

Final Documents
for
Annexation to
Beaverton

WA4907

Ordinance: 4469

Annexation:

DOR: 34-1892-2008

Secretary of State: AN 2008-0013

Office of the Secretary of State

BILL BRADBURY
Secretary of State



Archives Division
MARY BETH HERKERT
Director

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

Facsimile (503) 373-0953

February 5, 2008

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 February 5, 2008, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
5831 (Hillsboro)	AN 2008-0012
4469 (Beaverton)	AN 2008-0013

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
Linda Bjornstad
Official Public Documents

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

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

Description and Map Approved
January 16, 2008
As Per ORS 308.225

Description Map received from: CITY
On: 1/16/2008

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

ANNEX TO CITY OF BEAVERTON
(SW GARDEN HOME, SW OLESON RD)

ORD. #4469

has been: Approved 1/16/2008
 Disapproved

Notes:

Department of Revenue File Number: 34-1892-2008

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

ORDINANCE NO. 4469

AN ORDINANCE ANNEXING FIVE PARCELS, AND CONTIGUOUS RIGHT-OF-WAY, LOCATED NEAR THE INTERSECTION OF SW OLESON ROAD AND SW GARDEN HOME TO THE CITY OF BEAVERTON AND ADDING THE PROPERTIES TO THE DENNEY WHITFORD / RALEIGH WEST NEIGHBORHOOD ASSOCIATION COMMITTEE: ANNEXATION 2007-0005

WHEREAS, ORS 222.170(1) grants the City authority to initiate a triple majority annexation process with the consent of a majority of land owners for the contiguous area that represent a majority of the land and a majority of the assessed value of the territory to be annexed; and

WHEREAS, Owners or representatives acting on the behalf of the owners of the subject parcels constituting a triple majority of the territory allowed under ORS 222.170(1) have signed and submitted petitions to annex the properties in the area described in Exhibit A and illustrated in Exhibit B into the City; and

WHEREAS, Pursuant to ORS 222.460 the Portland City Council has adopted an ordinance withdrawing the subject area from their jurisdictional boundary upon its annexation by the City of Beaverton; and

WHEREAS, Pursuant to ORS 222.120 and Metro Code Section 3.09 the Beaverton City Council conducted a public hearing on ANX2007-0005 during their regular meeting of January 7, 2008; and

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

WHEREAS, 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 area described in Exhibit A and illustrated 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 area shall be added to the Denney Whitford / Raleigh West Neighborhood Association Committee Boundary.

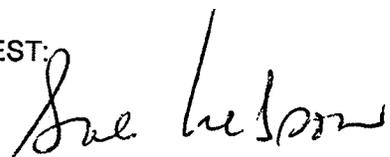
- Section 3.** The Council accepts the findings in the staff report attached hereto as Exhibit C as adequate demonstration of compliance with all applicable procedures and approval criteria.
- Section 4** The City Recorder shall place a certified copy of this Ordinance in the City's permanent records, 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 5.** 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 January 7, 2008
Date

Second Reading and Passed 1/14/08
Date

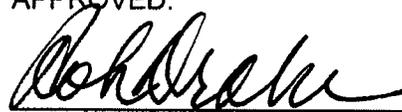
Approved by the Mayor 1/14/08
Date

ATTEST:



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor

**City of Beaverton
Annexation Legal Description**

A parcel of land being situated in the southeast quarter and the southwest quarter of Section 24, Township 1 South, Range 1 West, Willamette Meridian, Washington County, State of Oregon. Said parcel of land being more particularly described as follows:

BEGINNING at the intersection of the centerline of S.W. Garden Home Road (C.R. 160, variable width) and the centerline of S.W. Oleson Road (C.R. 2056, variable width);

Thence, Northeasterly along the centerline of said S.W. Oleson Road for a distance of 1,390 feet, more or less, to the intersection with said centerline and the northwesterly projection of the northeasterly line of that tract of land conveyed to Garden Home West Apartments #2 Associates, LLC in Document No. 2001024699, Washington County Records;

Thence, South 50°58'15" East along said projection for a distance of 30 feet to the southerly right-of-way line of said S.W. Oleson Road;

Thence, Southwesterly along said right of way line, being of variable width, for a distance of 1,760 feet, more or less, to a point of intersection with said right-of-way line and the southeasterly projection of the northeasterly line of Lot 9, Block 1 of O'BRIENS ACRES;

Thence, North 50°10'47" West along said projection and the northeasterly line of said Lot 9 for a distance of 198 feet, more or less, to the most northerly corner of that tract of land conveyed to Duane Schroeder in Document No. 99020395, Washington County Records;

Thence, South 39°49'13" West along the north line of said Duane Schroeder tract of land for a distance of 70.00 feet to the most westerly corner thereof;

Thence, South 50°10'47" East along the southwesterly line of said Schroeder tract a distance of 138 feet to the most southern corner thereof;

Thence, southwesterly along the southeasterly line of that tract of land conveyed to Robert E. Day in Document No. 99130425, Washington County Records a distance of 55 feet to the most southern corner thereof;

Thence, northwesterly along the southwesterly line of said Day tract 138 feet to the most western corner thereof;

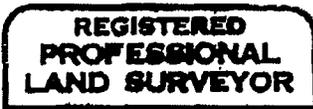
Thence, South 39°49'13" West a distance of 125 feet, more or less, to the most westerly corner of that tract of land conveyed to Karen and Robert Rothwell in Document No. 2005-131395, Washington County Records;

Thence, North 50°10'47" West along the northeasterly line of Lot 11, Block 1 of O'BRIENS ACRES for a distance of 212 feet, more or less, to the northerly corner of said Lot 11;

Thence, South 39°49'13" West along the south line of Lot 5 and Lot 6, Block 1 of O'BRIENS ACRES for a distance of 304 feet, more or less, to the southwest corner of said Lot 5;

Thence, North 01°45'35" West along the west line of said Lot 5, and the projection thereof, for a distance of 466 feet, more or less, to a point of intersection with the centerline of S.W. Garden Home Road;

Thence, Easterly along the centerline of said of S.W. Garden Home Road for a distance of 900 feet, more or less, to the Point of Beginning.

