

Final Documents
for
Annexation to
Beaverton

WA3208
Order/Res: 4495
Annexation: AN 2008-0005
DOR: 34-1929-2008
Secretary of State: AN 2009-0005

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

February 3, 2009

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

Dear Ms. Martin:

Please be advised that we have received and filed, as of January 07, 2009, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
4495 [Beaverton]	AN 2009-0005

For your records please verify the effective date through the application of ORS 199.519.

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

Sincerely,

Linda Bjornstad
Official Public Documents

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

DOR 34-1929-2008

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.
Jeff Salvon
PO Box 4755
Beaverton, OR 97076

**Description and Map Approved
December 29, 2008
As Per ORS 308.225**

Description Map received from: CITY PLANNING
On: 12/11/2008

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

ANNEX TO CITY OF BEAVERTON; WITHDRAW FROM SEVERAL DISTRICTS

ORD. #4495 (AN 2008-0005)

has been: Approved 12/29/2008
 Disapproved

Notes:

Department of Revenue File Number: 34-1929-2008

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



MEMORANDUM

"make it happen"

City of Beaverton
Community Development Department

To: Johanna Menscher

From: Nancy Marshall, Planning Division, CDD

Date: December 19, 2008

Subject: FOLLOW UP CHECK AND DOCUMENTS FOR SPELLMAN ANNEXATION

Enclosed is a check for Annexation 2008-0005, a parcel of approx. .4 acres located at 16960 SW SPELLMAN DR., TLID 1S130DD1700, Ordinance Number 4495.

Please process when you receive DOR notice.

Thank You

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



NOTICE OF DECISION

City of Beaverton
Community Development Department

*"make it
happen"*

To: Necessary and Interested Parties
From: Jeff Salvon, Associate Planner
Date: December 8, 2008

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

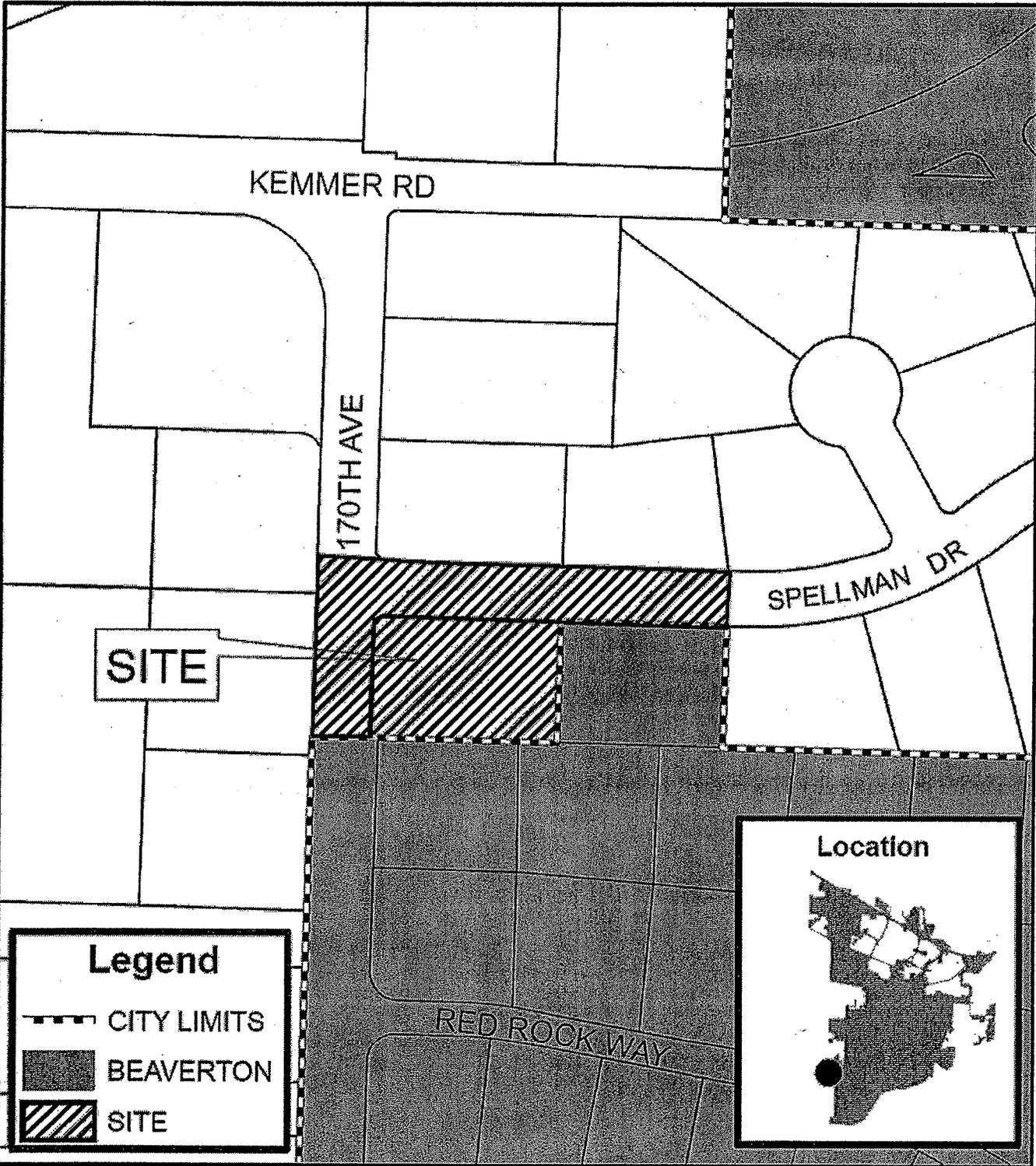
The City of Beaverton has recently approved the following annexation:

ANX # (NAME)	ACRES	BALLOT MEASURE 50 ASSESSED VALUE	DWELLING UNITS	ORD #	EFFECTIVE DATE
16960 SW Spellman Dr. Expedited Annexation	Approximately 0.4	\$282,390	1	4495	January 1, 2009 or Secretary of State filing date – whichever occurs later.

A map of the area being annexed is attached. The City is taking action to rezone the above property through a separate process. Washington County comprehensive plan/zoning designations will remain in effect until the effective date of the Land Use Map and Zoning Map amendments. 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) 350-3725 or e-mail me at jsalvon@ci.beaverton.or.us.

VICINITY MAP



City of Beaverton

16960 SW SPELLMAN DRIVE

**COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division**

8/4/08

Tax Lot #'s
1S130DD01700

N



**Application #
ANX2008-0005**

ORDINANCE NO. 4495

AN ORDINANCE ANNEXING ONE PARCEL LOCATED AT 16960 SW SPELLMAN DRIVE AND A SECTION OF RIGHT-OF-WAY TO THE CITY OF BEAVERTON AND ADDING THE PROPERTY TO THE SEXTON MOUNTAIN NEIGHBORHOOD ASSOCIATION COMMITTEE: EXPEDITED ANNEXATION 2008-0005

- WHEREAS,** ORS 222.125 grants the City authority to initiate an expedited annexation process with the consent of all land owners and at least 50 percent of the electors of the territory to be annexed; and
- WHEREAS,** The owners and all electors that occupy the subject parcel have signed and submitted a petition to annex the property into the City; and
- WHEREAS,** The property is in Beaverton's Assumed Urban Services Area, and Policy 5.3.1.d of the City's acknowledged Comprehensive Plan states: "The City shall seek to eventually incorporate its entire Urban Services Area."; and
- WHEREAS,** The property is 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,** Council Resolution No. 3785 sets forth annexation policies for the City, and this action implements those policies; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1.** The property shown on Exhibit A, and more particularly described in Exhibit B, is hereby annexed to the City of Beaverton, effective 30 days after the signing of this Ordinance or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, whichever is later.
- Section 2.** Pursuant to Beaverton Code Section 9.06.035A, this property shall be added to the Sexton Mountain Neighborhood Association Committee Boundary.
- Section 3.** The Council hereby withdraws the property annexed by this Ordinance from the Washington County's Enhanced Sheriff's Patrol District and Washington County's Urban Road Maintenance District.
- Section 4.** The Council accepts the findings in the staff report attached hereto as Exhibit C as adequate demonstration of compliance with all applicable approval criteria.
- Section 5.** The City Recorder shall place a certified copy of this Ordinance in the City's permanent records, and the Community Development Department shall forward

a certified copy of this Ordinance to Metro and all necessary parties within five working days of adoption.

