

Final Documents

For

Annexation to the  
**City of Beaverton**

WA3702

Ordinance #4219

DOR: 34-1570-2002

SOS: AN-2002-0152

**REMANDED!**  
**Never Annexed**

Final to DOR: \_\_\_\_\_

Signature:

\_\_\_\_\_

Date of

Mailing: 7/19/02

Final to Secretary of State \_\_\_\_\_

Signature:

\_\_\_\_\_

Date of

Mailing: 8/5/02

WA3702

Sent

Received

DOR:

7/19/02

7/31/02

Sec. State:

8/5/02

9/16/02

Assessor:

8/5/02

Elections:

8/5/02

Mapped:

Yes

Posted to Web:

Addresses:

1S104BC00100

1S104BC12001

14100 SW Downing St

590 SW 139<sup>th</sup> Ave

**REMANDED!**  
**Never Annexed**

May 25, 2004

Mark Brown, Land Development Manager  
Washington County  
Department of Land Use and Transportation  
155 North First Avenue, Suite 350  
Hillsboro, OR 97124

RE: MEADOW PARK MIDDLE SCHOOL ANNEXATION REMAND

Dear Mr. Brown:

The City of Beaverton annexed the Meadow Park Middle School and some adjacent rights-of-way to the City effective August 15, 2002. The matter was appealed to the Land Use Board of Appeals (LUBA), and on November 18, 2002 it was remanded back to the City of Beaverton. This remand had the effect of voiding the annexation. The City has taken no action to correct the error identified by LUBA, and because of this the City does not have jurisdiction over this property (see enclosed Notice of Remand). Land use and building approvals for Meadow Park Middle School are the purview of Washington County.

If you have any questions, please contact Alan Whitworth of my staff at (503) 350-4039 or by e-mail at [awhitworth@ci.beaverton.or.us](mailto:awhitworth@ci.beaverton.or.us).

Thank you for your assistance on this matter.

Sincerely,

Joseph M. Grillo, AICP  
Community Development Director

JMG/AW/pal

c: Bob Fisher, Assistant Superintendent, Beaverton School District  
Tom Soderstrom, Architect, Barrentine Bates Lee  
Don Ford, Senior Plans Examiner, Washington County  
Hal Bergsma, Planning Services Manager, City of Beaverton  
Alan Whitworth, Senior Planner, City of Beaverton

Enclosure



# NOTICE OF REMAND

City of Beaverton  
Community Development Department

*"make it  
happen"*

**To:** Necessary and Interested Parties  
**From:** Alan Whitworth, Senior Planner  
**Date:** May 25, 2004

**Subject:** ANNEXATION REMANDED BY THE LAND USE BOARD OF APPEALS

The following annexation previously approved by the City of Beaverton was remanded by the Land Use Board of Appeals and therefore is not valid:

ANX # (NAME)	ACRES	BALLOT MEASURE 50 ASSESSED VALUE	DWELLING UNITS	POP	ORD #	EFFECTIVE DATE
ANX 2002-0005 Meadow Park Middle School Expedited Annexation	Approximately 19.4 acres plus right-of-way	\$0	0	0	4219	8/15/02

A map of the area that is the subject of this remand and is not part of the City of Beaverton is attached. Please change any records you have to show the subject property as not being part of the City of Beaverton. Thank you.

**REMANDED!**  
**Never Annexed**

If you have any questions or concerns please call me at (503) 350-4039.

