

Final Documents  
for  
Annexation to  
**Beaverton**

WA0111

Ordinance/Resolution: 4562

Annexation: ANX 2011-0001

DOR: 34-1980-2011

Secretary of State: AN 2011-0016

Secretary of State Effective Date: 3/4/2011

# 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**  
**February 28, 2011**  
**As Per ORS 308.225**

Description     Map received from: BEAVERTON PLANNING  
On: 2/18/2011

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

ANNEX TO CITY OF BEAVERTON; WITHDRAW FROM SEVERAL DISTRICTS

ORD.#4562 (ANX 2011-0001)

has been:     Approved        2/28/2011  
                   Disapproved

Notes:

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

Department of Revenue File Number: 34-1980-2011

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



# NOTICE OF DECISION

City of Beaverton

Community Development Department

**To:** Necessary and Interested Parties  
**From:** Steven Sparks, Principal Planner  
**Date:** February 18, 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<br>ASSESSED<br>VALUE | DWELLING<br>UNITS | ORD # | EFFECTIVE DATE  |
|----------------------------|---------------------------|--|-------------------|-------|---|
| North Peterkort Annexation | Approximately<br>51 Acres | \$26,157,880                           | 218               | 4562  | March 18 or the or<br>Secretary of State<br>filing date –<br>whichever occurs<br>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) 526-2429 or e-mail me at [ssparks@ci.beaverton.or.us](mailto:ssparks@ci.beaverton.or.us).

ORDINANCE NO. 4562

AN ORDINANCE ANNEXING FOUR PARCELS LOCATED NORTH OF  
SW BARNES ROAD AND ADDING THE PARCELS TO THE CENTRAL  
BEAVERTON NEIGHBORHOOD ASSOCIATION COMMITTEE:  
PETERKORT NORTH ANNEXATION 2011-0001

**WHEREAS**, ORS 222.170(1) grants the City authority to initiate an annexation process when more than half of the land owners, who own more than half of the land in the annexed area, and own more than half of the assessed value of all real property in the annexed area consent to the annexation; and

**WHEREAS**, An undetermined number of electors occupy one of the subject parcels thus a public hearing was scheduled and notice of the public hearing was provided in accordance with ORS 222.120(3); and

**WHEREAS**, The subject properties are 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 subject properties are in area "A" as set forth in the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Service Plan" and, as prescribed by the agreement, the Washington County Board of Commissioners has agreed not to oppose annexations in area "A"; and

**WHEREAS**, The City Council adopts as findings for this land use decision, the staff report dated January 24, 2011; 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 properties shown on Exhibit 1, and more particularly described in Exhibit 2, are hereby annexed to the City of Beaverton.

**Section 2.** This Ordinance shall be final and effective on the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, but in no circumstance later than March 31, 2011.

**Section 3.** Pursuant to Beaverton Code Section 9.06.035A, these properties shall be added to the Central Beaverton Neighborhood Association Committee Boundary.

**Section 4.** The Council hereby withdraws the properties annexed by this Ordinance from the Washington County's Enhanced Sheriff's Patrol District and Washington County's Urban Road Maintenance District.

**Section 5.** The Council accepts the findings in the staff report incorporated herein by reference as adequate demonstration of compliance with all applicable approval criteria.

**Section 6.** 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 7.** 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.

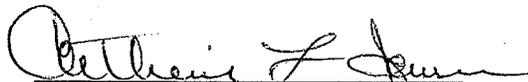
**Section 8.** The Council authorizes the City Attorney to approve the final form of the metes and bounds legal description of the area annexed by this ordinance (as shown on Exhibit 2 hereto) to address any revisions in that description needed to meet the requirements of the Oregon Department of Revenue.

First reading this 8th day of February, 2011.

Passed by the Council this 15th day of February, 2011.

Approved by the Mayor this 16th day of February, 2011.

ATTEST:

  
CATHY JANSEN, City Recorder

APPROVED:

  
DENNY DOYLE, Mayor

STATE OF OREGON,  
COUNTY OF WASHINGTON, } **as 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 16<sup>TH</sup> day of FEBRUARY, 2011

  
RECORDER, City of Beaverton

ORDINANCE NO. 4562

AN ORDINANCE ANNEXING FOUR PARCELS LOCATED NORTH OF  
SW BARNES ROAD AND ADDING THE PARCELS TO THE CENTRAL  
BEAVERTON NEIGHBORHOOD ASSOCIATION COMMITTEE:  
PETERKORT NORTH ANNEXATION 2011-0001

**WHEREAS**, ORS 222.170(1) grants the City authority to initiate an annexation process when more than half of the land owners, who own more than half of the land in the annexed area, and own more than half of the assessed value of all real property in the annexed area consent to the annexation; and

**WHEREAS**, An undetermined number of electors occupy one of the subject parcels thus a public hearing was scheduled and notice of the public hearing was provided in accordance with ORS 222.120(3); and

**WHEREAS**, The subject properties are 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 subject properties are in area "A" as set forth in the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Service Plan" and, as prescribed by the agreement, the Washington County Board of Commissioners has agreed not to oppose annexations in area "A"; and

**WHEREAS**, The City Council adopts as findings for this land use decision, the staff report dated January 24, 2011; 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 properties shown on Exhibit 1, and more particularly described in Exhibit 2, are hereby annexed to the City of Beaverton.

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**Section 6.** 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 7.** 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.

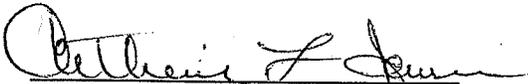
**Section 8.** The Council authorizes the City Attorney to approve the final form of the metes and bounds legal description of the area annexed by this ordinance (as shown on Exhibit 2 hereto) to address any revisions in that description needed to meet the requirements of the Oregon Department of Revenue.

First reading this 8th day of February, 2011.

Passed by the Council this 15th day of February, 2011.

