Final Documents

For

Annexation to the
City of Beaverton

WA2705
Ordinance 4353
DOR 34-1744-2004
Sec. State: AN-2005-0143

Final to DOR:

Signature:

Date of Mailing: 5/26/05

Final to Secretary of State:

Signature:

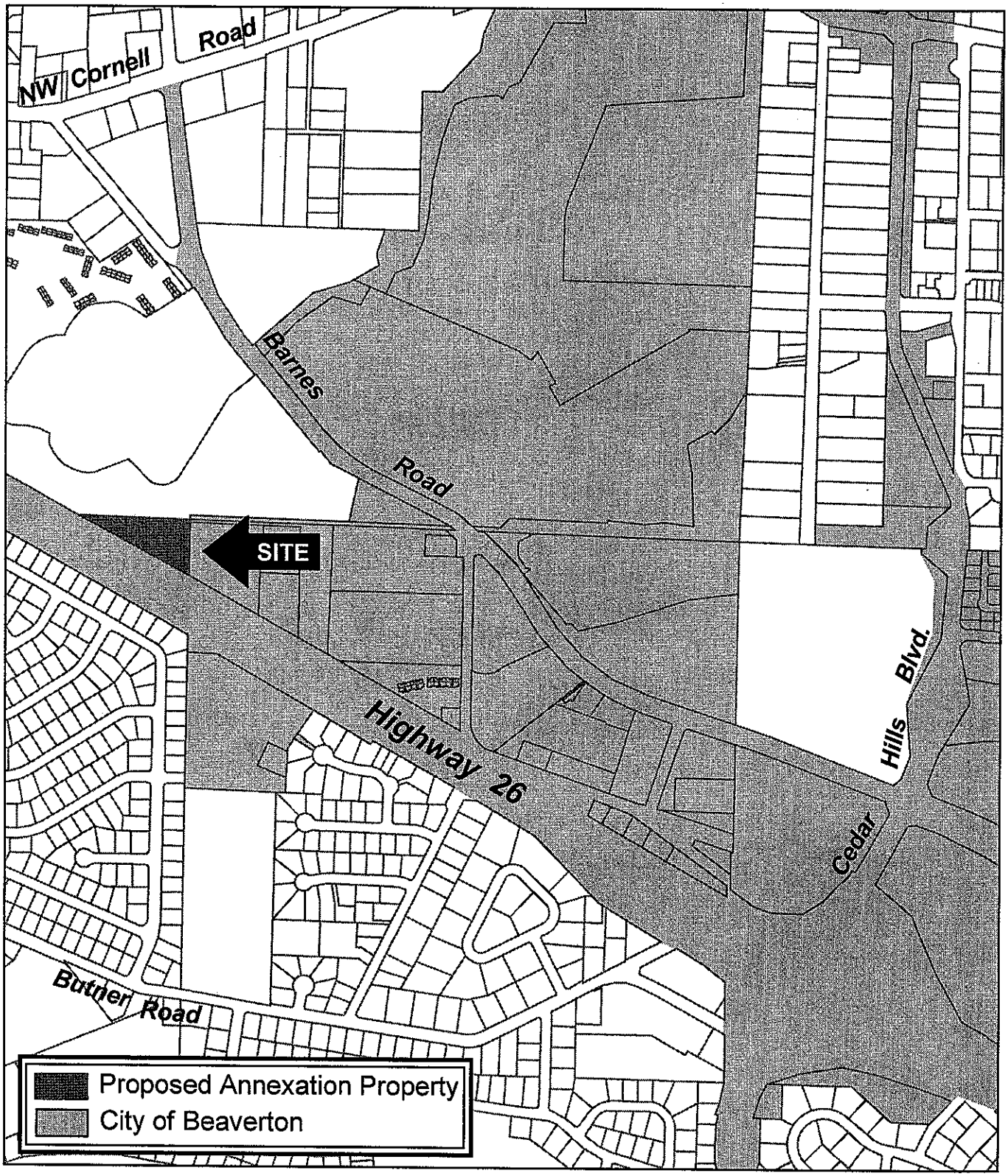
Date of Mailing: 6/22/05

WA2705	Sent	Received
DOR:	5/26/05	6/7/05
Sec. State:	6/22/05	6/27/05
Assessor:	6/22/05	
Elections:	6/22/05	
Mapped:	Yes	
Address Information:		
	1S104AA00100	No Site Address