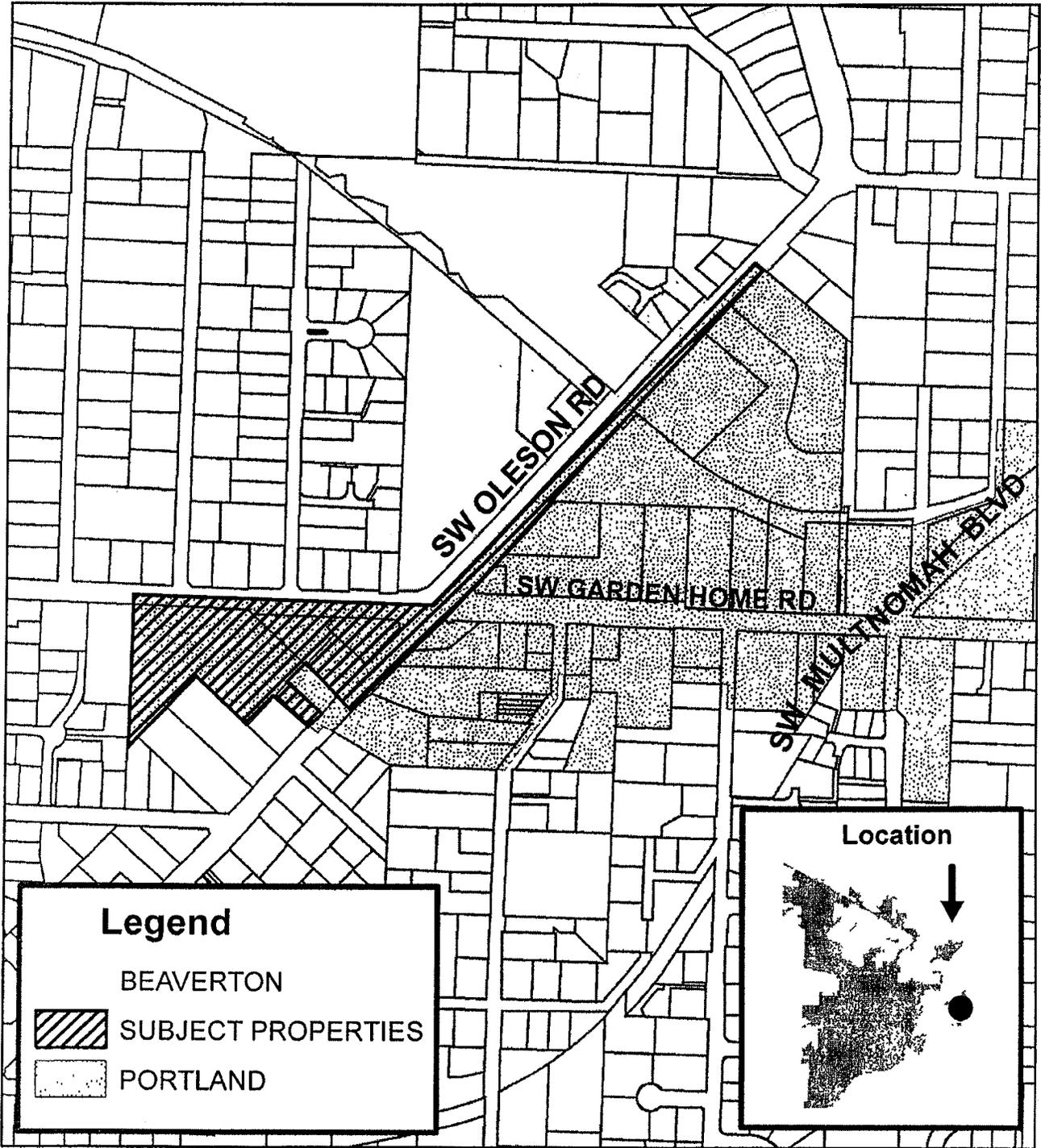


David A. Winship



Expires 6/30/08

VICINITY MAP



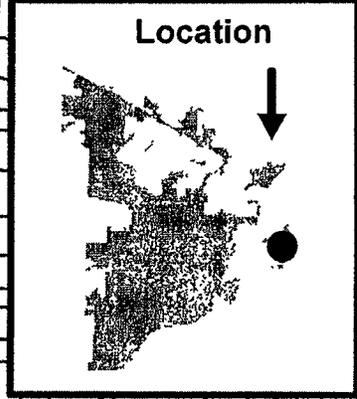
Legend

BEAVERTON

 SUBJECT PROPERTIES

 PORTLAND

Location



City of Beaverton

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

11/5/07



STAFF REPORT

TO: City Council **REPORT DATE:** December 21, 2007

HEARING DATE: January 7, 2008

FROM: Community Development Department
Hal Bergsma, Planning Services Manager *HB*

SUBJECT: Garden Home/Oleson Annexation (ANX2007-0005)

ACTIONS: Annexation to the City of Beaverton of five parcels located at the southwest corner of SW Oleson Road and SW Garden Home Road. The parcels are shown on the attached map, identified on tax map 1S124CD as lots 100, 300, 301, 400 and 402, and more particularly described by the attached legal description. The annexation of the parcels is owner initiated (petitions attached) and is being processed as a triple majority annexation under ORS 222.170(1) and Metro Code 3.09. Such a process requires the Council to conduct a public hearing on the proposed annexation.

