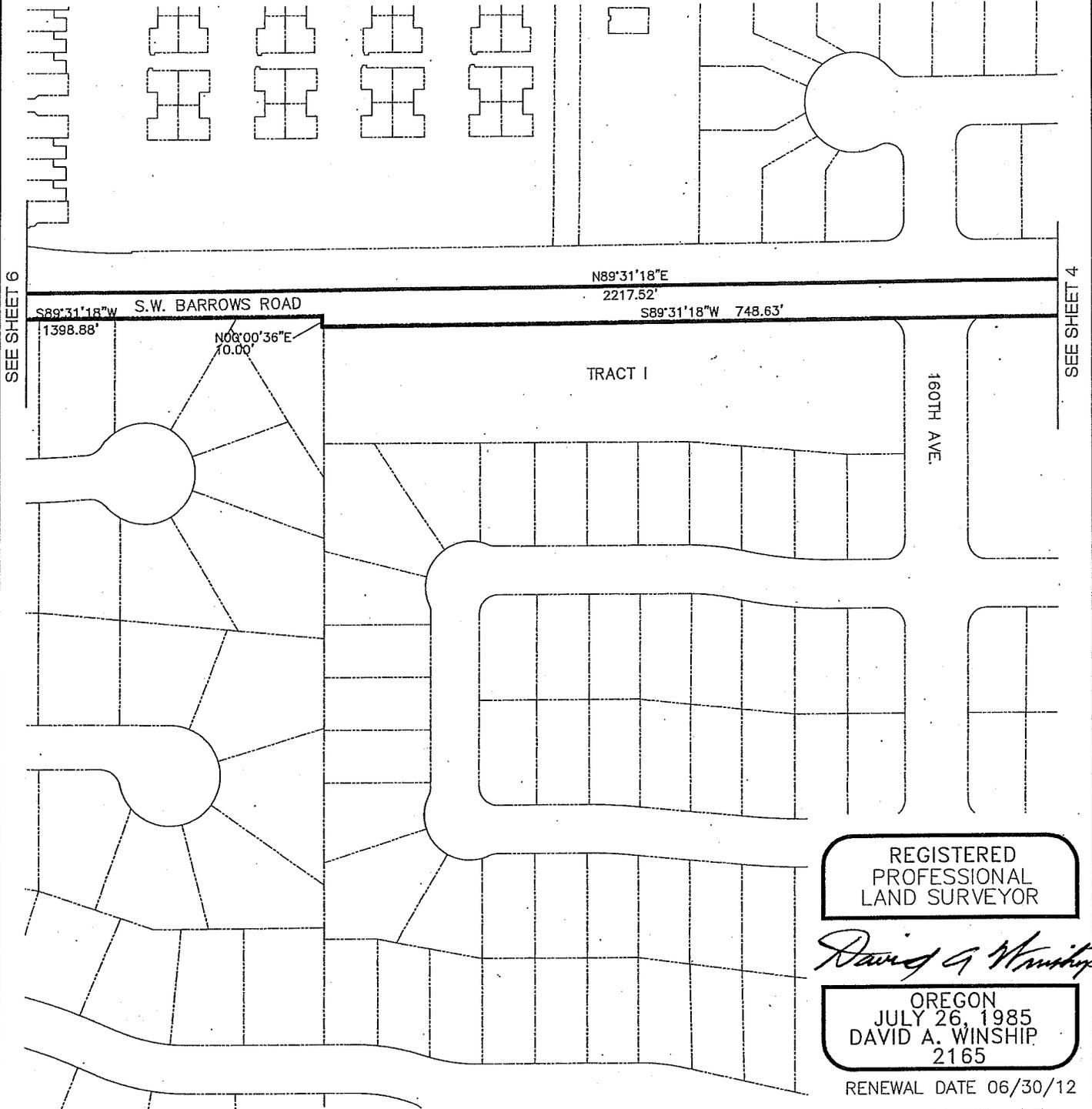
*David A. Winship*

OREGON  
JULY 26, 1985  
DAVID A. WINSHIP  
2165

RENEWAL DATE 06/30/12  
SHEET 4 OF 7

	Economic & Capital Development	REVISION: _____
	S.W. BARROWS ROAD	REVISION: _____
DRAWN BY: MTS	CHECKED BY: MS	APPROVED BY: DW