VICINITY MAP

ORDINANCE NO. 4353

EXHIBIT A



CITY OF BEAVERTON

Elkins Family Partnership Expedited Annexation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

11/24/04

Map # 1s104AA00100

N

Application # ANX 2004-0015

Office of the Secretary of State

Bill Bradbury
Secretary of State

Archives Division
ROY TURNBAUGH
Director

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

Facsimile (503) 373-0953

June 23, 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 June 23, 2005, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
ORD NO 05-73 (Clean Water Services District)	SD 2005-0090
ORD NO 2005-02 (City of Forest Grove)	AN 2005-0142
ORD NO 4353 (City of Beaverton)	AN 2005-0143
ORD NO 2005-10 (City of Forest Grove)	AN 2005-0144
ORD NO 5521 (City of Hillsboro)	AN 2005-0145

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

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

Sincerely,

Linda Bjornstad

Linda Bjornstad
Official Public Documents

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

DOR 34-1744-2005

Notice to Taxing Districts

ORS 308.225

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

Description and Map Approved
June 7, 2005
As Per ORS 308.225

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

☒ Description ☒ Map received from: METRO
On: 5/31/2005

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

ANNEX TO CITY OF BEAVERTON; WITHDRAW FROM WASH. CO. URBAN RD MAINT. DIST. AND WASH CO. ESPD WA2705

ORD #4353 (ANX2004-0015)

has been: ☒ Approved 6/7/2005
☐ Disapproved

Notes:

Department of Revenue File Number: 34-1744-2005

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

Elkins Family Partnership Expedited Annexation

ANX 2004-0015

That certain parcel of land located in the Northeast Quarter of the Northeast Quarter of Section 4, Township 1 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the Northeast Corner of Section 4, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon; thence west along the north line of said Section 4 to a point where said north line intersects the Northerly right of way line of US Highway 26 (Sunset Highway); thence southeasterly along the Northerly right of way line of US Highway 26 to a point where said Northerly right of way line intersects with the east line of said section 4; thence North along the east line of said Section 4 to the point of beginning.

ORDINANCE NO. 4353

AN ORDINANCE ANNEXING PROPERTY LOCATED IMMEDIATELY NORTH OF THE SUNSET HIGHWAY AND GENERALLY SOUTHWEST OF NW BARNES ROAD TO THE CITY OF BEAVERTON: EXPEDITED ANNEXATION 2004-0015

WHEREAS, This expedited annexation was initiated under authority of ORS 222.125, whereby the owner of the property, with no electors, has consented to annexation; 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, City policy as adopted in Resolution No. 2660, Sections 2 and 4, is to extend City services to properties through annexation; and

WHEREAS, In accordance with the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Service Plan" the Washington County Board of Commissioners consented to the annexation of this property by the City of Beaverton at its February 1, 2005 Board meeting; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The property shown on Exhibit A and more particularly described in Exhibit B is hereby annexed to the City of Beaverton, effective 30 days after Council approval and signature by the Mayor.

Section 2. The Council accepts the staff report attached hereto as Exhibit C, 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 upon 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 Enhanced Sheriff Patrol District will be withdrawn from the district; and
c. The City having annexed into the Tualatin Valley Fire and Rescue District in 1995, the property to be annexed by this Ordinance shall be annexed to or remain within that district; and
d. The territory will remain within boundaries of the Tualatin Valley Water District.

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 this 2nd day of May, 2005.

Passed by the Council this 16th day of May, 2005.

Approved by the Mayor this 17th day of MAY, 2005.

ATTEST:

Catherine L. Jansen
Deputy City Recorder for
SUE NELSON, City Recorder

APPROVED:

Rob Drake
ROB DRAKE, Mayor

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

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

Dated this 17TH **day of** MAY, 2005

Catherine L. Jansen
Catherine L. Jansen
Deputy City Recorder

EXHIBIT B

Elkins Family Partnership Expedited Annexation

ANX 2004-0015

That certain parcel of land located in the Northeast Quarter of the Northeast Quarter of Section 4, Township 1 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the Northeast Corner of Section 4, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon; thence west along the north line of said Section 4 to a point where said north line intersects the Northerly right of way line of US Highway 26 (Sunset Highway); thence southeasterly along the Northerly right of way line of US Highway 26 to a point where said Northerly right of way line intersects with the east line of said section 4; thence North along the east line of said Section 4 to the point of beginning.