Approved by the Mayor this 16th day of February, 2011.

ATTEST:

  
CATHY JANSEN, City Recorder

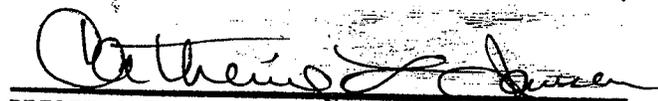
APPROVED:

  
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 16<sup>TH</sup> day of FEBRUARY, 2011

  
RECORDER, City of Beaverton

**DOR 34-P513-2010  
Preliminary Review**



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

City of Beaverton Community Dev.  
Planning Division  
Attn: Jeff Salvon  
PO Box 4755  
Beaverton, OR 97076

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Date: 1/25/2011

This letter is to inform you that the map and description for your PLANNED Annex to the City of Beaverton (6 Areas) (ANX 2009-005) in Washington County have been reviewed per your request. They MEET the requirements for use with an Order, Ordinance, or Resolution which must be submitted to the Washington County Assessor and Department of Revenue in final form before March 31, 2011 per ORS 308.225.

**Preliminary  
Review**

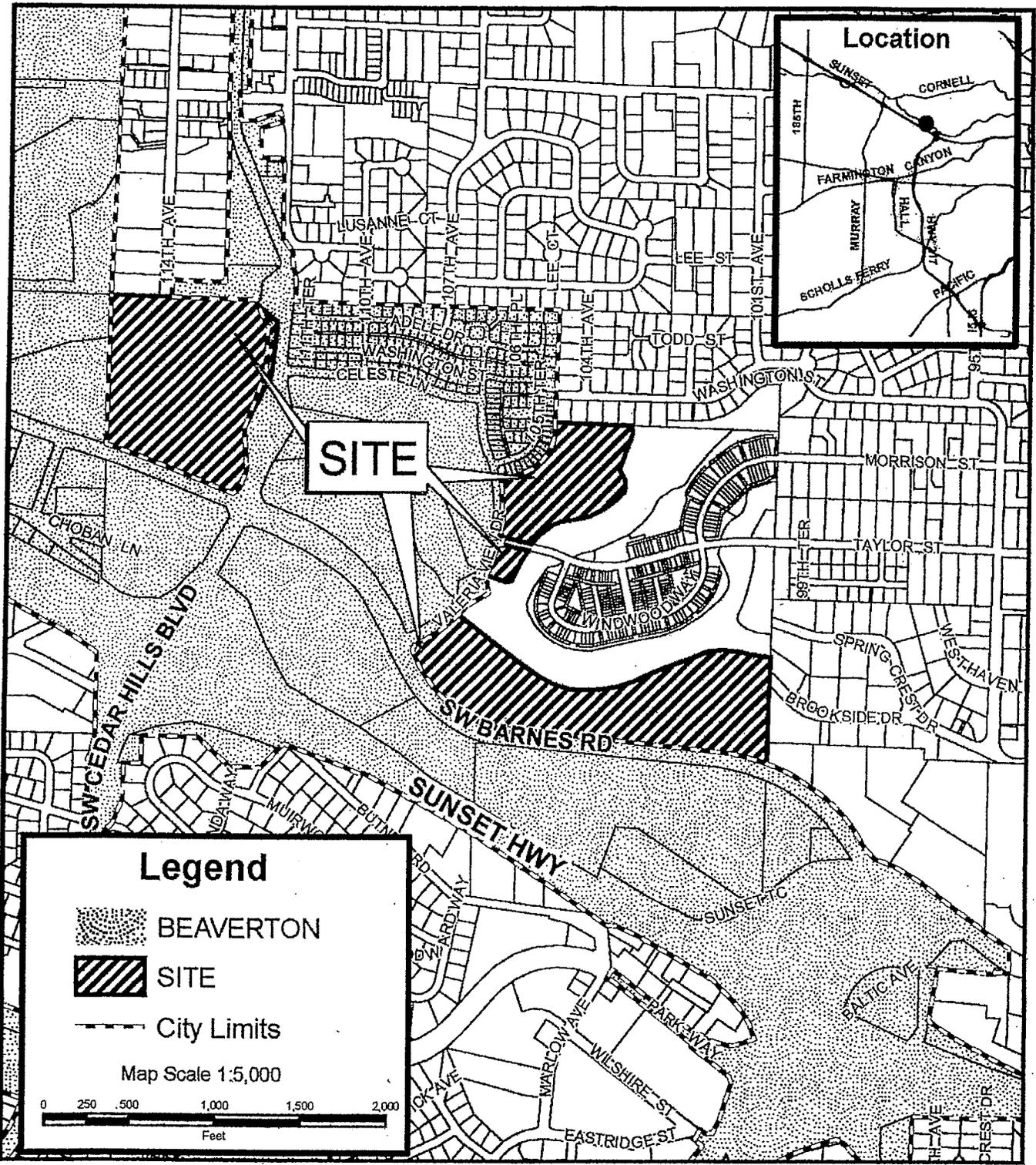
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If you have any questions please contact: Elise Bruch 503-945-8344

# VICINITY MAP

BEAVERTON  
MAPBOOK  
PAGE 43, 44,

# EXHIBIT 1



City of Beaverton

**NORTH PETERKORT ANNEXATION**  
**ANX 2011-0001**

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

12/28/10

4 LOTS

INITIAL





**City of Beaverton**  
Engineering Department

**EXHIBIT** 2

**LEGAL DESCRIPTION  
FOR  
PARCELS 1 AND 2 OF PARTITION PLAT 2005-002  
RECORDED AS DOCUMENT No. 2005001345 IN THE  
WASHINGTON COUNTY RECORDERS OFFICE**

**ANX 2011-0001**

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, LOCATED NORTH OF S.W. BARNES ROAD. LYING IN THE EAST HALF (E 1/2) OF SECTION 3 AND IN THE WEST HALF (W 1/2) OF SECTION 2, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., WASHINGTON COUNTY, OREGON.