# ANNEXATION MAP



City of Beaverton

Meadow Park Middle School  
 Expedited Annexation  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 Planning Services Division

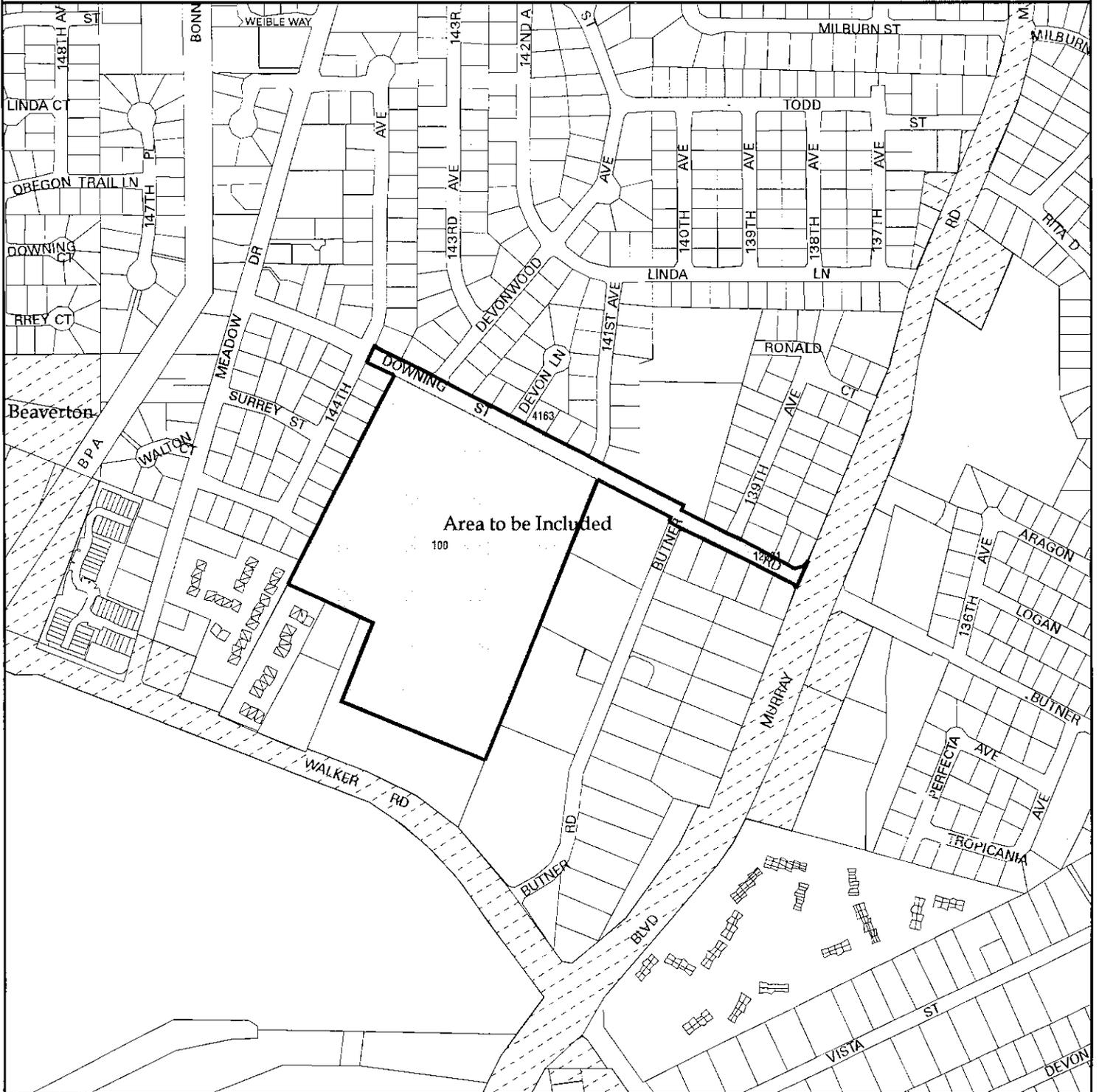
4/24/02	N ↑
Map Number 1s104bc00100	
Application # ANX 2002-0005	

# Proposal No. WA3702

151W04

Annexation to the City of Beaverton

Washington Co.



