

Final Documents  
for  
Annexation to  
**Beaverton**

WA0611

Ordinance/Resolution: 4564

Annexation: ANX 2011-0003

DOR: 34-1984-2011

Secretary of State: AN 2011-0040

Secretary of State Effective Date: 4/6/2011



# MEMORANDUM

**City of Beaverton**  
**Community Development Department**

**To:** Linda Martin, Metro Resource Center

**From:** Nancy Marshall, Planning Division, CDD

**Date:** April 4, 2011

**Subject:** *Adopted annexation at 9350 SW Canyon Rd and follow up check.*

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A check for the enclosed notice of Annexation 2011-0003, a parcel of approx. 1 acre located at 9350 SW Canyon Rd, TLID 1S111DB03700 Ordinance Number 4564 will be issued from our Finance Department and mailed the following week.

Thank You

Nancy Marshall  
Support Specialist II  
City of Beaverton  
Planning Division  
503-526-2494  
FAX 503-526-3720



# NOTICE OF DECISION

## City of Beaverton

### Community Development Department

**To:** Necessary and Interested Parties  
**From:** Jeff Salvon, Associate Planner  
**Date:** March 30, 2011

**Subject:** ***ANNEXATION APPROVED BY THE CITY OF BEAVERTON***

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The City of Beaverton has recently approved the following annexation:

ANX # (NAME)	ACRES	BALLOT MEASURE 50 ASSESSED VALUE	DWELLING UNITS	ORD #	EFFECTIVE DATE
9350 SW Canyon Rd. Annexation	Approximately 1 Acre	\$923,920	0	4564	April 29, 2011 or Secretary of State filing date – whichever occurs later.

A map of the area being annexed is attached. The City will take action to rezone the above property through a separate process. Washington County comprehensive plan/zoning designations will remain in effect until the Land Use Map and Zoning Map amendments become effective. GIS will be updating the City Boundary map to include the property following the effective date of annexation.

If you have any questions or concerns, please call me at (503) 526-3725 or e-mail me at [jsalvon@ci.beaverton.or.us](mailto:jsalvon@ci.beaverton.or.us).



# 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**  
**March 31, 2011**  
**As Per ORS 308.225**

Description     Map received from: BEAVERTON PLANNING  
 On: 3/31/2011

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

ANNEX TO CITY OF BEAVERTON; WITHDRAW FROM SEVERAL DISTRICTS

ORD. 4564 (ANX2011-0003)

has been:     Approved            3/31/2011  
                    Disapproved

Notes:

The maps, legal descriptions and signed ordinance must also be filed with the COUNTY ASSESSOR by March 31, 2011 per ORS 308.225.

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Department of Revenue File Number: 34-1984-2011

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 ANNEXING ONE PARCEL LOCATED AT 9350 SW CANYON ROAD TO THE CITY OF BEAVERTON, ADDING THE PROPERTY TO THE WEST SLOPE NEIGHBORHOOD ASSOCIATION COMMITTEE AND DECLARING AN EMERGENCY: EXPEDITED ANNEXATION 2011-0003**

- 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 parcels has signed and submitted a petition to annex the property into the City; and
- WHEREAS,** the property is in Beaverton's Assumed Urban Services Area, and Policy 5.3.1.d of the City's acknowledged Comprehensive Plan states: "The City shall seek to eventually incorporate its entire Urban Services Area"; and
- WHEREAS,** the property is located in area "A" defined in the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Service Plan" as an area not requiring formal endorsement of the Washington County Board of Commissioners to proceed with annexation into the City of Beaverton; 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 A, and more particularly described in Exhibit B, is hereby annexed to the City of Beaverton.
- Section 2.** Pursuant to Beaverton Code Section 9.06.035A, this property shall be added to the West Slope 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 for a land use decision.
- 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.
- Section 8.** The Council declares an emergency to exist and that the Ordinance shall be final and effective on the date the ordinance is filed with the Secretary of State as specified by ORS 222.180.

First reading this 29th day of March, 2011.

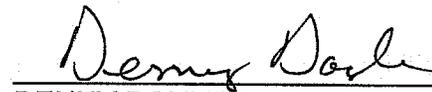
Second reading and passage this 29th day of March, 2011.

Approved by the Mayor this 30th day of March, 2011.

ATTEST:

  
 CATHY JANSEN, City Recorder

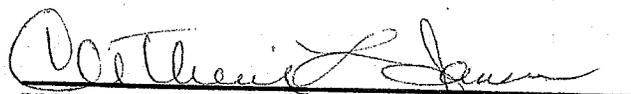
APPROVED:

  
 DENNY DOYLE, Mayor

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

I, CATHERINE L. 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.