BEING ALL OF PARCELS ONE (1) AND TWO (2) OF SAID PARTITION PLAT 2005-002 RECORDED IN THE WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, LYING IN THE WEST HALF (W 1/2) OF SECTION 2, AND IN THE EAST HALF (E1/2) OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., WASHINGTON COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEING ALL OF PARCEL ONE (1) OF SAID PARTITION PLAT 2005-002 RECORDED IN THE WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, LYING IN THE EAST HALF (E 1/2) OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M.,

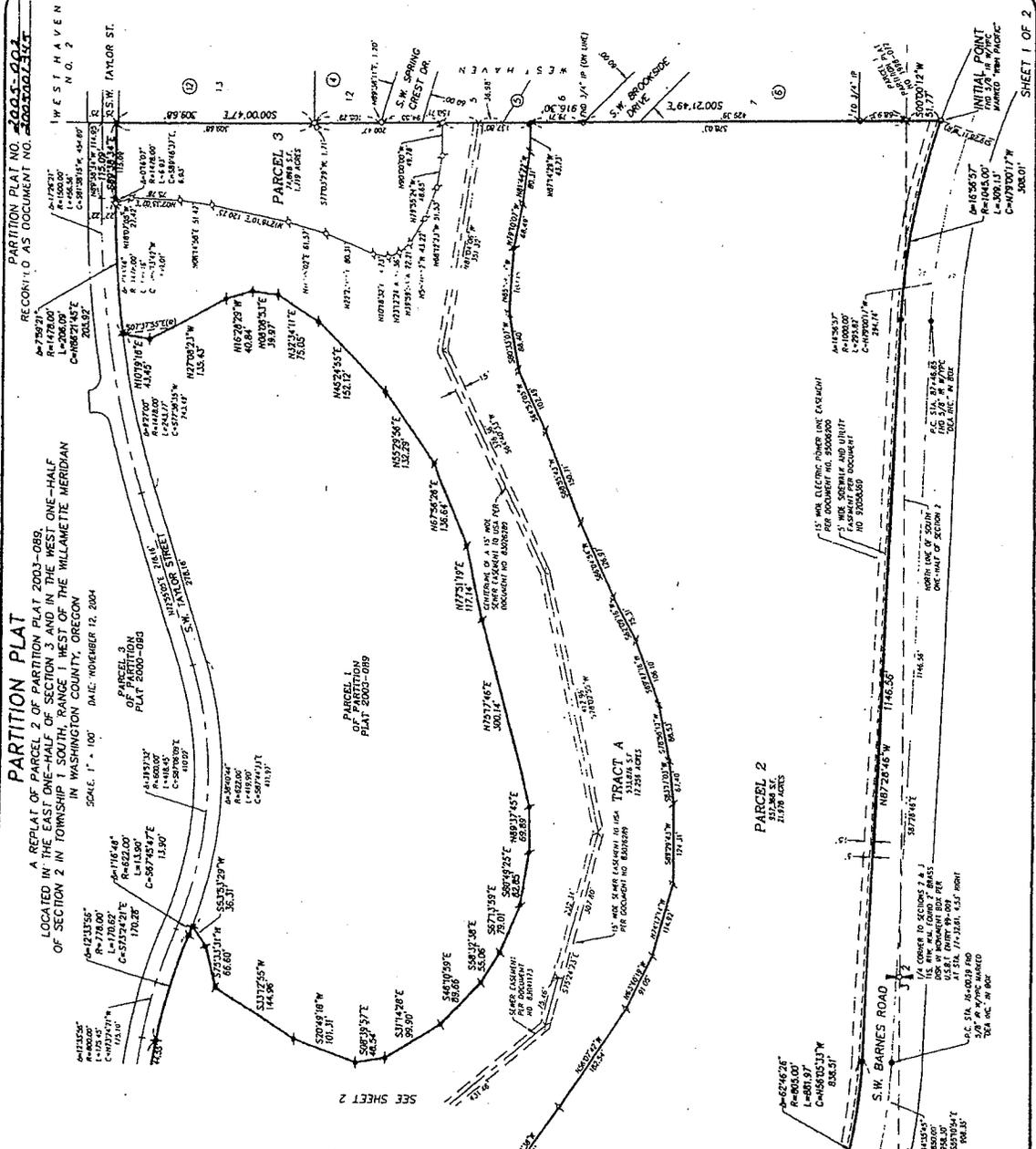
HAVING AN AREA OF 31,570 SQUARE FEET OR 0.73 ACRES MORE OR LESS.

TOGETHER WITH

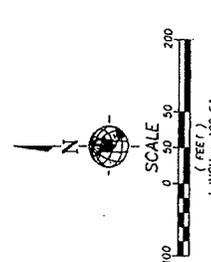
BEING ALL OF PARCEL TWO (2) OF SAID PARTITION PLAT 2005-002 RECORDED IN THE WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, LYING IN THE WEST HALF (W 1/2) OF SECTION 2, AND IN THE EAST HALF (E1/2) OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M.,

HAVING AN AREA OF 21.98 ACRES MORE OR LESS.

BASIS OF BEARING: IS NORTH 87°28'46" WEST, ALONG THE CENTERLINE OF S.W. BARNES ROAD, AS SHOWN ON RECORD OF SURVEY No. 25,467, IN THE WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, OREGON.



