

Final Documents
For
Annexation to the
City of Beaverton

WA0205
Ordinance 4334
DOR 34-1719-2004
Sec. State: AN-2005-0036

Final to DOR:

Final to Secretary of State:

Date of
Mailing: 1/24/05

Date of
Mailing: 02/09/05

WA0205 Sent Received

DOR: 1/24/05 2/9/05

Sec. State: 2/9/05 2/16/05

Assessor: 2/9/05

Elections: 2/9/05

Mapped: Yes

Address Information:

TLID	Address
IS102CA00500	No Site Address
IS102CA00600	No Site Address
IS102CB00100	10302 SW BARNES RD
IS103A001600	10870 SW BARNES RD
IS103A001700	No Site Address
IS103A001900	No Site Address
IS103AD00500	No Site Address
IS103BA00100	11790 SW BARNES RD
IS103BA00200	11750 SW BARNES RD
IS103BA00300	11786 SW BARNES RD
IS103BA00400	11785 SW CORBY DR
IS103BA00600	11895 SW CORBY DR
IS103BA00700	No Site Address
IS103BA00800	11995 SW CORBY DR
IS103BA00900	12045 SW CORBY DR
IS103BA01000	No Site Address
IS103BA01100	11480 SW CHOBAN LN
IS103BA01200	No Site Address
IS103BA01300	11525 SW CHOBAN LN
IS103BA01400	11500 SW CHOBAN LN
IS103BA01500	417 SW 117TH AVE
IS103BA01600	No Site Address
IS103BA01700	11700 SW CORBY DR
IS103BA01800	11680 SW CORBY DR
IS103BA01900	11640 SW CORBY #4
IS103BA02000	11510 SW SHILO LN
IS103BA02100	11507 SW SHILO LN

IS103BB00200	12020 SW BARNES RD
IS103BB00500	12170 W STARK ST
IS103BB00600	11994 SW CORBY DR
IS103BB00900	11980 SW CORBY DR
IS103BB01100	No Site Address
IS103BB01200	12310 W STARK ST
IS103BB01300	No Site Address
IS103BB01400	12350 W STARK ST
IS103BB90000	11900 SW CORBY DR
IS103BB90011	11990 SW CORBY DR
IS103BB90022	11990 SW CORBY DR
IS103BB90031	11990 SW CORBY DR
IS103BB90042	11990 SW CORBY DR
IS103BB90051	11990 SW CORBY DR
IS103BB90062	11990 SW CORBY DR
IS103BB90071	11990 SW CORBY DR
IS103BB90082	11990 SW CORBY DR
IS103BB90091	11990 SW CORBY DR
IS103BB90102	11990 SW CORBY DR
IS103BB90111	11990 SW CORBY DR
IS103BB90122	11990 SW CORBY DR
IS103BB90131	11990 SW CORBY DR
IS103BB90142	11990 SW CORBY DR
IS103BB90151	11990 SW CORBY DR
IS103BB90162	11990 SW CORBY DR
IS103BB90171	11990 SW CORBY DR
IS103BB90182	11990 SW CORBY DR

Proposal No. WA0205

1S1W02, 1S1W03

Annexation to the City of Beaverton

Washington Co.



R E G I O N A L L A N D I N F O R M A T I O N S Y S T E M



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

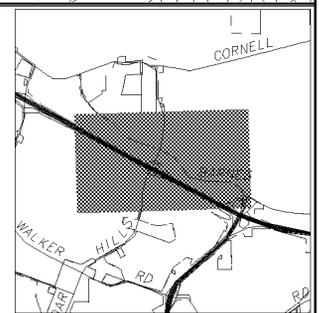
City

Annexation boundary

Urban Growth Boundary

Proposal No. WA0205
CITY OF BEAVERTON
Figure 1

Scale: 1" = 1000'





February 11, 2005

Metro
Robert Knight
600 NE Grand
Portland, Oregon 97232-2736

Dear Mr. Knight:

Please be advised that we have received and filed, as of February 11, 2005, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
ORD NO 5461	AN 2005-0034 (City of Hillsboro)
ORD NO 2004-050	AN 2005-0035 (City of Sherwood)
ORD NO 4334	AN 2005-0036 (City of Beaverton)

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

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
 P.O. Box 4755
 Beaverton , OR 97076-4755

Description and Map Approved
February 8, 2005
As Per ORS 308.225

Description Map received from: METRO
 On: 1/25/2005

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

ANNEX TO CITY OF BEAVERTON; WITHDRAW FROM SEVERAL DISTRICTS
 WA0205

ORD.#4334 (ANX 2004-0013)

has been: Approved 2/8/2005
 Disapproved

Notes:

Department of Revenue File Number: 34-1719-2005

Prepared by: Carolyn Sunderman, 503-945-8882

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. 4334

AN ORDINANCE ANNEXING SEVERAL PARCELS LOCATED IN THE GENERAL VICINITY OF BARNES ROAD AND CEDAR HILLS BLVD. TO THE CITY OF BEAVERTON: ANNEXATION 2004-0013

- WHEREAS,** This annexation was initiated under authority of ORS 222.750, whereby the City may annex territory that is not within the City but that is surrounded by the corporate boundaries of the City, or by the corporate boundaries of the City and a stream, with or without the consent of property owners or residents; and
- WHEREAS,** This 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,** 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 Council approval and signature by the Mayor or the date the ordinance is filed with the Secretary of State, whichever is later.
- Section 2.** The Council accepts the staff report, dated November 19, 2004, attached hereto as Exhibit C, the supplemental staff report dated December 13, 2004 and the memorandum from the City Attorney dated December 20, 2004 and 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 agreement 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 subsequent to this annexation.
- Section 3.** The Council finds 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 property that lies within the Washington County Urban Road Maintenance District will be withdrawn from the district; and
 - b. The part of the property that lies within the Washington County Street Lighting District #1, if any, will be withdrawn from the district; and
 - c. The part of the property 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 property to be annexed by this Ordinance shall remain within that district; and
 - e. The territory will remain within boundaries of the Tualatin Valley Water District.

Y900

- Section 4.** The Council finds that this annexation complies with all other applicable criteria set out in Metro Code Chapter 3.09 as demonstrated in the staff report attached as Exhibit C.

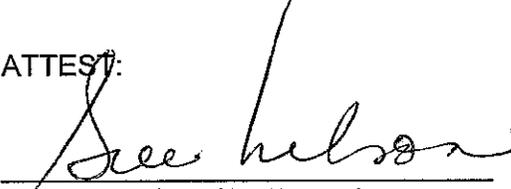
- Section 5.** The City Recorder shall place a certified copy of this Ordinance in the City's permanent records, and the Community Development Department shall forward a certified copy of this Ordinance to Metro and all necessary parties within five days of the effective date.

- 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 December 6, 2004

Second Reading and Passed December 20, 2004

Reconsidered, Amended Second Reading and Passed January 3, 2005

ATTEST:


SUE NELSON, City Recorder

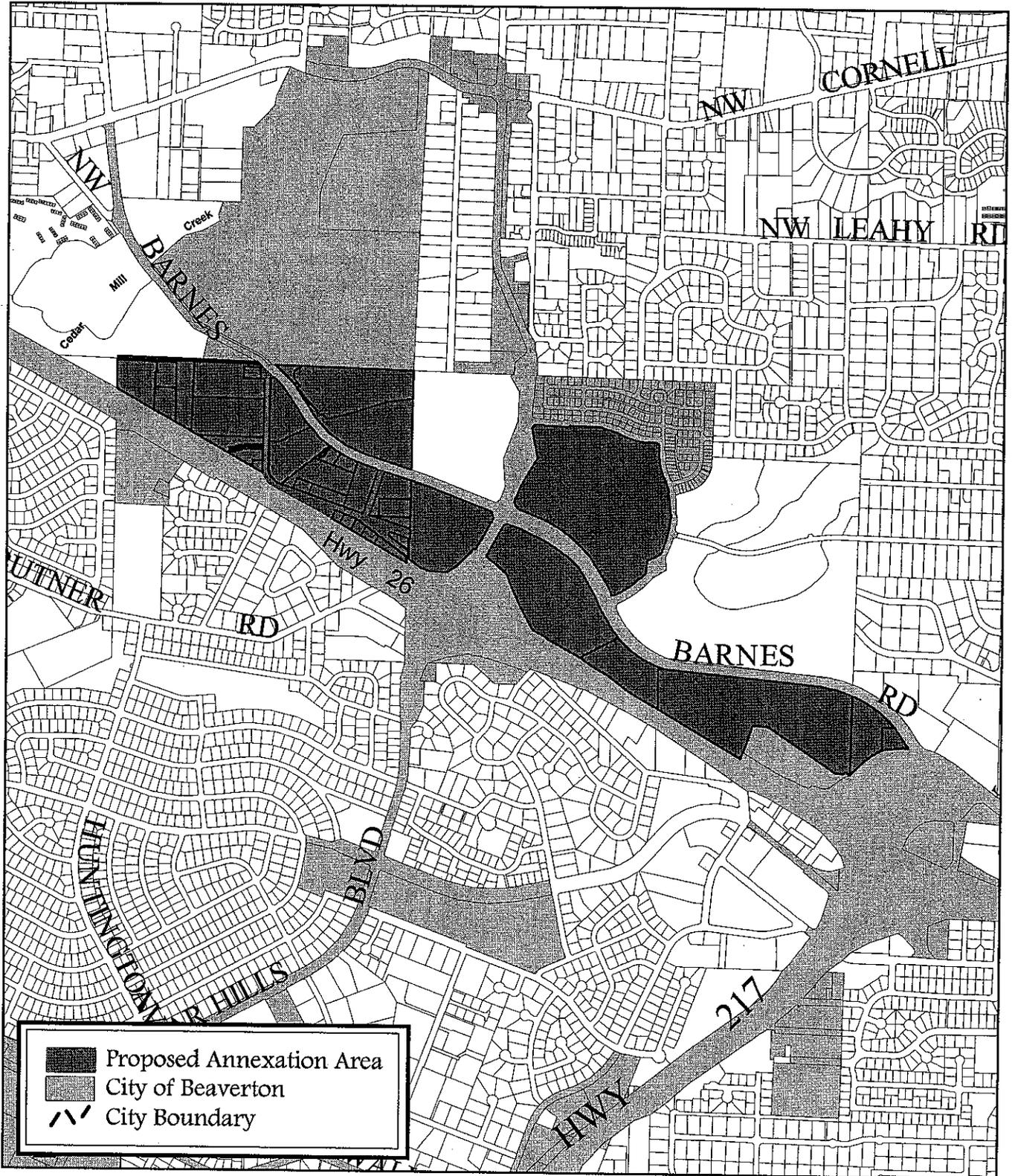
APPROVED:


ROB DRAKE, Mayor

ANNEXATION MAP

EXHIBIT " A "

Ordinance No. 4334



CITY OF BEAVERTON

Barnes Road / Cedar Hills Blvd. Area Annexation
COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

12/06/04

Map #
Various



Application #
ANX2004-0013

Barnes Road / Cedar Hills Boulevard Area Annexation
ANX2004-0013

PARCEL 1

Beginning at a point in the SW ¼ of the SW ¼ Section 34, Township 1 North, Range 1 South, Willamette Meridian, Washington County, Oregon, said point being North 19.9 feet from the Southwest Corner of said Section 34; thence running East parallel with the south line of said Section 34 to the westerly right of way line of SW Barnes Road; thence running southeasterly along the southwesterly right of way of SW Barnes Road to the point of intersection with the westerly right of way of SW Cedar Hills Boulevard; thence southerly along said right of way line of Cedar Hills Boulevard until it becomes the northerly right of way line of U.S. Highway 26 (Sunset Highway); thence northwesterly along the northerly right of way line of U.S. Highway 26 until said right of way line intersects the south line of the Josiah Hall D.L.C. No. 58; thence east along the south line of Josiah Hall D.L.C. No.58 to a point on the north right of way line of SW Corby Drive; thence northwesterly along the northerly right of way line of SW Corby Drive to the point where the right of way line of SW Corby Drive bears North said point also being on the northerly right of way line of U. S. Highway 26; thence northwesterly along the northerly right of way line of U.S. Highway 26 to the point where the northerly right of way line of U.S. Highway 26 intersects the west line of Section 3 Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon; thence North 265.9 feet to the Southwest corner of Section 34, Township 1 North, Range 1 South, Willamette Meridian, Washington County, Oregon; thence North along the west line of said Section 34, 19.9 feet to the point of beginning.

Barnes Road / Cedar Hills Area Annexation
ANX2004-0013

Parcel 2 -A

Beginning at the Southeast corner of the Southwest $\frac{1}{4}$ of Section 34, Township 1 North, Range 1 West, of the Willamette Meridian, Washington County, Oregon, said point also being the Northeast Corner of the Josiah Hall D.L.C. No. 58; thence West along the south line of said Section 34 to a point where said Section line intersects the Northeasterly right of way line of SW Barnes Road; thence southeasterly along said right of way line to a point where said right of way line intersects with the east line of Josiah Hall D.L.C. No. 58; thence north along said east line of Josiah Hall D.L.C. No. 58 to the point of beginning.

Barnes Road / Cedar Hills Area Annexation
ANX2004-0013

Parcel 3

A parcel of land located in the Northeast ¼ Section 3, Township 1 South, Range 1 West of the Willamette Meridian, Washington County, Oregon more particularly described as follows:

Beginning at the point of intersection of the northerly right of way line of SW Barnes Road and the easterly right of way line of SW Cedar Hills Boulevard; thence running northerly along the easterly right of way line of SW Cedar Hills Boulevard to the point where said easterly right of way line intersects with the southerly right of way line of SW Celeste Lane; thence easterly along the southerly right of way line of SW Celeste Lane to the point where said southerly right of way line intersects the westerly right of way line of SW Valeria View Drive; thence southerly along the westerly right of way line of SW Valeria View Drive to the point of intersection with the northerly right of way line of SW Barnes Road; thence northwesterly along the northerly right of way line of SW Barnes Road to the point of intersection with the easterly right of way line of SW Cedar Hills Boulevard, said point being the point of beginning.

Barnes Road / Cedar Hills Area Annexation
ANX2004-0013

Parcel 4

A parcel of land in Sections 2 and 3 Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the point of intersection of the northerly right of way line of U.S. Highway 26 (Sunset Highway) and the easterly right of way line of SW Cedar Hills Boulevard; thence running northerly along the easterly right of way line of SW Cedar Hills Boulevard to the point where said easterly right of way line intersects with the southerly right of way line of SW Barnes Road; thence southeasterly along said southerly right of way line of SW Barnes Road to a point where said right of way line intersects with the right of way line of the U.S. Highway 26 and Oregon 217 interchange; thence southwesterly along the right of way line of U.S. highway 26 to a point on said right of way line, said point also being station BS2-82+11.81PS; thence continuing southwesterly along said right of way line 85.53 feet; thence departing said right of way line N61° 06'38"W, 582.00 feet; thence N81° 22'24"W, 328.61 feet; thence S26° 38'12"W, 239.41 feet to a point on the northerly right of way line of U.S. Highway 26; thence northwesterly along said right of way line of U.S. Highway 26 to the place of beginning.



Ordinance No. 4334

Exhibit C

CITY of BEAVERTON

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

PETITION AND STAFF REPORT

TO: City Council **REPORT DATE:** November 19, 2004

HEARING

DATE: December 6, 2004

FROM: Community Development Department
Hal Bergsma, Planning Services Manager
Alan Whitworth, Senior Planner

SUBJECT: Barnes Road/Cedar Hills Blvd. Island Annexation (ANX 2004-0013)

ACTIONS: Annexation to the City of Beaverton of several parcels located in the vicinity of the Barnes Road and Cedar Hills Boulevard intersection. The territory is shown on the attached map and more particularly described by the attached legal description. The annexation of the territory is City initiated and is being processed under ORS 222.750 and Metro Code 3.09.050.

NAC: This property is not currently within a Neighborhood Association Committee (NAC). The Neighborhood Office is recommending that this territory not be added to a NAC. It is anticipated a new NAC will eventually be established in the area.

AREA: Approximately 163 acres

TAXABLE BM 50 ASSESSED VALUE: \$ 34,756,200

ASSESSOR'S REAL MARKET BUILDING VALUE: \$ 31,947,860

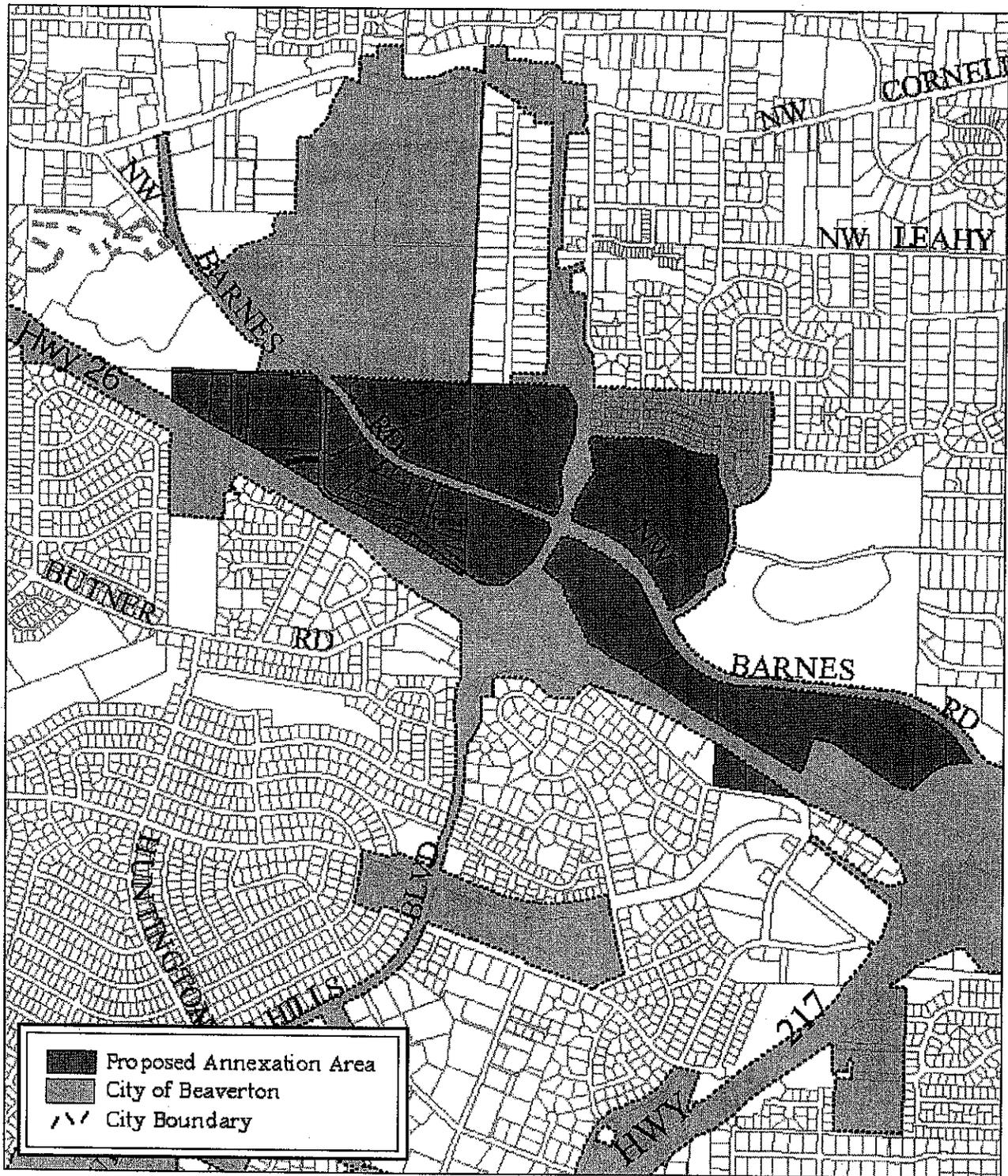
ASSESSOR'S REAL MARKET TOTAL VALUE: \$ 52,006,090

NUMBER OF TAX PARCELS: 60

RECOMMENDATION

Staff recommends the City Council adopt an ordinance annexing the referenced territory, 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.

ANNEXATION MAP



-  Proposed Annexation Area
-  City of Beaverton
-  City Boundary



City of Beaverton

Barnes Road / Cedar Hills Blvd. Area Annexation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

12/08/04

Map #
Various

007

Application #
ANX2004-0013

BACKGROUND

This is commonly referred to as an Island Annexation that is being processed under Oregon Revised Statutes Section 222.750 and Metro Code Chapter 3.09.

ORS 222.750 Annexation of unincorporated territory surrounded by city. When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore or a stream, bay, lake or other body of water, it is within the power and authority of that city to annex such territory. However, this section does not apply when the territory not within a city is surrounded entirely by water. Unless otherwise required by its charter, annexation by a city under this section shall be by ordinance or resolution subject to referendum, with or without the consent of any owner of property within the territory or resident in the territory.

The subject properties are within islands primarily defined by the City's corporate limits, except at the area's western end where an island is partly defined by a stream, Cedar Mill Creek. Some of the properties that are the subject of this proposed annexation constitute only part of an island. The statutory provision cited above does not require annexation of an entire island. The City has chosen to annex the subject properties and not others based on guidance provided by the City Council provided through their adoption of Resolution No. 3785 (Exhibit A) on November 1, 2004.