NAC: This property is not currently within a Neighborhood Association Committee (NAC). The Neighborhood Program recommends adding these parcels to Denney Whitford/Raleigh West NAC.

AREA: The five parcels total approximately 4.45 acres

TAXABLE ASSESSED VALUE: \$ 3,938,730

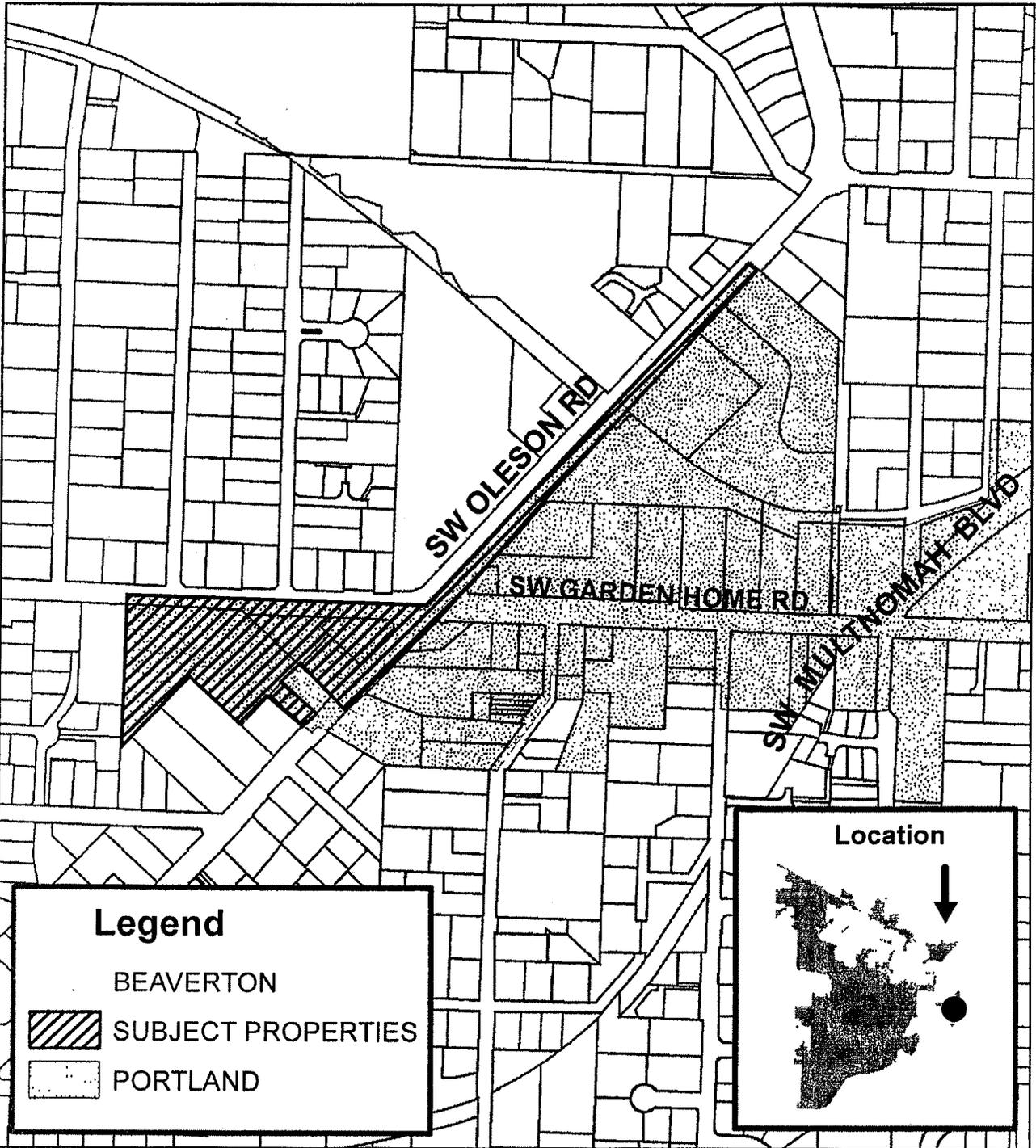
NUMBER OF LOTS: 5

EXISTING ZONING: The parcels are presently under City of Portland zones, as follows: Tax lot 100: General Commercial; Tax lots 301 and 402: Urban Commercial; Tax lots 300 and 400: R1d (Residential 1,000 sq. ft. per unit with a design overlay).

RECOMMENDATION

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

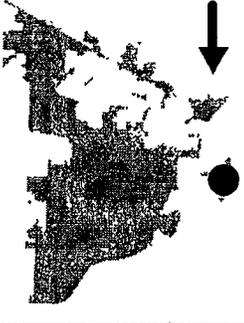
VICINITY MAP



Legend

- BEAVERTON
-  SUBJECT PROPERTIES
-  PORTLAND

Location



An inset map showing the city of Beaverton with a black dot and a downward-pointing arrow indicating the specific location of the subject properties.