**FWW PARTNERS**  
 9740 SW Barnes Road  
 Portland, Oregon 97225  
 (503)584-0455  
 (503)584-0716 Fax  
 fwwpartners.com  
 PROJECT NO. 3104-DRAWING 3104S-SURV-PLAT SLDING



- LEGEND**
- 1" SETBACK 10' FROM R.O.D. W/PC
  - 2" SETBACK 10' FROM R.O.D. W/PC
  - 3" SETBACK 10' FROM R.O.D. W/PC
  - 4" SETBACK 10' FROM R.O.D. W/PC
  - 5" SETBACK 10' FROM R.O.D. W/PC
  - 6" SETBACK 10' FROM R.O.D. W/PC
  - 7" SETBACK 10' FROM R.O.D. W/PC
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  - 9" SETBACK 10' FROM R.O.D. W/PC
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  - 11" SETBACK 10' FROM R.O.D. W/PC
  - 12" SETBACK 10' FROM R.O.D. W/PC
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  - 24" SETBACK 10' FROM R.O.D. W/PC
  - 25" SETBACK 10' FROM R.O.D. W/PC
  - 26" SETBACK 10' FROM R.O.D. W/PC
  - 27" SETBACK 10' FROM R.O.D. W/PC
  - 28" SETBACK 10' FROM R.O.D. W/PC
  - 29" SETBACK 10' FROM R.O.D. W/PC
  - 30" SETBACK 10' FROM R.O.D. W/PC
  - 31" SETBACK 10' FROM R.O.D. W/PC
  - 32" SETBACK 10' FROM R.O.D. W/PC
  - 33" SETBACK 10' FROM R.O.D. W/PC
  - 34" SETBACK 10' FROM R.O.D. W/PC
  - 35" SETBACK 10' FROM R.O.D. W/PC
  - 36" SETBACK 10' FROM R.O.D. W/PC
  - 37" SETBACK 10' FROM R.O.D. W/PC
  - 38" SETBACK 10' FROM R.O.D. W/PC
  - 39" SETBACK 10' FROM R.O.D. W/PC
  - 40" SETBACK 10' FROM R.O.D. W/PC
  - 41" SETBACK 10' FROM R.O.D. W/PC
  - 42" SETBACK 10' FROM R.O.D. W/PC
  - 43" SETBACK 10' FROM R.O.D. W/PC
  - 44" SETBACK 10' FROM R.O.D. W/PC
  - 45" SETBACK 10' FROM R.O.D. W/PC
  - 46" SETBACK 10' FROM R.O.D. W/PC
  - 47" SETBACK 10' FROM R.O.D. W/PC
  - 48" SETBACK 10' FROM R.O.D. W/PC
  - 49" SETBACK 10' FROM R.O.D. W/PC
  - 50" SETBACK 10' FROM R.O.D. W/PC

**NARRATIVE**

THE PURPOSE OF THIS SURVEY IS TO PARTITION PARCELS AND ONE TRACT AS SHOWN ON THE BASIS OF BEARINGS AND DISTANCES BOUNDARIES WERE OBTAINED FROM RECORD DATA PER PARTITION PLAT NO. 2003-089.

**NOTES**

1. THIS PARTITION PLAT IS SUBJECT TO THE RECORD DATA AND THE PARTITION PLAT NO. 2003-089.
2. THIS PLAT IS AN OWN SPEC TRACT AND SHALL BE SUBJECT TO THE RECORD DATA AND THE PARTITION PLAT NO. 2003-089.
3. A TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES IS SHOWN ON THIS PLAT.

**REGISTERED PROFESSIONAL LAND SURVEYOR**

*Michael H. Harris*

OREGON  
 MICHAEL H. HARRIS  
 57865  
 RENEWAL: JUNE 30, 2005  
 150 HURST CREEK DR.  
 SEASIDE, OR 97138  
 COPY OF THE ORIGINAL PLAT

PARTITION PLAT NO. 2003-089  
 RECONTO AS DOCUMENT NO. 2003-089

LOCATED IN THE EAST ONE-HALF OF SECTION 3 AND IN THE WEST ONE-HALF OF SECTION 2 IN TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN IN WASHINGTON COUNTY, OREGON

SCALE: 1" = 100' DATE: NOVEMBER 12, 2004

PARCEL 1 OF PARTITION PLAT 2003-089

PARCEL 2 517.96 SQ. FT. 12.18 ACRES

PARCEL 3 500.00 SQ. FT. 11.46 ACRES

TRACT A 1228 ACRES

SHEET 1 OF 2





**City of Beaverton**  
Engineering Department

EXHIBIT 2

**LEGAL DESCRIPTION  
FOR  
PARCEL 1 PARTITION PLAT 2004-059  
RECORDED AS DOCUMENT No. 2004127099 AND A PORTION OF  
SOUTHWEST TAYLOR STREET IN THE  
WASHINGTON COUNTY RECORDERS OFFICE**

**ANX 2011-0001**

EXPLANATION: THIS LEGAL DESCRIPTION IS PREPARED FOR THE OREGON DEPARTMENT OF REVENUE FOR THE PURPOSE OF DESCRIBING A PORTION OF S.W. TAYLOR STREET AND PARCELS LAND IN UNINCORPORATED WASHINGTON COUNTY TO BE ANNEXED TO THE CITY OF BEAVERTON, LOCATED NORTH OF S.W. BARNES ROAD. LYING IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 3 AND IN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 2, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., WASHINGTON COUNTY, OREGON.

BEING ALL OF PARCEL ONE (1) SAID PARTITION PLAT 2004-059 RECORDED IN THE WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, LYING IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 3 AND IN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 2, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., WASHINGTON COUNTY, OREGON