ORS 222.120 requires a public hearing to allow the electors of the City to appear and be heard on the question. It requires notice to be published in a newspaper of general circulation for a period of two weeks and notice to be posted in four public places for a similar period.

Metro Code Section 3.09.030 does not require a public hearing but does require waterproof posting of the notice in the general vicinity of the site and publishing notice in a newspaper of general circulation. The required notice to necessary parties and the posting are to be done at least 45 days prior to the date of decision. 3.09.050(b) requires the staff report to be available at least 15 days prior to the date of decision.

The request is to annex sixty tax parcels located in the general vicinity of Barnes Road and Cedar Hills Blvd. The area proposed for annexation is approximately 163 acres and contains 24 dwelling units.

The Neighborhood Office is recommending that this territory not be added to a Neighborhood Association Committee at this time. It is anticipated a new NAC will eventually be established in the area.

MINIMUM REQUIREMENTS FOR PETITIONS

The following is from Metro Code:

3.09.040 Minimum Requirements for Petitions

(a) A petition for a boundary change shall be deemed complete if it includes the following information:

(1) The jurisdiction of the approving entity to act on the petition;

Finding: As defined by section 3.09.020(c) of the Metro Code, "Approving entity" means the governing body of a city, county, city-county or district authorized to make a decision on a boundary change, or its designee. ORS 222.111(2) states:

"A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by petition to the legislative body of the city by owners of real property in the territory to be annexed."

The Beaverton City Council directed the initiation of this annexation by its adoption of Resolution No. 3789 (Exhibit B). This annexation is allowed by ORS 222.750 without the consent of any owner of property within the territory or resident in the territory through ordinance adoption by the Council, subject to referendum.

(2) A narrative, legal and graphical description of the affected territory in the form prescribed by Metro Chief Operating Officer;

Finding: The Metro Chief Operating Officer has not prescribed a particular form for providing a narrative, legal and graphical description of a territory that would be affected by a proposed annexation. The practice has been to provide such information in a form prescribed by the State Department of Revenue. Consistent with Department of Revenue requirements, a map of the affected territory is included as page two of this petition/report, a narrative legal is attached to this petition/report (Exhibit C), and marked tax maps are in the project file. This complies with the requirements of Metro, the Oregon Department of Revenue, and the Oregon Secretary of State's Office.

(3) For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected

territory as shown in the records of the tax assessors and county clerk;

Finding: A list of the names and mailing addresses of all persons owning property and a list of all electors within the affected territory as shown in the records of the Washington County Assessment and Taxation Department are will be placed in the file.

- (4) A listing of the present providers of urban services to the affected territory;

Finding: Sanitary sewers and treatment are presently provided by and maintained by Clean Water Services. Potable water is presently provided by the Tualatin Valley Water District. Fire protection and emergency medical service is presently provided by Tualatin Valley Fire and Rescue. Parks, open space, and recreation services are presently provided by Tualatin Hills Park and Recreation District. Public streets and roads are presently maintained by Washington County. Mass transit is presently provided by TRI-MET.

- (5) A listing of the proposed providers of urban services to the affected territory following the proposed boundary change;

Finding: Pursuant to a July 1, 2004 intergovernmental agreement between the City of Beaverton and Clean Water Services, as of July 1, 2005 sanitary sewer pipes in the proposed annexation area that are smaller than 24-inches in diameter will be maintained by the City of Beaverton and pipes equal to or greater than 24-inches in diameter will be maintained by Clean Water Services. Clean Water Services will also provide sewage treatment. Potable water will be provided by Tualatin Valley Water District. Fire protection and emergency medical service will be provided by Tualatin Valley Fire and Rescue. Parks, open space, and recreation services will be provided by Tualatin Hills Park and Recreation District. Barnes Road and Cedar Hills Blvd. will be maintained by Washington County for the foreseeable future and maintenance of other Washington County maintained streets will transfer to the City of Beaverton through a different process. Mass transit will continue to be provided by TRI-MET.

- (6) The current tax assessed value of the affected territory; and

Findings: The current Ballot Measure 50 assessed value of the affected territory is \$34,756,200. A spreadsheet listing tax lot identification number, approximate acreage, Ballot Measure 50 value, real market building value and total real market value is attached as Exhibit D. This information is

based on information from the Washington County Assessment and Taxation Department.

(7) Any other information required by state or local law.

Findings: No other information is required by state or local law.

(b) A City or county may charge a fee to recover its reasonable costs to carry out its duties and responsibility under this chapter.

Findings: The City of Beaverton has chosen not to charge a fee for annexations.

EXISTING CONDITIONS

SERVICE PROVISION:

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

- The City has entered into ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire and Rescue District, Tualatin Hills Park and Recreation District, Tualatin Valley Water District and Clean Water Services.
- The City has entered into an agreement with Tualatin Valley Water District that has been designated an ORS 195.065 Urban Service Agreement by the parties. (No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this decision.)
- 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.

This action is consistent with those agreements.

POLICE: The property to be annexed currently receives police protection from the Washington County Enhanced Sheriff's Patrol

District. Sheriff's protection will be withdrawn and the City will provide police service upon annexation. In practice whichever 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 this area. 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 area is adequately served by sanitary sewer at this time. As the area redevelops at higher density the issue of sanitary sewer will be dealt with through the development review process. If the area is annexed the City of Beaverton will take over maintenance of sanitary sewer pipes smaller than 24-inches in diameter and Clean Water Services will continue to maintain the larger pipes and provide sewage treatment. Upon annexation the City will be responsible for billing.

WATER: Tualatin Valley Water District (TVWD) 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 entered into an intergovernmental agreement with TVWD in 2002 that the City would not withdraw property from the District upon annexation. TVWD will continue to provide service, maintenance and perform billing.

STORM WATER DRAINAGE: The area is adequately served by storm sewers and drainage at this time. As the area redevelops at higher density the issue of storm drainage will be dealt with through the development review process. Upon annexation billing responsibility will transfer to the City.

STREETS and ROADS: This area is served by an east/west arterial (Barnes Road) and a north/south arterial (Cedar Hills Blvd.). Both of these roads are maintained by Washington County and will be for the foreseeable future. The Sunset Highway (US 26) runs along the southern edge of the subject territory with an entrance/exit at Cedar Hills Blvd. and is a State maintained Freeway. The subject property abuts the light rail station on the southeast corner and the station is also served by five bus lines. SW Stark Street and the entrance to Tri-met parking garage are private streets. SW Shilo Lane and SW Choban Lane are public roads and may become the City of Beaverton's

responsibility pursuant to an understanding between City and County road operations managers. SW Corby Drive and SW 117th Avenue are County maintained roads and will be formally transferred after annexation to City maintenance under a separate process pursuant to the same understanding.

PARKS and SCHOOLS:

The proposed annexation is within both the Beaverton School District and the Tualatin Hills Park and Recreation District. 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 property. Upon annexation, the City will provide those services. Pursuant to the Urban Planning Area Agreement (UPAA) between the City and County, City Comprehensive Plan and Zoning Designations will be applied to this parcel in a separate action within six months of annexation.

PUBLIC INVOLVEMENT

Consistent with Metro Code Section 3.09.030, the City has sent notice of the proposed annexation on or before October 22, 2004 (45 days prior to the hearing date) to all necessary parties including Washington County, Metro, affected special districts and County service districts. Additionally, eight weatherproof signs with the notice mailed to the necessary parties attached were posted in the general vicinity of the affected territory. Affidavits of mailing and posting, including information on the locations where the weatherproof signs were posted, are in the casefile for this proposed application.

In compliance with ORS 222.120, notice of the hearing will be published once each week for two successive weeks prior to the day of the hearing in the Beaverton Valley Times newspaper; and notices of the proposed annexation will be posted in four public places in the city (at the Beaverton Post Office, the Beaverton City Library, the Beaverton City Hall, and in the lobby of the administrative offices of the Tualatin Hills Park and Recreation District) for a like period. Evidence that this notification was provided will be available at the public hearing.

Although not required by Metro Code or State statute, the City also sent the notice mailed to the necessary parties to the following parties at least 45 days in advance of the anticipated date of decision, December 13, 2004:

- the property owners of record in the subject area as shown on the most recent

property tax assessment roll of the Washington County Department of Assessment and Taxation; and

- The Central Beaverton and West Slope Neighborhood Association Committees and the Cedar Hills/Cedar Mill Citizen Participation Organization; interested parties as set forth in City Code Section 9.06.035.

The mailed notice and a copy of this petition/staff report will be posted on the City's web page.

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 of this type:

3.09.050 Uniform Hearing and Decision Requirements for Final Decisions Other Than Expedited Decisions

(a) The following minimum requirements for hearings on decisions operate in addition to all procedural requirements for boundary changes provided for under ORS chapters 198, 221 and 222. Nothing in this chapter allows an approving entity to dispense with a public hearing on a proposed boundary change when the public hearing is required by applicable state statutes or is required by the approving entity's charter, ordinances or resolutions.

Findings: A public hearing has been scheduled and noticed for December 6, 2004.

3.09.050 (b) Not later than 15 days prior to the date set for a decision, the approving entity addresses the criteria in subsections (d) and (g) below, and that includes at a minimum the following:

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

Findings: Urban Services are defined by Metro Code Section 3.09.020(m) as "...sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit." The area is currently served by sanitary sewers. As of July 1, 2005, the City of Beaverton will take over maintenance of all pipes less than 24-inches in diameter pursuant to an "Intergovernmental Agreement Between City of Beaverton and Clean Water Services" entered into as of July 1, 2004. The area is served by Tualatin

Valley Water and they have the capacity to continue serving the area. Fire protection is provided by Tualatin Valley Fire and Rescue which is the provider for the entire City of Beaverton and they have the capacity to serve the area. Parks, open space and recreation are provided by the Tualatin Hills Park and Recreation District which will continue to provide those services. This area is served by an east/west arterial (Barnes Road) and a north/south arterial (Cedar Hills Blvd.). SW Butner Road, a collector, provides access to two properties south of the Sunset Highway that are included in the proposed annexation area. These roads are maintained by Washington County and will be for the foreseeable future. The Sunset Highway (US 26) runs along the southern edge of the subject territory (except for the two properties) with an entrance/exit at Cedar Hills Blvd. and is a State maintained Freeway. TRI-MET provides mass transit to the area with a transit center abutting the subject territory on its southeast corner, which is served by light rail and five bus lines.

