

Final Documents
for
Withdrawal from
West Slope Water District

WA0509
Order/Res: 4503
Annexation: ANX 2009-0001
DOR: 34-1938-2009
Secretary of State: AN 2009-0058



MEMORANDUM

"make it happen"

City of Beaverton
Community Development Department

To: Linda Martin
From: Nancy Marshall, Planning Division, CDD
Date: April 16, 2009
Subject: FOLLOW UP CHECK FOR West Slope Water District Service Area Transfer

Enclosed is a check for project number ANX 2009-0004, a service area of approx. 88 acres, boundary location as shown on the attached map, Ordinance Number 4503.

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

*"make it
happen"*

To: Jerry Arnold, West Slope Water District
CC: Andrew Jordan, Jordan Schrader
 Troy Bowers, Murray, Smith & Associates
From: Jeff Salvon, Associate Planner
Date: April 1, 2009
Subject: **WITHDRAWAL OF TERRITORY APPROVED BY THE CITY OF
 BEAVERTON**

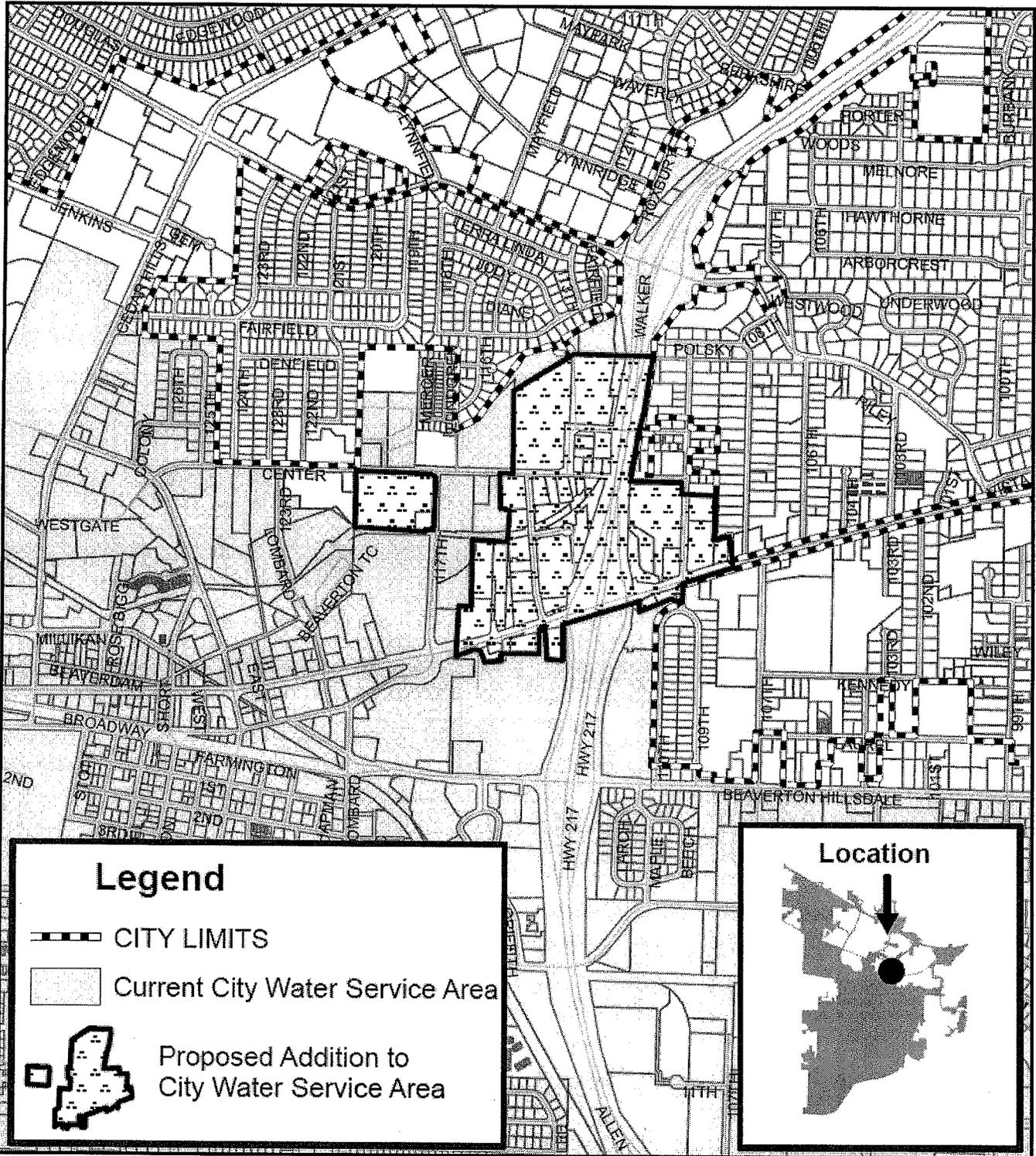
The City of Beaverton recently approved the following withdrawal of territory:

ANX # (NAME)	ACRES	NUMBER OF PROPERTIES	ORD #	EFFECTIVE DATE
West Slope Water District Service Area Transfer (ANX2009-0001)	Approximately 88	50	4503	July 1, 2009

Pursuant to ORS 222.520, the proposed withdrawal is being processed as an annexation. It should be noted however that the entire area being withdrawn from the West Slope Water District Service's service area is currently within the City limits and no changes to the City's corporate boundary are therefore required. A map of the area being withdrawn is attached.

If you have any questions or concerns, please call me at (503) 350-3725 or e-mail me at jsalvon@ci.beaverton.or.us.

VICINITY MAP



City of Beaverton

Proposed Service Area Transfer from West Slope Water District Service Area to City of Beaverton Water Service Area

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

2/9/09

WATER
SERVICE
TRANSFER

N



Application #
ANX2009-0001

Office of the Secretary of State

KATE BROWN
Secretary of State



Archives Division
MARY BETH HERKERT
Director

800 Summer St. NE
Salem, Oregon 97310
(503) 373-0701

Facsimile (503) 373-0953

April 1, 2009

City of Beaverton
City Recorder
Attn: Jeff Salvon
PO Box 4755
Beaverton, OR 97076

RECEIVED
APR 3 2009
City of Beaverton
Community Development Dept.

Dear City Recorder,

Please be advised that we have received and filed, as of March 31, 2009 the following records annexing territory into the following:

Ordinance/Resolution Number	Our File Number
4503 [withdrawal from West Slope Water District]	AN 2009-0058

For your records please verify the effective date through the application of ORS 222.180.

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

Sincerely,

Linda Bjornstad
Official Public Documents

cc: County Clerk(s)
ODOT
Department Revenue
Population Research Center

Notice to Taxing Districts

ORS 308.225

DOR 34-1938-2009



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

West Slope Water District
Budget Officer
3105 SW 89th Ave
Portland, OR 97225

Description and Map Approved

March 31, 2009

As Per ORS 308.225

Description Map received from: BEAV. CITY PLANNING
On: 3/31/2009

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

WITHDRAWAL FROM WEST SLOPE WATER DISTRICT

ORD. #4503(ANX 2009-0001)

has been: Approved 3/31/2009
 Disapproved

Notes:

Typo: Line 115: The spelling of "to" should be "two". (Does not change intent.)

Department of Revenue File Number: 34-1938-2009

Prepared by: Elise Bruch, 503-945-8344

Boundary: Change Proposed Change
The change is for:

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

**AN ORDINANCE WITHDRAWING AN AREA OF LAND FROM
THE BOUNDARIES OF THE WEST SLOPE WATER DISTRICT
AND DECLARING AN EMERGENCY: ANX 2009-0001**

- WHEREAS,** ORS 222.520 specifies that whenever a part less than the entire area of a district becomes incorporated as or annexed to a city, the city may cause that part to be withdrawn from the district at any time after such incorporation after notice and hearing on the question of whether withdrawal is in the City's best interest; and,
- WHEREAS,** ORS 197.175 (1) specifies that "cities and counties shall exercise their planning and zoning responsibilities, including, but not limited to, a city or special district boundary change..."; and,
- WHEREAS,** The City has long assumed the responsibility to plan and zone the land uses in the area depicted in Exhibit A in accordance with ORS 197 and with state-wide planning goals, and the City has planned to provide all urban services to that area; and,
- WHEREAS,** The Council after having published the notice required by ORS 222.524 and after public hearing held on March 9, 2009, on the question of this withdrawal has heard any objections to the withdrawal and finds that the withdrawal is in the City's best interest; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1.** The territory shown on attached Exhibit A, and more particularly described in attached Exhibit B, is hereby withdrawn from the West Slope Water District as of June 30, 2009.
- Section 2.** The Council after public hearing accepts the findings in the staff report attached hereto as Exhibit C that the proposal serves the City's best interest.
- Section 3.** The City Recorder shall notify the state and county tax assessors of this withdrawal by March 31, 2009.
- Section 4.** Emergency Clause. The Council finds that under ORS 222.465, to cause this withdrawal of territory to be effective as of June 30, 2009, this ordinance must be finally approved no later than March 31, 2009. The Council thus declares an emergency to exist and that this Ordinance shall be final and effective immediately on its passage.