Area to be Included  
100

REGIONAL LAND INFORMATION SYSTEM



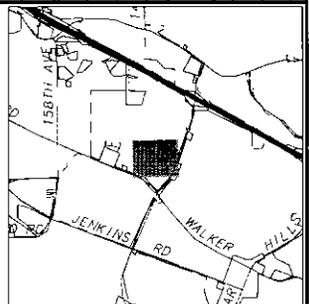
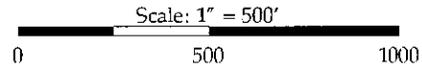
600 NE Grand Ave.  
Portland, OR 97232-2736  
Voice 503 797-1742  
FAX 503 797-1909  
Email drc@metro-region.org

**METRO**

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

- County lines
- City
- Annexation boundary
- Urban Growth Boundary

Proposal No. WA3702  
CITY OF BEAVERTON  
Figure 1



Office of the Secretary of State

Bill Bradbury  
Secretary of State



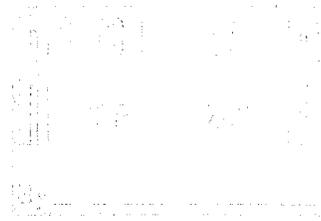
Archives Division  
ROY TURNBAUGH  
Director

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

Facsimile (503) 373-0953

September 13, 2002

Metro  
600 NE Grand Ave  
Portland, OR 97232-2736



Dear Sir or Madam:

Please be advised that we have received and filed on August 8, 2002 the following Annexation(s).

Ordinance(s):	City of:	Our File Number(s):
4209	Beaverton	AN 2002-0146
1114-02	Tualatin	AN 2002-0147
4216	Beaverton	AN 2002-0148
5162	Hillsboro	AN 2002-0149
5162	Hillsboro	AN 2002-0150
4219	Beaverton	AN 2002-0152

All the above Final Order(s) determination of the effective date is subject to ORS199.461 and/or ORS 222.180 and/or ORS 222.750

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

Sincerely,

Rita F. Mathews  
Official Public Documents

cc: Washington County  
ODOT/Highway Dept  
PSU/Population ResearchCtr.  
Revenue Cartography Section

# Notice to Taxing Districts

ORS 308.225



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

City of Beaverton  
% Sue Ann Koniak  
P.O. Box 4755  
Beaverton, OR 97076

**Description and Map Approved**  
**July 31, 2002**  
**As Per ORS 308.225**

Description     Map received from: METRO  
On: 7/22/2002

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

ANNEX TO THE CITY OF BEAVERTON & WITHDRAWAL FROM SEVERAL DIST.

ORD. #4219

has been:     Approved        7/31/2002  
                   Disapproved

Notes:

Department of Revenue File Number: 34-1570-2002

Prepared by: Jennifer Dudley, 503-945-8666

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

**ORDINANCE NO. 4219**

AN ORDINANCE ANNEXING ONE PARCEL AND ASSOCIATED RIGHTS-OF-WAY LYING GENERALLY OUTSIDE OF THE EXISTING CITY LIMITS TO THE CITY OF BEAVERTON; ANX 2002-0005 (MEADOW PARK MIDDLE SCHOOL EXPEDITED ANNEXATION).

- WHEREAS,** This expedited annexation was initiated under authority of ORS 222.125, which provides that the Council need not hold a public hearing to consider the annexation of property for which the property owner has, as here, given its written consent; and
- WHEREAS,** City policy as adopted in Resolution No. 2660, Sections 2 and 4 is to extend City services to properties through annexation; and
- WHEREAS,** ORS 222.750 provides that the City may annex property that is separated from City boundaries only by public right of way, and the City in its acknowledged Comprehensive Land Use Plan has stated its intent to take jurisdiction over the right of way to be annexed by this Ordinance as well as to extend City services to the property to be annexed by this Ordinance; and
- WHEREAS,** The Council finds that by delivering notice of this action to chairpersons of the nearest Neighborhood Association Committee and the Citizen Participation Organization within which the property to be annexed is located, that notice has been delivered to "interested persons" referenced in Chapter 3.09 of the Metro Code, and the Council finds that that the Metro Code does not require notice of an expedited annexation to any particular individual in that Metro has jurisdiction only over annexations that are contested by statutorily-defined urban service providers; 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 Council approval and signature by the Mayor.
- Section 2.** The Council accepts as an adequate factual basis for this action the staff report, dated June 10, 2002 and the supplemental memo of June 12, 2002, attached hereto as Exhibit C, and, in addition, finds that:
- a. There are no provisions in urban service provider agreements adopted pursuant to ORS 195.065 that are directly applicable to this annexation; and
  - b. This annexation is consistent with the City-Agency agreements between the City and Clean Water Services, in that partial responsibility for sanitary and storm sewer facilities within the area annexed will transfer to the City upon this annexation.
- Section 3.** The Council finds that this annexation will promote and not interfere with the timely, orderly and economic provision of public facilities and services, in that:

- a. The part of the territory that lies within Washington County Urban Road Maintenance District will be withdrawn from the district; and
- b. The part of the territory that lies within Washington County Street Lighting District #1 will be withdrawn from the district; and
- c. The part of the territory that lies within the Washington County Enhanced Sheriff Patrol District will be withdrawn from the district; and
- d. The City having annexed into the Tualatin Valley Fire and Rescue District in 1995, the territory to be annexed by this Ordinance shall be annexed to or remain within that district; and

**Section 4.** The Council finds that this annexation complies with all other applicable criteria set out in Metro Code Chapter 3.09.

**Section 5.** The City Recorder shall place a certified copy of this ordinance in the City's permanent records and forward a certified copy of this ordinance to Metro and all necessary parties within five days of the effective date.

**Section 6.** The City Recorder shall transmit copies of this ordinance and all other required materials to all public utilities and telecommunications utilities operating within the City in accordance with ORS 222.005.

First reading this 8th day of July, 2002.

Passed by the Council this 15th day of July, 2002.

Approved by the Mayor this 16th day of JULY, 2002.

ATTEST:

Sue Nelson  
SUE NELSON, City Recorder

APPROVED:

Rob Drake  
ROB DRAKE, Mayor

STATE OF OREGON,  
COUNTY OF WASHINGTON, } **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 17th day of JULY, 2002

Catherine L. Jansen  
DEPUTY CITY RECORDER

# ANNEXATION MAP

Ordinance No. 4219

Exhibit A



City of Beaverton

## Meadow Park Middle School Expedited Annexation COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

4/24/02

Map Number  
1s104bc00100

Application #

ANX 2002-0005



EXHIBIT B  
ORDINANCE NO. 4219

LEGAL DESCRIPTION  
ANX 2002-0005  
MEADOW PARK MIDDLE SCHOOL EXPEDITED ANNEXATION

A parcel of land situated in the Northwest 1/4 of Section 4, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon; being the entirety of tax lot 1S 1 04BC 00100 and a portion of the right-of-way of SW Downing Street and SW Butner Road (which includes tax lot 1S 1 04BA 12001, held in fee by Washington County, for roadway purposes), more particularly described as follows:

All of the right-of-way of SW Butner Road from the West line of SW Murray Blvd. to a line parallel to and 25 feet, measured at right angles, West of the East line of the Lawrence Hall DLC No. 43 and all of the right-of-way North of the South line, and its westerly extension, of said Butner Road, and all of the right-of-way of SW Downing Street from said East DLC line and said parallel line, to the East line of SW 144th Ave.;

AND

a parcel of land bounded by the following described line: beginning at the Northeast corner of Lot 9, Block 3, SUE MEADOWS, a plat of record, Washington County, Oregon; thence South 62° 39' 35" East, along the South line of SW Downing Street, a distance of 810.30 feet; thence South 22° 28' 30" West, a distance of 585.49 feet; thence South 22° 20' West, a distance of 484.37 feet; thence North 67° 40' West, a distance of 551.84 feet; thence North 22° 20' East, a distance of 297.96 feet; thence North 65° 35' 24" West, a distance of 327.06; thence North 27° 21' East, a distance of 833.96 feet, to the point of beginning.