ORDINANCE NO.4353

CITY of BEAVERTON

EXHIBIT C

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

STAFF REPORT

TO: City Council **REPORT DATE:** April 13, 2005

AGENDA DATE: May 2, 2005

FROM: Community Development Department
Alan Whitworth, Senior Planner

SUBJECT: Elkins Family Partnership Expedited Annexation (ANX 2004-0015)

ACTIONS: Annexation to the City of Beaverton of one parcel with no assigned street address. The property is shown on the attached map, identified as tax lot 1S104AA 00100, and more particularly described by the attached legal description. The annexation of the property is owner initiated (petition attached) and is being processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045.

NAC: This property is not currently within a Neighborhood Association Committee (NAC). The Neighborhood Office is recommending that this property not be added to a NAC at this time.

AREA: Approximately 1.5 acres

TAXABLE BM 50 ASSESSED VALUE: $ 71,130

ASSESSOR'S REAL MARKET VALUE: $ 156,670

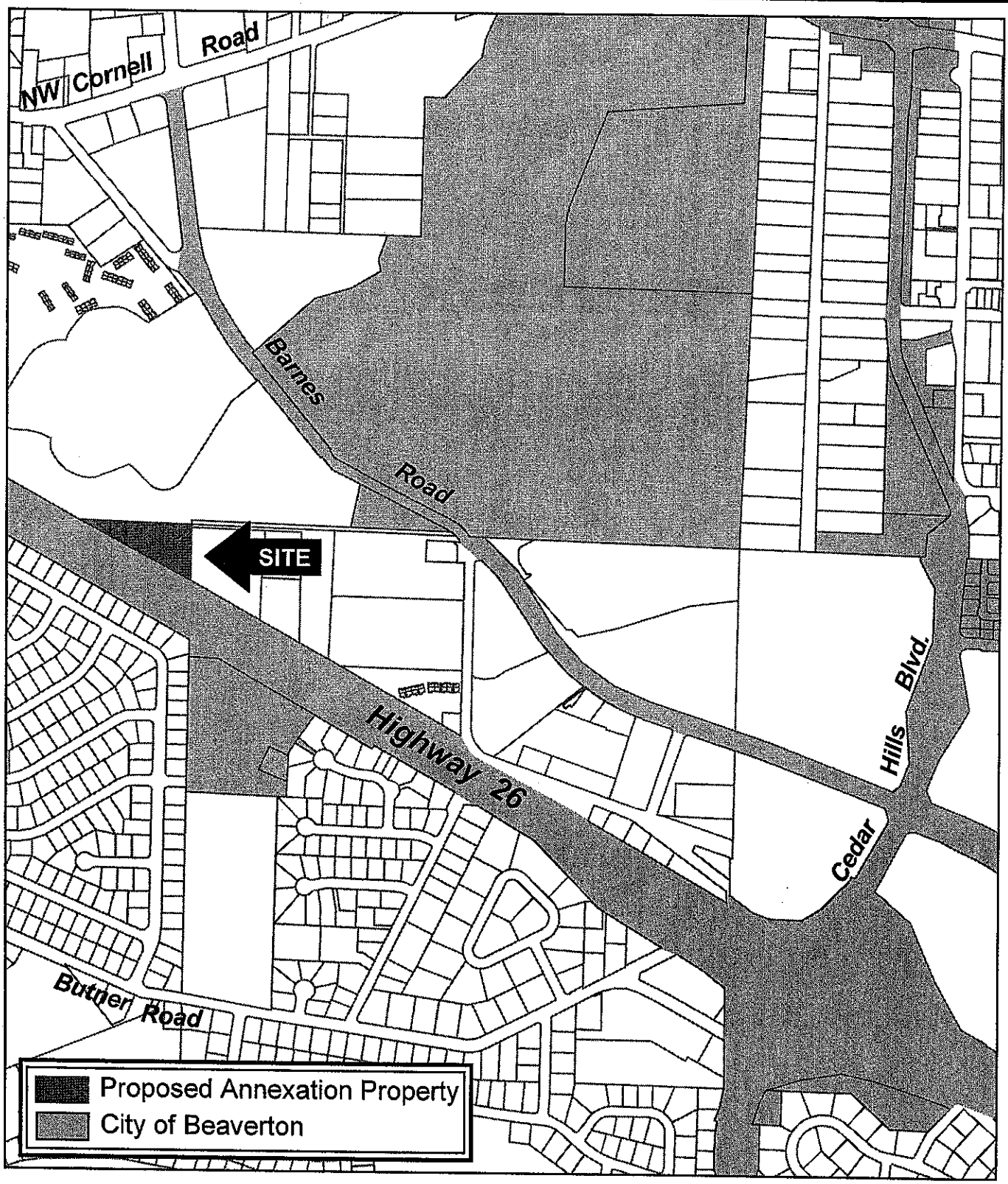
NUMBER OF LOTS: 1

EXISTING COUNTY ZONE: Transit Oriented: Residential 24-40 units to the acre

RECOMMENDATION

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

VICINITY MAP



City of Beaverton

Elkins Family Partnership Expedited Annexation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

11/24/04

Map # 1s104AA00100

N

Application # ANX 2004-0015

BACKGROUND

The request is to annex one tax parcel located with no assigned street address. The parcel is approximately 1.6 acres and vacant. The property owner has consented to the annexation. This consent allows this to be processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045 and no public hearing is required.

The Neighborhood Office is recommending that this property not be added to Neighborhood Association Committee.

In December the City and Washington County entered into an Intergovernmental Agreement that established an area "A", in which the City could proceed with annexations without County consent, and an area "B", in which the City would need to obtain County consent to proceed with annexation. This proposed annexation is in area "B". The Washington County Board of Commissioners consented to the City of Beaverton annexing this property at its February 1, 2005 Board meeting.

EXISTING CONDITIONS

SERVICE PROVISION:

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

- The City has entered into ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire and Rescue District, Tualatin Hills Parks and Recreation District, 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.
- On December 22, 2004 the City entered into an intergovernmental agreement with Washington County defining areas that the City may annex for ten