S.W. BARROWS ROAD EXHIBIT MAP  
THAT PORTION OF S.W. BARROWS ROAD LYING IN THE  
NORTH HALF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 1 WEST,  
W.M., CITY OF BEAVERTON, WASHINGTON COUNTY, OREGON



SEE SHEET 6

SEE SHEET 4

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*David A. Winship*

OREGON  
JULY 26, 1985  
DAVID A. WINSHIP  
2165

RENEWAL DATE 06/30/12

SHEET 5 OF 7

Economic & Capital Development

S.W. BARROWS ROAD

REVISION: \_\_\_\_\_

REVISION: \_\_\_\_\_

DRAWN BY: MTS    CHECKED BY: MS    APPROVED BY: DW

S.W. BARROWS ROAD EXHIBIT MAP  
THAT PORTION OF S.W. BARROWS ROAD LYING IN THE  
NORTH HALF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 1 WEST,  
W.M., CITY OF BEAVERTON, WASHINGTON COUNTY, OREGON

S.W. SCHOL

SEE SHEET 7

SEE SHEET 5

N89°31'18"E  
2217.52'

S89°31'18"W  
1398.88'

TAX LOT 2S1060003800  
WASHINGTON Co.

SW ROSHAK RD

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*David A. Winship*

OREGON  
JULY 26, 1985  
DAVID A. WINSHIP  
2165

RENEWAL DATE 06/30/12  
SHEET 6 OF 7

Economic & Capital Development

S.W. BARROWS ROAD

REVISION: \_\_\_\_\_

REVISION: \_\_\_\_\_

DRAWN BY: MTS | CHECKED BY: MS | APPROVED BY: DW

S.W. BARROWS ROAD EXHIBIT MAP  
 THAT PORTION OF S.W. BARROWS ROAD LYING IN THE  
 NORTH HALF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 1 WEST,  
 W.M., CITY OF BEAVERTON, WASHINGTON COUNTY, OREGON

S.W. SCHOLLS FERRY ROAD  
 N89°35'33"E N89°31'18"E  
 40.03' 2217.52'  
 N00°14'28"E 40.65'  
 S89°31'18"W 1398.88'

TAX LOT 2S1060000100  
 WASHINGTON Co.

L=110.10'  
 R=1481.40'  
 Δ=04°15'29"  
 C LEN=110.07'  
 BRG=S81°22'33"W

SEE SHEET 6

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*David A. Winship*

OREGON  
 JULY 26, 1985  
 DAVID A. WINSHIP  
 2165

RENEWAL DATE 06/30/12  
 SHEET 7 OF 7

Economic & Capital Development

S.W. BARROWS ROAD

REVISION: \_\_\_\_\_

REVISION: \_\_\_\_\_

DRAWN BY: MTS | CHECKED BY: MS | APPROVED BY: DW



*The Best of Oregon*

**EXHIBIT B  
LEGAL DESCRIPTION  
FOR RIGHT OF WAY AREA WITHIN S.W. BARROW ROAD**

EXPLANATION: THIS LEGAL DESCRIPTION IS PREPARED FOR THE PURPOSE OF DE-ANNEXING PORTIONS OF RIGHT OF WAY WITHIN S.W. BARROWS ROAD LYING IN THE CITY OF BEAVERTON, LYING EAST OF S.W. SCHOLLS FERRY ROAD AND THE EAST LINE OF THE B.P.A., CITY OF BEAVERTON, WASHINGTON COUNTY, OREGON.

LYING SOUTH OF S.W. BARROWS ROAD CENTERLINE WITHIN THE NORTH HALF (N1/2) SECTION 5, AND THE NORTHEAST QUARTER (NE1/4) SECTION 6, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON MORE PARTICULARLY DESCRIBES AS FOLLOWS:

COMMENCING FROM THE SOUTHEAST QUARTER CORNER SECTIONS 32, COMMON WITH SECTION 33 TOWNSHIP 1 SOUTH, RANGE 1 WEST AND SECTIONS 4 AND 5 TOWNSHIP 2 SOUTH, RANGE 1 WEST WILLAMETTE MERIDIAN; THENCE SOUTH  $00^{\circ} 26' 16''$  WEST, ALONG EAST LINE OF SAID SECTION 5, A DISTANCE OF 929.91 TO THE CENTERLINE OF SW BARROWS ROAD AND THE **TRUE POINT OF BEGINNING** OF THE DE-ANNEXATION DESCRIPTION; THENCE NORTH  $32^{\circ} 32' 55''$  EAST, ALONG SAID CENTERLINE, A DISTANCE OF 188.13 FEET TO THE EAST LINE OF BPA'S (100 FOOT WIDE) PROPERTY LINE; THENCE SOUTH  $00^{\circ} 26' 16''$  WEST, ALONG SAID BPA PROPERTY LINE, A DISTANCE OF 62.08 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SW BARROWS ROAD; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING 15 COURSES; THENCE SOUTH  $32^{\circ} 32' 55''$  WEST A DISTANCE OF 763.18 FEET TO A POINT OF CURVE OF A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT WITH A RADIUS OF 605.96 FEET, A CENTRAL ANGLE OF  $15^{\circ} 13' 54''$  (A CHORD WHICH BEARS SOUTH  $40^{\circ} 09' 52''$  WEST, 160.62 FEET) AN ARC LENGTH OF 161.09; THENCE SOUTH  $47^{\circ} 46' 49''$  WEST, A DISTANCE OF 159.56 FEET TO A POINT OF CURVE OF A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT WITH A RADIUS OF 605.96 FEET, A CENTRAL ANGLE OF  $19^{\circ} 48' 50''$  (A CHORD WHICH BEARS SOUTH  $57^{\circ} 41' 14''$  WEST, 208.51 FEET) AN ARC LENGTH OF 209.55 FEET; THENCE SOUTH  $67^{\circ} 35' 38''$  WEST, A DISTANCE OF 1464.05 FEET TO A POINT OF CURVE OF A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT WITH A RADIUS OF 1183.00 FEET, A CENTRAL ANGLE OF  $07^{\circ} 43' 00''$  (A CHORD WHICH BEARS SOUTH  $71^{\circ} 27' 08''$  WEST, 159.21 FEET) AN ARC LENGTH OF 159.33 FEET; THENCE SOUTH  $75^{\circ} 18' 39''$  WEST, A DISTANCE OF 89.96 FEET TO A POINT OF CURVE OF A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE TO THE RIGHT WITH A RADIUS OF 1183.00 FEET, A CENTRAL ANGLE OF  $17^{\circ} 20' 13''$  (A CHORD WHICH BEARS SOUTH  $83^{\circ} 58' 46''$  WEST, 356.60 FEET) AN ARC LENGTH OF 357.96 FEET; THENCE NORTH  $79^{\circ} 55' 41''$  WEST, A DISTANCE OF 184.18 FEET; THENCE NORTH  $85^{\circ} 05' 41''$  WEST, A DISTANCE OF 727.51 FEET; THENCE SOUTH  $00^{\circ} 01' 36''$  WEST, A DISTANCE OF 2.01 FEET; THENCE NORTH  $85^{\circ} 05' 41''$