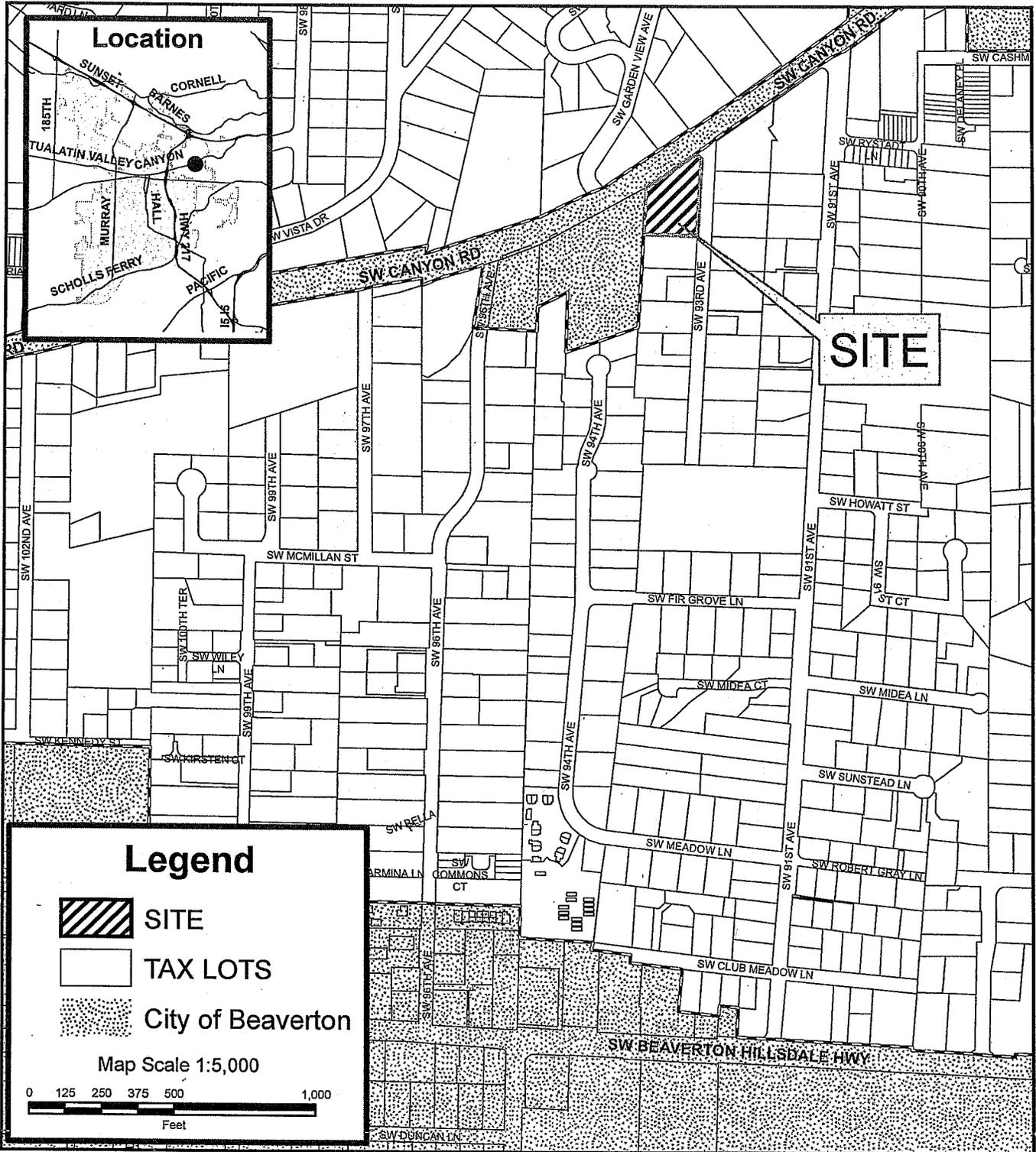
Dated this 30<sup>th</sup> day of MARCH 2011.

  
 RECORDER, City of Beaverton

# VICINITY MAP

BEAVERTON  
MAPBOOK  
PAGE 69

ORDINANCE NO. 4564  
**EXHIBIT A**



**ANX2011-0003 9350 SW CANYON ROAD  
EXPEDITED ANNEXATION**

**COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Division**

**2/17/11**  
Tax Lot #'s  
1S111DB03700

**Application #  
ANX2011-0003**

N



**City of Beaverton**  
**Economic & Capital Development**

ORDINANCE NO. 4564

**EXHIBIT B**

**ANX 2011 - 0003**

**LEGAL DESCRIPTION**  
**FOR LOT 5 AND LOT 6 OF SUNSET VIEW PLAT**  
**IN BOOK 9, PAGE 7 OF WASHINGTON COUNTY RECORDERS OFFICE**  
**ANX 2011-003**

EXPLANATION: THIS LEGAL DESCRIPTION IS PREPARED FOR THE OREGON DEPARTMENT OF REVENUE FOR THE PURPOSE OF DESCRIBING PARCELS OF LAND IN UNINCORPORATED WASHINGTON COUNTY TO BE ANNEXED TO THE CITY OF BEAVERTON, LOT 5 AND 6 OF SUNSET VIEW PLAT IN BOOK 9, PAGE 7 ARE LOCATED SOUTH OF S.W. CANYON ROAD AND WEST OF S.W. 93<sup>RD</sup> AVENUE, WASHINGTON COUNTY, OREGON.