City of Beaverton

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

11/5/07



BACKGROUND

The subject properties and contiguous right-of-way are in the process of being withdrawn from the City of Portland and annexed by the City of Beaverton pursuant to Metro Ordinance No. 97-665C. That ordinance was adopted by the Metro Council on March 6, 1997 to implement a "Settlement Agreement" signed by representatives of the City of Beaverton, the City of Portland, Washington County, Metro and several special service districts to resolve a dispute about the expansion of Portland's corporate limits into Washington County. Section 2.A. of the ordinance states:

"Upon annexation of the area in the vicinity of SW Garden Home Road and SW Oleson Road by the City of Beaverton consistent with the Urban Service Boundary, Portland shall consent to annexation by Beaverton of that area south of Garden Home Road and west of Oleson Road that is currently in Portland."

The City of Beaverton annexed the Garden Home Recreation Center across Garden Home Road from the subject area in 2002. Subsequent initial conversations with Portland staff about withdrawal of the properties did not result in any progress toward implementation of the Metro ordinance provision. In 2005 City of Beaverton staff were approached by a representative of one of the property owners in the subject area about annexation. With the property owner's assistance, Beaverton staff subsequently convinced the owners five of the six properties in the area to petition to annex to the City as well as the Tualatin Hills Park and Recreation District, the Tualatin Valley Water District, Tualatin Valley Fire and Rescue and Clean Water Services. (The owner of one of the smaller properties wanted to stay in Portland, and with Mayor Drake's concurrence, staff decided to honor his wish.) On November 14, 2007 the Portland City Council adopted a resolution initiating the withdrawal process and on December 5, 2007 the Portland City Council adopted an ordinance favoring the withdrawal, setting boundaries and fixing the date of January 2, 2008 for a final hearing on the withdrawal.

The boundary set by the Portland ordinance for the area to be withdrawn is consistent with maps in the Metro ordinance defining Portland's service boundary except that the area also includes the east half of the right-of-way of Garden Home Road, which is shown on the ordinance maps as remaining in Portland. Beaverton staff asked Portland staff, and they agreed, to include this section of the road in the area to be withdrawn because Beaverton controls the entire right-of-way in the section of Oleson Road immediately to the north of the subject area and it is our experience that it is administratively and operationally better to have one jurisdiction control the entire right-of-way of a road or street. Although withdrawal of this section of road and its annexation by Beaverton and the subject special districts is not consistent with the map exhibit to Metro Ordinance No. 97-665C, another section of that ordinance allows it. Section 4 states:

"The Metro Council requests that the City of Portland strongly consider consenting to the de-annexation of any territory within its city limits located within Washington County if and when such territory is contiguous to the city limits of the City of

Beaverton, and a proceeding is initiated to de-annex the territory from Portland and annex it to Beaverton.”

The east half of the ROW for Garden Home Road fits this description, and therefore it is appropriate for Portland to withdraw it so it can be annexed by Beaverton.

Concurrent with the City's annexation, annexation of the subject properties and right-of-way to four special service districts is being considered by the Washington County Board of Commissioners. Staff's objective is to have the withdrawal from Portland and the annexations by the City and the special service districts effective at the same time so that there is no interruption in services to the subject properties.

EXISTING CONDITIONS

SERVICE PROVISION:

The following analysis details the various services that will be available to the parcels to be annexed, subject to the aforementioned special district annexations. 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 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 parcels proposed for annexation by this application are included in the areas the City may annex without County opposition.

The following describes services presently provided to the property, and the status of service provision after annexation:

POLICE: The property to be annexed currently receives police protection from the City of Portland. The City of Beaverton 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) will provide fire and ambulance service to the property upon annexation approval by Washington County. The District's Board has endorsed the annexation. The City of Beaverton annexed its own fire services to TVF&R in 1995.

SEWER: Based on a review of Clean Water Services' maps, there are 8 inch sewer lines in both Garden Home and Oleson roads that serve the subject properties. These lines are presently the maintenance responsibility of the City of Portland. There also appears to be an 8 inch line running along the western boundary of the subject area with stubs to the east that is maintained by CWS.

WATER: The subject area is presently served by public water. As noted in the staff report to the Tualatin Valley Water District Board for their endorsement of the annexation: "All of the properties are currently customers of the Portland Water Bureau; however, four of the properties are served by water from TVWD pipelines under a wheeling agreement with Portland. The fifth property is served directly from Portland. Under the proposed annexation, Portland has agreed to transfer the water accounts for all five properties to TVWD."

STORM WATER DRAINAGE: Clean Water Services' maps show an 18 inch storm drain pipe in the north half of the Garden Home Road ROW that would be maintained by Beaverton which connects to an 18 inch storm drain pipe along the western boundary of the subject area that is maintained by CWS.

STREETS and ROADS: Access to these properties is from SW Oleson Road and SW Garden Home Road. Both roads are classified as arterials, and are maintained by Washington County as part of the Countywide Road System.

PARKS and SCHOOLS: The proposed annexation is in the Beaverton School District and is being annexed to the Tualatin Hills Parks and Recreation District. THPRD operates the Garden Home Recreation Center across Garden Home Road from the subject properties. Upon County approval of the annexation of the subject area to THPRD, area residents will have access to the Recreation Center and other THPRD facilities and programs without having to pay out-of-district fees.

PLANNING, ZONING and BUILDING: The City of Portland currently provides long-range planning, development review and building inspection for the subject properties. Upon annexation, the City will provide those services.