DISTANCE OF 2.01 FEET; THENCE NORTH 85°05' 41" WEST, A DISTANCE OF 135.79 FEET; THENCE SOUTH 89° 31' 18" WEST, A DISTANCE OF 748.63 FEET; THENCE NORTH 00° 00' 36" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 89° 31' 18" WEST, A DISTANCE OF 1398.88 FEET TO SOUTHERLY RIGHT OF WAY LINE OF S.W. SCHOLLS FERRY ROAD BEING A POINT ON A NON-TANGENT CURVE TO THE RIGHT; THENCE ALONG SAID NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 1481.40 FEET, A CENTRAL ANGLE OF 04° 15' 29", ( A CHORD WHICH BEARS SOUTH 81° 22' 33" WEST, 110.07 FEET) AN ARC LENGTH OF 110.10 FEET; THENCE NORTH 00° 14' 28" EAST, LEAVING SAID SOUTHERLY RIGHT OF WAY, A DISTANCE OF 40.65 FEET; THENCE NORTH 89 35' 33" EAST, A DISTANCE OF 40.03 FEET TO THE WESTERLY EXTENSION OF THE CENTERLINE OF SW BARROWS ROAD COUNTY ROAD No. 812; THENCE NORTH 89° 31' 18" EAST, ALONG SAID CENTERLINE, A DISTANCE OF 2217.52 FEET; THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 85° 05' 41" EAST, A DISTANCE OF 866.23 FEET; THENCE SOUTH 79° 55' 41" EAST, A DISTANCE OF 183.51 FEET TO A NON-TANGENT CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT WITH A RADIUS OF 1150.00 FEET A CENTRAL ANGLE OF 17° 13' 52" (A CHORD WHICH BEARS N 83° 55' 35" E, 344.55 FEET) AN ARC LENGTH OF 345.85 FEET; THENCE NORTH 75° 18' 39" EAST A DISTANCE OF 89.96 FEET TO A POINT OF CURVE OF A CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT WITH A RADIUS OF 1150.00 FEET, A CENTRAL ANGLE OF 7° 43' 00" (A CHORD WHICH BEARS NORTH 71° 27' 08" EAST, 154.77 FEET) AN ARC LENGTH OF 154.89 FEET; THENCE NORTH 67°35' 38" EAST A DISTANCE OF 1464.05 FEET TO A POINT OF CURVE OF A CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT WITH A RADIUS OF 572.96 FEET, A CENTRAL ANGLE OF 19° 48' 50" ( A CHORD WHICH BEARS NORTH 57° 41' 14" EAST, 197.15 FEET) AN ARC LENGTH OF 198.14 FEET; THENCE NORTH 47° 46' 49" EAST A DISTANCE OF 159.56 FEET TO A POINT OF CURVE OF A CURVE TO THE LEFT; THENCE ALONG SAID CURVE TO THE LEFT WITH A RADIUS OF 572.96 FEET, A CENTRAL ANGLE OF 15° 13' 54" ( A CHORD WHICH BEARS NORTH 40° 09' 52" EAST, 151.87 FEET) AN ARC LENGTH OF 152.32 FEET AS SHOWN IN PLAT HILLSHIRE CREEK ESTATES IN BOOK 104, PAGE 28 WASHINGTON RECORDERS OFFICE; THENCE NORTH 32° 32' 55" EAST A DISTANCE OF 627.64 FEET TO THE POINT OF BEGINNING.

CONTAINING 211,011 SQUARE FEET OR 4.84 ACRES MORE OR LESS

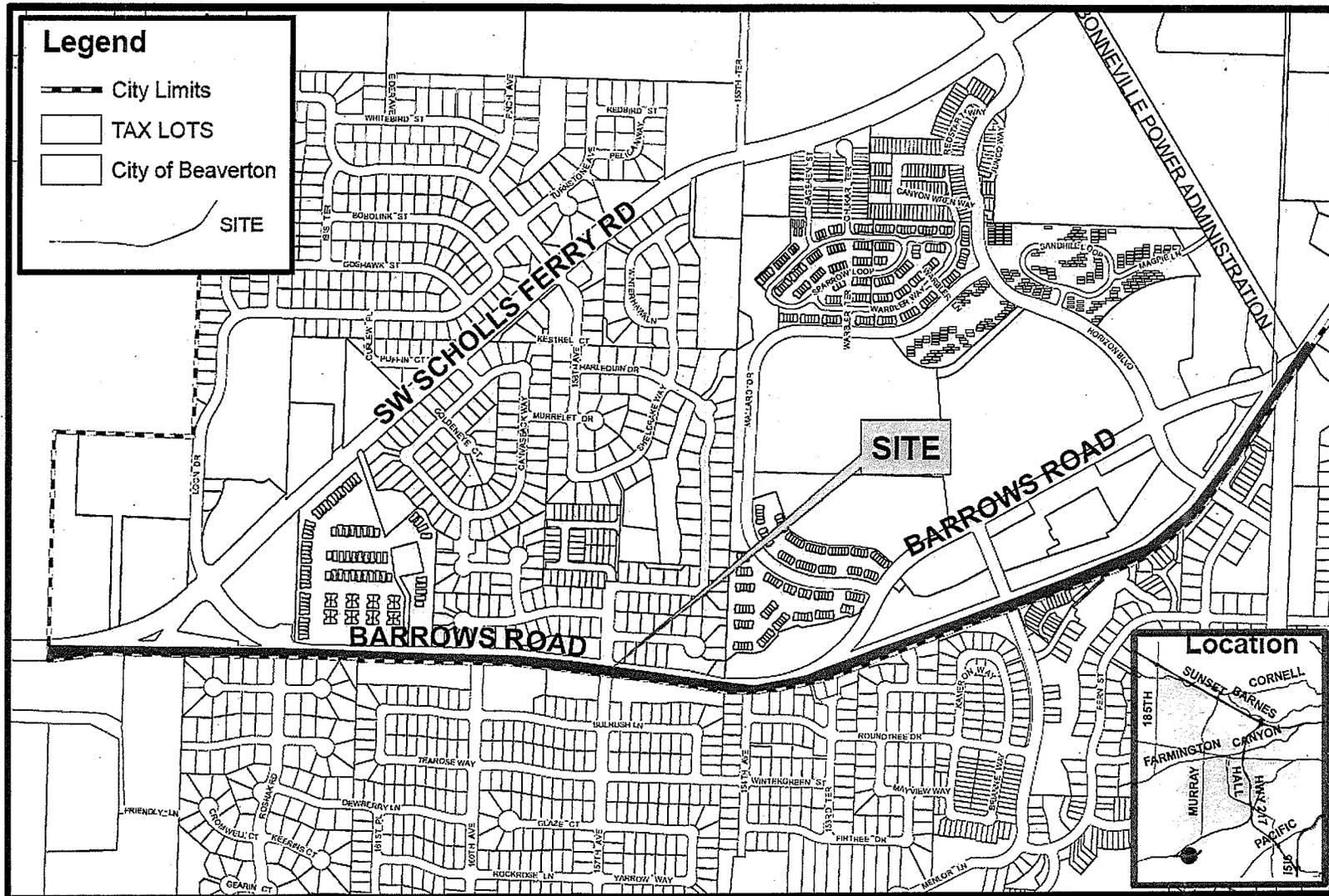
SEE EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF. BASIS OF BEARING: IS SOUTH 00°26'16" WEST, ALONG THE EAST LINE OF SAID SECTION 5, AS SHOWN IN RECORD OF SURVEY IN FILE 29,334, OF SURVEYS, IN THE WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, OREGON.