LOT 5 AND LOT 6 OF SUNSET VIEW PLAT RECORDED IN BOOK 9 PAGE 7, LYING IN SECTION 11, TOWNSHIP 1 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON MORE PARTICULARLY DESCRIBES AS FOLLOWS:

ALL OF LOT 5 AND LOT 6 AS SHOWN IN SUBDIVISION PLAT SUNSET VIEW RECORDED IN BOOK 9, PAGE 7 IN THE COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, OREGON.

HAVING AN AREA OF 43,444 SQUARE FEET, 0.98 ACRES MORE OR LESS

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

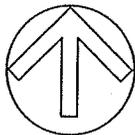
BASIS OF BEARING: IS NORTH 01°56'00" EAST, ALONG THE WEST RIGHT OF WAY LINE OF 93<sup>RD</sup> AVENUE, AS SHOWN IN SUNSET VIEW PLAT, RECORDED IN BOOK 9, PAGE 7 OF PLATS, IN THE WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, OREGON.

ORDINANCE NO. 4564  
EXHIBIT B

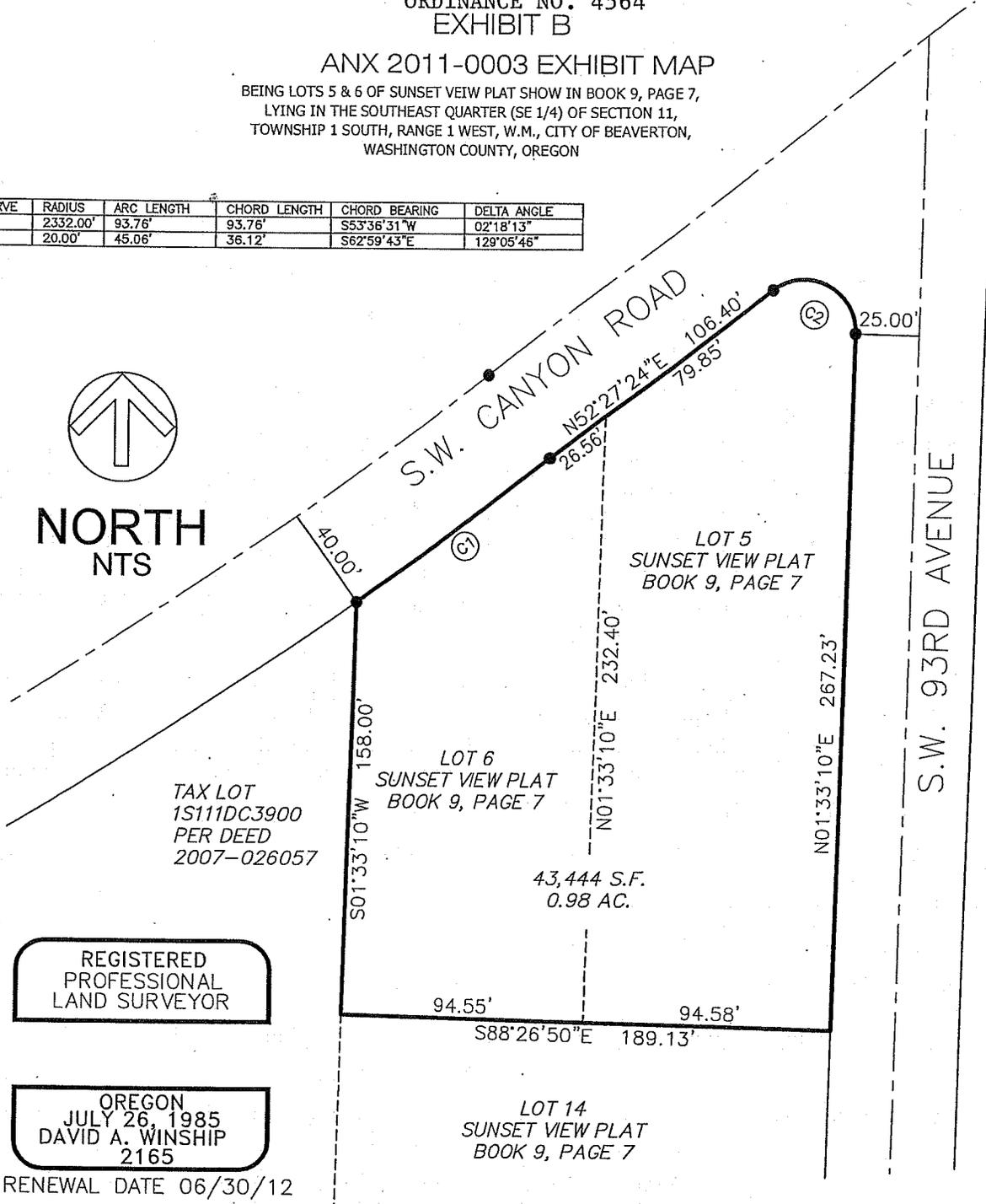
ANX 2011-0003 EXHIBIT MAP

BEING LOTS 5 & 6 OF SUNSET VIEW PLAT SHOW IN BOOK 9, PAGE 7,  
LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 11,  
TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., CITY OF BEAVERTON,  
WASHINGTON COUNTY, OREGON

