

Final Documents

For

Annexation to the  
**City of Beaverton**

WA6904  
Ordinance 4326  
DOR 34-1706-2004  
Sec. State: AN-2004-0259

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

Signature:

 \_\_\_\_\_

Date of

Mailing: 11/10/04

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

Signature:

 \_\_\_\_\_

Date of

Mailing: 11/30/04

WA6904

Sent

Received

DOR: 11/10/04 11/22/04

Sec. State: 11/30/04 12/6/04

Assessor: 11/30/04

Elections: 11/30/04

Mapped: Yes

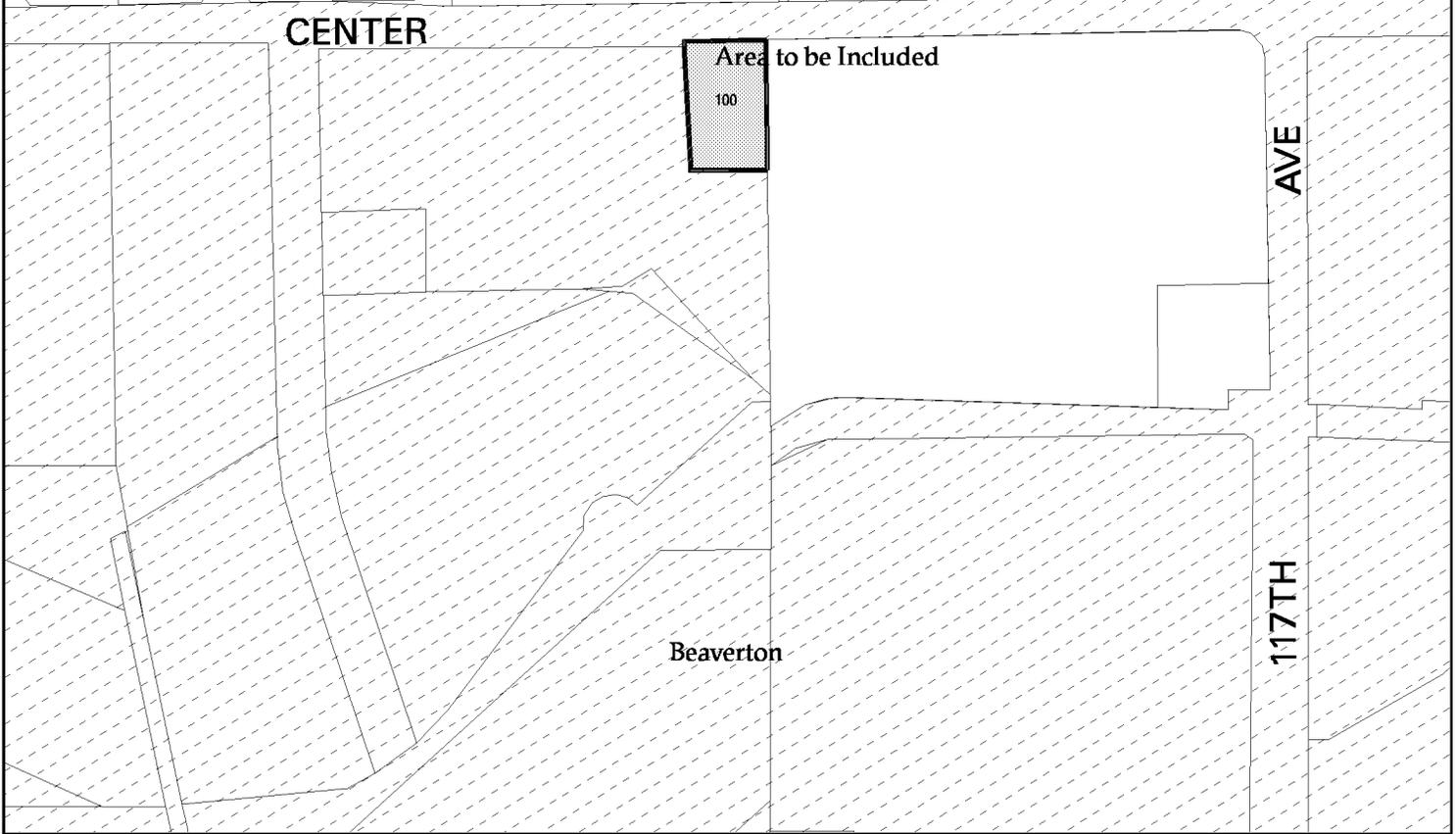
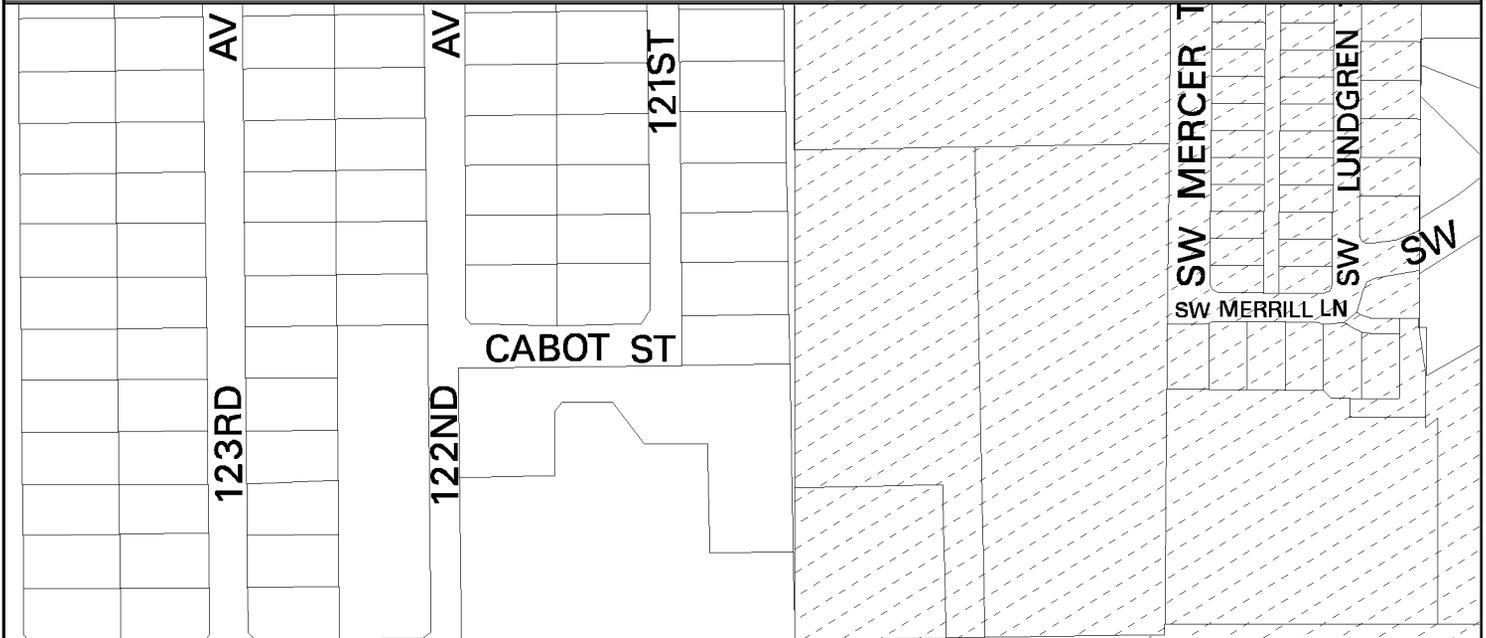
Address Information: 1S110CC00100 12030 SW Center Street