(2) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;

Findings: 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, Tualatin Valley Water District and Clean Water Services. These agreements follow a standard format, and prescribe coordination of the planning and development activities of the parties through notification to provide each with the opportunity to participate, review and comment on proposed comprehensive plan and land use regulation amendments and development actions requiring individual notice to property owners, as well as other specified activities. Annexations are not listed as actions that require notification of the other parties to the cooperative agreements. In fact, annexations are defined as not being development actions or land use regulation amendments. Therefore, the ORS Chapter 195 cooperative agreements listed above do not appear to be relevant to this proposed annexation.

The City has entered into an agreement with Tualatin Valley Water District that has been designated an ORS 195.065 Urban Service Agreement by the parties. The agreement defines long-term service areas for each party, independent of whether the area is in or outside the City. The subject area is defined as being within TVWD's long-term service area, and the proposed annexation would not change that. No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this proposed annexation.

The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services, which was updated as of July 1, 2004. The new agreement defines the subject area as being within the "Beaverton Area of Future Maintenance 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 of July 1 of any year if so requested by the City by January 1 of that year. If the proposed annexation is approved, it is the City's intent to notify Clean Water Services by January 1, 2005 that the City will assume the maintenance responsibilities for the area as previously described as of July 1, 2005.

(3) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;

Findings:

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.

After reviewing the Washington County Comprehensive Framework Plan for the Urban Area on the County's web site (reflecting changes through County Ordinance No. 598) as well as ordinances adopted subsequently up to the date of this staff report 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 it appears at the scheduled December 6, 2004 hearing on the proposal and states reasons why 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 have been working 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 have been resolved, a few issues remain between the County and the City that have prevented completion of the agreement. These issues do not relate to who provides services or whether they can be provided when needed in an efficient and cost effective manner so much as how the transfer of service provision responsibility occurs, particularly the potential transfer of employees and equipment from the County to the City. In staff's view, this can be resolved subsequent to annexation of the subject area and need not delay this proposed annexation.

Staff has reviewed other elements of the County Comprehensive Plan, particularly the Cedar Hills – Cedar Mill Community Plan that includes the subject area, and was unable to identify any provision relating to this proposed annexation.

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. The only relevant urban services defined by Metro Code Section 3.09.020(m) that will change subsequent to annexation are the maintenance of sanitary sewer lines under 24" in diameter and the maintenance of local and collector roads.

The change in sanitary sewer line maintenance is consistent with the aforementioned IGA between the City and Clean Water Services, which in turn is consistent with facilities master plans of both agencies.

The change in local and collector road maintenance is not specifically prescribed by any element of the Beaverton Comprehensive Plan or the Washington County Comprehensive Plan, but an understanding in 2002 between the Manager of the Washington County Operations Division, which currently maintains local and collector roads through the County's Urban Road Maintenance District, and the Director of the City's Operations Department, generally defines the conditions under which the City would assume maintenance responsibility subsequent to annexation. The proposed annexation should not adversely affect the Urban Road Maintenance District. Although revenues received by the District may be reduced slightly as a result of the annexation, the District's maintenance costs will also be reduced by the City assuming local and collector road maintenance in the area. Policy 6.2.7(g) of the City's Comprehensive Plan is to "Provide adequate funding for maintenance of the capital investment in transportation facilities." According to the Transportation Element of the Comprehensive Plan (page VI-62), the majority of the City's gas tax revenues are used for maintenance. "The City's pavement management program tracks pavement condition so that repairs can be made at an optimum time in pavement life. Pavement management projects are scheduled and funded through the City's capital improvement plan."

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

The regional framework plan, functional plan, and regional urban growth goals and objectives: These Metro documents do not specifically address minor boundary changes of this type.

The Washington County - Beaverton Urban Planning Area Agreement: Adopted in 1989, this agreement does not contain provisions relating to annexations, other than (1) calling for execution of a memorandum of understanding outlining the methodology for transferring County records regarding land use activities to the City after annexation; (2) calling for execution of a memorandum of understanding outlining responsibilities for collection of fees, inspections and drainage districts on platted subdivisions annexed to the City; and (3) prescribing that when the City applies plan and zoning designations subsequent to annexation that a table in the agreement be followed in determining which to apply based on existing County designations, or that the most similar designation be applied. The City is presently drafting a memorandum of understanding on records transfer for County consideration, and the City will also enter into a memorandum of understanding regarding fees collection and inspections if necessary (drainage maintenance districts are no longer used by Washington County). It has been the City's practice in the past to comply with the provision relating to the application of City plan and zone designations, through a subsequent process that will be done in this case if the area is annexed.

As discussed previously in this report, this annexation is consistent with all other agreements that the City is party to relating to annexations.

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

Findings: The affected territory will be withdrawn from the Enhanced Sheriff's Patrol District (ESPD) and the Urban Road Maintenance District (URMD). The subject territory will not be withdrawn from the legal boundary of any other necessary party by this action.

- (5) The proposed effective date of the decision.

Findings: The effective date for this annexation is thirty (30) days after the Mayor's signature on the ordinance or the date the records of the

annexation are filed with the Secretary of State (ORS 222.180), which ever is later.

3.09.050 (c) In order to have standing to appeal a boundary change to Section 3.09.070 a necessary party must appear at the hearing in person or in writing and state reasons why the necessary party believes the boundary change is inconsistent with the approval criteria. A necessary party may not contest a boundary change where the boundary change is explicitly authorized by an urban services agreement adopted pursuant to ORS 195.065. At any public hearing, the persons or entities proposing the boundary change shall have the burden to prove that the petition meets the criteria for a boundary change.

Findings: This section of Metro Code is included in this report for information only. It is not a criterion for decision. The City of Beaverton is the entity proposing this boundary change, and acknowledges that it has the burden to prove that the petition meets relevant criteria. The purpose of this petition/staff report is to prove that the relevant criteria for a boundary change under Metro Code have been met.

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: Existing agreements relevant to this annexation are discussed in findings above addressing Section 3.09.050(b)(2) of the Metro Code. 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, 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. Because a comprehensive urban service agreement has not been completed, it is not possible to consider adoption of an annexation plan. The City has entered into one agreement that has been designated an ORS 195.065 Urban Service Agreement with Tualatin Valley Water District and this proposed action is consistent with that agreement, as explained in the findings above addressing Metro Code Section 3.09.050(b)(2).

- (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: The acknowledged Washington County - Beaverton Urban

Planning Area Agreement (UPAA) does not contain provisions directly applicable to City decisions regarding annexation. As explained previously in this report, in findings addressing Metro Code Section 3.09.050(b)(3), the UPAA does address actions to be taken by the City after annexation, including annexation related Comprehensive Plan Land Use Map amendments and rezones. These actions will occur through a separate process. Findings discussing other relevant agreements, and demonstrating that the proposed annexation is consistent with those agreements, are located in the findings of this report addressing Metro Code Section 3.09.050(b)(2).

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

Findings: The City of Beaverton Comprehensive Plan Policy 5.3.1.d states: "The City shall seek to eventually incorporate its entire Urban Services Area." The subject property is within Beaverton's Assumed Urban Services Area and annexing it furthers this policy. There are no other specific directly applicable standards or criteria for boundary changes in Beaverton's Comprehensive Plan, Washington County's Comprehensive Plan, or the Public Facilities Plans of either jurisdiction and, therefore, this criterion is met.

(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: The Existing Conditions section of this petition/staff report contains information addressing how the provision of public facilities and services to the subject area would be affected by this annexation. As noted previously in this report, only two legally relevant urban services would change as a result of the proposed annexation, the maintenance of sanitary sewer pipes under 24" in diameter, and the maintenance of local and collector roads in the area. The City would also assume primary responsibility for police protection, maintenance of storm drainage facilities, maintenance of street lights, and planning, development review

and building permit issuance. The provision of public facilities to the area will not change.

The City has sufficient staff and budgetary resources to accommodate the provision of the public facilities and services, for which it would be responsible, to the subject area. The City's 2004-2005 Fiscal Year (FY) tax rate is approximately \$4.10 per thousand dollars of assessed property value, including the tax rate for bonded debt. The FY 2004-2005 tax rate, excluding bonded debt, is \$3.68 which is less than the City's authorized tax rate of \$4.62 authorized under State Ballot Measure 50 in 1997. This allows the City to generate more property tax revenues if needed to provide public facilities and services in a timely and orderly manner. The Beaverton City Council, however, is careful to balance the need to provide city facilities and services at an adequate level with the need to be good stewards of the taxpayers' money. The City Council has set eight goals for the City. Three of those goals that are relevant to this discussion are:

- Use City resources efficiently to ensure long-term financial stability;*
- Continue to plan for, improve and maintain the City's infrastructure;*
and
- Provide responsive, cost effective service to the community.*

One service that the City is especially concerned about providing at a high level is police protection. As a result of the passage of City Ballot Measure 34-52 in 1996, the City has maintained a ratio of approximately 1.5 police officers per thousand population. This contrasts with a ratio of approximately 0.9 officers per thousand population in the County's Enhanced Sheriff's Patrol District (ESPD), which presently encompasses the subject area. Partly because of this higher number of police officers per thousand population, in addition to other factors such as the present location of several high value industrial and commercial properties just outside the city but in the ESPD and the Urban Road Maintenance District (URMD), the City's tax rate is higher than the rate presently paid to those special districts. After annexation, area property owners would pay approximately \$2.72 more per thousand dollars in assessed valuation than they presently do, based on FY 2004-2005 tax rates. A decrease in the differential is possible in future years if higher value properties are annexed to the City and removed from the ESPD and URMD.

Based on the above information, staff concludes that the proposed annexation will not interfere with the timely, orderly and economic provision of public facilities and services, and that the City is financially able to provide the urban services that it will take over from CWS and the County. Staff is not aware of any evidence that such a takeover will

interfere with County's ability to continue to provide those services to areas remaining within the jurisdiction of the County's Urban Road Maintenance District or Enhanced Sheriff's Patrol District.

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

Findings: 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.

Findings: 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 under criterion number (3) above. The applicable Comprehensive Plan policy cited under criterion 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 (Exhibit A to this Petition/Staff Report) adopted by resolution and this proposed annexation is consistent with those policies. Staff finds this annexation with no associated development or land use approvals is consistent with State and local laws for the reasons stated above.

3.09.050 (e) When there is no urban service agreement adopted pursuant 195.065 that is applicable, and a boundary change decision is contested by a necessary party, the approving entity shall also address and consider, information on the following factors in determining whether the proposed boundary change meets the criteria of Sections 3.09.050(d) and (g). The findings and conclusions adopted by the approving entity shall explain how these factors have been considered.

Findings: There is no urban service agreement adopted pursuant to ORS 195.065 that is applicable to this area. At the time this staff report was completed, however, no necessary party had contested the proposed annexation. Nevertheless, staff has chosen to briefly address each of the applicable factors below, reserving the right to supplement the findings for each factor if the boundary change decision is contested by a necessary party.