years from the date of the agreement without opposition by the County. The property proposed for annexation by this application is not within one of those areas, but as noted in the background section of this report, the Washington County Board of Commissioners consented to the City's annexation of this property at its February 1, 2005 meeting, as evidenced by the attached minutes of that meeting.

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 the property. The City annexed its own fire services to TVF&R in 1995. TVF&R is designated as the long-term service provider to this area.

SEWER: There currently is a 12-inch sanitary sewer pipe that crosses the western portion of the property that is available to serve this property. 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 we would not withdraw property from the District when we annex it. TVWD will continue to provide service, maintenance and perform billing.

STORM WATER DRAINAGE: This parcel is currently undeveloped and drainage is provided by a stream, Cedar Mill Creek, that crosses the property and then flows under the Sunset Highway. If the site develops in the future, storm drainage should be reviewed in the development review process. Upon annexation, billing responsibility will transfer to the City.

STREETS and ROADS: Access to this property is via W. Stark Street, which is a narrow gravel road (driveway) on a separate parcel also owned by the petitioner. Stark connects to Barnes Road. Better road access would be required if this parcel were to develop.

PARKS and SCHOOLS: The proposed annexation is within both the Beaverton School District and the Tualatin Hills Parks 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 3.09.045, the City sent notice of the proposed annexation on or before April 12, 2005 (20 days prior to the agenda date) to all necessary parties including Washington County, Metro, affected special districts and County service districts. Additionally, the City sent notice to the following parties:

- Dianne Harr, representing Elkins Family Limited Partnership, the property owner;
- The Central Beaverton and Five Oaks Neighborhood Association Committees and the Cedar Hills/Cedar Mill Citizen Participation Organization; interested parties as set forth in City Code Section 9.06.035.

Notices of the proposed annexation will also be posted in the Beaverton Post Office, City Library and City Hall. The notice and a copy of this 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 Chapter 3.09 (Local Government Boundary Changes). Metro Code Section 3.09.050 includes the following minimum criteria for annexation decisions:

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

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

Findings: This staff report addresses the provision of services in detail and the provision of these services is consistent with cooperative agreements between Beaverton and the service providers. 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 under existing conditions relating to water service .