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2332.00'	93.76'	93.76'	S53°36'31"W	02°18'13"
C2	20.00'	45.06'	36.12'	S62°59'43"E	129°05'46"



**NORTH**  
NTS



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 26, 1985  
DAVID A. WINSHIP  
2165

RENEWAL DATE 06/30/12

Y:\SURV\martin\2011\annexations\anx2009-004\anx-2011-003.dwg

SHEET 1 OF 1

<p>City of Beaverton</p>	<p>EXHIBIT MAP FOR ANX 2011-0003 LEGAL DESCRIPTION</p>	<p>JOB NO: 11-003 DATE: 02.28.11</p>	<p>REVISION: _____</p>
	<p>PUBLIC WORKS DEPARTMENT ENGINEERING DIVISION</p>	<p>DRAWN BY: MTS CHECKED BY: MTS APPROVED BY: _____</p>	<p>REVISION: _____</p>



## CITY of BEAVERTON

## EXHIBIT C

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 29, 2011 **REPORT DATE:** 03/22/11

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

**SUBJECT:** Expedited Annexation (ANX2011-0003)

**ACTIONS:** Annexation to the City of Beaverton of one parcel located at 9350 SW Canyon Road. The property proposed for annexation is identified as tax lot 1S111DB03700 as shown on the attached map, and more particularly described by the attached legal description (Attachment A). Annexation is owner initiated 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 West Slope 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 one acre.