# Proposal No. WA6904

1S1W10

Annexation to the City of Beaverton

Washington Co.



R L I S  
REGIONAL LAND INFORMATION SYSTEM



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

**METRO**

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

County lines

City

Annexation boundary

Urban Growth Boundary

Proposal No. WA6904  
CITY OF BEAVERTON  
Figure 1

Scale: 1" = 250'



Office of the Secretary of State

Bill Bradbury  
Secretary of State



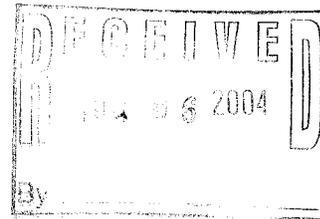
Archives Division  
ROY TURNBAUGH  
Director

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

Facsimile (503) 373-0953

December 2, 2004

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



Dear Mr. Knight:

Please be advised that we have received and filed, as of December 2, 2004, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
ORD NO 04-137	SD 2004-0113 (Clean Water Services)
ORD NO 04-138	SD 2004-0114 (Clean Water Services)
ORD NO 4326	AN 2004-0259 (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**  
**November 22, 2004**  
**As Per ORS 308.225**

Description     Map received from:  
 On: 11/12/2004

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

ANNEX TO CITY OF BEAVERTON  
 ANX 2004-0012. WITHDRAW FROM SEVERAL DISTRICTS

ORD. #4326 (WA6904)

has been:     Approved            11/22/2004  
                    Disapproved

Notes:

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Department of Revenue File Number: 34-1706-2004

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. 4326

AN ORDINANCE ANNEXING PROPERTY LOCATED AT 12030  
SW CENTER STREET TO THE CITY OF BEAVERTON:  
EXPEDITED ANNEXATION 2004-0012

- WHEREAS,** This expedited annexation was initiated under authority of ORS 222.125, whereby the owners of the property and a majority of the electors have 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; 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.** Pursuant to Beaverton Code Section 9.06.035A, this property shall be added to the Central Beaverton Neighborhood Association boundaries.
- Section 3.** The Council accepts the staff report, dated September 23, 2004, 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 4.** 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 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 be annexed to or remain within that district; and
  - e. The territory will remain within boundaries of the Tualatin Valley Water District.