ANX2007-0005
December 21, 2007

City of Beaverton Comprehensive Plan and Zoning Designations will be applied to the parcels in a separate action at a later date.

PUBLIC INVOLVEMENT

Consistent with Metro Code Section 3.09.030, the City sent notice of the proposed annexation on November 29, 2007 (over 45 days prior to the scheduled date of decision) to all necessary parties including Washington County, Metro, affected special districts and County service districts. Additionally, the City sent notice to the following parties:

- All property owners within 100 feet of the subject area, consistent with ORS 197.763, which pertains to the conduct of local quasi-judicial land use hearings;
- The owners of the subject properties; and
- The co-chairs of the Denney Whitford/Raleigh West Neighborhood Association Committee (NAC) and the leadership of the West Slope/Raleigh Hills/Garden Home Citizen Participation Organization (CPO 3); interested parties as set forth in City Code Section 9.06.035.

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

CRITERIA FOR APPROVAL

REGIONAL ANNEXATION CRITERIA:

Sections 3.09.050(d) and (g) of Metro Code Chapter 3.09 (Local Government Boundary Changes) include 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;

Beaverton 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, although discussion with other urban services providers on the content of an agreement have occurred sporadically over the last several years. Because a comprehensive urban service agreement has not been completed, it is not possible to consider adoption of an annexation plan.

On December 22, 2004 the City entered into an intergovernmental agreement with Washington County, titled the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Services Plan" defining areas that the City may annex

ANX2007-0005

December 21, 2007

for ten years from the date of the agreement without opposition by the County, and referencing ORS 195.065(1). 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 annexations.

(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;

Beaverton has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services, which was updated as of July 1, 2004. Exhibit 'A' to the new agreement defines areas within the "Beaverton Area of Assigned Service Responsibility" where, subsequent to annexation, specified maintenance responsibilities for sanitary sewer lines under 24 inches in diameter and for certain storm drainage facilities and surface water management functions would transfer to the City as of July 1 of any year if so requested by the City by January 1 of that year.

The acknowledged Washington County – Beaverton Urban Planning Area Agreement (UPAA) does not contain provisions directly applicable to decisions regarding annexation. The UPAA does address actions to be taken by the City after annexation of unincorporated territory, including annexation related Comprehensive Plan Land Use Map amendments and rezones. However, since the subject properties have not been under Washington County's control, the UPAA provisions do not apply. Nevertheless, subsequent to or in anticipation of annexation by Beaverton, the City will initiate separate processes to apply City plan designations and zoning districts considering designations and zones applied to the subject properties by the City of Portland.

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

Comprehensive Plans: 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.

A paragraph in the "County-Wide Development Concept" at the beginning of the Washington County Comprehensive Framework Plan (CFP) 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."

As noted previously, this annexation is consistent with Metro Ordinance No. 97-665C, which reflects an urban service boundary settlement agreement to which Portland, Beaverton, Washington County and the four special districts that are the subject of this annexation request were a party. It would appear that the issue of community identity was previously considered as part of the process that led to that agreement.

Two implementing strategies under CFP 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:**
 - a. 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.

Implementing strategy i. for CFP Policy 15 pertains directly to this area. It states:

"Upon annexation of the area in the vicinity of SW Garden Home Road and SW Oleson Road by the City of Beaverton consistent with the Portland Urban Service Boundary, the City of Portland shall consent to annexation by Beaverton of that area south of Garden Home Road and west of Oleson Road that is currently in Portland."

This strategy is a restatement of Section 2.A. of Metro Ordinance No. 97-665C. The subject area is identified on Map D under Policy 15, titled "City of Portland Urban Service Area". This map is consistent with the map exhibits to Metro Ordinance No. 97-665C.

Staff has reviewed other elements of the County Comprehensive Plan, particularly the Raleigh Hills - Garden Home Community Plan that includes the subject property, and was unable to identify any provision relating to these proposed annexations.

Public Facilities Plans: The City's public facilities plan consists of the Public Facilities and Services Element of the Comprehensive Plan, the Transportation Element of the Comprehensive Plan, the City's Capital Improvements Plan, and the most recent versions of master plans adopted by providers of the following facilities and services in the City: storm water drainage, potable water, sewerage conveyance and processing, parks and recreation, schools and transportation. Where a service is provided by a jurisdiction other than the City, by adopting the master plan for that jurisdiction as part of its public facilities plan, the City has essentially agreed to abide by any provisions of that master plan. Although responsibility for providing urban services as defined by Metro Code Section 3.09.020(m) will change subsequent to these annexations, there will be no need for changes or expansions in infrastructure.

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

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

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;

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

- (6) The territory lies within the Urban Growth Boundary; and

The property lies within the Urban Growth Boundary.

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

OAR 660-001-0310 states "A city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) shall be considered by Land Conservation and Development Commission to have been made in accordance with the goals...". Compliance with the Comprehensive Plan was addressed in number 3 above. The applicable Comprehensive Plan policy cited under number 3 above was acknowledged pursuant to Department of Land Conservation and Development Order 001581 on December 31, 2003, meaning it became unnecessary for the City to address the Statewide Planning Goals after that date in considering proposed annexations. There are no other criteria applicable to this boundary change in State Law or local ordinances. The City of Beaverton does have Annexation Policies (attached) adopted by resolution and this proposed annexation is consistent with those policies. Staff finds this voluntary annexation with no associated development or land use approvals is consistent with State and local laws for the reasons stated above.

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 the boundary was created.