- (1) The relative financial, operational and managerial capacities of alternative providers of the disputed urban services to the affected area;

Findings: Metro Code [3.09.020(m)] and Oregon Revised Statutes 195.065(4) defines "Urban Services" as meaning sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. The providers of these urban services are not in dispute for the area proposed for annexation if the annexation is approved, and there is no evidence that their financial, operational and managerial capacities to serve the area are inadequate.

- (2) The quality and quantity of the urban services at issue with alternative providers of the urban services, including differences in cost and allocations of costs of the services and accountability of the alternative providers;

Findings: The only providers of legally relevant urban services that will change as a result of this proposed annexation are maintenance of sanitary sewers and local roads. Sanitary sewer maintenance responsibility for pipes smaller than 24 inches in diameter will shift from Clean Water Services to the City's Operations Department. Maintenance of local roads in the area will be transferred, by separate action, from the Washington County Department of Land Use and Transportation to the City's Operations Department. There is no evidence that the quality or quantity of either of these services will be reduced as a result of the proposed annexation, or that there will be significant differences in their cost, allocation of costs or the accountability of the alternative providers.

- (3) Physical factors related to the provision of urban services by alternative providers;

Findings: As noted above, the only providers of legally relevant urban services that will change as a result of this proposed annexation are maintenance of sanitary sewers and local roads. There is no evidence of physical factors that would adversely affect the City's ability to provide these services as compared to the present providers.

- (4) For proposals to create a new entity the feasibility of creating the new entity.

Findings: No new entity is proposed and this criterion is not applicable.

- (5) The elimination or avoidance of unnecessary duplication of facilities;

Findings: *The City of Beaverton has previously taken action to eliminate and avoid the unnecessary duplication of facilities. Beaverton has annexed itself to the Tualatin Valley Fire and Rescue District because it was determined that the District could provide services and operate its facilities at a higher economy of scale. For the same reason, virtually all of Beaverton is in the Tualatin Hills Park and Recreation District. Beaverton is part of Washington County Cooperative Library System, allowing use of the City's highly rated library by all county residents, and use of other library facilities in the county by City residents. As previously discussed, pursuant to an intergovernmental agreement the City works cooperatively with Clean Water Services to maintain sanitary sewer pipes less than 24" in diameter within the City limits as well as to maintain certain stormwater management facilities. The City of Beaverton is a member of the Joint Water Commission (JWC), an intergovernmental group whose members also include Hillsboro, Forest Grove, and the Tualatin Valley Water District, which has jointly developed and operates water reservoirs and transmission lines. This proposed annexation will not create any duplication of facilities.*

(6) Economic, demographic and sociological trends and projections relevant to the provision of the urban services;

Findings: *Washington County has designated most of this area as part of the Sunset Transit Center Station Community, except for the western part which is part of the Cedar Mill Town Center. Both designations have resulted in County zoning that calls for more intense urban development, allowing higher density office, retail and residential land uses. The City has previously cooperated with the County and other affected local governments in planning for this area's projected growth and development. There is no evidence that the City of Beaverton will be unable to provide the services to this area for which it will be responsible given its economic, demographic and sociological trends and projections.*

(7) Matching the recipients of tax supported urban services with the payers of the tax;

Findings: *The Beaverton Police Department responds to emergency calls outside of the City limits. Beaverton provides approximately 1.5 police officers per 1,000 population compared to Washington County's Enhanced Sheriff Patrol District which provides approximately 0.9 deputies per 1,000 population. As this area develops at higher density it is anticipated that emergency responses will increase. The City is providing police protection to this unincorporated island and receiving no revenues in return. This annexation will provide tax revenues to support this service.*

- (8) The equitable allocation of costs to alternative urban service providers between new development and prior development; and

Findings: As explained above, as a result of the proposed annexation the City will take over maintenance of local and collector roads and sanitary sewer pipes under 24-inches in diameter. No other relevant urban service providers will change. Washington County will have to bring County maintained local and collector roads up to an agreed to standard, if they are not currently, before the City will accept maintenance responsibility. There is no evidence that the changes in service provision that would result from the proposed annexation will result in an inequitable allocation of costs to the previous service providers of the specified services and the City between new development and prior development.

- (9) Economies of scale.

Findings: The City of Beaverton's current boundaries create an inefficient situation for provision of urban services. The City of Beaverton believes it is the logical provider of services for its assumed urban service area, including the area that is the subject of this proposed annexation. There is no evidence that the City cannot offer the services for which it will be responsible in the area after annexation at an economy of scale that meets or exceeds that which is available to present service providers.

- (10) Where a proposed decision is inconsistent with an adopted intergovernmental agreement, that the decision better fulfills the criteria of Section 3.09.050(d) considering Factors (1) through (9) above.

Findings: There is no evidence that the proposed annexation of the subject territory is inconsistent with the various intergovernmental agreements relating to annexation that the City of Beaverton is party to.

3.09.050 (f) A final boundary change decision by an approving entity shall state the effective date, which date shall be no earlier than 10 days following the date that the decision is reduced to writing, and mailed to all necessary parties. However, a decision that has not been contested by any necessary party may become effective upon adoption.

Findings: The effective date for this annexation is recommended to be 30 days after the mayor signs an ordinance adopted by the City Council approving the annexation or the date the ordinance is submitted to the Secretary of State, by Metro, as provided in ORS 222.180 and Metro Code 3.09.030(e), which ever is later.

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 proposed annexation because the territory in question has been inside of the Portland Metro Urban Growth Boundary since the boundary was created.

CONCLUSION

Based on the information and findings in this petition and staff report, staff concludes that the proposed annexation should be approved by the Council through adoption of a City ordinance.

Exhibits:

- A. Resolution No. 3785
- B. Resolution No. 3789
- C. Legal Description
- D. A spreadsheet listing tax lot identification numbers, approximate acreage, Ballot Measure 50 value, real market building value and total real market value

EXHIBIT A

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).

EXHIBIT B

RESOLUTION NO. 3789

**A RESOLUTION DIRECTING CITY INITIATION OF
ANNEXATION OF TERRITORY**

WHEREAS, the City of Beaverton has adopted Urban Service Area and Corporate Limits Annexation Policies; 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; and

WHEREAS, the City now needs to identify particular areas to begin implementing the adopted Annexation Policies; therefore,

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

Council directs the Mayor to pursue the annexation of territory identified on the map attached hereto as Exhibit A to this resolution.

Adopted by the Council this 15th day of November, 2004.

Approved by the Mayor this 16th day of NOVEMBER, 2004.

Ayes: 5

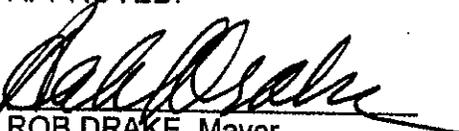
Nays: 0

ATTEST:



SUE NELSON, City Recorder

APPROVED:

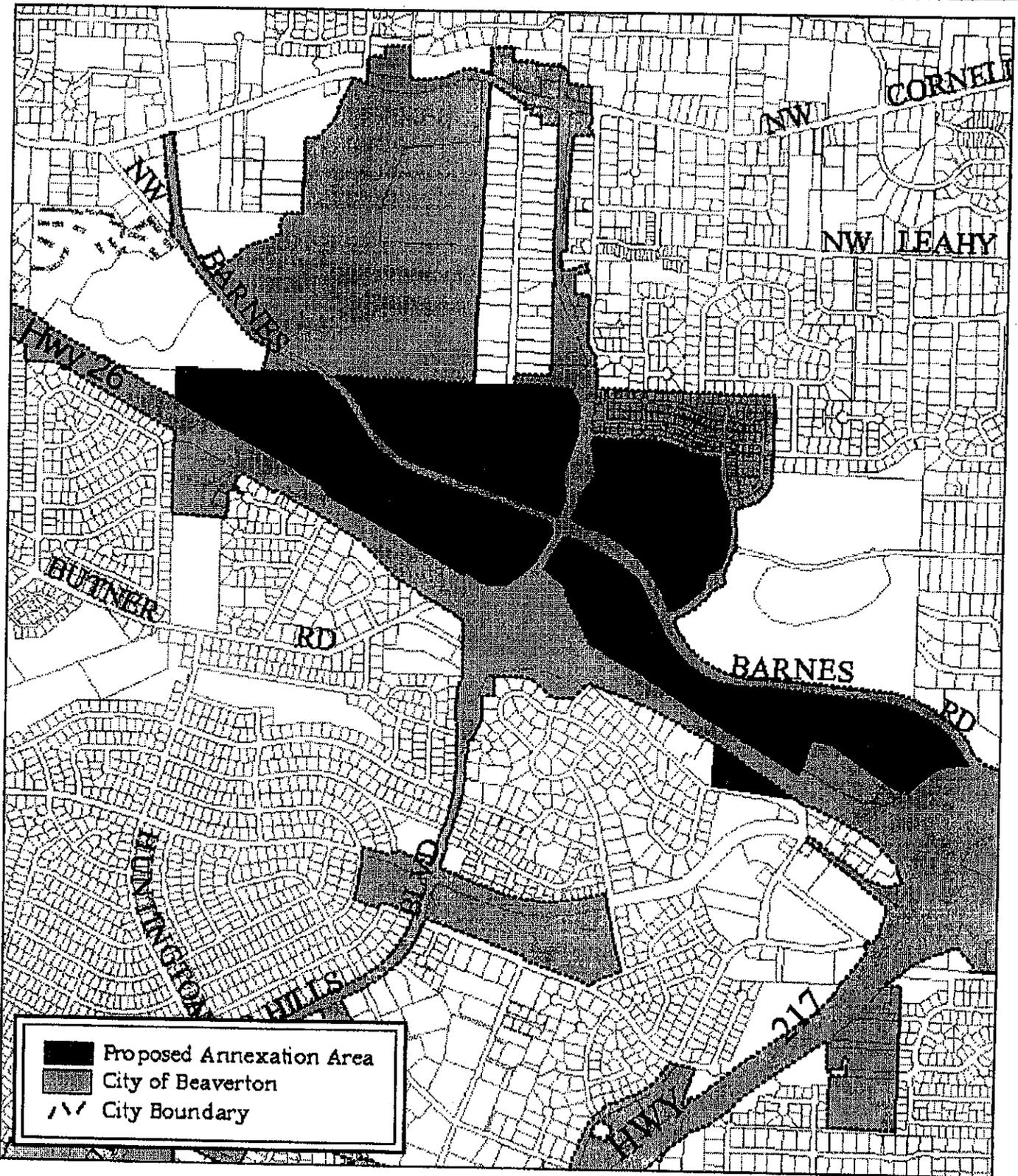


ROB DRAKE, Mayor

ANNEXATION MAP

Resolution
No. 3789

Exhibit A



City of Beaverton

Barnes Road / Cedar Hills Blvd. Area Annexation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