- 3. Direct staff to prepare an ordinance withdrawing from the City of Beaverton the referenced right-of-way and withdrawing the right-of-way from the Neighbors Southwest NAC.**

# VICINITY MAP

# EXHIBIT "A"



	<h2>Barrows/Scholls ROW Withdrawal</h2>	6/7/11	N 
	COMMUNITY DEVELOPMENT DEPARTMENT	ANX2011-0004	

## BACKGROUND

The subject right of way is within the City of Beaverton. The City of Tigard has requested that the City withdraw a portion of the right of way of SW Barrows Road and SW Scholls Ferry Road from their territory so that it may be annexed to the City of Tigard. The withdrawal of the subject right of way from the City of Beaverton and subsequent annexation to the City of Tigard would provide Tigard a route by which Tigard may provide urban services to currently unincorporated properties. The proposed withdrawal of territory would withdraw an area from the southern right of way to the centerline of SW Barrows Road and SW Schools Ferry Road. The City of Beaverton would still maintain traffic control jurisdiction over SW Barrows Road, which is addressed in a separate Intergovernmental Agreement (IGA) with the City of Tigard.

## EXISTING CONDITIONS

### SERVICE PROVISION:

Cooperative, urban service and intergovernmental agreements affecting provision of service to and through the subject right-of-way 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.
- 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 right-of-way proposed to be withdrawn will be annexed to the City of Tigard; therefore this agreement is not applicable.

This action is consistent with those agreements.

The following details the various services available to the area to be withdrawn.

**POLICE:** The property to be withdrawn currently receives police protection from the Beaverton Police Department (BPD). Upon withdrawal of the subject area, and subsequent annexed to the City of Tigard, the site will receive police protection from the City of Tigard. 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 this area. 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:** This is a withdrawal of right-of-way and no sanitary sewer is required. The provision of sanitary sewer lines through the right-of-way will be addressed in an IGA with the City of Tigard and the City of Beaverton.

**WATER:** This is a withdrawal of right-of-way and no water is required. The provision of water lines through the right-of-way will be addressed in an IGA with the City of Tigard and the City of Beaverton.

**STORM WATER DRAINAGE:** Storm water drainage is currently handled by numerous facilities in the area. The withdrawal of the right-of-way from the City of Beaverton will not affect the functioning of those facilities. The provision of storm water lines through the right-of-way will be addressed in an IGA with the City of Tigard and the City of Beaverton.