Section 6. The Community Development Department shall transmit copies of this Ordinance and all other required materials to all public utilities and telecommunications utilities affected by this Ordinance in accordance with ORS 222.005.

First Reading _____
Date

Second Reading and Passed _____
Date

Approved by the Mayor _____
Date

ATTEST:

APPROVED:

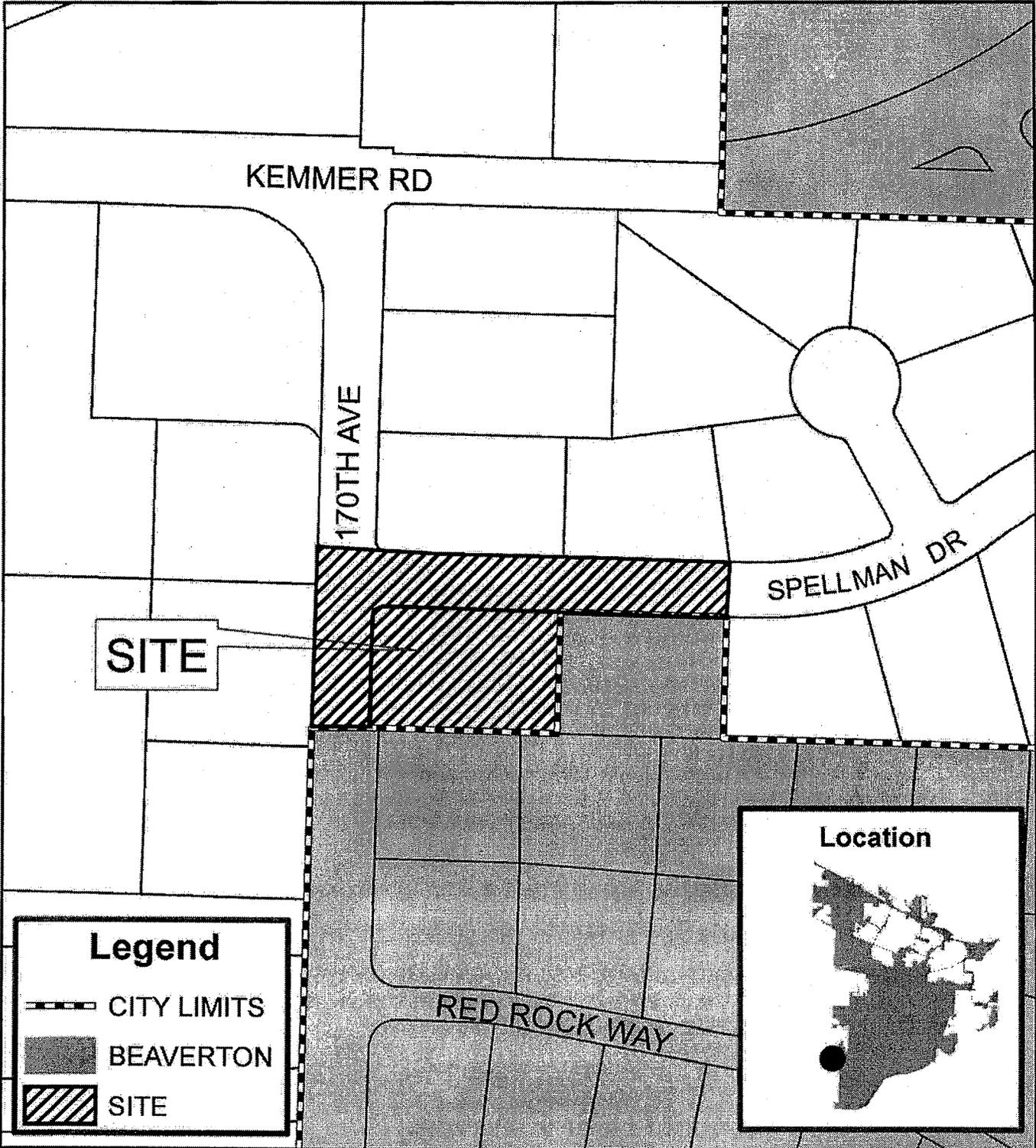
SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP

Ordinance No.
4495

EXHIBIT "A"



City of Beaverton

16960 SW SPELLMAN DRIVE

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

8/4/08

Tax Lot #'s
1S130DD01700

Application #
ANX2008-0005





**City of Beaverton
Engineering Department**

EXHIBIT B

Ordinance No. 4405

**LEGAL DESCRIPTION
FOR
LOT 13 "MADRONA TERRACE" (TAX LOT 1S130DD1700)**

ANNEXATION 2008-005

EXPLANATION: THIS LEGAL DESCRIPTION IS PREPARED FOR THE OREGON DEPARTMENT OF REVENUE FOR THE PURPOSE OF DESCRIBING A PARCEL OF LAND TO BE ANNEXED TO THE CITY OF BEAVERTON, LOCATED SOUTHEAST CORNER OF S.W. SPELLMAN DRIVE AND S.W. 170TH AVENUE.

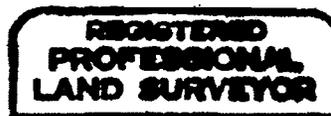
SAID PARCEL IS LOCATED IN THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., WASHINGTON COUNTY, OREGON, BEING LOT 13, OF "MADRONA TERRACE" SUBDIVISION, RECORDED APRIL 20, 1966, IN BOOK 24, PAGE 36 OF RECORDS OF PLATS IN WASHINGTON COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE CENTERLINE INTERSECTION OF S.W. WEIR ROAD AND S.W. 170TH AVENUE; THENCE ALONG SAID CENTERLINE OF S.W. 170TH AVENUE NORTH 00°05'45" WEST, A DISTANCE OF 813.08 FEET; THENCE NORTH 89°51'00" EAST, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING ALSO BEING THE SOUTHWEST CORNER OF SAID LOT 13 "MADRONA TERRACE" ALSO BEING THE EASTERLY RIGHT OF WAY LINE OF SAID S.W. 170TH AVENUE (50 FOOT RIGHT OF WAY); THENCE ALONG SAID RIGHT OF WAY LINE NORTH 00°05'45" WEST, A DISTANCE OF 100.01 FEET TO A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 10.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 15.70 FEET AND THROUGH A CENTRAL ANGLE OF 89°56'45" BEING ON THE SOUTHERLY LINE OF S.W. SPELLMAN DRIVE (50 FOOT RIGHT OF WAY); THENCE NORTH 89°51'00" EAST, A DISTANCE OF 160.00 FEET; THENCE SOUTH 00°09'00" EAST, A DISTANCE OF 110.00 FEET TO THE SOUTH LINE OF LOT 13; THENCE ALONG THE SOUTH LINE OF SAID LOT 13 SOUTH 89°51'00" WEST, A DISTANCE OF 170.09 FEET TO THE SOUTHWEST CORNER OF LOT 13 TO THE POINT OF BEGINNING.