Attachments: Annexation Petitions
 Legal Description
 City Annexation Policies

ANNEXATION PETITIONS



CITY OF BEAVERTON
 COMMUNITY DEVELOPMENT DEPARTMENT
 PLANNING SERVICES DIVISION
 4755 S.W. GRIFFITH DRIVE
 P.O. BOX 4755
 BEAVERTON, OR 97076-4755
 PHONE: (503) 526-2494

PETITION FOR A TRIPLE MAJORITY ANNEXATION PURSUANT TO ORS 222.170(1)

PLEASE USE ONE PETITION/WAIVER PACKET PER TAX LOT. ALL OWNERS OF THE TAX LOT MUST SIGN BOTH THE PETITION AND WAIVER FORMS. IF THE PROPERTY IS OWNED BY A CORPORATION OR ESTATE, THE SIGNER MUST BE AUTHORIZED TO DO SO. SIGNATURES INDICATE CONSENT TO ANNEXATION BY THE CITY OF THE TAX LOT SPECIFIED BELOW, AND ACKNOWLEDGEMENT OF THE OPPORTUNITY TO REVIEW INFORMATION PROVIDED BY THE CITY REGARDING THE EFFECTS OF ANNEXATION. (Please use the back of the forms for the names and signatures of additional owners, if any.)

FOR OFFICE	FILE NAME: _____
USE	FILE NUMBERS: _____

PROPERTY INFORMATION

SITE ADDRESS (IF ASSIGNED)	MAP & TAX LOT	# OF OWNERS	ACREAGE	MEASURE 50 ASSESSED VALUE
7525 SW Oleson Rd.	1S124CD00100	1	0.37	\$591,360

CONTACT PERSON

Peter Finley Fry, Planning Consultant	503-274-2744
PLEASE PRINT OR TYPE YOUR NAME	PHONE #
2153 SW Main Street #105, Portland, OR 97205	
ADDRESS	

SIGNATURES OF OWNER(S) CONSENTING TO ANNEXATION

R H McCALL <small>PRINT OR TYPE NAME</small>	 <small>SIGNATURE</small>	3/27/07 <small>DATE</small>
c/o McCall Real Estate & Co., 219 SW Stark St., Portland, OR 97204		
<small>MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS</small>		

16

MAR 28 2007



CITY OF BEAVERTON
 COMMUNITY DEVELOPMENT DEPARTMENT
 PLANNING SERVICES DIVISION
 4755 S.W. GRIFFITH DRIVE
 P.O. BOX 4755
 BEAVERTON, OR 97076-4755
 PHONE: (503) 526-2494

PETITION FOR A TRIPLE MAJORITY ANNEXATION PURSUANT TO ORS 222.170(1)

PLEASE USE ONE PETITION/WAIVER PACKET PER TAX LOT. ALL OWNERS OF THE TAX LOT MUST SIGN BOTH THE PETITION AND WAIVER FORMS. IF THE PROPERTY IS OWNED BY A CORPORATION OR ESTATE, THE SIGNER MUST BE AUTHORIZED TO DO SO. SIGNATURES INDICATE CONSENT TO ANNEXATION BY THE CITY OF THE TAX LOT SPECIFIED BELOW, AND ACKNOWLEDGEMENT OF THE OPPORTUNITY TO REVIEW INFORMATION PROVIDED BY THE CITY REGARDING THE EFFECTS OF ANNEXATION. (Please use the back of the forms for the names and signatures of additional owners, if any.)

FOR OFFICE	FILE NAME: _____
USE	FILE NUMBERS: _____

PROPERTY INFORMATION

SITE ADDRESS (IF ASSIGNED)	MAP & TAX LOT	# OF OWNERS	ACREAGE	MEASURE 50 ASSESSED VALUE
	1S124CD00300	1	0.44	\$65,720

CONTACT PERSON

Peter Finley Fry, Planning Consultant	503-274-2744
PLEASE PRINT OR TYPE YOUR NAME 2153 SW Main Street #105, Portland, OR 97205	PHONE #
ADDRESS	

SIGNATURES OF OWNER(S) CONSENTING TO ANNEXATION

PRINT OR TYPE NAME c/o McCall Real Estate & Co., 219 SW Stark St., Portland, OR 97204	SIGNATURE 	DATE 3/27/07
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS		

MAR 28 2007



CITY OF BEAVERTON
 COMMUNITY DEVELOPMENT DEPARTMENT
 PLANNING SERVICES DIVISION
 4755 S.W. GRIFFITH DRIVE
 P.O. BOX 4755
 BEAVERTON, OR 97076-4755
 PHONE: (503) 526-2494

PETITION FOR A TRIPLE MAJORITY ANNEXATION PURSUANT TO ORS 222.170(1)

PLEASE USE ONE PETITION/WAIVER PACKET PER TAX LOT. ALL OWNERS OF THE TAX LOT MUST SIGN BOTH THE PETITION AND WAIVER FORMS. IF THE PROPERTY IS OWNED BY A CORPORATION OR ESTATE, THE SIGNER MUST BE AUTHORIZED TO DO SO. SIGNATURES INDICATE CONSENT TO ANNEXATION BY THE CITY OF THE TAX LOT SPECIFIED BELOW, AND ACKNOWLEDGEMENT OF THE OPPORTUNITY TO REVIEW INFORMATION PROVIDED BY THE CITY REGARDING THE EFFECTS OF ANNEXATION. (Please use the back of the forms for the names and signatures of additional owners, if any.)