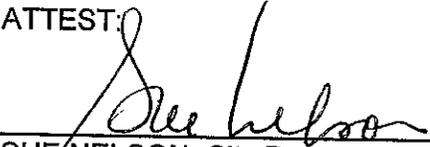
- Section 5.** The Council finds that this annexation complies with all other applicable criteria set out in Metro Code Chapter 3.09 as demonstrated in the staff report attached as Exhibit C.
- Section 6.** The City Recorder shall place a certified copy of this Ordinance in the City's permanent records, 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 7.** 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 18th day of October, 2004.

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

Approved by the Mayor this 20<sup>th</sup> day of NOVEMBER, 2004.

ATTEST:

  
 SUE NELSON, City Recorder

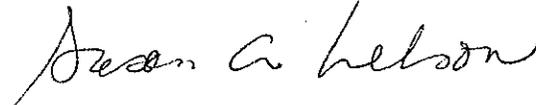
APPROVED:

  
 ROB DRAKE, Mayor

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 4 day of November, 2004



ORDINANCE NO. 4326

**Exhibit "B"**

**LEGAL DESCRIPTION**

**ANX 2004-0012**

**12030 SW CENTER STREET EXPEDITED ANNEXATION**

A parcel of land (consisting entirely of tax lot 1S 1 10CC 100) situated in the Southwest 1/4 of Section 10, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon; more particularly described as follows:

Beginning at a point on the South line of SW Center Street, said point bears South 01° 11' East, a distance of 20.00 feet from the Northwest corner of the Lockerman DLC No. 45; thence South 01° 11' East, a distance of 180.00 feet; thence South 88° 44' West, a distance of 100.00 feet; thence North 01° 11' West, a distance of 180.00 feet, to a point on said South line; thence along said South line, North 88° 48' East, a distance of 100.00 feet to the point of beginning.



# 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:** September 23, 2004

**AGENDA**

**DATE:** October 18, 2004

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

**SUBJECT:** 12030 SW Center Street Expedited Annexation (ANX 2004-0012)

**ACTIONS:** Annexation to the City of Beaverton of one parcel located at 12030 SW Center Street. The property is shown on the attached map, identified as tax lot 1S110CC 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 be added to the Central Beaverton NAC boundaries.

**AREA:** Approximately 0.4 acres

**TAXABLE BM 50 ASSESSED VALUE:** \$ 99,640

**ASSESSOR'S REAL MARKET VALUE:** \$ 151,240

**NUMBER OF LOTS:** 1

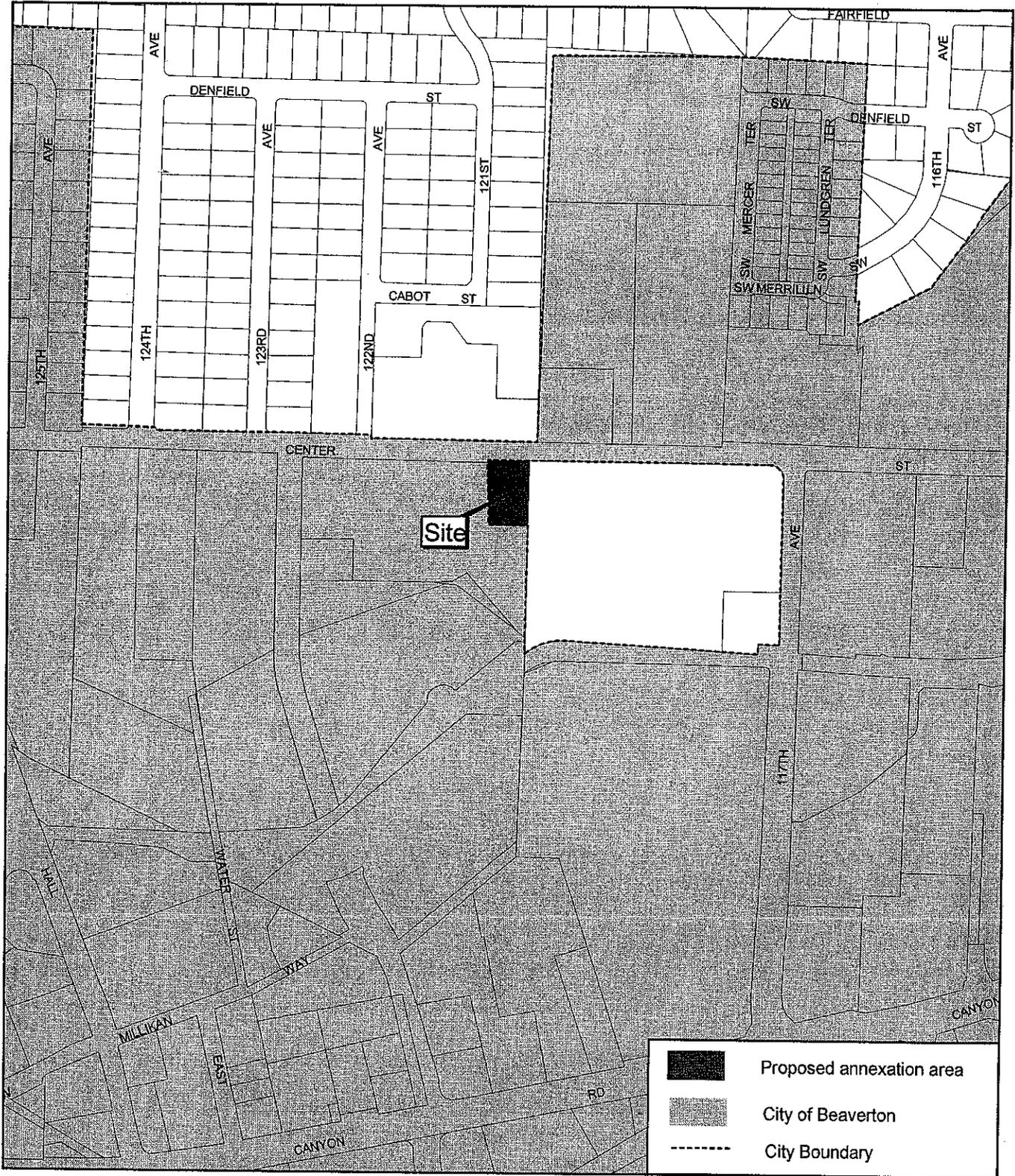
**EXISTING COUNTY ZONE:** R-25 (Residential - 25 units per acre)