HAVING AN AREA OF 17,573 SQUARE FEET OR 0.40 ACRES MORE OR LESS.

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

BASIS OF BEARING: IS NORTH 00°05'45" EAST, ALONG THE CENTERLINE OF S.W. 170TH AVENUE, AS SHOWN ON MAP IN BOOK 24, PAGE 36 RECORDS OF PLATS, IN WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, OREGON.



David G. Winship

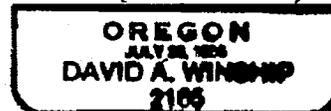


EXHIBIT B

ANNEXATION 2008-005 EXHIBIT MAP
 LOT 13, OF "MADRONA TERRACE"
 SE 1/4 OF SECTION 30, T.1S., R.1W., W.M.,
 WASHINGTON COUNTY, OREGON

160.00'

150.00

SW SPELLMAN DRIVE

N 89°51'00" E

N 00°05'45" W

100.01'

L=15.70'
 R=10.00'
 C LEN=14.14'

160.00'

150.00

LOT 13
 MADRONA TERRACE
 16960 SW SPELLMAN DR.
 18682.8 SQ. FT.
 0.4 ACRES

LOT 12
 MADRONA
 TERRACE

CITY OF
 BEAVERTON

S 00°09'00" E
 110.00'

P.O.B. FOR
 LOT 13

25.00'

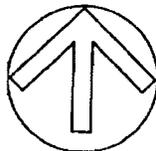
S 89°51'00" W 170.09'

25.00' 33.00'

SW 170 TH AVENUE

LOT 2
 MURRAY HILL PARK

LOT 3
 MURRAY HILL PARK



NORTH
 NTS

CITY OF
 BEAVERTON

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

David G. Winship

OREGON
 JULY 26, 1985
 DAVID A. WINSHIP
 2165

RENEWAL DATE 06/30/08

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SHEET 1 OF 1



City of Beaverton

EXHIBIT MAP FOR
 ANNEXATION 2008-005
 LEGAL DESCRIPTION

PUBLIC WORKS DEPARTMENT
 ENGINEERING DIVISION

JOB NO: 08-005

DATE: 09.28.08

DRAWN BY: MTS

CHECKED BY: MTS

APPROVED BY:

REVISION: _____

REVISION: _____



**City of Beaverton
Engineering Department**

**LEGAL DESCRIPTION
FOR PARTS OF
S.W. 170 TH AVENUE AND S.W. SPELLMAN DRIVE
OF
"MADRONA TERRACE" (BOOK 24, PAGE 36)**

ANNEXATION 2008-005

EXPLANATION: THIS LEGAL DESCRIPTION IS PREPARED FOR THE OREGON DEPARTMENT OF REVENUE FOR THE PURPOSE OF DESCRIBING A PORTION OF RIGHT OF WAY TO BE ANNEXED TO THE CITY OF BEAVERTON, BEING PARTS OF S.W. 170th AVENUE AND S.W. SPELLMAN DRIVE.

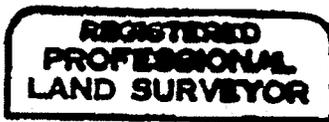
SAID RIGHT OF WAY IS LOCATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., WASHINGTON COUNTY, OREGON, BEING S.W. 170 TH AVENUE AND S.W. SPELLMAN DRIVE AS SHOWN ON, "MADRONA TERRACE" SUBDIVISION, RECORDED APRIL 20, 1966, IN BOOK 24, PAGE 36 OF RECORDS OF PLATS IN WASHINGTON COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 13, OF SAID "MADRONA TERRACE"; THENCE NORTH 00°05'45" WEST, A DISTANCE OF 100.01 FEET TO A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 10.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 15.70 FEET, THROUGH A CENTRAL ANGLE OF 89°56'45" TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID S.W. SPELLMAN DRIVE; THENCE NORTH 89°51'00" EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 310.00 FEET; THENCE NORTH 00°04'08" WEST, LEAVING SAID SOUTH RIGHT OF WAY A DISTANCE OF 50.00 FEET TO THE NORTH RIGHT OF WAY S.W. SPELLMAN DRIVE AND THE SOUTHEAST CORNER OF LOT 3 "MADRONA TERRACE"; THENCE SOUTH 89°51'00" WEST, ALONG SAID NORTH RIGHT OF WAY, A DISTANCE OF 370.01 FEET TO A POINT LYING ON THE WEST RIGHT OF WAY LINE OF S.W. 170TH AVENUE; THENCE SOUTH 00°05'45" EAST, ALONG SAID WEST LINE OF S.W. 170TH AVENUE, A DISTANCE OF 160.00 FEET; THENCE NORTH 89°51'00" EAST A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING,

HAVING AN AREA OF 24021 SQUARE FEET, 0.55 ACRES

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

BASIS OF BEARING: IS NORTH 00°05'45" EAST, ALONG THE CENTERLINE OF 170TH AVENUE, AS SHOWN ON MAP IN BOOK 24, PAGE 36 RECORDS OF PLATS, IN WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, OREGON.



David A. Winship

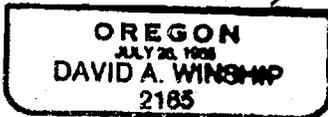
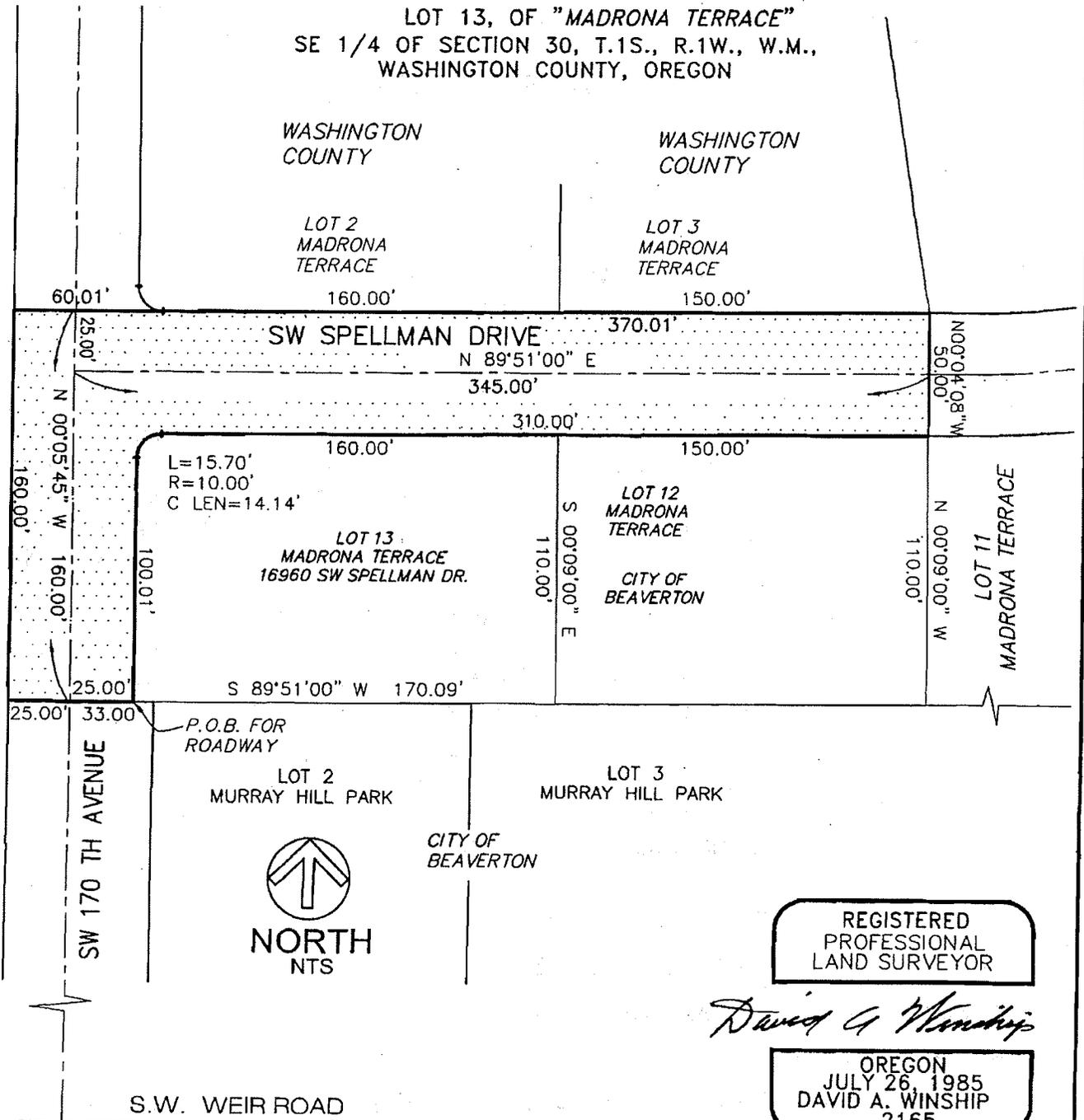