First Reading 9th day of March 2009.

Second Reading and Passed 30th day of March 2009.

Approved by the Mayor 30th day of March 2009.

ATTEST:

Sue Nelson
SUE NELSON, City Recorder

APPROVED:

Denny Doyle
DENNY DOYLE, Mayor

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

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

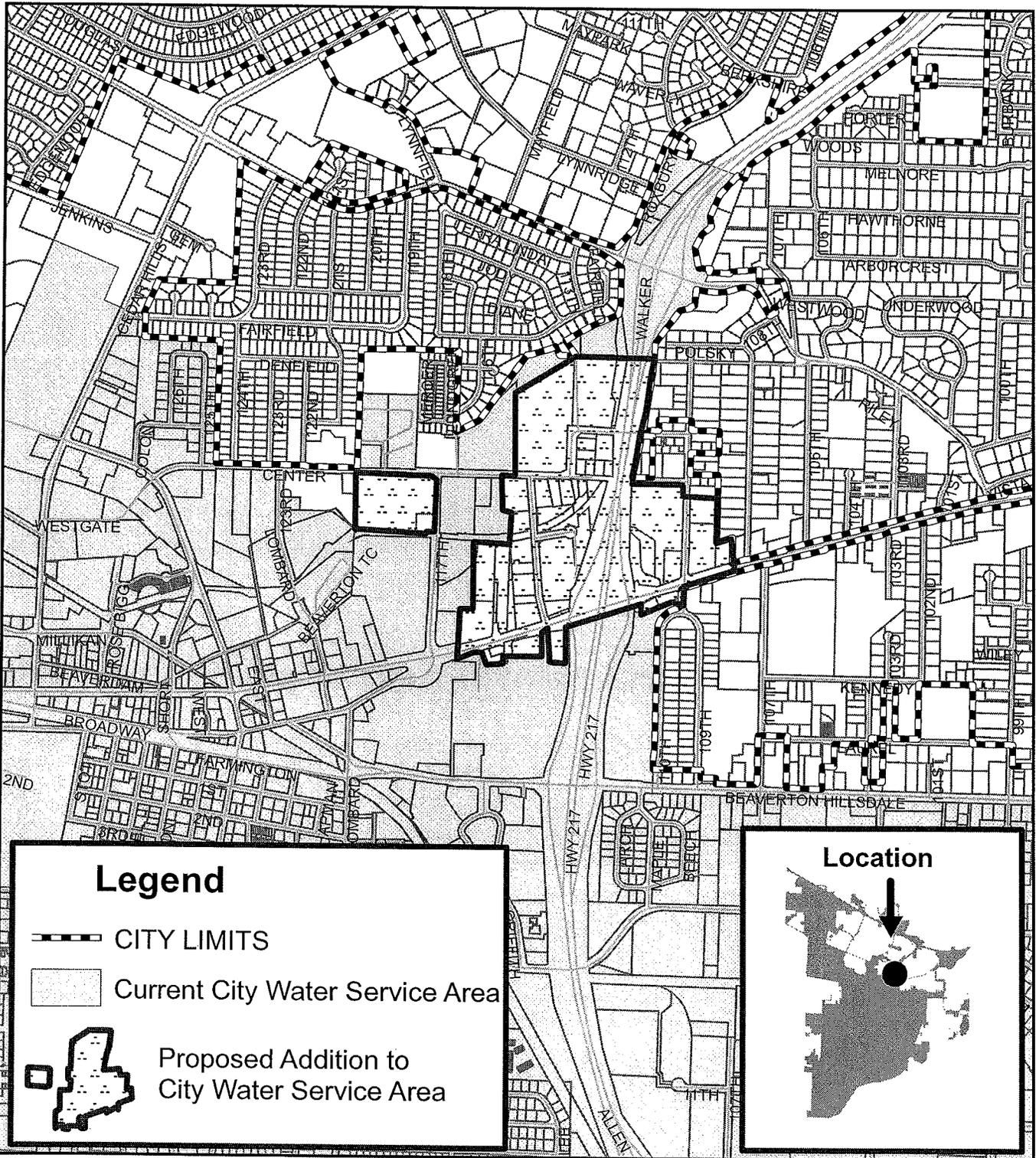
Dated this 31ST day of MARCH 2009

Catherine L. Jansen
Catherine L. Jansen, Deputy City Recorder

VICINITY MAP

EXHIBIT A

Ordinance No.: 4503



Legend

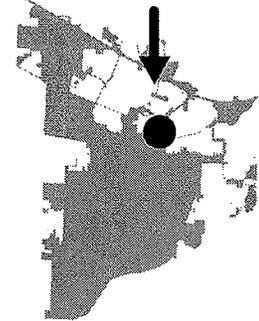
--- CITY LIMITS

■ Current City Water Service Area



Proposed Addition to City Water Service Area

Location



City of Beaverton

Proposed Service Area Transfer from West Slope Water District Service Area to City of Beaverton Water Service Area

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

2/9/09

WATER SERVICE TRANSFER



Application # ANX2009-0001



City of Beaverton
Engineering Department

EXHIBIT B
ORDINANCE NO. 4503

(Revised - Final
Legal Description)

EXHIBIT B

LEGAL DESCRIPTION

**FOR WITHDRAWAL FROM WEST SLOPE WATER DISTRICT TO THE
CITY OF BEAVERTON WATER DISTRICT
ANX 2009-0001**

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3
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5
6
7
8
9 EXPLANATION: THIS LEGAL DESCRIPTION IS PREPARED FOR THE OREGON DEPARTMENT OF
10 REVENUE FOR THE PURPOSE OF DESCRIBING A PORTION OF LAND TO BE WITHDRAWN FROM
11 THE WEST SLOPE WATER DISTRICT TO THE CITY OF BEAVERTON WATER DISTRICT, LOCATED
12 EAST OF SW LOMBARD AVENUE WEST OF 108 TH STREET AND SOUTH OF SUNNY HILL LANE TO
13 JUST THE SOUTH SIDE OF SW CANYON ROAD.

14 DESCRIBED LAND IS LOCATED IN THE SOUTH HALF (S1/2) OF SECTION 10 AND THE NORTH HALF
15 (N1/2) OF SECTION 15, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., WASHINGTON COUNTY,
16 OREGON, STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
17

18 BEGINNING AT A POINT ALONG THE EAST LINE OF U.S. HIGHWAY 217 AND THE SOUTHWEST
19 CORNER OF TAX LOT 1S110DA04801, ALSO A COMMON POINT BETWEEN THE CITY BEAVERTON
20 WATER SERVICE AREA AND THE WEST SLOPE WATER DISTRICT SAID POINT BEING ON THE
21 NORTH RIGHT OF WAY LINE OF SOUTHWEST SUNNY HILL LANE;
22 THENCE NORTH 88°54'14" WEST A DISTANCE OF 689.00 FEET ALONG THAT PORTION OF SW
23 SUNNY HILL LANE VACATED PER DOCUMENT 94-49012 TO THE WESTERLY LINE OF SW 113TH
24 AVENUE VACATED PER DOCUMENT 94-49012;
25 THENCE SOUTH 01°35'21" WEST, ALONG SAID WEST LINE OF VACATED 113TH AVE. A DISTANCE
26 OF 40.58 FEET TO THE MOST NORTHERLY POINT OF TAX LOT 1S110DB02000 BEING THE
27 BEAVERTON SCHOOL DISTRICT PARCEL;
28 THENCE CONTINUING ALONG SAID TAX LOT SOUTH 60°09'25" WEST A DISTANCE OF 566.93
29 FEET TO THE WESTERLY LINE OF TRACT G OF STEEL'S ADDITION TO BEAVERTON;
30 THENCE SOUTH 01°38'44" WEST, ALONG SAID TRACT G A DISTANCE OF 666.15 FEET TO A POINT
31 ON THE NORTH RIGHT OF WAY OF SW CENTER STREET;
32 THENCE NORTH 88°50'45" WEST A DISTANCE OF 89.13 FEET ALONG SAID NORTH RIGHT OF
33 WAY;