FOR OFFICE	FILE NAME: _____
USE	FILE NUMBERS: _____

PROPERTY INFORMATION

SITE ADDRESS (IF ASSIGNED)	MAP & TAX LOT	# OF OWNERS	ACREAGE	MEASURE 50 ASSESSED VALUE
7595 SW Oleson Rd.	1S124CD00301	1	0.35	\$605,670

CONTACT PERSON

Peter Finley Fry, Planning Consultant	503-274-2744
PLEASE PRINT OR TYPE YOUR NAME 2153 SW Main Street #105, Portland, OR 97205	PHONE #
ADDRESS	

SIGNATURES OF OWNER(S) CONSENTING TO ANNEXATION

PRINT OR TYPE NAME <i>R. H. McCall</i> c/o McCall Real Estate & Co., 219 SW Stark St., Portland, OR 97204	SIGNATURE 	DATE 3-27-07
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS		

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MAR 28 2007

COMMUNITY DEVELOPMENT



CITY OF BEAVERTON
 COMMUNITY DEVELOPMENT DEPARTMENT
 PLANNING SERVICES DIVISION
 4755 S.W. GRIFFITH DRIVE
 P.O. BOX 4755
 BEAVERTON, OR 97076-4755
 PHONE: (503) 526-2494

PETITION FOR A TRIPLE MAJORITY
 ANNEXATION
 PURSUANT TO ORS 222.170(1)

MAY 08 2007
 COMMUNITY DEVELOPMENT DEPT.

PLEASE USE ONE PETITION/WAIVER PACKET PER TAX LOT. ALL OWNERS OF THE TAX LOT MUST SIGN BOTH THE PETITION AND WAIVER FORMS. IF THE PROPERTY IS OWNED BY A CORPORATION OR ESTATE, THE SIGNER MUST BE AUTHORIZED TO DO SO. SIGNATURES INDICATE CONSENT TO ANNEXATION BY THE CITY OF THE TAX LOT SPECIFIED BELOW, AND ACKNOWLEDGEMENT OF THE OPPORTUNITY TO REVIEW INFORMATION PROVIDED BY THE CITY REGARDING THE EFFECTS OF ANNEXATION. (Please use the back of the forms for the names and signatures of additional owners, if any.)

FOR OFFICE USE	FILE NAME: _____
	FILE NUMBERS: _____

PROPERTY INFORMATION

SITE ADDRESS (IF ASSIGNED)	MAP & TAX LOT	# OF OWNERS	ACREAGE	MEASURE 50 ASSESSED VALUE
7670 SW Garden Home Rd., Portland, OR 97223	1S124CD00400	2	3.13	\$2,382,650

CONTACT PERSON

Colleen Hogan of Asset Management LLC	503-513-6447
PLEASE PRINT OR TYPE YOUR NAME PO Box 68629, Milwaukie, OR 97268	PHONE #
ADDRESS	

SIGNATURES OF OWNER(S) REPRESENTATIVE CONSENTING TO ANNEXATION

COLLEEN HOGAN	<i>Colleen Hogan</i>	5-4-07
PRINT OR TYPE NAME	SIGNATURE	DATE

MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS
 Asset Management LLC
 Real Estate
 P.O. Box 68629
 Milwaukie, OR 97268-0629

19

June 8, 2007

From: Lynne Johnson
2445-A Makiki Heights Drive
Honolulu, Hawaii 96822

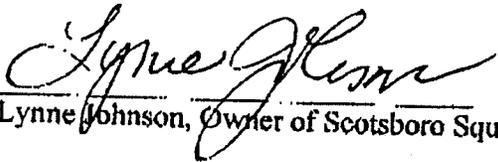
To: Hal Bergsma
City Of Beaverton
4755 SW Griffith Drive
Beaverton, Oregon 97076-4755

My sister Karen Johnson and I own Scotsboro Square Apartments located at 7700 SW Garden Home Road, Portland, Oregon 97223

I Lynne Johnson have the authority to give approval and to sign any documents relating to the ownership of Scotsboro Square Apartments.

This affidavit is intended to grant Colleen Hogan of Asset Management LLC, Real Estate the authority to cooperate, execute and sign any and all documents as it relates to the annexation of Scotsboro Square Apartments from Portland, Oregon to Beaverton, Oregon.

Date: 6/12/07


Lynne Johnson, Owner of Scotsboro Square Apartments



CITY OF BEAVERTON
 COMMUNITY DEVELOPMENT DEPARTMENT
 PLANNING SERVICES DIVISION
 4755 S.W. GRIFFITH DRIVE
 P.O. BOX 4755
 BEAVERTON, OR 97076-4755
 PHONE: (503) 526-2494

PETITION FOR A TRIPLE MAJORITY ANNEXATION PURSUANT TO ORS 222.170(1)

PLEASE USE ONE PETITION/WAIVER PACKET PER TAX LOT. ALL OWNERS OF THE TAX LOT MUST SIGN BOTH THE PETITION AND WAIVER FORMS. IF THE PROPERTY IS OWNED BY A CORPORATION OR ESTATE, THE SIGNER MUST BE AUTHORIZED TO DO SO. SIGNATURES INDICATE CONSENT TO ANNEXATION BY THE CITY OF THE TAX LOT SPECIFIED BELOW, AND ACKNOWLEDGEMENT OF THE OPPORTUNITY TO REVIEW INFORMATION PROVIDED BY THE CITY REGARDING THE EFFECTS OF ANNEXATION. (Please use the back of the forms for the names and signatures of additional owners, if any.)