EXHIBIT B

ANNEXATION 2008-005 EXHIBIT MAP
 LOT 13, OF "MADRONA TERRACE"
 SE 1/4 OF SECTION 30, T.1S., R.1W., W.M.,
 WASHINGTON COUNTY, OREGON



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

David A. Winship

OREGON
 JULY 26, 1985
 DAVID A. WINSHIP
 2165

RENEWAL DATE 06/30/08

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SHEET 1 OF 1



EXHIBIT MAP FOR
 ANNEXATION 2008-005
 LEGAL DESCRIPTION

PUBLIC WORKS DEPARTMENT
 ENGINEERING DIVISION

JOB NO: 08-005
 DATE: 09.28.08
 DRAWN BY: MTS
 CHECKED BY: MTS
 APPROVED BY:

REVISION: _____
 REVISION: _____



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: October 6, 2008 **REPORT DATE:** 9/29/08

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

SUBJECT: Expedited Annexation (ANX2008-0005)

ACTIONS: Annexation to the City of Beaverton of one parcel located at 16960 SW Spellman Drive and a section of street right-of-way encompassing the intersection of SW 170th Ave. and SW Spellman Rd., extending south on SW 170th Ave. approximately 100 feet from the intersection and extending east on SW Spellman Drive approximately 420 feet from the intersection. The property proposed for annexation is identified as parcel 1S130DD01700 as shown on the attached map, and more particularly described by the attached legal description (Attachment A). Annexation of this property is owner initiated and is being processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045.

NAC: This property is located adjacent to the boundary of the Sexton Mountain Neighborhood Association Committee (NAC). The Neighborhood Office is recommending that staff include a provision in the ordinance to amend the Sexton Mountain NAC boundary to include the subject parcel.

AREA: The parcel totals approximately 0.4 acres

TAXABLE ASSESSED VALUE: \$ 282,390

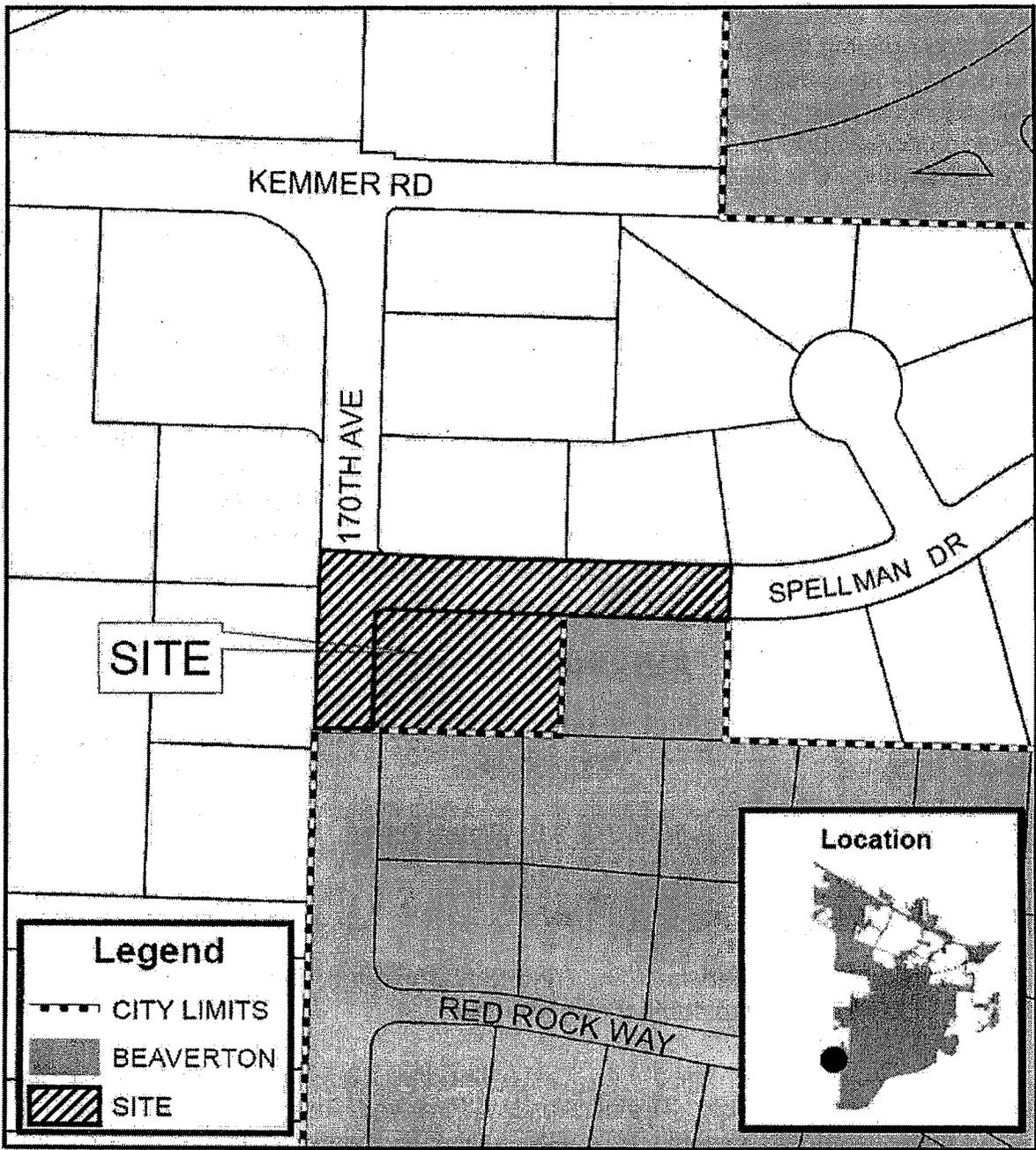
ASSESSOR'S REAL MARKET VALUE: \$ 475,240

NUMBER OF LOTS: 1

EXISTING COUNTY ZONE: The subject parcel is designated R-5 by Washington County.

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

VICINITY MAP



City of Beaverton

16960 SW SPELLMAN DRIVE

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division

8/4/08

Tax Lot #'s
1S130DD01700

N



Application #
ANX2008-0005

BACKGROUND

The subject property is located on a corner lot supporting a single family residential dwelling occupying approximately 3,400 square feet of livable floor. The owner desires to upgrade his sanitary system from septic tank to a sanitary sewer line connection that will be maintained by the City. The City of Beaverton requires that property owners seeking connection to a City maintained line consent to annex so that the City can bill the property for line maintenance costs.