City of Beaverton
Engineering Department

34 THENCE SOUTH 00°33'10" WEST, ALONG TAX LOT 1S110CD00100 BEING STEEL'S ADDITION TO
35 BEAVERTON, PART TRACT 55 AND PART OF TRACT 54, A DISTANCE OF 359.32 FEET;
36 THENCE NORTH 85°45'34" EAST A DISTANCE OF 70.46 FEET;
37 THENCE SOUTH 02°31'29" WEST A DISTANCE OF 248.15 FEET ALONG THE WEST LINE OF STEEL'S
38 ADDITION TO BEAVERTON, TRACT 55 TAX LOT 1S110CD001600;
39 THENCE NORTH 89°55'42" WEST A DISTANCE OF 303.68 FEET TO A POINT ON THE WEST LINE
40 OF TRACT 54 OF STEEL'S ADDITION TO BEAVERTON;
41 THENCE SOUTH 01°59'13" WEST, ALONG SAID WEST LINE OF TRACT 54, A DISTANCE OF 575.71
42 FEET;
43 THENCE NORTH 88°47'48" WEST A DISTANCE OF 98.27 FEET TO A POINT WITHIN TRACT 53 OF
44 STEEL'S ADDITION TO BEAVERTON;
45 THENCE SOUTH 01°41'49" WEST A DISTANCE OF 407.68 FEET TO A POINT ON THE SOUTHERLY
46 RIGHT OF WAY LINE OF SOUTHWEST CANYON ROAD;
47 THENCE ALONG SAID RIGHT OF WAY NORTH 76°02'10" EAST A DISTANCE OF 223.57 FEET;
48 THENCE SOUTH 25°32'52" WEST A DISTANCE OF 10.48 FEET;
49 THENCE SOUTH 08°08'08" WEST A DISTANCE OF 18.11 FEET;
50 THENCE SOUTH 13°47'55" EAST A DISTANCE OF 91.98 FEET;
51 THENCE SOUTH 89°27'19" EAST A DISTANCE OF 151.38 FEET;
52 THENCE NORTH 02°12'03" EAST A DISTANCE OF 65.11 FEET;
53 THENCE SOUTH 89°22'57" EAST A DISTANCE OF 313.44 FEET;
54 THENCE NORTH 01°25'44" EAST A DISTANCE OF 213.19 FEET;
55 THENCE NORTH 73°41'23" EAST, A DISTANCE OF 62.98 FEET;
56 THENCE SOUTH 01°18'14" WEST, A DISTANCE OF 282.82 FEET;
57 THENCE SOUTH 88°29'26" EAST A DISTANCE OF 144.80 FEET;
58 THENCE NORTH 00°59'37" EAST A DISTANCE OF 295.68 FEET TO THE SOUTHERLY RIGHT OF
59 WAY OF CANYON ROAD;
60 THENCE ALONG SAID RIGHT OF WAY NORTH 72°17'54" EAST A DISTANCE OF 623.52 FEET;
61 THENCE NORTH 67°15'36" EAST A DISTANCE OF 66.83 FEET;
62 THENCE SOUTH 00°04'37" EAST A DISTANCE OF 77.40 FEET;
63 THENCE NORTH 67°49'37" EAST A DISTANCE OF 254.04 FEET;
64 THENCE SOUTH 81°34'22" EAST A DISTANCE OF 102.36 FEET TO THE WEST RIGHT OF WAY OF
65 SOUTHWEST 110 TH AVENUE;
66 THENCE NORTH 00°46'36" EAST, ALONG SAID RIGHT OF WAY TO THE SOUTHERLY RIGHT OF
67 WAY LINE OF SOUTHWEST CANYON ROAD, A DISTANCE OF 119.70 FEET;
68 THENCE NORTH 69°52'36" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY OF SOUTHWEST
69 CANYON ROAD, A DISTANCE OF 95.65 FEET;



City of Beaverton
Engineering Department

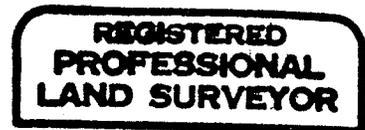
70 THENCE NORTH 01°27'51" EAST, LEAVING SAID SOUTHERLY RIGHT OF WAY, A DISTANCE OF
71 97.28 FEET TO THE NORTHERLY RIGHT OF WAY OF SAID SOUTHWEST CANYON ROAD;
72 THENCE ALONG SAID NORTHERLY RIGHT OF WAY NORTH 72°44'26" EAST A DISTANCE OF
73 351.04 FEET;
74 THENCE NORTH 00°56'54" EAST A DISTANCE OF 209.65 FEET;
75 THENCE SOUTH 72°54'52" WEST A DISTANCE OF 141.89 FEET;
76 THENCE NORTH 01°23'34" EAST A DISTANCE OF 385.74 FEET;
77 THENCE NORTH 89°05'59" WEST A DISTANCE OF 288.03 FEET, AND TO A POINT ON THE
78 WESTERLY RIGHT OF WAY LINE OF SOUTHWEST 110 TH AVENUE;
79 THENCE NORTH 02°13'14" EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 112.77 FEET;
80 THENCE NORTH 89°28'59" WEST, ALONG SAID TAX LOT AND ALSO BEING THE SOUTHERLY
81 RIGHT OF WAY LINE OF SW CENTER STREET, A DISTANCE OF 448.52 FEET TO THE EASTERLY
82 RIGHT OF WAY LINE OF STATE HIGHWAY 217;
83 THE NEXT SIX (6) CALLS ARE ALONG STATE HIGHWAY 217,
84 THENCE NORTH 06°30'08" EAST A DISTANCE OF 46.36 FEET;
85 THENCE NORTH 12°57'03" EAST A DISTANCE OF 364.78 FEET;
86 THENCE NORTH 12°09'58" EAST A DISTANCE OF 49.23 FEET;
87 THENCE NORTH 09°27'28" EAST A DISTANCE OF 498.27 FEET;
88 THENCE NORTH 04°07'31" EAST A DISTANCE OF 90.36 FEET;
89 THENCE NORTH 10°45'07" EAST A DISTANCE OF 40.30 FEET,
90 TO THE POINT OF BEGINNING,
91
92 HAVING AN AREA OF 80.71 ACRES MORE OR LESS
93
94 TOGETHER WITH:
95
96 TAX LOTS 1S110CD00800 AND 1S110CD00801
97
98 DESCRIBED AS FOLLOWS:
99
100 BEGINNING AT THE NORTHWEST CORNER OF THE WILLIAM LOCKERMAN DLC ALSO BEING THE
101 CENTER LINE OF S.W. CENTER STREET;
102 THENCE SOUTH 00°48'55" WEST, A DISTANCE OF 492.11 FEET;
103 THENCE SOUTH 88°55'08" EAST A DISTANCE OF 669.12 FEET ALSO BEING THE WEST RIGHT OF
104 WAY LINE OF S.W. 117 TH AVENUE;



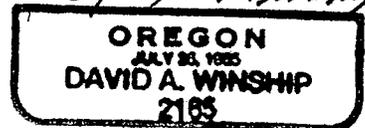
City of Beaverton
Engineering Department

105 THENCE NORTH 00°49'03" EAST A DISTANCE OF 490.55 FEET ALONG SAID RIGHT OF WAY TO A
106 POINT ON THE CENTER LINE OF S.W. CENTER STREET ALSO BEING THE NORTH LINE OF WILLIAM
107 LOCKERMAN DLC;
108 THENCE NORTH 88°47'07" WEST A DISTANCE OF 669.15 FEET TO THE POINT OF BEGINNING
109
110 HAVING AN AREA OF 7.55 ACRES
111
112
113
114 BASIS OF BEARING: IS SOUTH 00°48'55" WEST, ALONG THE WEST LINE OF THE LOCKERMAN DLC,
115 BETWEEN TO FOUND MONUMENTS, IN WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON
116 COUNTY, OREGON.