FOR OFFICE USE	FILE NAME: _____ FILE NUMBERS: _____
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PROPERTY INFORMATION

SITE ADDRESS (IF ASSIGNED)	MAP & TAX LOT	# OF OWNERS	ACREAGE	MEASURE 50 ASSESSED VALUE
7645 SW Oleson Rd., Portland, OR 97223	1S124CD00402	1	.16	\$173,430

CONTACT PERSON

Robert E. Day	503-245-0971
PLEASE PRINT OR TYPE YOUR NAME PO Box 230702, Portland, OR 97281	PHONE #
ADDRESS	

SIGNATURES OF OWNER(S) REPRESENTATIVE CONSENTING TO ANNEXATION

Robert E. Day		
PRINT OR TYPE NAME See above	SIGNATURE 	DATE 4/22/07
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS		

APR 27 2007
 COMMUNITY DEVELOPMENT DEPT.

LEGAL DESCRIPTION

City of Beaverton Annexation Legal Description

A parcel of land being situated in the southeast quarter and the southwest quarter of Section 24, Township 1 South, Range 1 West, Willamette Meridian, Washington County, State of Oregon. Said parcel of land being more particularly described as follows:

BEGINNING at the intersection of the centerline of S.W. Garden Home Road (C.R. 160, variable width) and the centerline of S.W. Oleson Road (C.R. 2056, variable width);

Thence, Northeasterly along the centerline of said S.W. Oleson Road for a distance of 1,390 feet, more or less, to the intersection with said centerline and the northwesterly projection of the northeasterly line of that tract of land conveyed to Garden Home West Apartments #2 Associates, LLC in Document No. 2001024699, Washington County Records;

Thence, South 50°58'15" East along said projection for a distance of 30 feet to the southerly right-of-way line of said S.W. Oleson Road;

Thence, Southwesterly along said right of way line, being of variable width, for a distance of 1,760 feet, more or less, to a point of intersection with said right-of-way line and the southeasterly projection of the northeasterly line of Lot 9, Block 1 of O'BRIENS ACRES;

Thence, North 50°10'47" West along said projection and the northeasterly line of said Lot 9 for a distance of 198 feet, more or less, to the most northerly corner of that tract of land conveyed to Duane Schroeder in Document No. 99020395, Washington County Records;

Thence, South 39°49'13" West along the north line of said Duane Schroeder tract of land for a distance of 70.00 feet to the most westerly corner thereof;

Thence, South 50°10'47" East along the southwesterly line of said Schroeder tract a distance of 138 feet to the most southern corner thereof;

Thence, southwesterly along the southeasterly line of that tract of land conveyed to Robert E. Day in Document No. 99130425, Washington County Records a distance of 55 feet to the most southern corner thereof;

Thence, northwesterly along the southwesterly line of said Day tract 138 feet to the most western corner thereof;

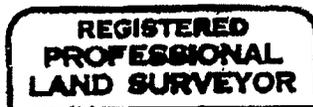
Thence, South 39°49'13" West a distance of 125 feet, more or less, to the most westerly corner of that tract of land conveyed to Karen and Robert Rothwell in Document No. 2005-131395, Washington County Records;

Thence, North 50°10'47" West along the northeasterly line of Lot 11, Block 1 of O'BRIENS ACRES for a distance of 212 feet, more or less, to the northerly corner of said Lot 11;

Thence, South 39°49'13" West along the south line of Lot 5 and Lot 6, Block 1 of O'BRIENS ACRES for a distance of 304 feet, more or less, to the southwest corner of said Lot 5;

Thence, North 01°45'35" West along the west line of said Lot 5, and the projection thereof, for a distance of 466 feet, more or less, to a point of intersection with the centerline of S.W. Garden Home Road;

Thence, Easterly along the centerline of said of S.W. Garden Home Road for a distance of 900 feet, more or less, to the Point of Beginning.



David A. Winship



Expires 6/30/08

ANNEXATION POLICY

RESOLUTION NO. 3785

**A RESOLUTION ESTABLISHING CITY OF BEAVERTON URBAN SERVICE
AREA AND CORPORATE LIMITS ANNEXATION POLICIES**

WHEREAS, the City of Beaverton presently has no defined policies regarding annexation of adjacent urban unincorporated areas, including unincorporated islands; and

WHEREAS, the City's progress toward annexing its assumed urban services area has been slow; and

WHEREAS, previous incremental annexations have resulted in City limits that are odd and create confusion about their location, with many unincorporated "islands" surrounded by properties within the City; and

WHEREAS, the City desires to create more logical boundaries and create complete incorporated neighborhoods; and

WHEREAS, a more assertive policy toward annexation of certain types of properties could improve the City's ability to provide services to its residents efficiently and at a reasonable cost; and

WHEREAS, a more assertive annexation policy could result in more City control of development in adjacent unincorporated areas that could affect the City; and

WHEREAS, the Washington County 2000 policy is to have all urban unincorporated areas annexed by cities over time; now, therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
BEAVERTON, OREGON**

Council directs the Mayor to pursue the annexation of properties in adjacent urban unincorporated areas in accordance with the policies in Attachment A to this resolution.

Adopted by the Council this 1st day of November, 2004.

Approved by the Mayor this 2ND day of NOVEMBER 2004.

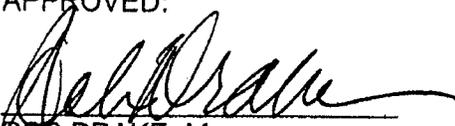
Ayes: 4

Nays: 0

ATTEST:


SUE NELSON, City Recorder

APPROVED:


ROB DRAKE, Mayor

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).