Consent to annex on the part of the landowner allows this proposal to be processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045 so no public hearing is required. In addition, in December 2004, the City and Washington County entered into an Intergovernmental Agreement for an Interim Urban Services Plan that established an area "A", in which the City could proceed with annexations without County consent and an area "B", in which the City would need to obtain County consent to proceed with annexation. The proposed annexation is in area "A" thus allowing the proposal to proceed without further approval on the County's part. Finally, it is understood that changing the property from County R-5 to the City's Neighborhood Residential Standard Density (NR-SD) plan and R-7 zoning designations will occur through an annexation related non-discretionary process requiring approval by the City Council.

EXISTING CONDITIONS

Map and Tax Lot	Site Address	Lot Size (acres)	Existing Land Use
1S130DD01700	16960 SW Spellman Drive	0.4	Residential

SERVICE PROVISION:

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

- The City has entered into ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire and Rescue District, Tualatin Valley Water District, Tualatin Hills Parks and Recreation District, and Clean Water Services.
- The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services.
- The City has been a party to a series of ORS Chapter 190 intergovernmental agreements "for Mutual Aid, Mutual Assistance, and Interagency Cooperation Among Law Enforcement Agencies Located in Washington County, Oregon", the

last of which was signed by Beaverton Mayor Rob Drake on August 9, 2004. This agreement specifies the terms under which a law enforcement agency may provide assistance in response to an emergency situation outside its jurisdiction when requested by another law enforcement agency.

- On December 22, 2004, the City entered into an intergovernmental agreement with Washington County defining areas that the City may annex for ten years from the date of the agreement without opposition by the County. The property proposed for annexation by this application is included in the areas the City may annex without County consent.

This action is consistent with those agreements.

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

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

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

SEWER: The subject parcel is currently on septic and no fees related to sewer maintenance are collected. An 8 inch sewer pipe exists on the abutting parcel to the south. The City recently approved a permit to tap into this City line under the condition that the property owner petition for annexation. After this annexation becomes effective the City will issue a permit and inspect all plumbing related to accessing this line. Additionally, the City will accept all maintenance and billing responsibility for the lines within the annexed area. TVWD will provide account for sewer charges on their water billing consistent with an Intergovernmental Agreement and remit collections to the City of Beaverton.

WATER: Tualatin Valley Water District currently provides service to the property. Subsequent to annexation the water district will continue to provide service and bill the property for services rendered.

STORM WATER DRAINAGE: Storm water on the parcel is currently absorbed into a permeable surface and flows with the water table with a declining southeasterly sloping grade. Other sources of storm water flowing

from impervious surfaces are directed onto SW 170th Avenue and SW Spellman where it is directed to storm drains within the street right-of-way. Future required improvements affecting the property will be determined in the City's development review process and permitting and inspection of these improvements will be conducted by the City. Responsibility related to maintenance of storm water facilities that fall within the SW 170th Avenue and SW Spellman Drive right-of-way proposed for annexation will also transfer to the City. TWWD will provide account for storm water sewage charges on their water billing consistent with an Intergovernmental Agreement and remit collections to the City of Beaverton.

**STREETS and
ROADS:**

The property is located at the intersection of SW 170th Avenue (a County maintained street classified as a collector on the County's Functional Classification Map) and SW Spellman Drive (a County Urban Road Maintenance District maintained local street). Subsequent to annexation maintenance responsibilities for segments of SW 170th Ave. and Spellman will transfer to the City.

**PARKS and
SCHOOLS:**

The proposed annexation is within the Beaverton School District but does not belong to the Tualatin Valley Park and Recreation District. The proposal involves the annexation of a single parcel supporting a single family dwelling and expected impact imposed upon school services is not significant enough to warrant concern. Currently, the property is not a part of the County's preferred park service district provider (THPRD) and is therefore not taxed for services. Under Washington County Ordinance #624, redevelopment of the property would subject it to a County interim park system development charge. Since no redevelopment of the property or change to the use of the property is proposed, no charges will be incurred at this time. Subsequent to annexation, service district boundaries will remain unaffected and property taxes for the school district will 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 this parcel in a separate process.

CRITERIA FOR APPROVAL

REGIONAL ANNEXATION CRITERIA

In December 1998 the Metro Council adopted Metro Code Chapter 3.09 (Local Government Boundary Changes). This Chapter was recently amended through Ordinance 07-1165A (adopted January 17, 2008). Metro Code Sections 3.09.045 (c) and (d) include the following minimum criteria for expedited annexation decisions:

3.09.045 (c) At least seven days prior to the date of decision the City or Metro shall make available to the public a report that includes the following information:

(1) The extent to which urban services are available to serve the affected territory, including any extra-territorial extensions of service;

The proposal involves annexation of a single parcel of 0.4 acres containing a single family residential dwelling. Apart from a sanitary sewer connection (the residence is currently on septic), essential urban services are already provided to the subject parcel by the County and area special service districts. Services that will transfer to the City subsequent to annexation are sanitary and storm sewer maintenance, police protection, long-range planning, development review and building inspection. The proposed annexation does not entail extra-territorial extensions of service.

(2) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party;

Consistent with the provisions established in the City of Beaverton - Clean Water Services Inter-Governmental Agreement signed July 1, 2004, the City will assume sanitary and storm sewer maintenance responsibilities for the property from Clean Water Services subsequent to annexation. Additionally, in accordance with the terms specified in the City of Beaverton - Washington County Urban Planning Area Agreement, the property will also be removed from Washington County's Enhanced Sheriff's Patrol and Urban Road Maintenance Districts. The proposed annexation will not require withdrawal of territory from any other service districts identified as necessary parties.

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

ORS 222.180 specifies that the date an approved annexation becomes effective is determined by the date the Secretary of State files the jurisdiction's decision with its office. ORS 222.180 also specifies that when annexation proceedings are initiated by a city, the city may specify a later effective date than that determined by the Secretary of State. Section 36 of the Beaverton City Charter specifies that City ordinances shall take effect thirty days after their adoption by the council and approval of the mayor.

Administrative uncertainties involved in the processing of this annexation make it difficult to predict which of these dates will be the last to occur. To ensure that the effective date corresponds with the applicable date, the ordinance language for this proposal has been composed to indicate the following:

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

3.09.045 (d) To approve a boundary change through an expedited process, the city shall:

(1) Find that the change is consistent with expressly applicable provisions in:

(A) Any applicable urban service agreement adopted pursuant to ORS 195.065;

The Service Provision section of this staff report addresses the provision of services in detail. However, although discussion with other urban services providers on the content of an agreement have occurred sporadically over the last several years, and the City has proposed an agreement that is acceptable to most of the parties, the City has not yet entered into an urban services provider agreement under ORS 195.065 that relates to all potential urban service providers in and around the City.

As previously noted, on December 22, 2004 the City did enter into an interim intergovernmental agreement with Washington County, titled the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Services Plan". This agreement 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.

FINDING: Staff finds that where applicable, the proposed annexation is consistent with urban service agreements in place as demonstrated in the staff report and as such the proposal satisfies Metro Code Section 3.09.045 (d)(1)(A).

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

As noted previously, the City has not yet entered into an urban services provider agreement under ORS 195.065 that relates to all potential urban service providers in and around the City. Because a comprehensive urban service agreement has not been

completed, it is not possible to consider adoption of individual annexation plans as provided under ORS 195.205.