TOGETHER WITH THAT PORTION OF SOUTHWEST TAYLOR STREET LYING SOUTH OF PARCEL ONE (1) DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF PARCEL ONE (1) PER PARTITION PLAT 2004-059 ALSO BEING THE NORTHERLY RIGHT OF WAY LINE OF SOUTHWEST TAYLOR STREET THENCE SOUTH  $36^{\circ}12'57''$  WEST, A DISTANCE OF 48.91 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID STREET AND ALSO BEING THE NORTHEAST CORNER OF PARCEL ONE (1) OF PARTITION PLAT 2005-002; THENCE NORTH  $79^{\circ}41'19''$  WEST, A DISTANCE OF 158.74 FEET ALONG THE SAID PARCEL ONE (1) OF PARTITION PLAT 2005-002 AND SOUTHERLY RIGHT OF WAY LINE; THENCE LEAVING SAID RIGHT OF WAY LINE NORTH  $11^{\circ}16'27''$  EAST, A DISTANCE OF 44.01 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID SOUTHWEST TAYLOR STREET ALSO BEING PARCEL ONE (1) OF PARTITION PLAT 2004-059; THENCE SOUTH  $79^{\circ}41'19''$  EAST ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID SOUTHWEST TAYLOR STREET, A DISTANCE OF 202.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 7,438 SQUARE FEET (THIS TO BE ADDED TO PARCEL ONE (1) OF PLAT 2004-059)

HAVING AN AREA OF 8.09 ACRES MORE OR LESS FOR PARCEL ONE (1) OF PLAT 2004-059 TOGETHER WITH THE ROADWAY AREA OF 7438 S.F. OR 0.17 ACRES

TOTAL AREA 8.26 ACRES MORE OR LESS

BASIS OF BEARING: IS NORTH  $87^{\circ}28'46''$  WEST, ALONG THE CENTERLINE OF S.W. BARNES ROAD, AS SHOWN ON RECORD OF SURVEY No. 25,467, IN THE WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, OREGON.





**City of Beaverton**  
**Engineering Department**

**EXHIBIT** 2

**LEGAL DESCRIPTION**  
**FOR**  
**PARCEL 1 OF PARTITION PLAT 2005-001**  
**RECORDED AS DOCUMENT No. 2005-001344 IN THE**  
**WASHINGTON COUNTY RECORDERS OFFICE**

**ANX 2011-0001**

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, LOCATED NORTH OF S.W. BARNES ROAD. LYING IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., WASHINGTON COUNTY, OREGON.

BEING ALL OF PARCEL ONE (1) OF SAID PARTITION PLAT 2005-001 RECORDED IN THE WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, LYING IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., WASHINGTON COUNTY, OREGON DESCRIBED AS FOLLOWS:

PARCEL 1  
PER PARTITION PLAT 2005-001

BEGINNING AT AN INITIAL POINT No. 1, A FOUND AND HELD A 3-1/4" ALUMINUM DISK MARKING THE NORTH QUARTER CORNER OF SAID SECTION 3 AND THE NORTHWEST CORNER OF SAID PARCEL 1;

1. THENCE ALONG THE BOUNDARY OF THE NORTH PORTION OF SAID PARCEL 1 SOUTH 89°57' 03" EAST, A DISTANCE OF 838.04 FEET TO THE WEST RIGHT-OF-WAY LINE OF SW. CEDAR HILLS BOULEVARD;
2. THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 00°05' 12" EAST, A DISTANCE OF 26.98 FEET TO THE EAST LINE OF THE RIGHT-OF-WAY VACATION DESCRIBED IN DOCUMENT NO. 2001-036641;
3. THENCE ALONG SAID VACATION LINE THE FOLLOWING (3) COURSES; SOUTH 51°14' 08" EAST, A DISTANCE OF 164.88 FEET;
4. THENCE SOUTH 03°53' 04" WEST, A DISTANCE OF 305.94 FEET;
5. THENCE SOUTH 25°57' 36" WEST, A DISTANCE OF 342.74 FEET TO SAID WEST RIGHT-OF-WAY LINE OF S.W. CEDAR HILLS BOULEVARD;
6. THENCE ALONG SAID WEST LINE SOUTH 06° 04' 31" EAST, A DISTANCE OF 251.38 FEET;
7. THENCE SOUTH 19°48' 08" WEST, A DISTANCE OF 117.92 FEET; THENCE SOUTH 51°35' 17" WEST, A DISTANCE OF 48.12 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SW. BARNES ROAD;
8. THENCE NORTH 70°08' 00" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 556.49 FEET TO A POINT OF CURVATURE;
9. THENCE 212.58 FEET ALONG THE ARC OF A 3045.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 4°00' 00", SAID CURVE HAVING A CHORD BEARING NORTH 72°08' 00" WEST, A DISTANCE OF 212.54 FEET;
10. THENCE NORTH 74°08' 00" WEST, A DISTANCE OF 25.60 FEET TO THE CENTER SECTION LINE OF SAID SECTION 3; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE NORTH 00°21' 27" EAST, A DISTANCE OF 873.84 FEET ALONG SAID CENTER SECTION LINE TO SAID QUARTER CORNER AND INITIAL POINT NO. 1 AND THE POINT OF BEGINNING.