**TAXABLE ASSESSED VALUE:** \$ 923,920

**ASSESSOR'S REAL MARKET VALUE:** \$ 1,110,490

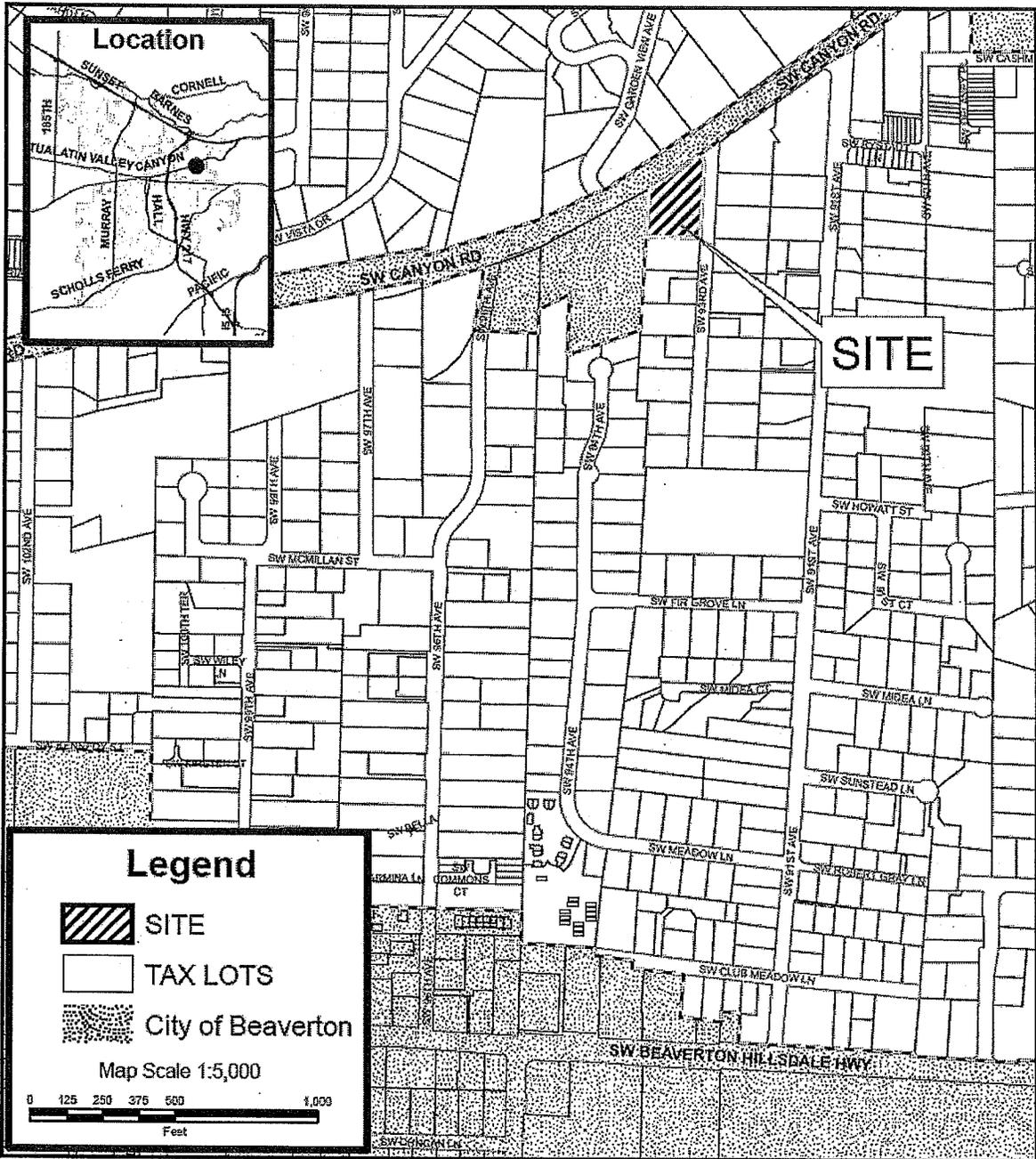
**NUMBER OF LOTS:** 1

**EXISTING COUNTY ZONE:** The subject parcel is designated General Commercial by Washington County.

**RECOMMENDATION:** **Staff recommends the City Council adopt an ordinance annexing the referenced properties and withdrawing the properties from the Washington County Urban Road Maintenance District and Enhanced Sheriff's Patrol District, effective as of the date the ordinance is filed with the Secretary of State as specified by ORS 222.180.**

# VICINITY MAP

BEAVERTON  
MAPBOOK  
PAGE 69



ANX2011-0003 9350 SW CANYON ROAD  
EXPEDITED ANNEXATION

COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Division

2/17/11 N  
Tax Lot #'s  
1S111DB03700  
Application #  
ANX2011-0003

## BACKGROUND

The subject parcel is within unincorporated Washington County. The owners of the subject parcel are working with the tenant to construct interior improvements to the building that occupies the site. Both parties desire that the property annex into the City in order to receive City issued building permits required for those improvements. The tenant is an auto dealership and owner of two adjacent lots to the west of the subject parcel. That tenant intends to use the existing structure on the parcel as a maintenance facility to serve the adjacent dealership.

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. However, on 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". Therefore, no further authority to annex the property 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 the agreement. In accordance with these specifications, the City will apply its Corridor (COR) Plan designation and General Commercial zoning 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
1S111DB03700	9350 SW Canyon Rd.	0.97	Building used as a auto maintenance facility

### SERVICE PROVISION:

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

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

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 property proposed for annexation is within the Clean Water Service’s (CWS) service area. The parcel is served with lateral extensions and an 8” concrete pipe which traverses a northern segment of the property running parallel to the SW Canyon Road right-of-way. Under the terms of an agreement that the City has with CWS, all lines under 24” in diameter will transfer over to the City. The City will take over billing and maintenance responsibilities when the annexation becomes effective. Permitting and inspection of these improvements will be conducted by the City after annexation..

**WATER:** The subject parcel falls within the service area of the West Slope Water District. The parcels are supplied with water via a 6” line located under SW Canyon Rd. Subsequent to annexation, West Slope Water District will continue to provide service to the parcel and bill the property for services rendered.

**STORM WATER DRAINAGE:**

The subject parcel is served by an 18" concrete pipe that traverses the property, extending parallel to SW Canyon Road from SW 93<sup>rd</sup> Avenue to the adjacent property to the west. The City will assume maintenance and billing functions affiliated with these elements. Permitting and inspection of any future improvements to connections of this line will be conducted by the City after annexation.

**STREETS and ROADS:**

The property is located at the junction of SW Canyon Road (classified on the City's Functional Classification Map as an arterial) and SW 93<sup>rd</sup> Avenue (classified as a local street). In addition to being annexed into the City, the subject properties will be withdrawn from the County Urban Road Maintenance District. However, as SW Canyon Road is classified as a state highway, ODOT will continue to assume maintenance responsibilities for the street subsequent to annexation.

**PARKS and SCHOOLS:**

The proposed annexation 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 annexation and no additional service demands will be imposed upon either THPRD or BSD. Subsequent to annexation, service district boundaries will remain unaffected.

**PLANNING, ZONING and BUILDING:**

Washington County currently provides long-range planning, development review, and building inspection for the property. City plan and zone designations that approximate County designations currently in place will be implemented in a separate process. The choice as to which designations will be applied will be dictated by the terms specified in the UPAA. Once implemented, The City will then conduct all planning and zoning functions associated with the properties.

**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 3.09.045 (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 involving approximately one acre of land. As indicated in the previous section, adequate capacity exists in terms of water, sanitary sewer, storm water, and transportation facilities to service the property in its current use or with desired future improvements that may be incurred.

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 sanitary 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 sewer and storm water 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 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 preference on the part of the property owner and current tenant that the City of Beaverton oversee the building permit process for improvements proposed to the interior of the existing structure. The petitioner requesting annexation has expressed an urgency that this permitting be processed in a timely manner. Consideration of this urgency together with administrative delays resulting from limited City Council meeting availability over the month of March impose considerable hardship upon the timeliness of this proposal.