**STREETS and ROADS:** The areas of proposed withdrawal include a portion of right-of-way which is now a trail managed by Tualatin Hills Park & Recreation District, a portion of SW Barrows Road which is a collector street, a portion of undeveloped right-of-way, and a portion of SW Scholls Ferry Road an arterial street. The classifications and function of the right-of-way will not be affected by the proposed withdrawal. The City of Beaverton will maintain traffic control responsibilities of the entirety of SW Barrows Road, to be addressed in an IGA with the City of Tigard. Street maintenance responsibilities and costs will be addressed in an IGA with the City of Tigard.

**PARKS and  
SCHOOLS:**

The proposed withdrawal area is within the Beaverton School District (BSD) and the Tualatin Hills Park and Recreation District (THPRD). Because the proposed action does not involve residential uses, school enrollment will not be significantly affected by the proposed withdrawal and no additional service demands will be imposed upon either THPRD or BSD. A portion of the subject right-of-way is now operated as a park by THPRD, an IGA between THPRD and the City of Tigard will address the jurisdictional issues associated with having a portion of THPRD's boundaries within the City of Tigard. THPRD's boundary will not be modified by this proposed withdrawal.

**PLANNING,  
ZONING and  
BUILDING:**

The City of Beaverton currently provides long-range planning, development review, and building inspection for the withdrawal area. The withdrawal area does not have a zoning designation as it is right-of-way.

## **CRITERIA FOR APPROVAL**

### **REGIONAL ANNEXATION CRITERIA**

In December 1998 the Metro Council adopted Metro Code Chapter 3.09 (Local Government Boundary Changes). This Chapter has since been amended through Ordinance 07-1165A (adopted January 17 2008). Metro Code Sections 3.09.050 (b) through (d) and Metro Code Section 3.09.045 (d) and (e) include the following minimum criteria for decisions other than expedited annexations:

***3.09.050 (b) At least fifteen days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria in subsection (d) and 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 the withdrawal of a portion of SW Barrows Road and SW Scholls Ferry Road, as illustrated in Attachment A. As indicated in the previous section, the proposed withdrawal of territory includes right-of-way and not private property which would require water or sanitary sewer. Water, sanitary sewer, and storm water facilities are currently located within the right of way of SW Barrows Road and SW Scholls Ferry Road. The withdrawal of territory will not affect the provision of services. An Intergovernmental Agreement will be signed between the City of Tigard and the City of Beaverton as to maintenance and jurisdictional responsibilities of the existing facilities.

The proposed action 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;**

Metro Code Section 3.09.020 defines "necessary party" as "any county; city; district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory or who provides any urban service to any portion of the affected territory; Metro, or any other unit of local government, as defined in ORS 190.003, that is a party to any agreement for provision of an urban service to the affected territory."

Necessary parties for the proposed withdrawal are; Beaverton School District, Tualatin Hills Park & Recreation District, Clean Water Services, Metro, Tualatin Valley Fire & Rescue, Beaverton Neighbors Southwest Neighborhood Association Committee, and Washington County. The proposed withdrawal of territory will result in the withdrawal of the subject right-of-way from the boundaries of the Neighbors Southwest Neighborhood Association Committee (NAC). 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.**

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 days after their adoption by the Council and approval of the mayor.

Accordingly, the ordinance language for this proposal will include a statement that 'the property described in Exhibit "A" and shown on Exhibit "B," is hereby withdrawn from the City of Beaverton' and will specify a date certain for the effective date of the ordinance. In no instance will the date occur before the ordinance is filed with the Secretary of State or less than 30 days from the date of adoption.

***FINDING: Having addressed the elements contained in Metro Code Section 3.09.050 (b) above, and as this staff report will be made available to the public on or before June 27, 2011, at least fifteen days prior to the date set for the hearing, the proposal satisfies Metro Code Section 3.09.050 (b).***

***3.09.050 (c) The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria:***

The City of Beaverton initiated the process for a withdrawal of territory at the request of the City of Tigard. This staff report contains findings of fact in support of the application which show compliance with the applicable approval criteria.

***FINDING:*** *Having addressed the elements contained in Metro Code Section 3.09.050 (c) above, and as this staff report will be made available to the public on or before June 27, 2011, at least fifteen days prior to the date set for the hearing, the proposal satisfies Metro Code Section 3.09.050 (c).*

***3.09.050 (d)*** *To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (d) and (e) of section 3.09.045.*

***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 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, 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. No relevant urban services as defined by Metro Code Section 3.09.020(l) will change subsequent to this 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 right-of-way is on the boundary of the Urban Service Area, which is Figure V-1 of the City of Beaverton's Acknowledged Comprehensive Plan. The

map does not delineate where within a right-of-way the boundary is located. Staff finds that the proposed withdrawal of territory meets the intent of the Urban Service Area as does not include any real property within the Urban Service Area.