FINDING: Due to the fact that a comprehensive urban service agreement has not been established as a basis for preparing City annexation plans, staff finds that provisions in Metro Code Section 3.09.045 (d)(1)(B) do not apply.

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

As noted in the Urban Service Provision Section of this report the City has entered into ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire and Rescue District, Tualatin Valley Water District, Tualatin Hills Parks and Recreation District, and Clean Water Services. These agreements call for coordination of planning activities between each service district and the City, although annexations are not subject to coordination under the agreement language. However, as necessary parties, the subject districts have been notified of this proposed annexation.

FINDING: Staff finds that the proposed annexation is not subject to existing cooperative agreements.

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

The City's public facilities plan consists of the Public Facilities and Services Element of the Comprehensive Plan, the Transportation Element of the Comprehensive Plan, the City's Capital Improvements Plan, and the most recent versions of master plans adopted by providers of the following facilities and services in the City: storm water drainage, potable water, sewage conveyance and processing, parks and recreation, schools and transportation. Where a service is provided by a jurisdiction other than the City, by adopting the master plan for that jurisdiction as part of its public facilities plan, the City has essentially agreed to abide by any provisions of that master plan. Although the property owner requesting annexation has indicated his intent to make site improvements involving a sanitary sewer utility upgrade, the scale of these improvements are not significant enough to 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(l) will change subsequent to this annexation.

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

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

(E) Any applicable comprehensive plan;

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

In reviewing the Washington County Comprehensive Framework Plan for the Urban Area on the County's web site (reflecting changes through County Ordinance No. 704) that amended the Comprehensive Framework Plan, staff finds that the following provisions may be applicable to this proposed annexation:

- A paragraph in the "County-Wide Development Concept" at the beginning of the Comprehensive Framework Plan which states:

As development occurs in accordance with this development concept, issues of annexation or incorporation may arise. Annexation or incorporation issues will necessarily relate to various other planning issues such as community identity, fiscal impacts of growth and service provision, coordination between service providers to achieve efficiencies and ensure availability, etc. As such issues arise; the County should evaluate community identity as an issue of equal importance with public service provision issues when developing policy positions on specific annexation or incorporation proposals.

Staff views this statement as direction to the County itself in how to evaluate annexation proposals, and not guidance to the City regarding this specific proposal. As a necessary party, the County has an opportunity to comment on and appeal this proposed boundary change if they believe the boundary change is inconsistent with the approval criteria (see Metro Code Section 3.09).

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

It is the policy of Washington County to work with service providers, including cities and special service districts, and Metro, to ensure that facilities and services required for growth will be provided when needed by the agency or agencies best able to do so in a cost effective and efficient manner.

Two implementing strategies under Policy 15 that relate to annexation state:

The County will:

- f. If appropriate in the future, enter into agreements with service providers which address one or more of the following:
 - 3. Service district or city annexation
- g. Not oppose proposed annexations to a city that are consistent with an urban service agreement or a voter approved annexation plan.

The City of Beaverton, Washington County and the other urban service providers for the subject area worked off and on for several years to arrive at an urban service area agreement for the Beaverton area pursuant to ORS 195.065 that would be consistent with Policy 15 and the cited implementing strategies. Unfortunately, although most issues were resolved, a few issues remained between the County and the City that prevented completion of the agreement. These issues do not relate to who provides services or whether they can be provided when needed in an efficient and cost effective manner so much as how the transfer of service provision responsibility occurs, particularly the potential transfer of employees and equipment from the County to the City. As previously noted the County and the City have entered into an intergovernmental agreement that sets an interim urban services plan area in which the County commits to not oppose annexations by the City.

Finally, staff has reviewed other elements of the County Comprehensive Plan, particularly the Aloha – Reedville – Cooper Mountain Community Plan that includes the subject property, and was unable to identify any provision relating to this proposed annexation.

FINDING: Staff finds that the proposed annexation is consistent with applicable provisions contained in the City's of Beaverton's Comprehensive Plan, Washington County's Framework Plan and the Aloha – Reedville – Cooper Mountain Community Plan. The proposed amendment therefore satisfies Metro Code Criterion 3.09.045 (d)(1)(E).

(2) Consider whether the boundary change would:

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

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

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

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

The existing conditions section of this staff report contains information addressing this criterion in detail. As indicated, responsibilities pertaining to the provision of public facilities and services will either remain unchanged or transfer to the City. In general, because cities provide services on an urban scale, they can provide services at a level equal or higher than provided to unincorporated areas. Accordingly, the City is generally regarded as offering a level of service to properties that annex from unincorporated County that is equal or higher than what was previously received. Annexation to the City of Beaverton will therefore benefit the quality and quantity of urban services transferred to the City.

FINDING: The proposed annexation will generally have a beneficial affect on the quality and quantity of urban service. Criterion 3.09.045(d)(2)(B) has been met.

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

The intent of the intergovernmental agreements described in the Existing Conditions Section of this report is to clarify which agency bears responsibility for the provision of urban services in specific areas of the City and in circumstances of a jurisdictional boundary transfer. These agreements therefore fulfill the role of attempting to eliminate duplication of services where jurisdictional responsibilities may be unclear. The issue of duplication has therefore been addressed and resolved through these agreements.

FINDING: As the proposed annexation is subject to the terms established by established service agreements between the City and its special district service providers, provisions have been made to avoid unnecessary duplication of facilities or services involving the subject parcel. Criterion 3.09.045(d)(2)(C) has been met.

PROCESS

- Consistent with Metro Code Section 3.09.045, the City sent notice of the proposed annexation on September 3, 2008 (33 days prior to the City Council's first reading of an ordinance that would approve the annexation) to all necessary parties including Washington County, Metro, affected special districts and County service districts.

- The notice and a copy of this staff report will be posted on the City's web page on September 29, 2008 (7 days prior to the City Council's first reading of an ordinance that would approve the annexation).

CONCLUSION

Based on the facts and findings in this report, staff concludes that approval of the owner initiated annexation of parcel # 1S130DD01700 meets all pertinent criteria outlined in Metro Section 3.09.045.

Attachments: A) Legal Description
 B) City Annexation Policies



**City of Beaverton
Engineering Department**

**LEGAL DESCRIPTION
FOR
LOT 13 "MADRONA TERRACE" (TAX LOT 1S130DD1700)**

ANNEXATION 2008-005

EXPLANATION: THIS LEGAL DESCRIPTION IS PREPARED FOR THE OREGON DEPARTMENT OF REVENUE FOR THE PURPOSE OF DESCRIBING A PARCEL OF LAND TO BE ANNEXED TO THE CITY OF BEAVERTON, LOCATED SOUTHEAST CORNER OF S.W. SPELLMAN DRIVE AND S.W. 170TH AVENUE.

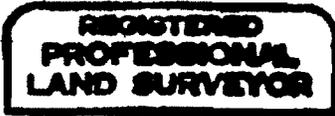
SAID PARCEL IS LOCATED IN THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., WASHINGTON COUNTY, OREGON, BEING LOT 13, OF "MADRONA TERRACE" SUBDIVISION, RECORDED APRIL 20, 1966, IN BOOK 24, PAGE 36 OF RECORDS OF PLATS IN WASHINGTON COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE CENTERLINE INTERSECTION OF S.W. WEIR ROAD AND S.W. 170TH AVENUE; THENCE ALONG SAID CENTERLINE OF S.W. 170TH AVENUE NORTH 00°05'45" WEST, A DISTANCE OF 813.08 FEET; THENCE NORTH 89°51'00" EAST, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING ALSO BEING THE SOUTHWEST CORNER OF SAID LOT 13 "MADRONA TERRACE" ALSO BEING THE EASTERLY RIGHT OF WAY LINE OF SAID S.W. 170TH AVENUE (50 FOOT RIGHT OF WAY); THENCE ALONG SAID RIGHT OF WAY LINE NORTH 00°05'45" WEST, A DISTANCE OF 100.01 FEET TO A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 10.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 15.70 FEET AND THROUGH A CENTRAL ANGLE OF 89°56'45" BEING ON THE SOUTHERLY LINE OF S.W. SPELLMAN DRIVE (50 FOOT RIGHT OF WAY); THENCE NORTH 89°51'00" EAST, A DISTANCE OF 160.00 FEET; THENCE SOUTH 00°09'00" EAST, A DISTANCE OF 110.00 FEET TO THE SOUTH LINE OF LOT 13; THENCE ALONG THE SOUTH LINE OF SAID LOT 13 SOUTH 89°51'00" WEST, A DISTANCE OF 170.09 FEET TO THE SOUTHWEST CORNER OF LOT 13 TO THE POINT OF BEGINNING.