Further, March 31, 2011 is the deadline for property annexations to be adopted in order to be counted in the new fiscal year tax rolls beginning July 1, 2011. Should adoption of the proposed annexation occur after this date then services will be provided with no mechanism to recover costs for those services until July 1, 2012. Some of the services that will be available include police, planning, development review and economic development.

To avert this outcome and meet the March 31<sup>st</sup> adoption deadline, staff is proposing that this proposal follow an expedited process identified in Section 36 of the City Charter which in essence allows the City to declare an emergency so that both first and second

reading occur within the same meeting and the 30-day waiting period be waived. Section 36 states the following:

*An ordinance takes effect thirty (30) days after its adoption by the council and approval by the mayor or passage over the mayor's veto. When the council deems it advisable, an ordinance may provide a later time for it to take effect. In the event of any emergency, where the reasons for the emergency have been expressly stated, an ordinance may take effect immediately upon its adoption by the council and approval by the mayor or passage over a veto, or at any other designated time within thirty (30) days thereof.*

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).

Specifications pertaining to Metro criteria 3.09.045 (c)3 above are described in this report herein and will be available for public review as required.

***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 November 9, 2010, 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.

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 identifies areas that require Washington County consent before the City may annex in certain areas. The agreement has an effective date ten years, and references

ORS 195.065(1) among its recitals. The property proposed for annexation by this application does not require County consent in accordance with this agreement. 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, West Slope 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, 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.

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

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

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

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

In reviewing the Washington County Comprehensive Framework Plan for the Urban Area on the County's web site (reflecting changes through County Ordinance No. 740) 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.

### **Raleigh Hills-Garden Home Community Plan**

Finally, staff has reviewed other elements of the County Comprehensive Plan and has determined that an the subject parcel is designated as an area of special concern. The Raleigh Hills-Garden Home Community Plan features the following elements:

#### *Area of Special Concern K*

*Land designated for commercial uses adjacent to Canyon Road and Beaverton-Hillsdale Highway comprises Area of Special Concern K. In order to promote the RALEIGH HILLS – GARDEN HOME COMMUNITY PLAN SUBAREAS - SUBAREA 3 PAGE 2 Updated 12/03 elimination of those strip commercial features which are vehicle and pedestrian traffic safety hazards and the addition of features which will enhance the business advantage and overall appearance of the subarea, the following standards shall apply to development of structures, land divisions and significant remodeling of existing structures within this Area.*

- a. Access drives and curb cuts shall be consolidated and, if possible, shared between adjoining parcels.
- b. Where no curb cuts onto Canyon Road now exist, new direct access shall be allowed only as an interim use until an alternative right-of-way is completed, pursuant to access management provisions in the Comprehensive Framework Plan and Community Development Code.
- c. A safe and convenient means of pedestrian circulation shall be provided to each use. The pedestrian system shall provide access from each use to the property line of adjacent uses and from the use to any public transit facility or stop. The design of new pedestrian facilities shall complement the design of those already constructed to Community Development Code standards in adjacent uses.
- d. A landscape buffer area shall be established and maintained along any portion of the property abutting SW Canyon Road, subject to development review.
- e. Business identification and directional signs shall be brought into conformance with sign standards in the Community Development Code.
- f. Office commercial use of two parcels at the northwest corner of the intersection of SW Poplar Lane and Beaverton-Hillsdale Highway (tax lots 8000 and 8100) shall be permitted contingent upon the following strict design criteria: Commercial use of these parcels shall be integrated with the existing office commercial area immediately to the west (White Fir Plaza, tax lot 100), utilizing that lot's existing access onto Beaverton-Hillsdale Highway for joint access. Screening and buffering of these parcels to the north and east shall be consistent with Type IV standards in the Community Development Code. No access shall be allowed onto SW Poplar Lane until tax lots 8000 and 8100 are redeveloped. Upon redevelopment, all three lots shall be served by joint access limited to one point onto Poplar Lane and the existing access onto Beaverton-Hillsdale Highway shall be removed.
- g. In order to prevent encroachment into the adjacent residential neighborhood, development of the rear portion of the parcel at 8600 SW Canyon Road (tax lot 100) for General Commercial use shall be permitted only with the following design controls: No access onto SW Milton Lane shall be allowed. Screening and buffering of the property shall be done to the level of Type 2 standards of the Community Development Code, with the addition of Type S-2 fencing. Lighting, if any, shall be directional to minimize impacts on the adjacent neighborhood. Any development of this

*lot shall pay special attention to improvement of drainage problems in this area.*

Response: Concurrent to annexation, the City of Beaverton will apply its plan and zone designations to the parcel as a substitute for what had been imposed by Washington County. Selection as to which 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 a development review process once application for the proposed development is submitted.