As previously noted, On December 22, 2004 the City entered into an intergovernmental agreement with Washington County, titled the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Services Plan" defining areas that the City may annex for ten years from the date of the agreement without opposition by the County, and referencing ORS 195.065(1). The property proposed for annexation by this application is just outside the ten year annexation areas but consistent with the agreement, the County Board of Commissioners has agreed to its annexation. No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this proposed annexation.

(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 City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services, which was updated as of July 1, 2004. Exhibit 'A' to the new agreement defines subject areas as being within the "Beaverton Area of Assigned Service Responsibility" where, subsequent to annexation, specified maintenance responsibilities for sanitary sewer lines under 24 inches in diameter and for certain storm drainage facilities and surface water management functions would transfer to the City of July 1 of any year if so requested by the City by January 1 of that year. A letter from Gary Brentano, Director of the Beaverton Operations Department, to Robert Cruz, Deputy General Manager of Clean Water Services dated December 21, 2004 notes that the City is engaged in efforts to annex a number properties that are expected to continue into 2005, and that the City wishes to provide service to all areas annexed by the City by July 1, 2005. According to Mr. Brentano, subsequent

discussions with Clean Water Services staff members confirm that sanitary sewers less than 24" in diameter and the storm drainage system in the areas proposed for annexation by this application will become the City's maintenance responsibility as of July 1 of 2005 if the proposed annexation is approved.

The acknowledged Washington County – Beaverton Urban Planning Area Agreement (UPAA) does not contain provisions directly applicable to City decisions regarding annexation. The UPAA does address actions to be taken by the City after annexation, including annexation related Comprehensive Plan Land Use Map amendments and rezones. These actions will occur through a separate process.

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

Findings:
<u>Comprehensive Plans:</u> 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 February 7, 2005 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. As previously noted the County and the City have entered into an intergovernmental agreement that sets an interim urban services plan area in which the County commits to not oppose annexations by the City.

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

<u>Public Facilities Plans</u>: 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 could not identify any provisions in the Washington County Public Facilities Plan relevant to this proposed annexation.

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

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

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

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 in number 3 above. The applicable Comprehensive Plan policy cited under number 3 above was acknowledged pursuant to Department of Land Conservation and Development Order 001581 on December 31, 2003, meaning it became unnecessary for the City to address the Statewide Planning Goals after that date in considering proposed annexations. There are no other criteria applicable to this boundary change in State Law or local ordinances. The City of Beaverton does have Annexation Policies (attached) adopted by resolution and this proposed annexation is consistent with those policies. Staff finds this voluntary annexation with no associated development or land use approvals is consistent with State and local laws for the reasons stated above.

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

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

Exhibits: Annexation Petition
Legal Description
City Annexation Policies
Board of County Commissioners Consent Item and Consent Agenda Minutes

Annexation Petition

CITY OF BEAVERTON
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING SERVICES
4755 S.W. GRIFFITH DRIVE
P.O. BOX 4755
BEAVERTON, OR 97076-4755
PHONE: (503) 350-4039

PETITION FOR A CONSENT ANNEXATION

PURSUANT TO ORS 222.125

PLEASE USE ONE PETITION PER TAX LOT

FOR OFFICE USE

FILE NAME: Elkins Family Partnership Expedited Annexation

FILE NUMBERS: ANX 2004-0015

MUST BE SIGNED BY ALL OWNERS. IF THE OWNER IS A CORPORATION OR AN ESTATE THE PERSON SIGNING MUST BE AUTHORIZED TO DO SO. MUST ALSO BE SIGNED BY NOT LESS THAN 50 PERCENT OF ELECTORS (REGISTERED VOTERS), IF ANY, RESIDING ON THE PROPERTY.