117 TAX LOT NUMBERS ARE FOR REFERENCE ONLY AND NOT TO BE CONSIDERED PART OF LEGAL
118 DESCRIPTION.

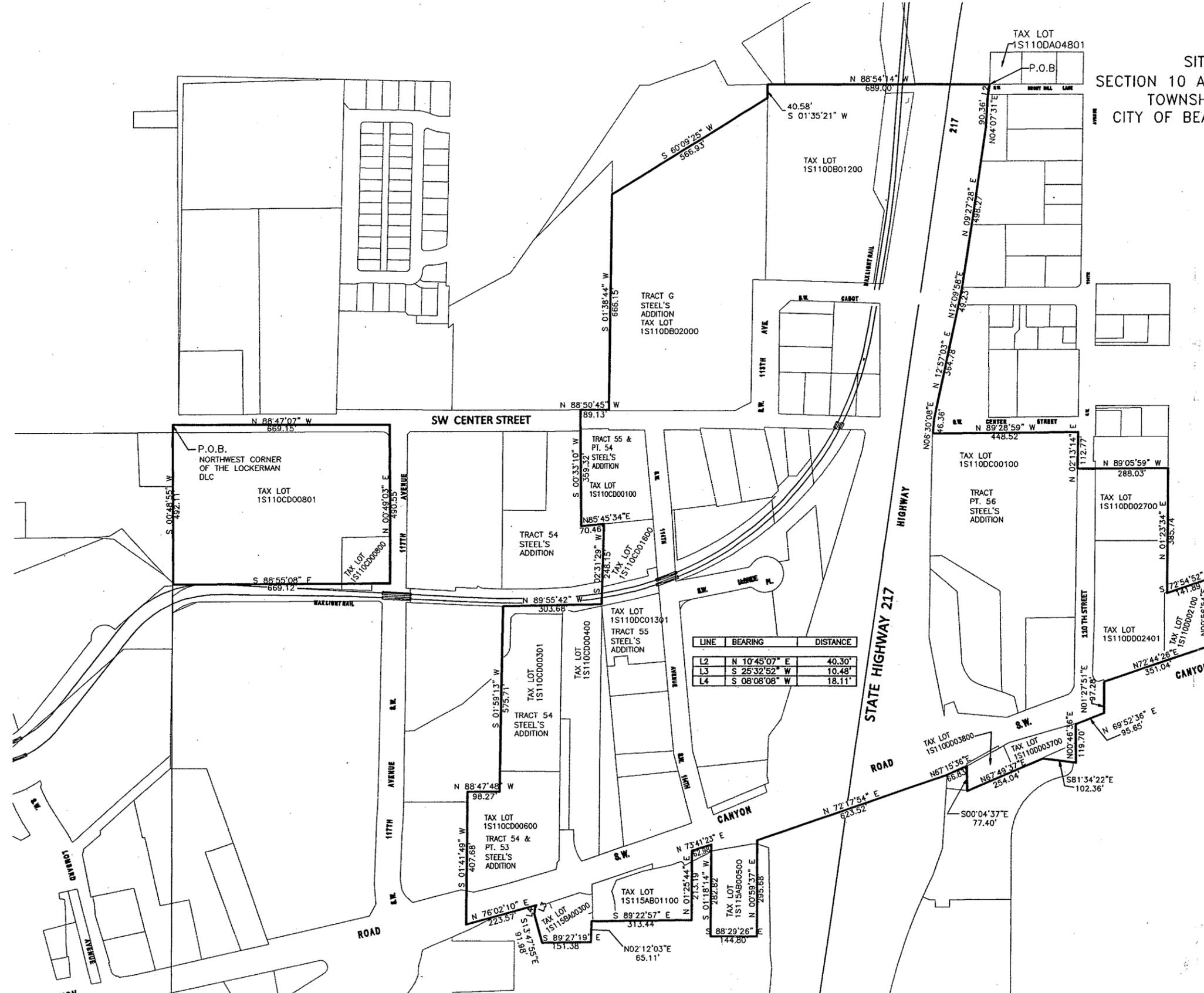


David A. Winship



Expires 6/30/16

SITUATED SOUTH HALF (S1/2) OF SECTION 10 AND THE NORTH HALF (N1/2) SECTION 15, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., CITY OF BEAVERTON, WASHINGTON COUNTY, OREGON



LINE	BEARING	DISTANCE
L2	N 10°45'07" E	40.30'
L3	S 25°32'52" W	10.48'
L4	S 08°08'08" W	18.11'

LEGEND

- () = PER RECORD
- = PROPERTY LINE
- - - = EXISTING PROPERTY LINE
- — — = CENTERLINE

PUBLIC WORKS DEPARTMENT

CITY OF BEAVERTON
4755 GRIFFITH DRIVE
BEAVERTON OR. 97076

FILE NO.: ANX9-001

DWG NO.: 08-001BLA

DATE: 03-15-09

CLIENT: BEAVERTON

SCALE: NTS

DRAWN BY: MTS

SHEET

1



CITY of BEAVERTON

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

STAFF REPORT

TO: City Council

AGENDA DATE: March 9, 2009 **REPORT DATE:** 3/2/09

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

SUBJECT: West Slope Water District Service Area Transfer (ANX2009-0001)

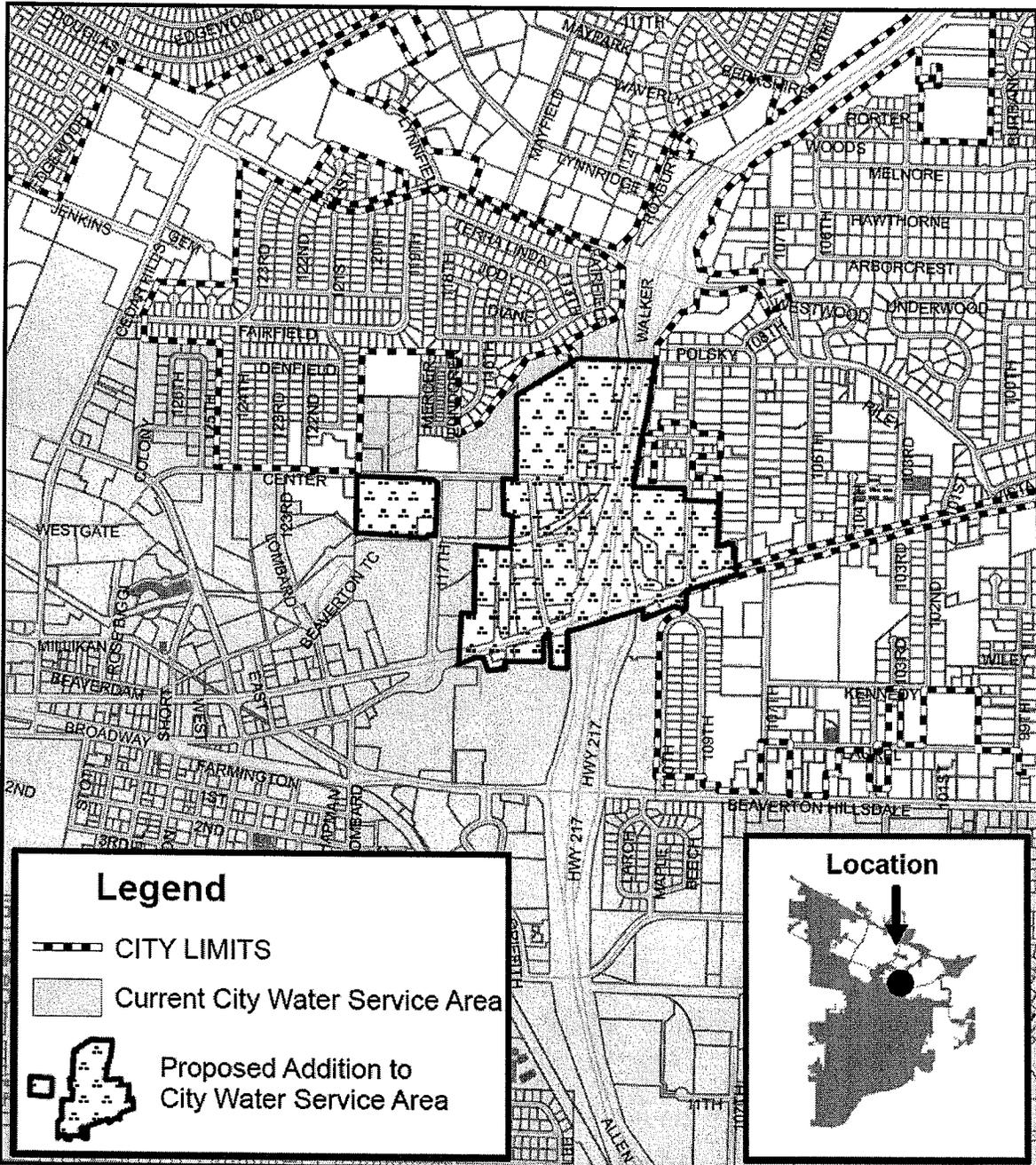
ACTIONS: Withdrawal of territory from the West Slope Water District service area in order to enable City of Beaverton water to adequately assume water service responsibility for the area. The area proposed for transfer is generally located north of SW Canyon Road, east of SW Lombard Avenue, south of Polsky Road, and west of 108th Avenue and is more particularly described by the attached legal description (Attachment A). The transfer of territory does not involve annexation of lands not currently within the City's boundary. This transfer of territory is being processed under the provisions of ORS 195.020, 222.120, 222.465, 222.520, 222.524, and 222.540.