CONTAINING 20.51 ACRES MORE OR LESS

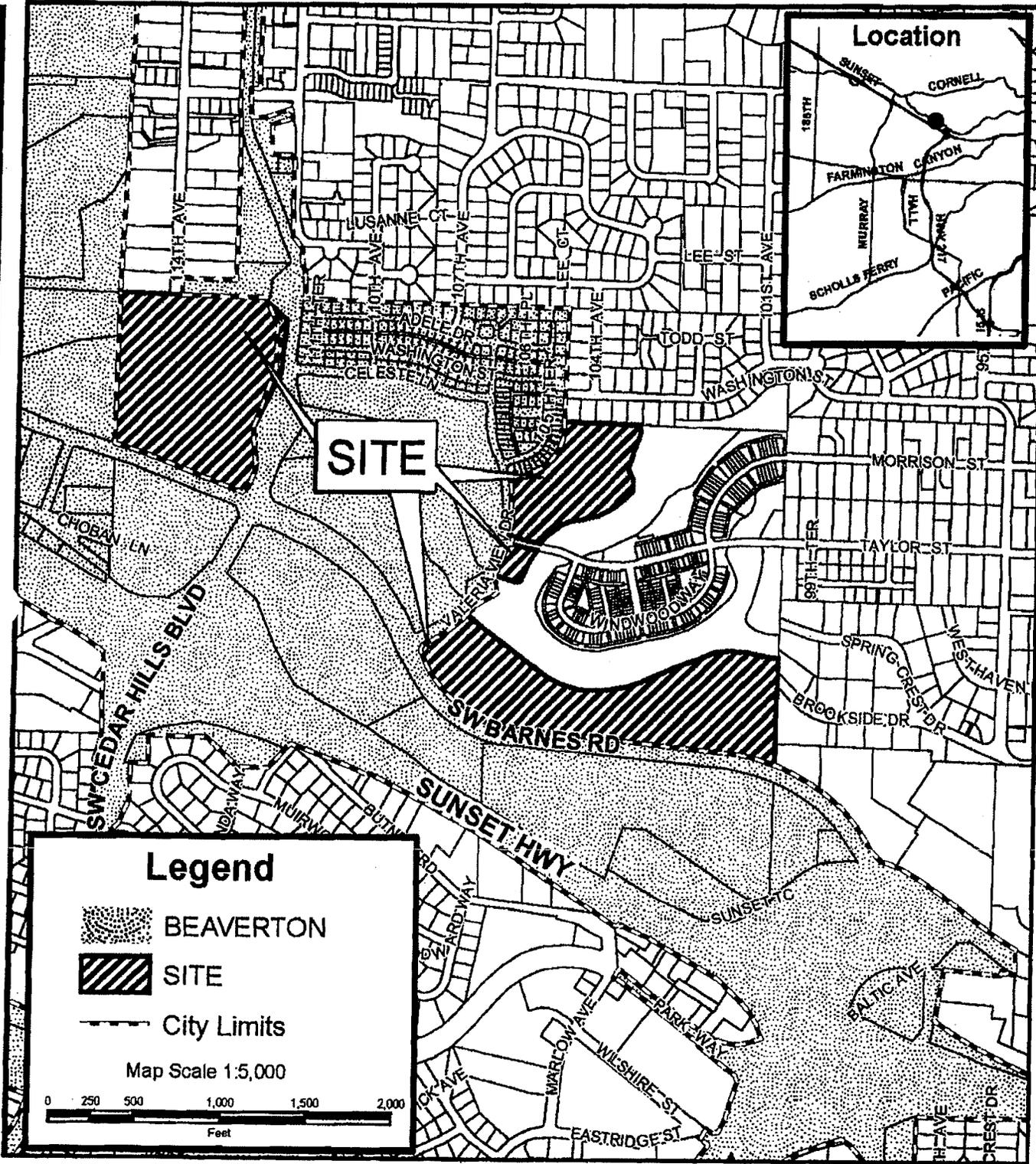
BASIS OF BEARING: IS NORTH 87°28'46" WEST, ALONG THE CENTERLINE OF S.W. BARNES ROAD, AS SHOWN ON RECORD OF SURVEY No. 25,467, IN THE WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, OREGON.



# VICINITY MAP

BEAVERTON  
MAPBOOK  
PAGE 43, 44,

# EXHIBIT 1



City of Beaverton

**NORTH PETERKORT ANNEXATION  
ANX 2011-0001**

**COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Division**

12/28/10

4 LOTS





# CITY of BEAVERTON

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

## CITY OF BEAVERTON STAFF REPORT AND RECOMMENDATION

**TO:** City Council

**STAFF REPORT DATE:** Monday, January 24, 2011

**MEETING DATE:** Tuesday, February 8, 2011

**STAFF:** Steven A. Sparks, AICP, Principal Planner

**SUBJECT:** ANX 2011-0001 (Peterkort North Annexation)

**REQUEST:** Annexation to the City of Beaverton of four (4) parcels located north of SW Barnes Road. The properties proposed for annexation are identified as parcels 1S102B000400, 1S102B000500, 1S102BB07200, and 1S103AB00200 as shown on the attached map, and more particularly described by the attached legal description. Annexation of these properties is owner initiated and is being processed as a triple majority consent annexation under ORS 222.170(1).

**NAC:** The Neighborhood Office is recommending that the ordinance to annex the subject parcels to the City also amend the Central Beaverton NAC boundary to include the subject parcels in the NAC.

**AREA:** The parcels total approximately 51 acres

**TAXABLE BM 50 ASSESSED VALUE:** \$26,157,880

**ASSESSOR'S REAL MARKET VALUE:** \$50,335,240

**EXISTING COUNTY ZONE:** The subject parcels are designated Transit Oriented: Business, Transit Oriented: Residential 18-24, Transit Oriented: Residential 24-40, Transit Oriented: Residential 40-80, and Transit Oriented: Residential 80-120 by Washington County.

**RECOMMENDATION:** Staff recommend the City Council conduct a public hearing on the proposed annexation. At the close of the public hearing, staff recommend that the Council move to conduct a first reading on the ordinance annexing the referenced property.

### **1. Summary of Proposed Annexation**

The four subject parcels have a mixed level of improvement. The largest parcel which is also the parcel with the most frontage along SW Barnes Road is currently vacant. The next largest parcel is located at the NW corner of the Barnes Road and Cedar Hills Boulevard intersection. The parcel is largely vacant but does have a building occupied by a children's day care facility. The remaining two parcels are located just east of the intersection of Valeria View Drive and Taylor Street. These two parcels are fully developed in a medium-density 218 unit apartment development.

The landowner has submitted what is known as a triple majority consent annexation under the provisions of ORS 222.170(1). That statute allows annexations without elections if more than half of the owners of more than half the land having more than half of the assessed value in the area to be annexed, give their consent. The more typical city process in the recent past of "100% consent" annexations is not appropriate here because that other process requires that all electors within the area give their consent, and this petition originated with the property owners, not the (hundreds of) electors living within this area. A triple majority annexation, unlike a "100% consent" annexation, requires that the Council hold, a public hearing to consider any objections to the annexation. The annexation ordinance is a land use decision, appealable as such to LUBA.