PROPERTY INFORMATION

MAP & TAX LOT	STREET ADDRESS (IF ASSIGNED)	# OF OWNERS	# OF RESIDENT VOTERS	# OF RESIDENTS
1S14AA-00100	None	1	0	0

CONTACT PERSON ☐ USE MAILING ADDRESS FOR NOTIFICATION

PRINT OR TYPE NAME	BUSINESS NAME	PHONE #
Diane M. Harr	Elkins Family Limited Partnership	503 255-8151

ADDRESS: 4127 NE 131st Place Portland, OR 97230-1419

SIGNATURES OF OWNERS AND ELECTORS CONSENTING TO ANNEXATION (CONTINUED ON BACK)

☒ OWNER
☐ ELECTOR

PRINT OR TYPE NAME	SIGNATURE	DATE
Diane M. Harr, Owner/Manager	Diane M. Harr	11/8/04

MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS
4127 NE 131st Place Portland, OR 97230-1419

LEGAL DESCRIPTION

Elkins Family Partnership Expedited Annexation

ANX 2004-0015

That certain parcel of land located in the Northeast Quarter of the Northeast Quarter of Section 4, Township 1 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the Northeast Corner of Section 4, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon; thence west along the north line of said Section 4 to a point where said north line intersects the Northerly right of way line of US Highway 26 (Sunset Highway); thence southeasterly along the Northerly right of way line of US Highway 26 to a point where said Northerly right of way line intersects with the east line of said section 4; thence North along the east line of said Section 4 to the point of beginning.

RESOLUTION 3785
CITY ANNEXATION POLICY

RESOLUTION NO. 3785

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

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

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

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

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

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

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

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

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

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

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

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

Ayes: 4 Nays: 0

ATTEST:

SUE NELSON, City Recorder

APPROVED:

ROB DRAKE, Mayor

City of Beaverton Urban Service Area and Corporate Limits Annexation Policies

A. City of Beaverton Urban Service Area Policy

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

B. City of Beaverton Corporate Limits Policy

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

Board of County Commissioners
Consent Item and Consent Agenda Minutes

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Consent – County Administrative Office

Agenda Title: **CONSENT TO ANNEXATION BY CITY OF BEAVERTON**

Presented by: Charles Cameron, County Administrator

SUMMARY

On December 21, 2004 your Board approved an intergovernmental agreement with the City of Beaverton that defines an interim urban services plan for the Beaverton Urban Service Area. The area is divided into two sub areas, Area A represents the area the City aspires to serve first and Area B represents the City's longer term areas of interest.

The agreement provides that the County will not object to annexations by the City of urban unincorporated properties within Area A. It further provides that the City will not promote, initiate or accept annexation of any property outside of the Area A boundary without written consent from the County.