12/00/04

Map #
Various

Application #
ANX2004-0013

033

EXHIBIT C

Barnes Road / Cedar Hills Boulevard Area Annexation
ANX2004-0013

PARCEL 1

Beginning at a point in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 34, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon, said point being North 19.9 feet from the Southwest Corner of said Section 34; thence running East parallel with the south line of said Section 34 to the westerly right of way line of SW Barnes Road; thence running southeasterly along the southwesterly right of way of SW Barnes Road to the point of intersection with the westerly right of way of SW Cedar Hills Boulevard; thence southerly along said right of way line of Cedar Hills Boulevard until it becomes the northerly right of way line of U.S. Highway 26 (Sunset Highway); thence northwesterly along the northerly right of way line of U.S. Highway 26 until said right of way line intersects the south line of the Josiah Hall D.L.C. No. 58; thence east along the south line of Josiah Hall D.L.C. No.58 to a point on the north right of way line of SW Corby Drive; thence northwesterly along the northerly right of way line of SW Corby Drive to the point where the right of way line of SW Corby Drive bears North said point also being on the northerly right of way line of U. S. Highway 26; thence northwesterly along the northerly right of way line of U.S. Highway 26 to the point where the northerly right of way line of U.S. Highway 26 intersects the west line of Section 3 Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon; thence North 265.9 feet to the Southwest corner of Section 34, Township 1 North, Range 1 South, Willamette Meridian, Washington County, Oregon; thence North along the west line of said Section 34, 19.9 feet to the point of beginning.

Barnes Road / Cedar Hills Area Annexation
ANX2004-0013

Parcel 2

Beginning at the Southeast corner of the Southwest $\frac{1}{4}$ of Section 34, Township 1 North, Range 1 West, of the Willamette Meridian, Washington County, Oregon, said point also being the Northeast Corner of the Josiah Hall D.L.C. No. 58; thence West along the south line of said Section 34 to a point where said Section line intersects the Northeasterly right of way line of SW Barnes Road; thence southeasterly along said right of way line to a point where said right of way line intersects with the westerly right of way line of SW Cedar Hills Boulevard; thence northerly along said right of way line to a point where said right of way line of SW Cedar Hills Boulevard intersects with the south line of Section 34, Township 1 North, Range 1 West of the Willamette Meridian, Washington County, Oregon; thence west along the south line of said Section 34 to the point of beginning.

EXHIBIT D

**BASED ON INFORMATION FROM THE WASHINGTON COUNTY
DEPARTMENT OF ASSESSMENT AND TAXATION**

	Tax Lot Number	Acreage	Measure 50	Building Value	Total Value
1	1S102CA00600	0.8	\$450	\$0	\$600
2	1S102CA00500	3.3	\$2,070	\$0	\$2,760
3	1S102CB00100	22.1	\$161,340	\$158,700	\$176,790
4	1S103AD00500	4.7	\$0	\$0	\$0
5	1S103A001600	15.6	\$16,641,550	\$16,633,280	\$24,825,760
6	1S102CB00600	1.9	\$519,630	\$116,200	\$1,008,090
7	1S102CB00500	0.8	\$227,240	\$18,120	\$355,100
8	1S102CB00400	0.4	\$222,780	\$89,290	\$415,460
9	1S103A001700	9.5	\$416,180	\$0	\$416,180
10	1S102CB00300	0.1	\$3,060	\$0	\$5,660
11	1S103A001900	30.8	\$11,890	\$0	\$15,990
12	1S103AB00100	20.4	\$1,337,660	\$1,700,500	\$2,127,390
13	1S103BA01100	7.8	\$634,960	\$0	\$1,003,020
14	1S103BA01000	8.2	\$0	\$0	\$183,000
15	1S103BA01200	1.6	\$472,300	\$0	\$747,280
16	1S103BA01300	1.0	\$537,810	\$502,080	\$855,300
17	1S103BA01400	0.4	\$92,740	\$10,250	\$189,760
18	1S103BA02100	0.3	\$305,140	\$310,170	\$429,050
19	1S103BA02000	0.5	\$1,029,490	\$1,271,580	\$1,518,510
20	1S103BA01900	0.3	\$157,610	\$93,410	\$223,930
21	1S103BA01800	0.2	\$95,530	\$107,740	\$211,260
22	1S103BA01700	0.3	\$85,370	\$12,160	\$133,680
23	1S103BA01600	0.2	\$21,830	\$0	\$35,520
24	1S103BA01500	1.8	\$4,246,970	\$3,385,680	\$4,435,780
25	1S103BA00400	0.8	\$285,480	\$0	\$461,940
26	1S103BA00600	0.3	\$798,660	\$1,042,410	\$1,247,270
27	1S103BA00300	2.4	\$831,160	\$0	\$1,344,940
28	1S103BA00200	0.5	\$178,970	\$0	\$289,600
29	1S103BA00100	0.4	\$158,140	\$0	\$255,890
30	1S103BA00700	0.1	\$0	\$0	\$0
31	1S103BA00800	3.5	\$2,763,730	\$3,780,820	\$4,716,040
32	1S103BA00900	2.8	\$0	\$0	\$27,000
33	1S103BB00200	0.3	\$170,160	\$88,640	\$261,490
34	1S103BB00500	4.1	\$476,230	\$110,890	\$749,290
35	1S103BB00600	5.0	\$0	\$0	\$97,800
36	1S103BB00900	0.2	\$98,920	\$51,410	\$149,550
37	1S103BB90000	1.7	\$0	\$0	\$0

	Tax Lot Number	Acreage	Measure 50	Building Value	Total Value
38	1S103BB90171	0	\$71,530	\$122,080	\$122,080
39	1S103BB90151	0	\$71,530	\$122,080	\$122,080
40	1S103BB90131	0	\$71,530	\$122,080	\$122,080
41	1S103BB90111	0	\$71,530	\$122,080	\$122,080
42	1S103BB90122	0	\$71,530	\$122,080	\$122,080
43	1S103BB90142	0	\$71,530	\$122,080	\$122,080
44	1S103BB90162	0	\$71,530	\$122,080	\$122,080
45	1S103BB90182	0	\$71,530	\$122,080	\$122,080
46	1S103BB90091	0	\$71,530	\$122,080	\$122,080
47	1S103BB90071	0	\$71,530	\$122,080	\$122,080
48	1S103BB90051	0	\$71,530	\$122,080	\$122,080
49	1S103BB90031	0	\$71,530	\$122,080	\$122,080
50	1S103BB90011	0	\$71,530	\$122,280	\$122,280
51	1S103BB90022	0	\$71,530	\$122,080	\$122,080
52	1S103BB90042	0	\$71,530	\$122,080	\$122,080
53	1S103BB90062	0	\$71,530	\$122,080	\$122,080
54	1S103BB90082	0	\$71,530	\$122,080	\$122,080
55	1S103BB90102	0	\$71,530	\$122,080	\$122,080
56	1S103BB01100	2.2	\$86,620	\$0	\$159,380
57	1S103BB01200	0.9	\$108,010	\$139,190	\$224,690
58	1S103BB01300	1.1	\$48,330	\$0	\$85,500
59	1S103BB01400	2.7	\$228,430	\$127,700	\$392,270
60	1N133DD00500	0.6	\$12,220	\$0	\$29,930
TOTALS					
	TOTALS	162.6	\$34,756,200	\$31,947,860	\$52,006,090



RECORD COPY

City of Beaverton
Attorney's Office

MEMORANDUM

TO: Mayor and City Council
FROM: Alan A. Rappleyea, City Attorney 
DATE: December 20, 2004
RE: Findings for Annexation 2004-0013

The annexation complies with ORS Chapter 222 and does not violate any Constitutional rights. ORS 222.750 specifically allows annexations without a vote if the property annexed is within an "island" as defined by statute. Island annexations have been upheld and determined not to violate Constitutional rights in Rivergate Residents Ass'n v. PMALGBC, 70 Or App 205, 689 P2d 326 (1985).

There is no statutory requirement that all properties within an island be annexed to a City. The statute provides that when territory "is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore or stream, bay, lake or other body of water, it is within the power and authority of that city to annex such territory." ORS 222.750. There is nothing in this statute that requires the City to annex all of the territory inside such an island. Such a requirement would likely violate home rule provisions of the Oregon Constitution. Article XI, Section 2, Oregon Constitution. To read otherwise would to improperly insert language into this statute to make it read that the city is required to annex all the territory. Like the current annexation where the City seeks to avoid splitting a parcel between two jurisdictions and requiring one parcel to comply with two different land use codes, there will often be situations where a city will not want to annex an entire island. There may be situations where a city is only capable of serving half of a large island. Including new language into the statute to require the City to annex the entire island is not reasonable. This is why the legislation does not require the City to annex entire islands.

Allowing cities to use water courses and not annex the entire island does not open up vast areas to annexation. Taken to the ridiculous, the City of Beaverton could annex all of North America as it is surrounded by water and borders of the city limits. Applying reasonable standards to this statute, the City has annexed properties, together with the body of water and surrounded the property in question here. It is very unlikely that this provision could be used to reach very far from a City and certainly is not the case here. In the present case, as mentioned in the supplemental staff report, Cedar Mill Creek is a perennial stream and is listed as such by CWS. Here, it only cuts off a small corner of the annexation. If the City tried to reach too far a field using this statutory provision, the overall reasonableness requirements would not be met. Portland General Electric v. City of Estacada, 194 OR 145, 241 P2d 1129 (1952); DLCD v. City of St. Helens, 138 Or App 222, 907 P2d 269 (1995). Here, using this small segment of stream and not splitting a parcel between two jurisdictions clearly meets this reasonableness test.

040

The statutes do not make any exception prohibiting the use of roads for annexation. Such an exception would not make any sense. To require the consent of the hundreds of property owners who potentially have some remote property interest in a road would confound Oregon law on annexation. That is why no court has found such a requirement and counties are allowed to consent to annexations of roads. The Court of Appeals has specifically cited to the requirement that cities obtain the counties consent to annex right of way. Cape v. City of Beaverton, 187 Or App 463, 68 P3d 261 (2003). To read into the statute that roads cannot be used to create an island would again, require the insertion of language into the statute that is not there. Roads are often annexed as they are a very important part of municipal service. Utilities and other governmental services use these corridors. To impose such a requirement would be contrary to the intent of the annexation statutes. Roads are often used in annexing properties by use of "cherry stems" and this method of annexation has been approved by the courts. DLCD v. City of St. Helens, 138 Or App 222, 907 P2d 269 (1995); Morsman v. City of Madras, CA 2003-170 (August 6, 2004)(affirming the determination of the reasonableness of the use of the road for a "cherry stem" annexation). Finally, the time to challenge the validity of the annexation of these roads has long since past. There is a conclusive presumption of validity of this annexation one year after the effective date. ORS 12.270. All the road annexations surrounding this property are over one year old.