In December 2004, the City and Washington County entered into an Interim Urban Services Plan Intergovernmental Agreement which established two (2) areas with different expectations for annexation by the City. Area "A" as identified by the agreement is the area in which the County agrees that the City is the most appropriate urban service provider. As such, the City is able to proceed with annexations in this area without County participation. In Area "B", the agreement specifies that the City will not promote or otherwise solicit annexation of land and that in any cases where landowners in area B wish to annex to the City, such

requests must first receive authorization from Washington County. The proposed annexation is in area "A" thus allowing the proposal to proceed without action from the County.

Finally, it is understood that changing the subject property's existing County land use and zoning designations to the City's land use and zoning designations will occur through an annexation related discretionary land use and zoning amendment processes requiring separate approval by the City Council. This process will occur at a future date which has not been set.

## 2. Existing Conditions

| Map and Tax Lot | Site Address                 | Lot Size (acres) | Existing Land Use |
|-----------------|------------------------------|------------------|-------------------|
| 1S102B000500    | No address assigned          | 21.98            | Vacant            |
| 1S102B000400    | 10600 SW Taylor Street       | 0.72             | Residential       |
| 1S102BB07200    | 430 SW Valeria View Drive    | 8.09             | Residential       |
| 1S103AB00200    | 165 SW Cedar Hills Boulevard | 20.38            | Vacant            |

## 3. Service Provision

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

- The City has ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire and Rescue District, Tualatin Hills Parks and Recreation District, Tualatin Valley Water District, and Clean Water Services.
- The City has an ORS Chapter 190 intergovernmental agreement with Clean Water Services.
- The City has an ORS Chapter 190 intergovernmental agreements "for Mutual Aid, Mutual Assistance, and Interagency Cooperation Among Law Enforcement Agencies Located in Washington County, Oregon". 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 area the City may annex without County consent.

This action is consistent with those agreements.

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

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

**SEWER:** Clean Water Services (CWS) now provides sewer service to these properties. Future plans to develop the properties will involve new connections to existing lines and extension of the existing public sewer system. Subsequent to annexation, the City will take over maintenance responsibilities for those public sewer lines within the new City limits. The Tualatin Valley Water District (TVWD) will include charges for sanitary sewer maintenance along with the water bill and reimburse the City for sewer service costs.

**WATER:** Tualatin Valley Water District currently provides domestic water service to these properties. Subsequent to annexation TVWD will continue to provide service and bill for services rendered under the current City-TVWD IGA that sets each party's service boundaries, an IGA that expires in June 2012..

**STORM WATER DRAINAGE:** Storm water drainage service for the subject properties is provided by CWS. Subsequent to annexation, the City will take over maintenance responsibilities for those existing public lines inside the new City limits. TVWD will include charges for storm water services in their billing and reimburse the City for the associated costs. When the properties develop, upgrades to the existing storm facilities will be required. Storm water improvements will be reviewed in the City's development review process and the City will maintain the public improvements to the storm system.

**STREETS and ROADS:** The properties are located on different streets. One parcel is located adjacent to SW Barnes Road and Valeria View Drive. Both of these street are currently within the City. Another parcel is located at the northwest intersection of SW Cedar Hills Boulevard

and SW Barnes Road. Both streets are located in the City but are County maintained streets and classified arterials on the City's Functional Classification Map. The final two parcels are located at the intersection of SW Valeria View Drive and SW Taylor Street. Valeria View Drive is currently in the City and a short segment of Taylor Street will be annexed to the City. Subsequent to annexation maintenance responsibilities for a portion of Taylor Street will transfer to the City. Maintenance responsibilities for both Barnes Road and Cedar Hills Boulevard will remain with the County.

**PARKS and SCHOOLS:** The proposed annexation is within the Beaverton School District and the Tualatin Hills Parks and Recreation District. Subsequent to annexation, service district boundaries will remain unaffected and property taxes for both districts will also continue to be assessed.

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

#### **4. Annexation Approval Criteria**

In December 1998 the Metro Council adopted Metro Code Chapter 3.09 (Local Government Boundary Changes). Pursuant to Metro Code Section 3.09.050, the criteria for annexation decisions are as follows:

*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;*

This staff report addresses the provision of services in detail and the provision of these services is consistent with cooperative agreements between Beaverton and the service providers. 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 entered into an intergovernmental agreement with Washington County, titled the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Services Plan". This agreement defines areas that the City may annex for ten years from the date of the agreement without the County's consent, and references ORS 195.065(1) among its recitals. The property proposed for annexation by this application is within the ten year annexation area. No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this proposed annexation other than the current agreement with TVWD, expiring in 2012.

**FINDING:** Staff find 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 Criterion 3.09.045 (d)(1)(A).

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

The City has not prepared an annexation plan pursuant to ORS 195.205 for the subject parcels.

**FINDING:** Staff find that Metro Code Criterion 3.09.045 (d)(1)(B) is not applicable since there is no annexation plan for the subject parcels.

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

The City has entered into an intergovernmental agreement with Clean Water Services, which was updated as of July 1, 2004. Appendix 'A' to the agreement identifies sanitary and storm line maintenance responsibilities between the City and the District. Pursuant to this agreement, sanitary sewer lines under 24 inches in diameter as well as certain storm drainage and surface water facilities transfer to the City subsequent to annexation. In keeping with the terms of the agreement, the City will retain maintenance responsibilities for sewer and storm water new lines in place and installed as a result of planned redevelopment of the property.

The acknowledged Washington County-Beaverton Urban Planning Area Agreement (UPAA) does not contain provisions directly applicable to City decisions regarding annexation. The UPAA does address actions to be taken by the City after annexation, including annexation related Comprehensive Plan Land Use Map amendments and rezones. These actions will be taken in a separate process.