AREA: The parcel totals approximately 0.138 square miles.

NUMBER OF LOTS: Approximately 50 parcels.

RECOMMENDATION: **Staff recommends the City Council adopt an ordinance withdrawing the referenced area (depicted in the attached map), from the West Slope Water District effective upon the Mayor's signature on March 31, 2009, and declaring an emergency.**

VICINITY MAP



Proposed Service Area Transfer from West Slope Water District
Service Area to City of Beaverton Water Service Area

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

2/9/09
WATER
SERVICE
TRANSFER

Application #
ANX2009-0001



BACKGROUND

On July 9, 1990, the City of Beaverton and the West Slope Water District (WSWD) entered into an intergovernmental agreement identifying specific areas that each party would assume responsibility in providing water service. The areas identified in the document were divided up into three categories. They included:

1. Tax lots withdrawn from the WSWD that were to remain outside the district boundary.
2. Tax lots withdrawn from the WSWD in which future water service were to be provided by the City.
3. Tax lots that were to be annexed or re-annexed to WSWD to receive service from the District with the consent of the City.

The majority of area proposed for withdrawal of territory (depicted in the map above) was identified under the third category. Under the terms of the agreement, the parties were to jointly petition to the Oregon Boundary Commission to annex areas where a transfer of jurisdiction was agreed to occur. The agreement itself was set to remain in affect for a period of twenty years - scheduled to expire in July of 2010.

In November 1999, as part of the Beaverton's periodic review work program, the City applied the Regional Center Plan Designation and RC-E and RC-To zones to the area. These designations were modeled after Metro's "Regional Center" design type and raised the area's regional significance as a center capable of supporting considerable residential and commercial densities. This change, coupled with a development of the Westside Light Rail, altered development expectations for the area requiring that the City upgrade utilities plans to accommodate the revised expectations.

In 2003, the City took a logical next step in planning for redevelopment for the area. City staff, a private consultant firm, businesses, and local residents participated in a planning process (dubbed 114th Avenue Redevelopment Plan) to establish a redevelopment concept for an area. Development alternatives contained in the plan were never formally adopted but are reflective of the expectations that the neighborhood envisioned to support significant commercial and residential growth.

Over the last 10 years, the City has been investing heavily in the Beaverton's downtown water system in anticipation of future development in this area. Significant expenditure has made both north and south of Canyon Road. The City has replaced aging waterlines near the end of their useful life, replaced with larger mains to support higher commercial water demand, and provided enhanced fire protection to support dense commercial development. One specific example of this commitment was the replacement of the City's waterline on Canyon Road from 117th Avenue to Hocken

Avenue, and on Broadway to the west of its intersection with Canyon Road, with an upsized 12-inch line (completed in 2006). The primary goal in upgrading the downtown infrastructure was to improve service to existing properties and also ensure that underdeveloped and undeveloped properties will be shovel ready once economic conditions improve.

In February 2008, the City approved a proposal to develop a sporting goods store in the study area. Construction of the project has stalled, and further redevelopment of the area has lagged as the City awaits for market conditions to favor redevelopment. However, in anticipation of future market demand, and in response to a city-wide visioning process begun in 2007, the City began to consider the possibility of establishing an urban renewal agency – a prospect that could enhance the City's ability to attract development to its downtown via a variety of financial incentives.

The prospect was brought one step closer to realization on November 4, 2008, when the City's voters were asked to decide whether to change Section 44 of the City Charter which prevented the City from establishing an urban renewal agency. The ballot measure revealed that the majority of Beaverton's voters may ultimately favor using this strategy to attract redevelopment to the City's downtown. Staff is currently in the process of developing a program proposal that will once again be brought before the voters for consideration.

In light of the ongoing planning efforts directed to the study area over the years and in response to changes in state law, the City opted not to renew the agreement with the District in 2004. However, despite the planning elements and tools the City has developed over the years to encourage redevelopment of the study area, and although the City believes that City water service and other street and utilities investments within the area would help advance the planning goals described above, the City has taken no action to alter the terms of the agreement signed in 1990. As a result, the West Slope Water District has continued to provide service in accordance with the agreement sufficient to serve existing needs of the area.

However, in July of 2008, the City received an application from the Beaverton School District proposing a building addition to their Arts & Communications Magnet Academy (ACMA). In reviewing the proposal staff determined that the proposed addition would require a fire flow upgrade which was beyond the capacity of WSWD's existing lines to accommodate. This service requirement provided the impetus for the City to consider a change in water service provision from West Slope Water District to the City. The City is committed to enhancing fire protection to the areas being withdrawn from WSWD beginning immediately upon initiation of service by the City.

PROPOSAL

Authority

Pursuant to the planning efforts and directives indicated above, staff believes that the citizens of Beaverton would best be served if the City's Water agency were to serve as the primary water service provider for the mapped area above. Staff proposes, therefore, that the City withdraw the territory from the West Slope Water District and assume service and maintenance responsibilities for the area in accordance with state law. The basis for this proposal is contained within two Oregon Statutes which state the following:

ORS222.520 "Whenever a part less than the entire area of a district named in ORS 222.510 becomes incorporated as or annexed to a city in accordance with law, the city may cause that part to be withdrawn from the district in the manner set forth in ORS 222.120 or at any time after such incorporation or annexation in the manner set forth in ORS 222.524".

ORS195.020: "Special districts shall exercise their planning duties, powers and responsibilities and take actions that are authorized by law with respect to programs affecting land use, including a city or special district boundary change as defined in ORS 197.175 (1), in accordance with goals approved pursuant to ORS chapters 195, 196 and 197".

ORS222.520 authorizes the City to withdraw territory from the district subsequent to incorporation or annexation of the subject area. The area proposed for withdrawal was the product of numerous annexations that occurred between 1961 and 2005. Pursuant to this section of statute, the city may withdraw this territory as the study area has been annexed into the City over an extended period.

ORS195.020 directs the District to alter its service boundaries pursuant to compliance with state goals – in this case, with particular regard to Statewide Goal 2 (Land Use). As described previously, adoption and designation of the regional center zoning to the study area and much of the subsequent planning was initiated in order to comply with Metro's Urban Growth Management Functional Plan, which itself addresses Statewide Planning Goal 2. The City's preference to provide the area with water service will enable the City to increase the capacity and thereby support higher density. Thus, the proposed transfer of territory may be regarded as a component in its overall planning. As such, the proposal satisfies the provisions of ORS195.020 and is thereby being administered under the provisions of ORS222.520 (Annexation of less than entire district; assumption of liability by city optional).

City of Beaverton / West Slope Water District Service Agreement

The intergovernmental agreement alluded to in the previous section became effective in 1990 and was deemed to automatically renew in five year increments over a term of

twenty years. The agreement stipulated, however, that if either party provided written notice expressing an intent not to renew within 180 days of the renewal date, then the agreement was to be considered not renewed.

The agreement also contained language directing both parties to jointly petition to the Oregon Boundary Commission (MPALGBC) when an annexation is proposed and specified that the District would not oppose annexations to the City of lands within the District service area. In 1999 the Oregon Boundary Commission disbanded leaving administrative and discretionary functions to local jurisdictions. Simultaneously, new state laws were adopted in ORS Chapter 195 requiring that urban service provider agreements be initiated between cities and special districts. With these changes, the City elected not to renew the agreement and in November 2004 sent the required notification to the District expressing the intent to withdraw (Attachment B). Therefore, over the past several years, the agreement has not been in effect.

In the interim years, the City has taken no action to renegotiate the terms of the agreement with WSWD. Despite this, no action has been taken as of this date contrary to the conditions established by the agreement. Therefore, although the service area boundaries have remained as they were in the agreement, the current proposal is not subject to the original conditions.

System Improvements and Division of Assets

ORS222.540 contains procedures and rules pertinent a partial withdrawal of a water district. The statute specifies the following:

"When a part of a water district, including a domestic water supply corporation, is withdrawn, the district shall, by action of its governing body, turn over to the city, of which the withdrawn area becomes a part, its water mains, service installations, structures, facilities, improvements and other property in the area withdrawn from the district that are not necessary for the operation of the remainder of the water control or water supply system of the district. All water mains, service installations, reservoirs, structures, facilities, improvements and other property that are necessary for the district to continue maintenance and operation of its water control or water supply system remain the property of the district, regardless of whether they are located within or without the city".