Please also see attached the consents to annexation of ROW from ODOT and the County.

AAR:crs



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

Office of the Director

355 Capitol St. NE

Rm 135

Salem, Oregon 97301-3871

February 15, 2002

FILE CODE:

Mr. Joseph Grillo
Community Development Director
City of Beaverton
P.O. Box 4755
Beaverton, OR 97076-4755

RECEIVED
FEB 21 2002
COMMUNITY DEVELOPMENT

RE: Request to Annex ODOT – Owned Properties and Right-of-Ways

Dear Mr. Grillo: ^{JDE}

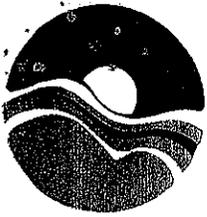
Thank you for your recent inquiry about the possibility of annexing certain ODOT properties and right-of-ways into the City of Beaverton. This letter is to confirm the Oregon Department of Transportation's consent to annex ODOT-owned property and right-of-ways to the City of Beaverton at such time as the City deems it appropriate. As the Director of ODOT, I would request the City annex such properties and right-of-ways consistent with the ongoing efforts of Washington County/Hillsboro/Beaverton urban service area agreement concept that defines such ultimate area as consistent with the Beaverton/Hillsboro School District boundaries.

If you should have any questions concerning the Department's position or need additional information, please contact me or John Rosenberger, Executive Deputy Director.

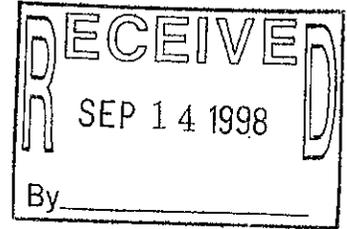
Sincerely,

Bruce A. Warner
Director





WASHINGTON
COUNTY,
OREGON



September 10, 1998

Mayor Rob Drake
City of Beaverton
P.O. Box 4755
Beaverton OR 97076

RECEIVED

SEP 14 1998

COMMUNITY DEVELOP DEPT.

RE: REQUEST TO ANNEX COUNTY-OWNED PROPERTIES TO THE CITY

Dear Mayor Drake:

On Tuesday, August 18, 1998 the Board of Commissioners considered your request for a letter of confirmation indicating the county's intent to annex county-owned property within Beaverton's urban service area at such time as the city requests such properties.

This letter is to confirm the county's consent to annex county-owned property to the city of Beaverton at such time as the city deems it appropriate. The Board requested that I clarify the county's position that, prior to resolution of the SB 122 work, if the city desires annexation west of 185th we would discuss those property annexations on a case by case basis.

If you have questions concerning the county's position or need additional information, please contact me.

Sincerely,

Charles D. Cameron
County Administrator

- c: Bob Davis, Support Services
Larry Eisenberg, Facilities
Susan Wilson, Housing Services
John Rosenberger, LUT
Board of County Commissioners
Joe Grillo, Community Development Director

043

SUPPLEMENTAL STAFF REPORT

REPORT DATE: December 13, 2004

TO: City Council

FROM: Community Development Department
Hal Bergsma, Planning Services Manager *HB*
Alan Whitworth, Senior Planner *Alan*

SUBJECT: Response to issues raised at the public hearing or in writing regarding the Barnes Road/Cedar Hills Blvd. (ANX 2004-0013) and Mobile Home Corral (ANX 2004-0014) Island Annexations

ISSUES AND STAFF RESPONSES

Jim Cape submitted letters dated December 6, 2004 and December 13, 2004. The December 6 letter makes four basic points regarding the Barnes Road/Cedar Hills Blvd. Annexation, which are as follows:

- **Issue: Lack of posting.** Mr. Cape states a belief that we were required to post each of the 60 tax parcels, but states no reason for this belief.
Staff Response: The posting requirement comes from Metro Code Section 3.09.030(b). Metro Code states: *"The approving entity shall give notice of its proposed deliberations by mailing notice to all necessary parties, by weatherproof posting of the notice in the general vicinity of the affected territory, and by publishing notice in a newspaper of general circulation in the affected territory. Notice shall be mailed and posted at least 45 days prior to the date of decision for major boundary changes and for those minor boundary changes which are not within the scope of adopted urban service provider agreements and for which a shorter notice agreed to by all necessary parties."* The Code language does not specify that a sign should be posted for each affected property, nor does it specify posting of any particular number of signs. Eight signs were posted in the vicinity of the proposed annexation and staff contends that this meets or exceeds the requirements of Metro Code.
- **Issue: Lack of timely published notice.** Mr. Cape states: "The Nov 25 published notice in the Valley Times for the Dec 6 hearing doesn't meet the standard."
Staff Response: The newspaper notice requirement comes from Oregon Revised Statutes Section 222.120(3) which states: *"The city legislative body*

shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period." Notice of the public hearing was posted once each week for the two weeks just prior to the public hearing, on November 25, 2004 and December 2, 2004, in the Valley Times, a newspaper of general circulation in the Beaverton area. This requirement has been complied with. Mr. Cape does not state why he believes we did not meet the standard or what he believes the standard to be.

- **Issue: Incorrect use of "body of water".** Mr. Cape states: "The Cedar Mill Creek is a seasonal wet spot in this area. The annexation doesn't reach the creek. Why not use the Pacific Ocean? The northwest part of this annexation isn't an "island" annexation or a "body of water boundary" annexation and cannot be annexed by this process." In his December 13 letter Mr. Cape expands on this issue and requests that the City "...include in the public record a valid map of the annexation area showing Cedar Mill Creek and arrows showing how the City is claiming a "body of water boundary"."

Staff Response: The reference to "body of water" relates to ORS Section 222.750 which states: "*Annexation of unincorporated territory surrounded by city. When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore or a stream, bay, lake or other body of water, it is within the power and authority of that city to annex such territory. However, this section does not apply when the territory not within a city is surrounded entirely by water. Unless otherwise required by its charter, annexation by a city under this section shall be by ordinance or resolution subject to referendum, with or without the consent of any owner of property within the territory or resident in the territory.*" Mr. Cape implies that an island annexation and a "body of water boundary" annexation are two separate types of annexation. An annexation done pursuant to ORS 222.750 is commonly referred to as an island annexation and staff is unaware of any section of statutes that is referred to as a "body of water boundary" annexation. Cedar Mill Creek is a stream and is listed as such by Clean Water Services. Webster's New Collegiate Dictionary defines creek as "...a natural stream of water normally smaller than and often tributary to a river...". Cedar Mill Creek is used to form a small section of the edge of the island for the subject area, as shown on the attached map. The City Attorney has opined that when an island is created we can annex all of the island or just part of it. The City has not chosen to annex the property

through which Cedar Mill Creek flows because only part of the property could be annexed using the island annexation method, and the City would prefer to annex an entire property. The owners of the parcel through which Cedar Mill Creek flows, however, have submitted a petition for an expedited annexation. Mr. Cape asks why not use the Pacific Ocean? The City does not use the Pacific Ocean because our boundaries do not touch the Pacific. If a city had an area surrounded by their boundaries and the Pacific Ocean they could use it to form an island. Mr. Cape states a belief ... "that Cedar Mill Creek is a seasonal wet spot...", but does not supply any supporting information or references to back up this belief. It is shown as a perennial stream on the United States Geological Survey (USGS) map for the area.

- **Issue: "You broke you word."** Mr. Cape states in both of his letters that the City of Beaverton is backing away from its previously stated position that it would not force annexations.

Staff Response: At a public meeting in December, 2000 where the City Council was considering approval of an annexation agreement, members of the City Council stated it was their position that the City should not force annexations. At the time, this generally reflected the City's approach to annexation. This has never been a formal City policy, however. Recently, the City has become more aware of the degree to which the City has been providing services to adjacent unincorporated area at no cost to property owners and residents of those areas. This is particularly true of emergency police responses, as noted in testimony by Police Chief Bishop at the combined December 6 public hearing on the subject annexation applications, as well as library services. The City has also determined that other potential means of annexing islanded areas are unlikely to be effective. Therefore, on November 1, 2004 the City Council chose to adopt Resolution No. 3785 setting new City annexation policies, including a policy and a rationale for annexing "those unincorporated areas that generally exist inside the City's corporate limits". The subject annexations reflect the new City annexation policies.

Roland Stewart spoke at the public hearing and submitted a letter submitted a letter dated December 7, 2004. The letter makes four basic points regarding the Barnes Road/Cedar Hills Blvd. Annexation, which are as follows along with staff response.

- **Issue:** Mr. Stewart states that there is potential economic damage to the annexation area due to annexation.

Staff Response: Mr. Stewart provides no specifics that staff can respond to. Staff believes that being within Beaverton corporate boundaries will be an economic benefit to the area.

- **Issue:** Mr. Stewart states that he did not find a definition for "body of water" in ORS 222 and that he did not find the word "creek" in ORS 222.750. **Staff Response:** The statute lists "stream" as one of the features that can create a boundary under ORS 222.750 and Cedar Mill Creek fits the definition of a stream (see definition above).
- **Issue:** Mr. Stewart says he reviewed Black's Legal Dictionary and did not find definitions for "body of water", "creek" or "stream". **Staff Response:** Staff is unclear as to how this is relevant to the issue before the City Council.
- **Issue:** Mr. Stewart states that he did not have time to review the tapes of the committee meetings and/or floor debate on the bill that added ORS 222.750 to the statutes and he is hopeful that such review will be unnecessary. **Staff Response:** Staff is unclear as to how Mr. Stewart believes this is relevant to the matter before the Council.

Issue: Timing of the mailed notice. Jack Meeke spoke at the public hearing and stated that he did not receive his notice until 42 days prior to the public hearing.

Staff Response: Metro Code Section 3.09.030(b) states: *"The approving entity shall give notice to all necessary parties, by weatherproof posting of the notice in the general vicinity of the affected territory, and by publishing notice in a newspaper of general circulation in the affected territory. Notice shall be mailed and posted at least 45 days prior to the date of decision for major boundary changes and for those minor boundary changes which are not within the scope of adopted urban service provider agreements and for which a shorter notice agreed to by all necessary parties."* The Metro Code requirement specifies that notice must be mailed, not received, at least 45 days prior to the "date of decision", not the hearing date. The date of decision is scheduled to be December 13, 2004, when the Council conducts a second reading of an ordinance approving the annexation and then takes action to adopt the ordinance. An affidavit of mailing in the casefile for ANX 2004-0014 states that notice was mailed October 26, 2004 which is 48 days prior to the date of decision. Staff would point out that a city initiating an annexation is only required to mail notice to the necessary parties by Metro Code. Additionally, the City is required to mail notice to the closest NAC and to the CPO by City Code. Metro Code defines

"Necessary party" as ... *"any county, city or district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory or who provides any urban service to any portion of the affected territory, Metro, and any other unit of local government, as defined in ORS 90.003, that is a party to any agreement for provision of an urban service to the affected territory."* Even though the City was not required to mail notice of the hearing to the property owners staff chose to do so.