**FINDING:** Staff find that where applicable, the proposed annexation is consistent with cooperative agreements in place as demonstrated in the staff report and as such the proposal satisfies Metro Code Criterion 3.09.045 (d)(1)(C).

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

The City's public facilities plan consists of the Public Facilities and Services Element of the Comprehensive Plan, the Transportation Element of the Comprehensive Plan, the City's Capital Improvements Plan, and the most recent versions of master plans adopted by providers of the following facilities and services in the City: storm water drainage, potable water, sewerage conveyance and processing, parks and recreation, schools and transportation. Where a service is provided by a jurisdiction other than the City, by adopting the master plan for that jurisdiction as part of its public facilities plan, the City has essentially agreed to abide by any provisions of that master plan. The property proposed for annexation does not involve changes to facilities that that would significantly affect the public facilities plans of applicable service districts for the area. No relevant urban services as defined by Metro Code Section 3.09.020(1) 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 find that where applicable, the proposed annexation is consistent with existing public facility plans as demonstrated in the staff report and as such the proposal satisfies Metro Code Criterion 3.09.045 (d)(1)(D).

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

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.

After reviewing the Washington County Comprehensive Framework Plan for the Urban Area that amended the Comprehensive Framework Plan, staff find 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 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 not commented on this proposed boundary change.

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

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 have been working 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. Although most issues have been resolved, a few issues remain between the County and the City

that have 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 agrees that in certain areas which are designated as Area A, the City is the most appropriate jurisdiction to provide urban services.

**FINDING:** Staff find that where applicable, the proposed annexation is consistent with existing comprehensive plan policies as demonstrated in the staff report and as such the proposal 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;*

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

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

The Existing Conditions section of this staff report contains information addressing this criterion in detail. The proposed annexation will not interfere with the provision of public facilities and services. The provision of public facilities and services is prescribed by urban services provider agreements and the City's capital budget.

**FINDING:** Staff find that the proposed annexation will not interfere with the timely, orderly and economic provisions of public facilities and services, the quality of those services, and not duplicate provision of services. Criterion 3.09.045(d)(2) has been met.

*3.09.045 (e) A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and outside the UGB. Neither a city nor a district may extend water or sewer services from inside a UGB to territory that lies outside the UGB.*

The subject parcels to be annexed are located fully within the existing Urban Growth Boundary.

**FINDING:** Staff find that the proposed annexation satisfies Metro Code Criterion 3.09.045(e).

Metro Code Section 3.09.050(b) lists the following three (3) items to be included in the staff report for annexation. Metro Section 3.09.050(b)(1-3) are not approval criteria but are topics for information to be provided in the staff report. These items are as follows:

- (1) The extent to which urban services are available to serve the affected territory, including any 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; and
- (3) The proposed effective date of the boundary change.

As noted in the findings of this report, urban services are available to serve the subject parcels. The annexation will not alter the boundary of any other service provider. However as a result of the annexation, the parcels will be removed from the Washington County Enhanced Sheriffs Patrol District and Washington County's Urban Road Maintenance District. Finally, the City anticipates the effective date of the boundary change to be no later than March 31, 2011.

## **5. Process**

Consistent with the applicable provisions of ORS 222.120, ORS 222.170, and Metro Code Section 3.09.050, the City mailed notice of the February 8, 2011 annexation hearing on January 19, 2011 to all necessary parties including Washington County, Metro, affected special districts and County service districts. Notice of the annexation hearing was published in two consecutive weeks of the Valley Times beginning with the January 20, 2011 issue. Lastly, notice of the annexation hearing was posted in four (4) public places as well as being posted on each of the four (4) parcels.

The notice and a copy of this staff report have been posted on the City's web page.

## **6. Conclusion**

Based on the facts and findings in this report, staff conclude that approval of the owner initiated annexation of parcel numbers 1S102B000400, 1S102B000500, 1S102BB07200, and 1S103AB00200 meet all pertinent criteria.

## **7. Exhibits**

- 1) Vicinity Map
- 2) Legal Descriptions of each parcel





PARTITION PLAT NO. 2005-001  
 RECORDED AS DOCUMENT NO. 2005001814

**W&H PACIFIC**  
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 (503) 251-4444  
 (503) 251-4444 Fax  
 www.wahpacific.com  
 PLANNERS • ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS



- LEGEND**
- SET 5/8" x 30" IRON ROD W/ PVC CONCRETE UALISE
  - FOUND 5/8" IRON ROD W/ ALUM CAP STAMPED "W&H PACIFIC" SET IN 2" 2 1/8" OR AS NOTED SURVEY NO. 24453
  - FOUND 5/8" IRON ROD W/ PVC W/ ALUM CAP STAMPED "W&H PACIFIC" SET IN 2" 2 1/8" OR AS NOTED SURVEY NO. 24453
  - FOUND BRASS PEGS WITH PLASTIC W/ ALUM CAP STAMPED "W&H PACIFIC" SET IN 2" 2 1/8" OR AS NOTED SURVEY NO. 24453
  - FOUND 5/8" IRON ROD W/ PVC STAMPED "W&H PACIFIC" SET IN 2" 2 1/8" OR AS NOTED SURVEY NO. 24453
  - IRON ROD
  - IRON PEG
  - YELLOW PLASTIC CAP
  - DIMENSION BLOCK NUMBERS
  - (R) MAGAL
  - ALUM ALUMINUM

REGISTERED PROFESSIONAL LAND SURVEYOR  
**Michael H. Harris**  
 OREGON  
 MICHAEL H. HARRIS  
 5786LS  
 RENEWAL: JUNE 30, 2005  
 I, MICHAEL H. HARRIS, SURVEYOR, HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL PLAT.

**PARTITION PLAT**  
 LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, A PORTION BEING A REPEAT OF PARCEL 1 OF PARTITION PLAT 2000-093, WASHINGTON COUNTY, OREGON  
 SCALE: 1" = 100'  
 DATE: NOVEMBER 30, 2004