In attempting to establish a fair and balanced division of assets pursuant to the citation above, the City has begun a negotiation with the West Slope Water District to produce a true urban services provider agreement that will replace the agreement signed in 1990 and conform with current state law. The current proposal should be considered a component of this larger agreement. Discussions with the District thus far have focused on the service area transfer illustrated on the map above and identifying which water system facilities would become part of the withdrawal to the City and which are needed

for the District to continue operation and maintenance. The City has carefully considered the water delivery system in place within the study area and determined that, pursuant to ORS.222.540, the District and its existing customers will not be adversely affected by a transfer of its water mains, service installations, structures, facilities, improvements and other property in the area withdrawn from the district.

Within the areas being withdrawn, a short list of assets to be transferred, improvements installed, and responsibilities assumed include the following:

- The City will assume ownership and maintenance for existing lines on SW Canyon Rd., SW114th Ave., SW McBride Pl., SW Center Ave., SW 133th Ave., and SW Cabbot St.
- City will install upgrades to accommodate existing and anticipated development. They include a 12" pipe extension on SW Center St. west of Hwy 217 and 8" lateral extension to service ACMA's propose extension, an 8" segment of pipe on Center St. east of Hwy 217, an 8" pipe along with various directional control valves and meters on SW 110th Ave., and a segment of pipe on SW114th Ave. just south of SW Canyon Rd. The new piping is to ensure circulation of potable water for water quality purposes and to enhance fire protection to water customers within the area to be served by the City.
- City will make arrangements for fee transfer in its billing if District services and water intermingle with City provided water.

In accordance with ORS222.530, the City also commits to work with the District to ascertain which utility installations are not necessary for the operation of the remainder of the District's water control area and assess valuation of the whole district and the part of it withdrawn, as well as agree on the types of assets, and their location and intended for use in order to agree upon an equitable and orderly withdrawal from the District.

The City's intent is to establish a true urban services provider agreement that conforms to current state law. This agreement, once finalized, will establish future configuration of our water service boundaries, establish a timetable for any withdrawals from District territory within City limits, and allow for the division of assets. The agreement will factor in anticipated development in accordance with the City's plans as well as parameters set in the City's service agreement with TVWD (signed in April of 2002), which specifies that TVWD will not object to City annexation and service provision of areas served by a water provider other than TVWD under an elevation of 300 feet.

Subsequent to this urban services agreement and concurrent with this proposal, both the West Slope Water District and the City of Beaverton have agreed to enter into a formal agreement.

Advancement of the Public Interest

For the reasons described in earlier sections of this report staff have concluded that the proposal is in the best interest of the City to pursue. This requirement is prescribed in ORS222.524 which provides that:

"If as authorized by ORS 222.520 the governing body of the city elects to cause the withdrawal from a district named in ORS 222.510 of that part of such district theretofore incorporated in or annexed to the city, it shall hold a public hearing on the question of such withdrawal. At the hearing, the governing body of the city shall hear objections to the withdrawal and shall determine whether such withdrawal is for the best interest of the city".

As indicated in previous sections, staff has concluded that the proposal to withdraw territory from the West Slope Water District consistent with the map provided above so that the City may upgrade, maintain, and provide water service to the area is in the City's best interest. A short recap of the reasons provided include:

- The area proposed for change of territory is and has been within the City for an extended period and thereby does not require annexation to extend the City boundary in order to service the area.
- The study area is within the City's urban service area and directly adjacent to existing City water infrastructure, Therefore, the City is adequately equipped to incorporate transferred infrastructure and extend existing services to the study area.
- Limited capacity of District lines has limited the district's ability to adequately serve specification locations within the study area. This is particularly true with regard to the District's ability to provide adequate fire flow capacity to the ACMA site. City of Beaverton area infrastructure has the adequate capacity and is better situated to service the site in terms of capacity for fire protection and redundancy of water mains serving the area.
- As the primary water service provider within the City limits, the City of Beaverton is better situated to budget for and provide required upgrades necessary implementation of planning efforts specific to the area. This is particularly valid in light of recent voter approval to consider the use of urban renewal planning to the area. The City has completed a draft revised water system master plan and intends to adopt a final master plan within the next several months. The City has just adopted a revised SDC methodology which includes significant water supply capacity improvements through 2020 within the City's water service area.

FINDING:

For the reasons stated above, staff finds that the proposed withdrawal of territory from WSWD enabling to the City of Beaverton to provide water services to the study area is in the City's best interest and thereby meets the specifications contained in ORS222.524.

Declaration of an Emergency Ordinance

ORS222.465 states that "annexation or incorporation that results in the withdrawal is enacted or approved after March 31 in any year, the effective date of the withdrawal of territory shall be July 1 in the following year. However, if the ordinance, annexation or incorporation that results in the withdrawal is enacted or approved before April 1 in any year, the effective date of the withdrawal of territory shall be July 1 in the same year".

In order to fulfill the City's planning ambitions for the area, It is in the City's interest that it be permitted to provide service and install system upgrades to the study area within the coming fiscal year. This is particularly true in light of the ACMA building addition application (mentioned previously) that was filed with the City and requires that water upgrades be installed in order to meet fire flow standards. Extension of the effective date beyond this next fiscal year would place a serious burden upon the project.

As indicated in ORS222.465 above, in order for the proposed district boundary withdrawal to be enacted on July 1 of the calendar year, the proposed ordinance must be effective and received by the Secretary of State's by March 31st. For this reason staff is proposing that the City declare this ordinance an emergency to be effective upon receipt of the Mayor's signature on March 31, 2009. The language contained within the ordinance reflects this request.

PROCESS

The enabling Section of ORS that dictates the process under which this proposal is to be administrated is ORS 222.120. Item (3) of this section specifies the following:

"The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period".

In accordance with this Section, the following notice procedures were followed:

- the City published in the Valley Times on February 26, and March 4, 2009
- The notice and a copy of this staff report will be posted in City Hall, in the City Library, on the City's webpage, and in Terpenning Center on February 19, 2009

CONCLUSION

Based on the facts and findings in this report, staff concludes that approval of the Water District Service Boundary Alteration (ANX2009-0001) meets all pertinent criteria outlined in ORS Sections 195.020, 222.120, 222.465, 222.520, 222.524, and 222.540.

Attachments: 1) Legal Description
 2) Letter dated 11/23/04 from the City to the District



City of Beaverton
Engineering Department

ATTACHMENT 1

EXHIBIT B

ORDINANCE NO. 4503

(Revised - Final
Legal Description)

EXHIBIT B

LEGAL DESCRIPTION

**FOR WITHDRAWAL FROM WEST SLOPE WATER DISTRICT TO THE
CITY OF BEAVERTON WATER DISTRICT
ANX 2009-0001**

EXPLANATION: THIS LEGAL DESCRIPTION IS PREPARED FOR THE OREGON DEPARTMENT OF REVENUE FOR THE PURPOSE OF DESCRIBING A PORTION OF LAND TO BE WITHDRAWN FROM THE WEST SLOPE WATER DISTRICT TO THE CITY OF BEAVERTON WATER DISTRICT, LOCATED EAST OF SW LOMBARD AVENUE WEST OF 108 TH STREET AND SOUTH OF SUNNY HILL LANE TO JUST THE SOUTH SIDE OF SW CANYON ROAD.

DESCRIBED LAND IS LOCATED IN THE SOUTH HALF (S1/2) OF SECTION 10 AND THE NORTH HALF (N1/2) OF SECTION 15, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., WASHINGTON COUNTY, OREGON, STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ALONG THE EAST LINE OF U.S. HIGHWAY 217 AND THE SOUTHWEST CORNER OF TAX LOT 1S110DA04801, ALSO A COMMON POINT BETWEEN THE CITY BEAVERTON WATER SERVICE AREA AND THE WEST SLOPE WATER DISTRICT SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF SOUTHWEST SUNNY HILL LANE;
THENCE NORTH 88°54'14" WEST A DISTANCE OF 689.00 FEET ALONG THAT PORTION OF SW SUNNY HILL LANE VACATED PER DOCUMENT 94-49012 TO THE WESTERLY LINE OF SW 113TH AVENUE VACATED PER DOCUMENT 94-49012;
THENCE SOUTH 01°35'21" WEST, ALONG SAID WEST LINE OF VACATED 113TH AVE. A DISTANCE OF 40.58 FEET TO THE MOST NORTHERLY POINT OF TAX LOT 1S110DB02000 BEING THE BEAVERTON SCHOOL DISTRICT PARCEL;
THENCE CONTINUING ALONG SAID TAX LOT SOUTH 60°09'25" WEST A DISTANCE OF 566.93 FEET TO THE WESTERLY LINE OF TRACT G OF STEEL'S ADDITION TO BEAVERTON;
THENCE SOUTH 01°38'44" WEST, ALONG SAID TRACT G A DISTANCE OF 666.15 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF SW CENTER STREET;
THENCE NORTH 88°50'45" WEST A DISTANCE OF 89.13 FEET ALONG SAID NORTH RIGHT OF WAY;