HAVING AN AREA OF 17,573 SQUARE FEET OR 0.40 ACRES MORE OR LESS.

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

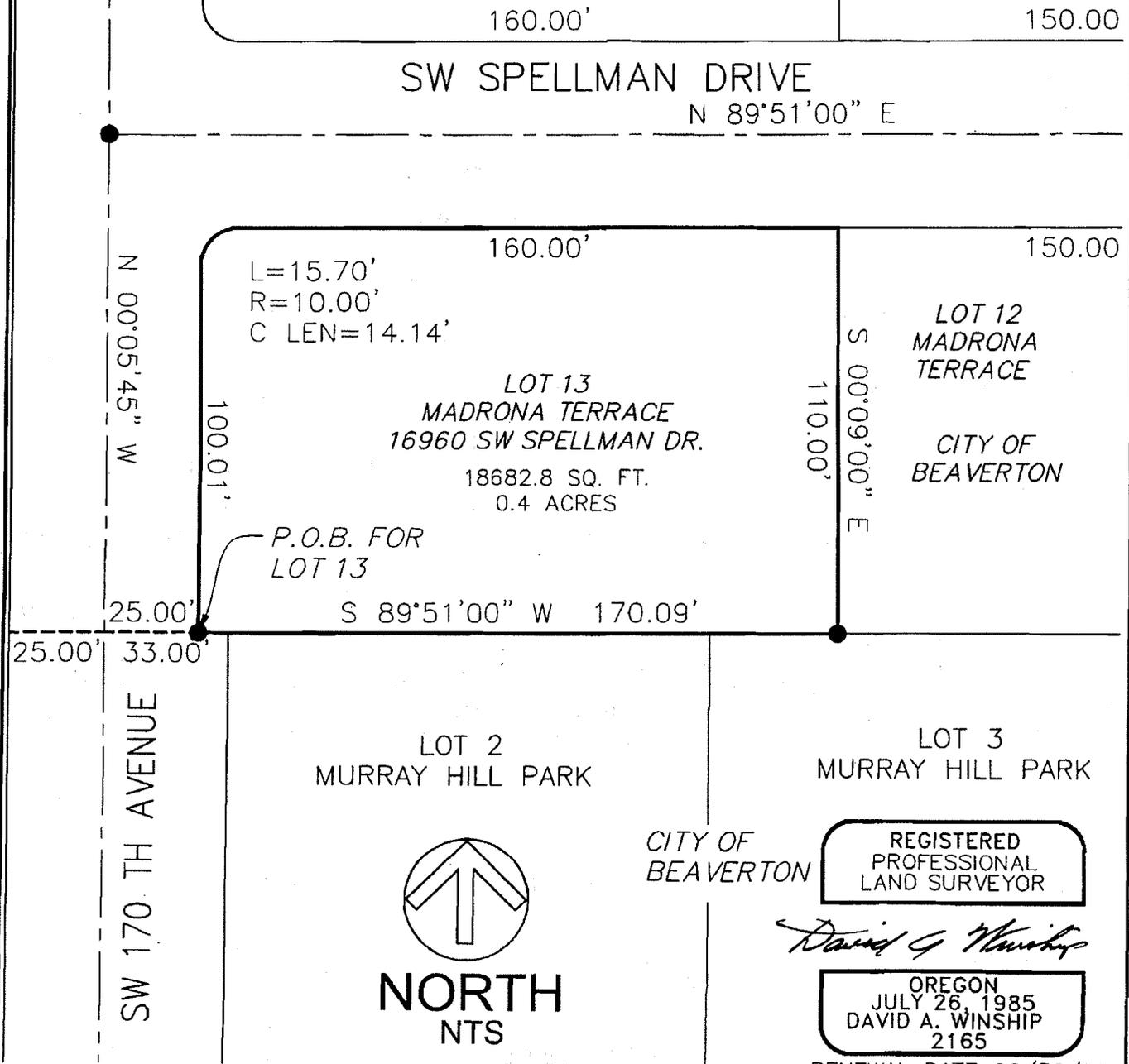
BASIS OF BEARING: IS NORTH 00°05'45" EAST, ALONG THE CENTERLINE OF S.W. 170TH AVENUE, AS SHOWN ON MAP IN BOOK 24, PAGE 36 RECORDS OF PLATS, IN WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, OREGON.



David A. Winship



EXHIBIT B
 ANNEXATION 2008-005 EXHIBIT MAP
 LOT 13, OF "MADRONA TERRACE"
 SE 1/4 OF SECTION 30, T.1S., R.1W., W.M.,
 WASHINGTON COUNTY, OREGON



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EXHIBIT MAP FOR
 ANNEXATION 2008-005
 LEGAL DESCRIPTION

PUBLIC WORKS DEPARTMENT
 ENGINEERING DIVISION

JOB NO: 08-005
 DATE: 09.28.08
 DRAWN BY: MTS
 CHECKED BY: MTS
 APPROVED BY:

REVISION: _____
 REVISION: _____



**City of Beaverton
Engineering Department**

**LEGAL DESCRIPTION
FOR PARTS OF
S.W. 170 TH AVENUE AND S.W. SPELLMAN DRIVE
OF
"MADRONA TERRACE" (BOOK 24, PAGE 36)**

ANNEXATION 2008-005

EXPLANATION: THIS LEGAL DESCRIPTION IS PREPARED FOR THE OREGON DEPARTMENT OF REVENUE FOR THE PURPOSE OF DESCRIBING A PORTION OF RIGHT OF WAY TO BE ANNEXED TO THE CITY OF BEAVERTON, BEING PARTS OF S.W. 170th AVENUE AND S.W. SPELLMAN DRIVE.

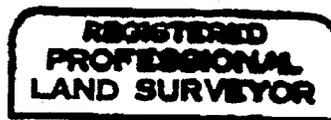
SAID RIGHT OF WAY IS LOCATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., WASHINGTON COUNTY, OREGON, BEING S.W. 170 TH AVENUE AND S.W. SPELLMAN DRIVE AS SHOWN ON, "MADRONA TERRACE" SUBDIVISION, RECORDED APRIL 20, 1966, IN BOOK 24, PAGE 36 OF RECORDS OF PLATS IN WASHINGTON COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 13, OF SAID "MADRONA TERRACE"; THENCE NORTH 00°05'45" WEST, A DISTANCE OF 100.01 FEET TO A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 10.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 15.70 FEET, THROUGH A CENTRAL ANGLE OF 89°56'45" TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID S.W. SPELLMAN DRIVE; THENCE NORTH 89°51'00" EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 310.00 FEET; THENCE NORTH 00°04'08" WEST, LEAVING SAID SOUTH RIGHT OF WAY A DISTANCE OF 50.00 FEET TO THE NORTH RIGHT OF WAY S.W. SPELLMAN DRIVE AND THE SOUTHEAST CORNER OF LOT 3 "MADRONA TERRACE"; THENCE SOUTH 89°51'00" WEST, ALONG SAID NORTH RIGHT OF WAY, A DISTANCE OF 370.01 FEET TO A POINT LYING ON THE WEST RIGHT OF WAY LINE OF S.W. 170TH AVENUE; THENCE SOUTH 00°05'45" EAST, ALONG SAID WEST LINE OF S.W. 170TH AVENUE, A DISTANCE OF 160.00 FEET; THENCE NORTH 89°51'00" EAST A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING,

HAVING AN AREA OF 24021 SQUARE FEET, 0.55 ACRES

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

BASIS OF BEARING: IS NORTH 00°05'45" EAST, ALONG THE CENTERLINE OF 170TH AVENUE, AS SHOWN ON MAP IN BOOK 24, PAGE 36 RECORDS OF PLATS, IN WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, OREGON.