Additionally, it should be noted that with regard to items A through D above, SW Canyon Road is an Oregon Department of Transportation (ODOT) facility and as such, access standards pertaining to this area of street are under the control of ODOT. The City of Beaverton therefore does not have any authority to regulate access or curb cut provisions pertaining to SW Canyon Road

Subsequent to annexation, the subject properties will be subject to the City's sign standards. In addressing item E above, staff notes that in general, the City's sign code is roughly similar to Washington County's sign code. Staff have observed however that County standards that pertain to wall signs are somewhat more restrictive than the City's while City standards on free standing signs are more restrictive than Washington County's. It is also generally acknowledged however that City code enforcement is more strictly applied than in Washington County. Therefore staff anticipates that incidents involving non-compliance will be addressed with greater frequency as a result of annexation.

Finally, items F and G pertain to specific properties that do not include the subject parcels. Therefore, policies within these sections are not applicable to this application.

#### Significant Natural and Cultural Resources

According to the Raleigh Hills - Garden Home Community Plan Significant Natural and Cultural Resources Map, an area of underground storm water flow identified as "water area and wetland" traverses the parcel.

Response: Upon investigation, staff found that the water features identified on the Significant Natural and Cultural Resources that traverse the property are not mapped correctly. In fact, the water feature represented are of an older drainage pipe that no longer corresponds to a flood hazard area on the updated FEMA 100 year floodplain. Therefore, this element is not subject to protective consideration.

***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 Raleigh Hills - Garden Home***

**Community Plan. The proposed amendment therefore satisfies Metro Code Criterion 3.09.045 (d)(1)(E).**

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

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

The existing conditions section of this staff report contains information addressing this criterion in detail. As indicated, changes that affect public facility and services provision to individual properties are generally subject to agreements between the City of Beaverton, Washington County, and special districts. These agreements address which urban service provider will assume responsibilities for service in the event of a boundary change. By entering into these agreements and through the adoption of planning documents the City and its service district partners have attempted to ensure that the provision of services subsequent to the proposed boundary change will be timely, orderly, and economically viable.

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

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

The existing conditions section of this staff report contains information addressing this criterion in detail. As indicated, responsibilities pertaining to the provision of public facilities and services will either remain unchanged or transfer to the City. In general, because cities provide services on an urban scale, they can provide services at a level equal or higher than provided 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.

## PROCESS

- Consistent with Metro Code Section 3.09.045, the City sent notice of the proposed annexation on March 8, 2011 (21 days prior to the City Council's first and second reading of the ordinance that would approve the annexation) 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 22, 2011 (7 days prior to the City Council's first and second reading of the ordinance that would approve the annexation).

## CONCLUSION

***Based on the facts and findings in this report, staff concludes that approval of the owner initiated annexation of Tax Lot # 1S111DB03700, meet all pertinent criteria outlined in Metro Section 3.09.045.***

Attachments:      A) Legal Description  
                          B) City Annexation Policies



**City of Beaverton  
Economic & Capital Development**

**Attachment A**

**LEGAL DESCRIPTION  
FOR LOT 5 AND LOT 6 OF SUNSET VIEW PLAT  
IN BOOK 9, PAGE 7 OF WASHINGTON COUNTY RECORDERS OFFICE  
ANX 2011-003**

EXPLANATION: THIS LEGAL DESCRIPTION IS PREPARED FOR THE OREGON DEPARTMENT OF REVENUE FOR THE PURPOSE OF DESCRIBING PARCELS OF LAND IN UNINCORPORATED WASHINGTON COUNTY TO BE ANNEXED TO THE CITY OF BEAVERTON, LOT 5 AND 6 OF SUNSET VIEW PLAT IN BOOK 9, PAGE 7 ARE LOCATED SOUTH OF S.W. CANYON ROAD AND WEST OF S.W. 93<sup>RD</sup> AVENUE, WASHINGTON COUNTY, OREGON.

LOT 5 AND LOT 6 OF SUNSET VIEW PLAT RECORDED IN BOOK 9 PAGE 7, LYING IN SECTION 11, TOWNSHIP 1 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON MORE PARTICULARLY DESCRIBES AS FOLLOWS:

ALL OF LOT 5 AND LOT 6 AS SHOWN IN SUBDIVISION PLAT SUNSET VIEW RECORDED IN BOOK 9, PAGE 7 IN THE COUNTY RECORDERS OFFICE , WASHINGTON COUNTY, OREGON.

HAVING AN AREA OF 43,444 SQUARE FEET, 0.98 ACRES MORE OR LESS

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

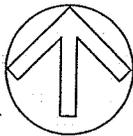
BASIS OF BEARING: IS NORTH 01°56'00" EAST; ALONG THE WEST RIGHT OF WAY LINE OF 93<sup>RD</sup> AVENUE, AS SHOWN IN SUNSET VIEW PLAT, RECORDED IN BOOK 9, PAGE 7 OF PLATS, IN THE WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, OREGON.