Issue: Annexation of the residential neighborhood along 114th Avenue.

Carolyn Sellke spoke at the public hearing regarding the Barnes Road/Cedar Hills Blvd. annexation. Ms. Sellke's property at 550 NW 114th Avenue is not included in the proposed annexation. She expressed concern that if this annexation was approved she would be in an island and could be annexed.

Staff Response: Ms. Sellke's property is currently in an island and the City could have included 114th Street south of Cornell Road and north of Barnes Road in this annexation, but did not. The City's Annexation Policies adopted by Resolution No. 3785 states that *"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."* There currently are no plans to annex the neighborhood Ms. Sellke lives in. Resolution No. 3785 gives higher priority to annexing undeveloped and redeveloping industrial, commercial and residential properties, as well as small existing residential neighborhoods within a neighborhood that is largely incorporated within the City of Beaverton.

Issue: City plans regarding annexation of larger residential

neighborhoods. **Harry Bodine** spoke regarding annexations in general. He was interested in the City's plans for the Cedar Hills, Raleigh Hills, Cedar Mill and Bethany neighborhoods.

Staff Response: The City's Annexation Policies referenced above do not specifically address this issue, other than the statement quoted in response to the previous issue. In the future, the City may consider use of the island annexation method to annex larger islanded residential neighborhoods, but only after gathering more information about: (1) the condition of public infrastructure/facilities in the neighborhood, (2) the cost of providing City service levels to the area in question; and (3) the amount of revenue that would be derived from the neighborhood if it is annexed relative to the costs of serving it and making any necessary improvements to its public facilities. After this information is gathered, and if it is determined annexation of the area is in the best interests of the City, the City would engage in a discussion of the situation with neighborhood residents and elected officials and staff of affected local governments, including the County, to consider the how to approach annexation of the area.

Issue: The appropriateness of annexing the Mobile Home Corral when it is just a small, stable property at the edge of the City. In a letter to Councilor Soth dated December 7, 2004, **Thomas Barron**, a resident of the mobile home park, questions whether, given its size and stability, its annexation is appropriate. Mr. Barron notes that the impact of higher City taxes on the lower income residents of the mobile home park could affect the livability of his vibrant "community". Mr. Barron also asks why the hurry to annex the "geographically insignificant Corral" since the area north of Center Street is still in the county.

Staff Response: To begin, Mr. Barron is incorrect about the area north of Center Street still being in the county. Several properties directly north of the Mobile Home Corral across Center Street are in the city and have been for some time. They are developed with an apartment complex and a new single family residential project. As for the effect of annexation on the livability of the Mobile Home Corral Community, there will be an increase in property taxes paid by the property owner as well as the owners of the mobile homes. As noted in the original staff report, this increase presently would be \$2.72 per thousand dollars of assessed valuation. (The differential between unincorporated area and City of Beaverton property tax rates may change in the future.) This increase will pay for the higher number of police officers that will serve the area in the future as well as other services such as maintenance of the City roads that Mobile Home Corral residents use for access, 117th Avenue and Center Street. Finally, it should be noted that the Mobile Home Corral may be redeveloped in the future, whether it is annexed or not. The present density of development on the property is about 12 dwelling units per acre. The County zoning for the property is Residential 25+ units per acre (R-25+) which allows up to 100 dwelling units per acre. Given the proximity of this property to the Beaverton Transit Center, the relatively low value of improvements on the property relative to land value, and the potential for significantly increase residential densities, it is certainly possible the property will redevelop in the future.

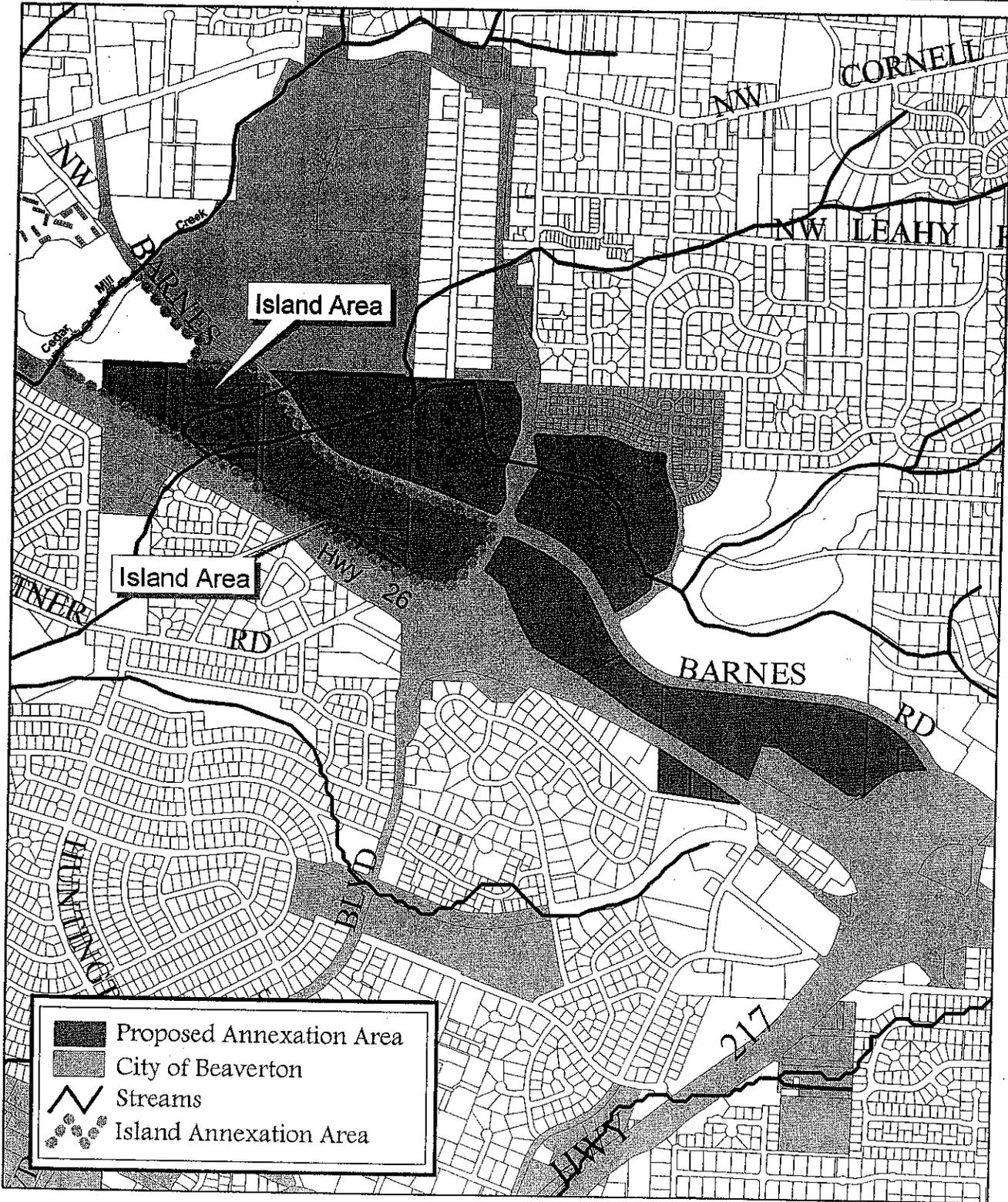
Issue: The future provision of water service to the Mobile Home Corral. On page 11 of the staff report on ANX 2004-0014 it is stated that the West Slope Water District (WSWD) provides water service to the area, and that pursuant to a 1990 agreement between the City and the District, the District will continue to provide service, maintenance and perform billing after annexation. On page 14 of the staff report it is noted that the City and the Tualatin Valley Water District (TVWD) have entered into an agreement that defines long-term service areas for each party, but that "The subject area is not defined by the agreement as being within the long-term service area of either party, and the proposed annexation would not change that." **Tom Ramisch**, the Director the of the City's Engineering Department, has noted that this information is not correct. The City/TVWD agreement does address the subject area, and defines it as being in the City's water service area at such time that WSWD is no longer the provider of water service.

Mr. Ramisch has also noted that Mayor Drake recently sent a letter to WSWD notifying the District that the City will not renew the 1990 agreement when it expires on July 9, 2005. Therefore, after that date areas within the City that are also within WSWD and are to be the City's water service responsibility according to the City's agreement with TVWD may be withdrawn from WSWD. The exact timing of that change in water service responsibility is not known at this time.

Staff Response: Pursuant to this supplemental staff report, staff hereby amends the original staff report as follows:

- On page 11 of the report, the section on water is changed to read:
"West Slope Water District (WSWD) provides water service to the area. ORS 222.520 allows cities to assume water service responsibilities when annexing less than an entire district. The City entered into an intergovernmental agreement with West Slope in 1990 that the City would not withdraw property from the District upon annexation. On November 23, 2004 Beaverton Mayor Rob Drake wrote a letter to Mr. Art Holmen, Chairman of the Board of the West Slope Water District, notifying the District that the 1990 agreement when it expires on July 9, 2005. The letter explains that the City does not have specific plans for withdrawal of territory from the District, and that City will notify the District of any proposed boundary change and hear any District concerns with the proposal at that time. Pursuant to a separate agreement with the Tualatin Valley Water District (TVWD) the City will be the long term provider of water service to the subject area if and when it is withdrawn from WSWD."
- The first full paragraph on page 14 of the report is amended to read:
"The City has entered into an agreement with the Tualatin Valley Water District that has been designated an ORS 195.065 Urban Service Agreement by the parties. The agreement defines long-term service areas for each party, independent of whether the area is in or outside the City. The subject area is defined by the agreement as being within the long-term service area for the City, and the proposed annexation would not change that. No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this proposed annexation."

ANNEXATION MAP



City of Beaverton

Barnes Road / Cedar Hills Blvd. Area Annexation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

12/06/04

Map#
Various

N



Application#
ANX2004-0013

051



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

I, Susan A Nelson, 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 11 day of January, 2005

Susan A Nelson

CITY OF BEAVERTON }
COUNTY OF WASHINGTON }
STATE OF OREGON }
as CERTIFICATION

I, 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 _____ day of _____