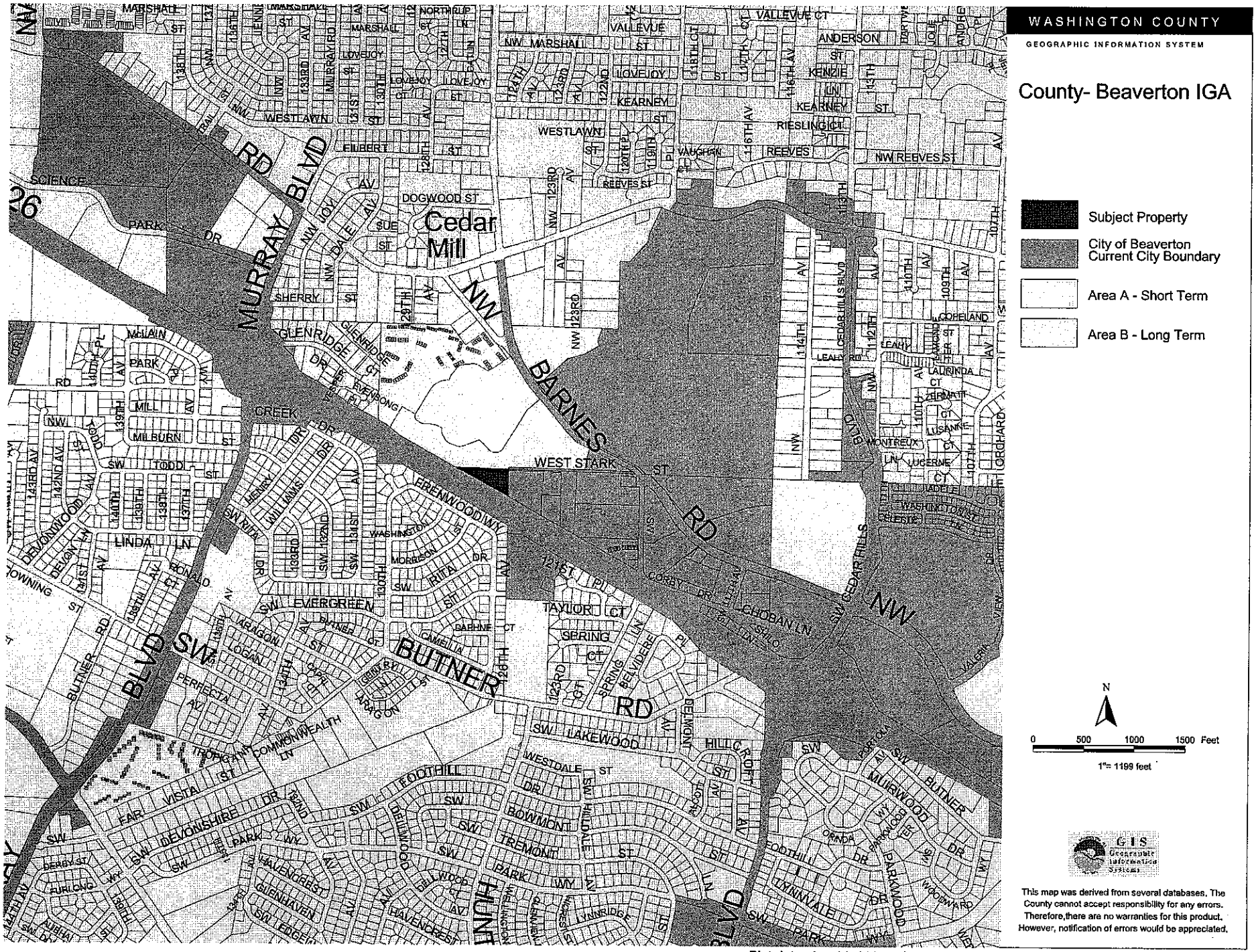
The City has requested the County consent to the annexation of a parcel (tax lot 1S104AA00100) adjacent to, but outside of Area A. This City received a petition for annexation from the property owner, Elkins' Family Limited Partnership, on November 8, 2004. The annexation process had not been completed prior to adoption of the intergovernmental agreement. The parcel is approximately 1.52 acres. The subject property is identified on the attached map.

Attachments: Map

COUNTY ADMINISTRATOR'S RECOMMENDATION:

Consent to the annexation of TL 1S104AA00100 to the City of Beaverton.

Agenda Item No.	**1.i.**
Date:	02/01/05



Plot date: Jan 14, 2005; c:\gis_maps_temp\cao_tax\beaverton_iga\iga_011405.apr

MINUTES

WASHINGTON COUNTY BOARD OF COMMISSIONERS

FEBRUARY 1, 2005

CONVENED: 10:15 a.m.

BOARD OF COMMISSIONERS:
Chairman Tom Brian
Vice Chair Andy Duyck
Commissioner Dick Schouten
Commissioner John Leeper
Commissioner Roy Rogers

STAFF:
Dan Olsen, County Counsel
Loretta Skurdahl, Senior Assistant County Counsel
Kathy Lehtola, Director, LUT
Dave Schamp, Operations Manager, LUT
Suzanne Savin, Senior Planner, LUT
James Elam, County Surveyor, LUT
Jeff Friend, AudioVisual Specialist
Recording Secretary
Minutes by Barbara Hejtmanek

PRESS:
Henry Stern, *The Oregonian*

APPROVAL OF MINUTES:
January 18, 2005

CONSENT AGENDA

Chairman Brian announced the following modifications to the Consent Agenda:

- An off docket item from Land Use and Transportation and County Counsel entitled "Request Authority to File Measure 37 Ordinance" is added to the Consent Agenda.
- Item h. is deferred to February 15, 2005.
- Item j. is removed from today's agenda.

It was moved to adopt the Consent Agenda, as modified.