***FINDING: Staff finds that the proposed annexation is consistent with applicable provisions contained in the City's of Beaverton's Comprehensive 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, this proposal will not affect the provision of public facilities and services. The provision of services will be addressed in an IGA with the City of Tigard. These agreements address which urban service provider will assume responsibilities for service in the event of a boundary change. By entering into an IGA with the City of Tigard, the City has 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 remain unchanged. No private property is proposed to be withdrawn and therefore will not change urban service districts. The City of Beaverton will maintain traffic control responsibilities over SW Barrows Road as part of an IGA with the City of Tigard. The IGA will also address the responsibility for maintenance of the affected right-of-way. SW Scholls Ferry Road is maintained by Washington County. The affected right-of-way will be annexed by the City of Tigard upon withdrawal from 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 of Beaverton and the City of Tigard are generally regarded as offering an equal level of service to properties. Withdrawal from the City of Beaverton will therefore have no significant effect on quality and quantity of urban services provided to adjacent properties.

***FINDING:*** The proposed annexation will not effect 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 area. Criterion 3.09.045(d)(2)(C) has been met.

## **ORS WITHDRAWAL OF TERRITORY CRITERIA**

ORS 222.460 provides for procedures for the withdrawal of territory from a city:

***ORS 222.460 (1) Except as expressly prohibited by the city charter, when the legislative body of a city determines that the public interest will be furthered by a withdrawal of territory from a city, the legislative body of the city, on its own motion, may order the withdrawal of territory as provided in this section:***

The proposed withdrawal of territory will not affect the level of service to residents of and properties within the City of Beaverton. The withdrawal of territory involves right-of-way and will not affect the ability of the City of Beaverton to provide urban services to areas within the Urban Service Area, nor will it affect the quality or quantity of services provided. The proposed withdrawal will provide the City of Tigard a route by which the City may provide urban services to areas requesting annexation.

***FINDING:*** As the proposed withdrawal of territory will not affect the provision of urban services nor the ability of the City to serve its Urban Service Area in the future the withdrawal serves the public interest. ORS 222.460 (1) has been met.

## **PROCESS**

- Consistent with Metro Code Section 3.09.030, the City sent notice of the proposed annexation on June 22, 2011 (20 days prior to the City Council's first hearing on the proposed withdrawal of territory) to all necessary parties including Washington County, Metro, affected special districts and County service districts.
- Consistent with Metro Code Section 3.09.030, the City posted in the vicinity of the affected territory a weatherproof notice of proposed withdrawal of territory.
- Consistent with ORS 222.120 (3), the City published notice of the hearing date for the proposed withdrawal of territory for two consecutive weeks on (June 30, 2011 and July 6, 2011) and posted notice in four public places; Beaverton City Hall, Beaverton Library, City of Beaverton Website, and the Beaverton Satellite Library on June 22, 2011.
- Consistent with ORS 222.460 (2) and (3), the City Council adopted a resolution on June 21, 2011 stating their intent to hold public hearings for the purposes of changing the boundaries of the City by the withdrawal of territory. The resolution contained a description of the territory to be withdrawn and a cadastral map showing the affected territory.
- The notice and a copy of this staff report will be posted on the City's web page on June 27, 2011 (15 days prior to the City Council's first hearing on the proposed withdrawal of territory).
- Consistent with ORS 222.460 (4), the City Council will hold a hearing on July 12, 2011, no more than 30 days after the adoption of the resolution, at which time interested parties may appear and be heard on the matter of the withdrawal of territory.
- After the July 12, 2011 public hearing, if the City Council still favors the withdrawal of territory pursuant to the resolution, as approved or modified, it shall enter an order so declaring. The order shall comply with ORS 222.460 and shall fix a place and time of not less than 20 or more than 50 days after the date of the order for a final hearing on the resolution.

## CONCLUSION

***Based on the facts and findings in this report, staff concludes that approval of ANX2011-0004 Barrows/Scholls ROW Withdrawal meet all pertinent criteria outlined in Metro Section 3.09.050 and ORS 222.460.***