EXHIBIT B

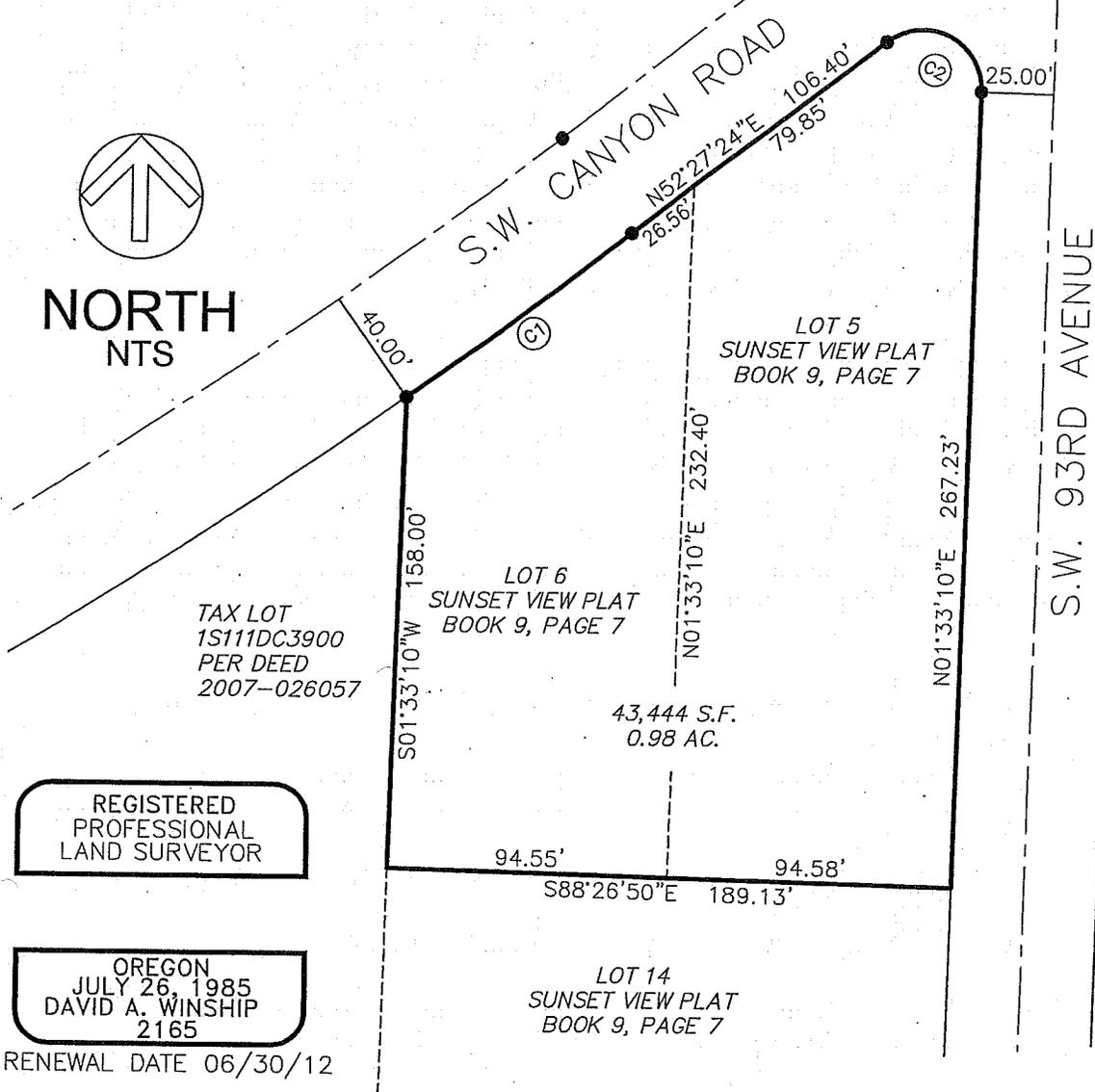
ANX 2011-0003 EXHIBIT MAP

BEING LOTS 5 & 6 OF SUNSET VIEW PLAT SHOW IN BOOK 9, PAGE 7,  
 LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 11,  
 TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., CITY OF BEAVERTON,  
 WASHINGTON COUNTY, OREGON

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2332.00'	93.76'	93.76'	S53°36'31"W	02°18'13"
C2	20.00'	45.06'	36.12'	S62°59'43"E	129°05'46"



**NORTH**  
NTS



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 26, 1985  
DAVID A. WINSHIP  
2165

RENEWAL DATE 06/30/12

Y:\SURV\martin\2011\annexations\anx2009-004\anx-2011-003.dwg

SHEET 1 OF 1

<p>City of Beaverton</p>	EXHIBIT MAP FOR ANX 2011-0003 LEGAL DESCRIPTION	JOB NO: 11-003 DATE: 02.28.11	REVISION: _____ _____ _____
	PUBLIC WORKS DEPARTMENT ENGINEERING DIVISION	DRAWN BY: MTS	REVISION: _____ _____ _____
		CHECKED BY: MTS	_____ _____ _____
		APPROVED BY:	_____ _____ _____

## **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).