EXHIBIT C

ORDINANCE NO. 4219

# 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

**REPORT DATE:** June 10, 2002

**AGENDA**

**DATE:** July 8, 2002

**FROM:** Community Development Department  
Alan Whitworth, Senior Planner *Alan*

**SUBJECT:** Meadow Park Middle School Expedited Annexation (ANX2002-0005)

**ACTIONS:** Annexation to the City of Beaverton of Meadow Park Middle School (tax lot 1S1 04BC 00100) and associated rights-of-way including one tax lot in the SW Butner Road right-of-way (tax lot 1S104BA 12001), which are shown on the attached map and more particularly described by the attached legal description. This request is being processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045.

**NAC:** The Neighborhood Office feels there is no appropriate NAC for this parcel to be annexed to.

**AREA:** Approximately 19.4 acres plus rights-of-way

**TAXABLE ASSESSED VALUE:** \$ 0 (Tax Exempt)

**NUMBER OF LOTS:** 1 (plus one lot in the Butner Road right-of-way)

**POPULATION:** 0

## SUMMARY AND RECOMMENDATION

This is a request to annex one parcel and associated rights-of-way to the City of Beaverton. The parcel and rights-of-way are shown on the attached map, the parcel is identified as tax lot 1S1 04BC 00100, and all the property to proposed for annexation is more particularly described in the attached legal description.

**Staff recommends the City Council adopt an ordinance annexing the referenced parcel and associated rights-of-way, effective thirty (30) days after the Mayor's signature.**

## EXISTING CONDITIONS

The parcel is approximately 19.4 acres and developed with the Meadow Park Middle School. The proposed annexation also includes portions of SW Downing Street and SW Butner Road (Butner Road right-of-way includes one tax lot). The proposal includes that portion of Downing between SW 144th Avenue and Butner and that portion of Butner between Downing and SW Murray Road. Both of these roadways are classified as Collectors.

### **SERVICE PROVISION:**

The following analysis details the various services available to the property to be annexed. Any cooperative and intergovernmental agreements affecting service provision are also noted. 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. This action is consistent with those cooperative agreements. No ORS Chapter 195 Urban Service agreements have been executed that would affect this decision.

**POLICE:** The property to be annexed currently receives police protection from the Washington County Enhanced Sheriff's Patrol District. Sheriff's protection will be withdrawn and the City will provide police service upon annexation. The City and the County have a First Responder agreement, which specifies that in emergencies the agency able to respond first will do so.

**FIRE:** Tualatin Valley Fire & Rescue (TVF&R) currently provides fire and ambulance service to Meadow Park Middle School and will continue doing so after annexation. The City annexed to TVF&R in 1995. TVF&R is designated as the long-term service provider to this area.

**SEWER:** Sanitary sewer is available by way of an 8-inch pipe in SW Downing Street. Upon annexation of the Downing Street right-of-way the sewer line will become the City's and the City will become responsible for billing.

**WATER:** Tualatin Valley Water District (TVWD) currently provides water service to the area. ORS 222.520 allows cities to assume water service responsibilities when annexing less than an entire district. However, the City does not anticipate withdrawing the District's service from the property. TVWD will continue to provide service, maintenance and perform billing.

**STORM DRAINAGE:** Storm drainage is provided by a 15-inch pipe that crosses the property and flows to the southwest. Upon annexation billing responsibility for the annexed parcel will transfer to the City.

**STREETS and  
ROADS:**

Access to this parcel is available from SW Downing Street, which is classified as a Collector. The County is currently responsible for maintenance of Downing. The City will assume maintenance responsibility for Downing in the future through a different process.

**PARKS and  
SCHOOLS:**

The proposed annexation is within both Beaverton School District and the Tualatin Hills Parks and Recreation District. This proposed annexation will not affect either district boundary. Neither services nor district boundaries associated with these districts will be affected by the proposed annexation.

**PLANNING,  
ZONING and  
BUILDING:**

Washington County currently provides long-range planning, development review and building inspection for the properties. Pursuant to the Urban Planning Area Agreement (UPAA) between the City and County, City Comprehensive Plan and Zoning Designations will be applied to these parcels in a separate action within six months of annexation.