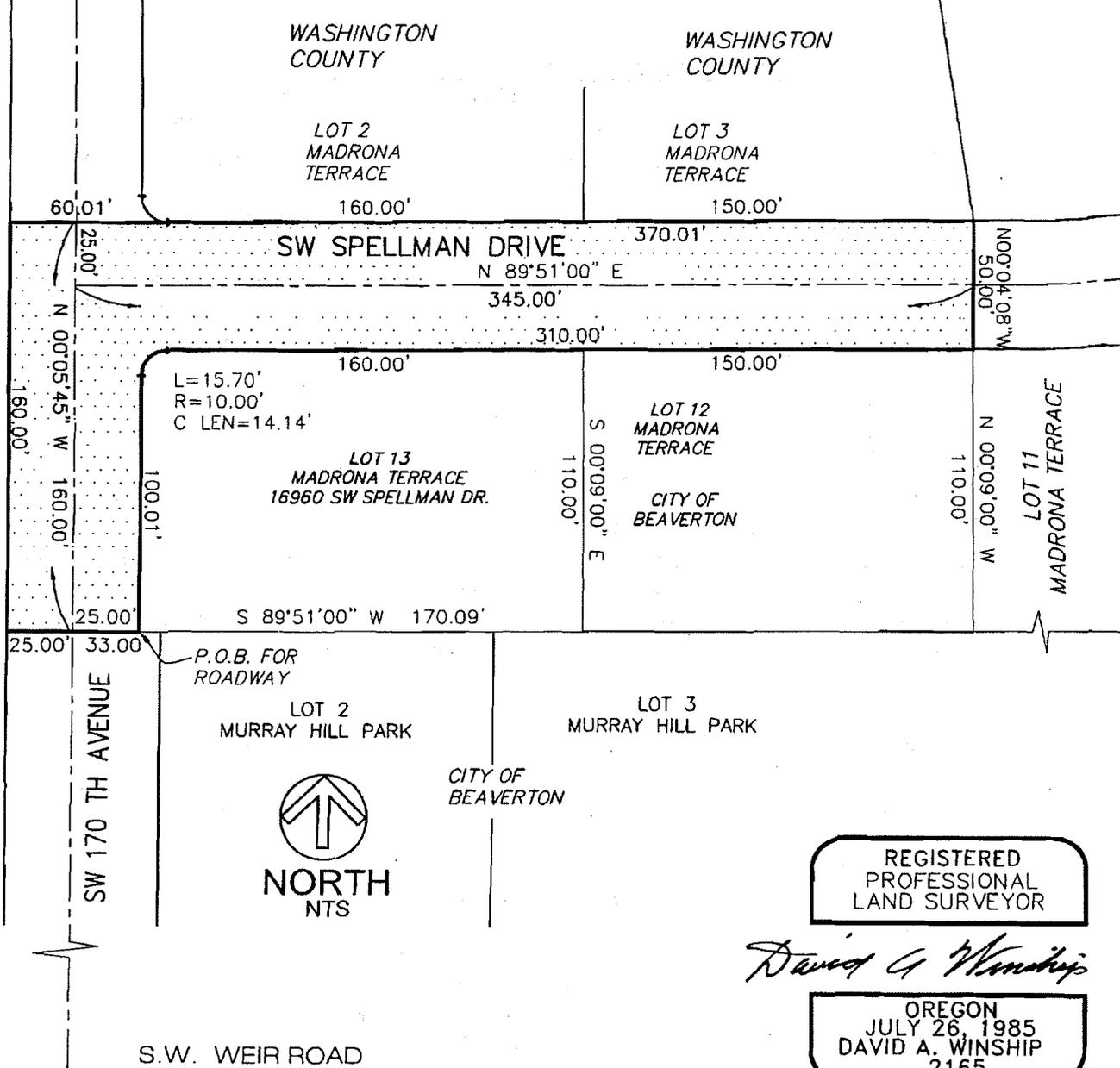
David A. Winskip



EXHIBIT B

ANNEXATION 2008-005 EXHIBIT MAP

LOT 13, OF "MADRONA TERRACE"
SE 1/4 OF SECTION 30, T.1S., R.1W., W.M.,
WASHINGTON COUNTY, OREGON



REGISTERED
PROFESSIONAL
LAND SURVEYOR

David A. Winship

OREGON
JULY 26, 1985
DAVID A. WINSHIP
2165

RENEWAL DATE 06/30/08

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SHEET 1 OF 1



EXHIBIT MAP FOR
ANNEXATION 2008-005
LEGAL DESCRIPTION

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

JOB NO: 08-005
DATE: 09.28.08
DRAWN BY: MTS
CHECKED BY: MTS
APPROVED BY:

REVISION: _____
REVISION: _____

ATTACHMENT B

Resolution No. 3785

City of Beaverton Urban Service Area and Corporate Limits Annexation Policies

A. City of Beaverton Urban Service Area Policy

The City remains committed to annexing its urban services area over time, but the City will be selective regarding the methods of annexation it chooses to use. The City of Beaverton prefers to avoid use of annexation methods that may force annexation against the will of a majority of voters in larger unincorporated residential neighborhoods. The City is, however, open to annexation of these areas by other means where support for annexation is expressed, pursuant to a process specified by State law, by a majority of area voters and/or property owners. The City is open to pursuing infrastructure/service planning for the purposes of determining the current and future needs of such areas and how such areas might best fit into the City of Beaverton provided such unincorporated residents pursue an interest of annexing into the City.

B. City of Beaverton Corporate Limits Policy

The City of Beaverton is committed to annexing those unincorporated areas that generally exist inside the City's corporate limits. Most of these areas, known as "islands", generally receive either direct or indirect benefit from City services. The Washington County 2000 Policy, adopted in the mid-1980s, recognizes that the County should not be a long-term provider of municipal services and that urban unincorporated areas including unincorporated islands should eventually be annexed to cities. As such, primarily through the use of the 'island annexation method', the City's objectives in annexing such areas are to:

- Minimize the confusion about the location of City boundaries for the provision of services;
- Improve the efficiency of city service provision, particularly police patrols;
- Control the development/redevelopment of properties that will eventually be within the City's boundaries;
- Create complete neighborhoods and thereby eliminate small pockets of unincorporated land; and
- Increase the City's tax base and minimize increasing the City's mill rate.

In order to achieve these stated objectives, the City chooses to generally pursue the following areas for 'island annexation' into the City of Beaverton:

- Undeveloped property zoned for industrial, commercial uses or mixed uses;
- Developed or redevelopable property zoned for industrial, commercial or mixed uses;
- Undeveloped or redevelopable property zoned for residential use;
- Smaller developed property zoned residential (within a neighborhood that is largely incorporated within the City of Beaverton).