City of Beaverton
Engineering Department

34 THENCE SOUTH 00°33'10" WEST, ALONG TAX LOT 1S110CD00100 BEING STEEL'S ADDITION TO
35 BEAVERTON, PART TRACT 55 AND PART OF TRACT 54, A DISTANCE OF 359.32 FEET;
36 THENCE NORTH 85°45'34" EAST A DISTANCE OF 70.46 FEET;
37 THENCE SOUTH 02°31'29" WEST A DISTANCE OF 248.15 FEET ALONG THE WEST LINE OF STEEL'S
38 ADDITION TO BEAVERTON, TRACT 55 TAX LOT 1S110CD001600;
39 THENCE NORTH 89°55'42" WEST A DISTANCE OF 303.68 FEET TO A POINT ON THE WEST LINE
40 OF TRACT 54 OF STEEL'S ADDITION TO BEAVERTON;
41 THENCE SOUTH 01°59'13" WEST, ALONG SAID WEST LINE OF TRACT 54, A DISTANCE OF 575.71
42 FEET;
43 THENCE NORTH 88°47'48" WEST A DISTANCE OF 98.27 FEET TO A POINT WITHIN TRACT 53 OF
44 STEEL'S ADDITION TO BEAVERTON;
45 THENCE SOUTH 01°41'49" WEST A DISTANCE OF 407.68 FEET TO A POINT ON THE SOUTHERLY
46 RIGHT OF WAY LINE OF SOUTHWEST CANYON ROAD;
47 THENCE ALONG SAID RIGHT OF WAY NORTH 76°02'10" EAST A DISTANCE OF 223.57 FEET;
48 THENCE SOUTH 25°32'52" WEST A DISTANCE OF 10.48 FEET;
49 THENCE SOUTH 08°08'08" WEST A DISTANCE OF 18.11 FEET;
50 THENCE SOUTH 13°47'55" EAST A DISTANCE OF 91.98 FEET;
51 THENCE SOUTH 89°27'19" EAST A DISTANCE OF 151.38 FEET;
52 THENCE NORTH 02°12'03" EAST A DISTANCE OF 65.11 FEET;
53 THENCE SOUTH 89°22'57" EAST A DISTANCE OF 313.44 FEET;
54 THENCE NORTH 01°25'44" EAST A DISTANCE OF 213.19 FEET;
55 THENCE NORTH 73°41'23" EAST, A DISTANCE OF 62.98 FEET;
56 THENCE SOUTH 01°18'14" WEST, A DISTANCE OF 282.82 FEET;
57 THENCE SOUTH 88°29'26" EAST A DISTANCE OF 144.80 FEET;
58 THENCE NORTH 00°59'37" EAST A DISTANCE OF 295.68 FEET TO THE SOUTHERLY RIGHT OF
59 WAY OF CANYON ROAD;
60 THENCE ALONG SAID RIGHT OF WAY NORTH 72°17'54" EAST A DISTANCE OF 623.52 FEET;
61 THENCE NORTH 67°15'36" EAST A DISTANCE OF 66.83 FEET;
62 THENCE SOUTH 00°04'37" EAST A DISTANCE OF 77.40 FEET;
63 THENCE NORTH 67°49'37" EAST A DISTANCE OF 254.04 FEET;
64 THENCE SOUTH 81°34'22" EAST A DISTANCE OF 102.36 FEET TO THE WEST RIGHT OF WAY OF
65 SOUTHWEST 110 TH AVENUE;
66 THENCE NORTH 00°46'36" EAST, ALONG SAID RIGHT OF WAY TO THE SOUTHERLY RIGHT OF
67 WAY LINE OF SOUTHWEST CANYON ROAD, A DISTANCE OF 119.70 FEET;
68 THENCE NORTH 69°52'36" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY OF SOUTHWEST
69 CANYON ROAD, A DISTANCE OF 95.65 FEET;



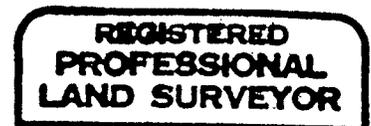
City of Beaverton
Engineering Department

70 THENCE NORTH 01°27'51" EAST, LEAVING SAID SOUTHERLY RIGHT OF WAY, A DISTANCE OF
71 97.28 FEET TO THE NORTHERLY RIGHT OF WAY OF SAID SOUTHWEST CANYON ROAD;
72 THENCE ALONG SAID NORTHERLY RIGHT OF WAY NORTH 72°44'26" EAST A DISTANCE OF
73 351.04 FEET;
74 THENCE NORTH 00°56'54" EAST A DISTANCE OF 209.65 FEET;
75 THENCE SOUTH 72°54'52" WEST A DISTANCE OF 141.89 FEET;
76 THENCE NORTH 01°23'34" EAST A DISTANCE OF 385.74 FEET;
77 THENCE NORTH 89°05'59" WEST A DISTANCE OF 288.03 FEET, AND TO A POINT ON THE
78 WESTERLY RIGHT OF WAY LINE OF SOUTHWEST 110 TH AVENUE;
79 THENCE NORTH 02°13'14" EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 112.77 FEET;
80 THENCE NORTH 89°28'59" WEST, ALONG SAID TAX LOT AND ALSO BEING THE SOUTHERLY
81 RIGHT OF WAY LINE OF SW CENTER STREET, A DISTANCE OF 448.52 FEET TO THE EASTERLY
82 RIGHT OF WAY LINE OF STATE HIGHWAY 217;
83 THE NEXT SIX (6) CALLS ARE ALONG STATE HIGHWAY 217,
84 THENCE NORTH 06°30'08" EAST A DISTANCE OF 46.36 FEET;
85 THENCE NORTH 12°57'03" EAST A DISTANCE OF 364.78 FEET;
86 THENCE NORTH 12°09'58" EAST A DISTANCE OF 49.23 FEET;
87 THENCE NORTH 09°27'28" EAST A DISTANCE OF 498.27 FEET;
88 THENCE NORTH 04°07'31" EAST A DISTANCE OF 90.36 FEET;
89 THENCE NORTH 10°45'07" EAST A DISTANCE OF 40.30 FEET,
90 TO THE POINT OF BEGINNING,
91
92 HAVING AN AREA OF 80.71 ACRES MORE OR LESS
93
94 TOGETHER WITH:
95
96 TAX LOTS 1S110CD00800 AND 1S110CD00801
97
98 DESCRIBED AS FOLLOWS:
99
100 BEGINNING AT THE NORTHWEST CORNER OF THE WILLIAM LOCKERMAN DLC ALSO BEING THE
101 CENTER LINE OF S.W. CENTER STREET;
102 THENCE SOUTH 00°48'55" WEST, A DISTANCE OF 492.11 FEET;
103 THENCE SOUTH 88°55'08" EAST A DISTANCE OF 669.12 FEET ALSO BEING THE WEST RIGHT OF
104 WAY LINE OF S.W. 117 TH AVENUE;

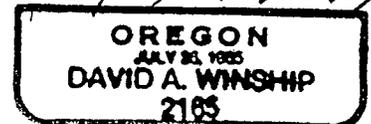


City of Beaverton
Engineering Department

105 THENCE NORTH 00°49'03" EAST A DISTANCE OF 490.55 FEET ALONG SAID RIGHT OF WAY TO A
106 POINT ON THE CENTER LINE OF S.W. CENTER STREET ALSO BEING THE NORTH LINE OF WILLIAM
107 LOCKERMAN DLC;
108 THENCE NORTH 88°47'07" WEST A DISTANCE OF 669.15 FEET TO THE POINT OF BEGINNING
109
110 HAVING AN AREA OF 7.55 ACRES
111
112
113
114 BASIS OF BEARING: IS SOUTH 00°48'55" WEST, ALONG THE WEST LINE OF THE LOCKERMAN DLC,
115 BETWEEN TO FOUND MONUMENTS, IN WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON
116 COUNTY, OREGON.
117 TAX LOT NUMBERS ARE FOR REFERENCE ONLY AND NOT TO BE CONSIDERED PART OF LEGAL
118 DESCRIPTION.