Motion – Rogers
2nd – Leeper
Vote – 5-0

1.a.
CWS MO 05-9
Award Contract for Purchase of Hydrated Lime from Ash Grove Cement Company (Approved Under Consent Agenda)

LAND USE AND TRANSPORTATION

1.b.
RO 05-19
Approve Declaration of Necessity and Protective Rent Payments for the Cornelius Pass Road/Frances to Johnson Project (CPO 6, 9) (Approved Under Consent Agenda)

1.c.
RO 05-20
Accept Local Improvement District Petition and Direct Preparation of a Feasibility Report for Creps Road (CPO 14) (Approved Under Consent Agenda)

1.d.
RO 05-21
Establish the Roads in Chailand Heights and Brittany Place as a County Road (CPO 6) (Approved Under Consent Agenda)

1.e.
RO 05-22
Approve Establishment of a Road Maintenance Local Improvement District (MLID) for Copper Canyon Estates (CPO 1) (Approved Under Consent Agenda)

1.f.
RO 05-23
Approve Establishment of a Road Maintenance Local Improvement District (MLID) for Newville (CPO 1) (Approved Under Consent Agenda)

1.g.
RO 05-24
Establish the Roads in Willow Creek Heights, Willow Creek Heights No. 2, and Partition Plat as a County Road (CPO 7) (Approved Under Consent Agenda)

COUNTY ADMINISTRATIVE OFFICE

1.h.
MO 05-27
Adopt the Fiscal Year 2005-06 Budget Policies (Continued to February 15, 2005)

1.i.
MO 05-28
Consent to Annexation by City of Beaverton (Approved Under Consent Agenda)

COMMUNITY DEVELOPMENT

1.j.
MO 05-29
Approve Community Development Block Grant Project Agreement – Community Partners for Affordable Housing's Greenburg Oaks Apartments Project (Removed From Agenda)

HEALTH AND HUMAN SERVICES

1.k.
MO 05-30
Grant Waiver/Authorization to Contract for Mental Health Services for Indigent, Uninsured Adults and Children (Approved Under Consent Agenda)

1.l.
MO 05-31
Grant Waiver/Authorization to Contract for Emergency Medical Services Consultant (Approved Under Consent Agenda)

SUPPORT SERVICES

1.m.
MO 05-32
Accept Proposal and Award Contract for Clinical Laboratory Services (Approved Under Consent Agenda)

1.n.
MO 05-33
Approve Option to Extend Contract and Increase Contract Expenditure for Liability Claims Adjusting Services (Approved Under Consent Agenda)

SERVICE DISTRICT FOR LIGHTING NO. 1-A COUNTY SERVICE DISTRICT

1.o.
SDL RO 05-6
Form Assessment Area, Authorize Maximum Annual Assessment and Impose a First Year Assessment for Renaissance Point III AKA Renaissance Point II Phase II (CPO 6) (Approved Under Consent Agenda)

1.p.
SDL RO 05-7
Form Assessment Area, Authorize Maximum Annual Assessment and Impose a First Year Assessment for Alvina Estates (CPO 6) (Approved Under Consent Agenda)

2. ORAL COMMUNICATION (2 MINUTE OPPORTUNITY)

None.

3. BOARDS AND COMMISSIONS

3.a.
MO 05-24
Announce Vacancies on Boards and Commissions

Chairman Brian announced vacancies on the Children and Families Commission and invited interested parties to contact the Administrative Office for a volunteer application. He indicated that there are a number of other Boards and Committees on which the public can participate.

4. PUBLIC HEARING – LAND USE AND TRANSPORTATION

4.a.
MO 05-25
Consider Appeal under Resolution and Order 77-76 of Right-of-Way Permit (CPO 14)

Chairman Brian summarized today's procedure for this hearing:

1. Staff Report
2. Appellant has 5 minutes to state his/her grounds for having the denial of the previous action overturned.
3. Any other interested parties have 3 minutes to state concerns with upholding or overturning the staff decision.
4. The appellant has a rebuttal period of 2 minutes.
5. The public hearing will be closed.
6. Board discussion and deliberation on the matter will ensue.

Dave Schamp referenced a packet of information, which was provided to the Board and interested parties by Kathy Lehtola. He said that the packet includes a copy of his letter to Mr. Boyk denying his request to modify permit 696-I, which outlines the reason for that denial. Mr. Schamp stated that Mr. Boyk was granted the opportunity to provide additional information relevant to this request. He told the Board the packet contains Mr. Boyk's request for modification. Mr. Schamp summarized that Mr. Boyk desires to provide a concrete bumper at the southwest corner of an existing concrete wall. He went on to say that the packet also holds portions of the original permit that was issued to Mr. Boyk for construction of that wall in 1994.