**PUBLIC  
INVOLVEMENT:**

The City will send notice of the proposed annexation to:

- the property owner,
- Five Oaks/Triple Creek Neighborhood Association Committee and the Cedar Hills/Cedar Mill Citizen Participation Organization,
- Metro,
- affected special districts, and
- affected County service districts

on or before June 18, 2002 (20 days prior to the agenda date).

Notices of the proposed annexation will also be posted in the Beaverton Post Office, City Library and City Hall.

## **CRITERIA FOR APPROVAL**

**REGIONAL ANNEXATION CRITERIA:**

In December 1998 the Metro Council adopted Metro Code Section 3.09 (Local Government Boundary Changes). Metro code Section 3.09.050 includes the following minimum criteria for annexation decisions:

**3.09.050 (d)** An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

- (1) Consistency with directly applicable provisions in an urban services provider agreement or annexation plan adopted pursuant to ORS 195.065;

*Findings: This staff report addresses the provision of services in detail and the provision of these services is consistent with cooperative agreements between Beaverton and the service providers.*

- (2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;

***Findings: This proposed annexation is consistent with agreements between the City of Beaverton and Clean Water Services. The acknowledged Washington County – Beaverton Urban Planning Area Agreement (UPAA) does not contain provisions directly applicable to City decisions regarding annexation. The UPAA does address actions to be taken by the City after annexation, including annexation related Land Use Map amendments and rezones. These actions will occur through a separate process.***

- (3) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans;

***Findings: There are no specific directly applicable standards or criteria for boundary changes in Beaverton's Comprehensive Plan or Public Facilities Plan and, therefore, this criterion is not applicable.***

- (4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;

***Findings: The Regional Framework Plan (which includes the RUGGOs and the Urban Growth Management Functional Plan) does not contain policies or criteria directly applicable to annexation decisions of this type.***

- (5) Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;

***Findings: This staff report addresses this criterion in more detail on previous pages. The proposed annexation will not interfere with the provision of public facilities and services. The provision of public facilities and services is prescribed by urban services provider agreements and the City's capital budget.***

- (6) If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criteria for approval;

***Findings: This criterion is not applicable to this application.***

- (7) Consistency with other applicable criteria for the boundary change in question under state and local law.

***Findings: There are no other criteria applicable to this boundary change in State Law or local ordinances and, therefore, this criterion is not applicable.***

**3.09.050 (g)** Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be annexed to a city or included in territory proposed for incorporation into a new city. However, cities may annex individual tax lots partially within and without the Urban Growth Boundary.

***Findings: This criterion is not applicable to this application because the territory in question has been inside of the Portland Metro Urban Growth Boundary since it was created.***

Exhibits:     Map  
              Letter from School District  
              Legal Description



# Beaverton Schools

**District #48**

16550 S.W. Merlo Road, Beaverton, Oregon 97006-5152  
503-591-4303 FAX 503-591-4484

Mike Maloney  
Administrator for Facilities  
Operations & Maintenance

RECEIVED  
JUL 07 2000  
COMMUNITY DEVELOP DEPT.

June 29, 2000

Joe Grillo  
City of Beaverton  
PO Box 4755  
4755 SW Griffith Drive  
Beaverton, OR 97076-4755

Dear Mr. Grillo,

Thank you for your notification regarding the City's planned annexations in the East Beaverton Urban Service Area Agreement that includes William Walker, Raleigh Hills and Barnes Elementary Schools, Cedar Park and Meadow Park Middle Schools.

Brad Roast of City staff is being provided with a monthly update of planned and underway projects for all schools. There are currently projects underway at some of these schools. I am not aware of any project planned or underway that will require a Development Approval or would be impacted by the City's proposed annexations.

The District has no objection to the City's planned annexations of these parcels.

Thank you for the opportunity to comment.

Sincerely,

Mike Maloney, Administrator

C: Jim Lynch  
Jan Youngquist