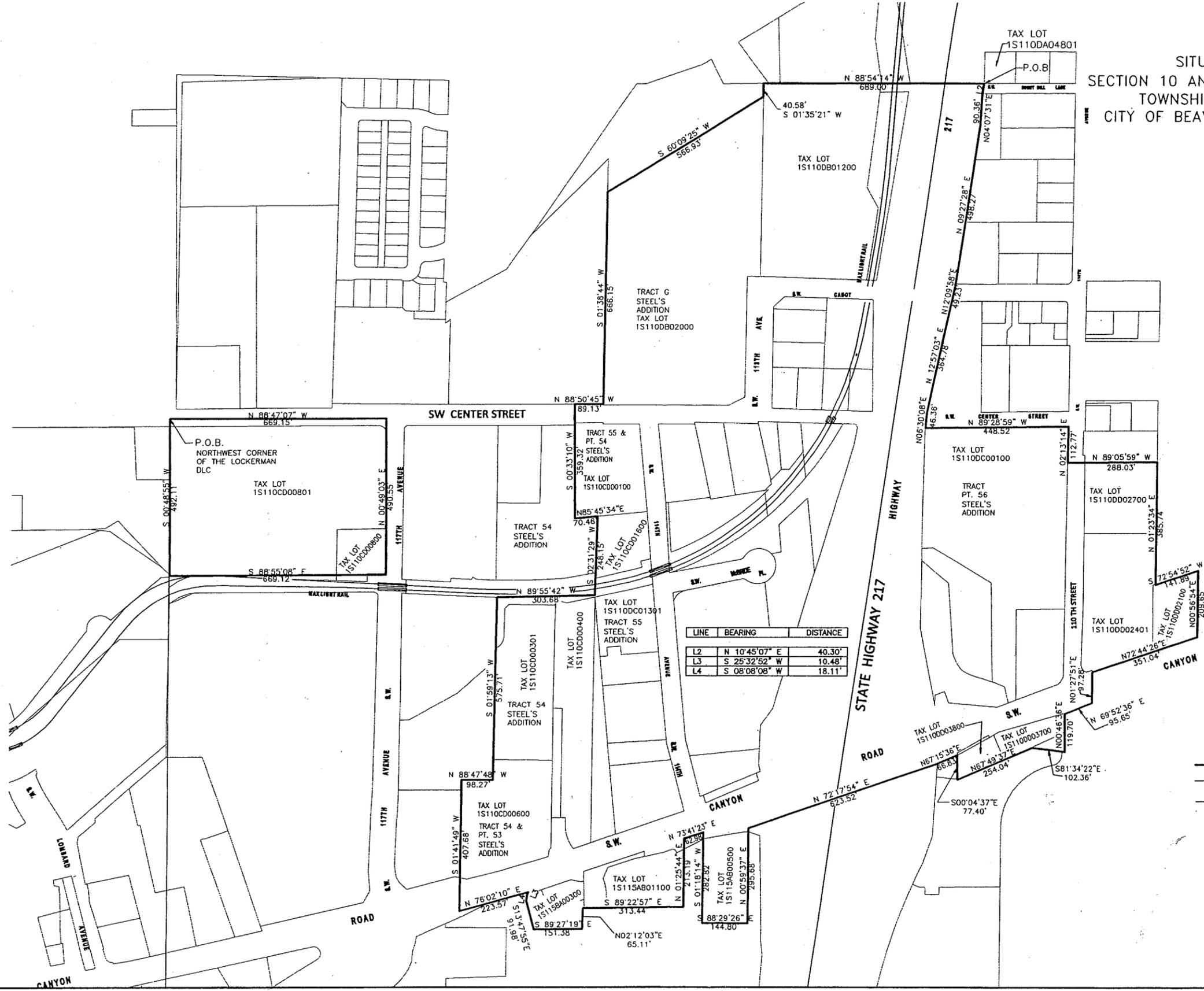


David A. Winship



Expires 6/30/16

SITUATED SOUTH HALF (S1/2) OF SECTION 10 AND THE NORTH HALF (N1/2) SECTION 15, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., CITY OF BEAVERTON, WASHINGTON COUNTY, OREGON



LINE	BEARING	DISTANCE
L1	N 10°45'07" E	40.30'
L2	S 25°32'52" W	10.48'
L4	S 08°08'08" W	18.11'

LEGEND

- () = PER RECORD
- = PROPERTY LINE
- - - = EXSITING PROPERTY LINE
- — — = CENTERLINE



PUBLIC WORKS DEPARTMENT
 CITY OF BEAVERTON
 4755 GRIFFITH DRIVE
 BEAVERTON OR. 97076

FILE NO.: ANX9-001 DWG NO.: 08-001BLA
 DATE: 03-15-09 CLIENT: BEAVERTON
 SCALE: NTS DRAWN BY: MTS

SHEET
 1
 1



CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 TEL: 526-2481V/TDD Fax 526-2571

ROB DRAKE
MAYOR

November 23, 2004

Mr. Art Holmen, Chairman of the Board
West Slope Water District
PO Box 25140
Portland, Oregon 97298

Subject: Intergovernmental Agreement between the City of Beaverton and the West Slope Water District

Dear Art:

In accordance with the IGA between the City and West Slope Water District, executed on July 9, 1990, and automatically renewed in 1995 and 2000, the City hereby notifies the District that it will not renew the agreement on July 9, 2005. Section 8 of the agreement provides for this notice not less than 180 days from its normal expiration date.

Our purpose in providing you with this notice relates to the City's ongoing planning efforts for its ultimate service boundary. Please be assured that we know of no dissatisfaction with the services supplied to City residents by the District. Our staff have no specific issue with District operations or our general working relationship. That being said, in the long term we envision two water providers within the City, namely, the City's system and Tualatin Valley Water District. We provided Jerry Arnold a copy of our latest IGA with TVWD, which also mentions such future developments.

As I discussed with your Board of Directors earlier in 2004, the City does not currently have specific annexation plans for large areas within your District. We are always open to those who approach the City for voluntary annexation, and we always consider who is the more appropriate service provider when property within both City and District boundaries redevelops such as to require new water service. The District of course will have notice of any proposed withdrawals of territory when we send notice of any proposed boundary change, as required under ORS Chapter 195 and Metro Code. The Council of course will hear any District concerns with the proposal at that time.

Please contact me directly if you have questions or concerns relative to this notice. Again, we emphasize that we intend to continue the strong working relationship that currently exists and will continue to give attention to your interests.

Sincerely,

Rob Drake
Mayor

cc: City Council
Jerry Arnold
Greg DiLoreto - TVWD
Charlie Cameron
Joe Grillo
Tom Ramisch
David Winship

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

03/30/09

SUBJECT: An Ordinance to Withdraw an Area of Land Currently within the City, from the West Slope Water District Service Boundary so that the City of Beaverton Water Department may Assume Responsibility to Serve this Area and Declaring an Emergency: ANX2009-0001

FOR AGENDA OF: ~~3/9/09~~ **BILL NO:** 09039

Mayor's Approval: *W. Denny Drake*

DEPARTMENT OF ORIGIN: CDD *AS*

DATE SUBMITTED: 2/26/09

CLEARANCES: City Attorney
Engineering
Finance
Planning Services

ML
D. Williams
H. O'Clair
BT

PROCEEDING: ~~First Reading~~
Second Reading and Passage

EXHIBITS: Ordinance

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

In 1990, the City of Beaverton entered into an agreement with West Slope Water District whereby specific areas of the City were apportioned to receive either City water services or District water services. The area, which is the subject of this proposal, was apportioned to the District at that time and can be described as generally located between SW Canyon Road, SW 117th Avenue, SW Polsky Road, and SW 110th Avenue.

The City opted not to renew the agreement several years ago, and the subject area has continued to receive District water services while the City has continued to update its plans for the area. In July of 2008, the City received an application from the Beaverton School District proposing a building addition to its Arts and Communications Magnet Academy (ACMA). In reviewing the development proposal, it was determined that the District's piping in the area was not sufficient to meet the fire flow requirements needed to approve the project. This situation, along with the knowledge that the City's planning for the area would require significant water system upgrades within the next few years, prompted the City to consider its authority to withdraw territory from the District. The City and the District have agreed to this withdrawal and will be meeting over the coming months to establish equitable terms of compensation and division of assets.

INFORMATION FOR CONSIDERATION:

ORS 222.520 specifies that whenever a part less than the entire area of a district becomes incorporated as or annexed to a city, the city may cause that part to be withdrawn from the district at any time after such incorporation or annexation. Proposed withdrawal from the West Slope Water District would allow the City to assume water service for the area and install utility upgrades necessary to implement the City's planning efforts for the area. City improvements associated with the transfer of water service from the District will ensure improved circulation of potable water for water quality purposes and enhanced fire protection.

RECOMMENDED ACTION:

~~First Reading~~
Second Reading and Passage

Agenda Bill No: 09039