### SUMMARY AND RECOMMENDATION

This is a request to annex one parcel to the City of Beaverton and add it to the Central Beaverton Neighborhood Association Committee boundaries. The parcel is located at 12030 SW Center Street. The property is shown on the attached map, identified as tax lot 1S110CC 00100, and more particularly described in the attached legal description.

**Staff recommends the City Council adopt an ordinance annexing the referenced property, effective thirty days after the Mayor's signature.**

# ANNEXATION MAP



City of Beaverton

12030 SW Center Street Expedited Annexation

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

08/25/04

N

Map #



1s110cc00100

Application #

ANX 2004-0012

## BACKGROUND

The request is to annex one tax parcel located at 12030 SW Center Street. The parcel is approximately 0.4 acres and contains a single family house. The property owner has consented to the annexation. His 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 be added to the Central Beaverton NAC boundaries.

## 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.

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.

### FIRE:

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

**SEWER:** There currently is a 24-inch sanitary sewer pipe in Center Street and an 8-inch pipe running through the Beaver Creek Apartments available to serve this property. This parcel is owned by the same company that owns Beaver Creek Apartments. 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:** The site is 0.4 acres and is developed with a single family residence. There is a 21-inch storm water pipe in Center Street. If the site redevelops 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 from SW Center Street, which is a City maintained Collector.

**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 will send notice of the proposed annexation on or before September 28, 2004 (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 will send notice to the

following parties:

- Paul H. Labby, Carla Properties, LTD, the property owner;
- Rick Martinson the listed contact person; and
- The Central Beaverton Neighborhood Association Committee 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. 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 Section 3.09 (Local Government Boundary Changes). Metro Code Section 3.09.050 includes the following minimum criteria for annexation decisions:

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

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

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

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

*Findings: This proposed annexation is consistent with the agreement between the City of Beaverton and Clean Water Services. The acknowledged Washington County - Beaverton Urban Planning Area Agreement (UPAA) does not contain provisions directly applicable to City decisions regarding annexation. The UPAA does address actions to be taken by the City after annexation, including annexation related 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: 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 or Public Facilities Plan 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 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. There are no other criteria applicable to this boundary change in State Law or local ordinances. 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

## **Annexation Petition**

LEGAL DESCRIPTION

ANX 2004-0012

12030 SW CENTER STREET EXPEDITED ANNEXATION

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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 FILE NAME: 12030 SW Center Street  
 USE FILE NUMBERS: ANX 2004-0012, CPA 2004-0015, ZMA 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 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
1S110CC-00100 Steels Addition To Beaverton Lots 37&81	12030 SW Center St., Beaverton, Or.		N/A	RESIDENTS N/A

**CONTACT PERSON**  USE MAILING ADDRESS FOR NOTIFICATION

Rick Martinson  
 Business Name: Carla Properties, Ltd. Phone #: 503-227-6501  
 PRINT OR TYPE NAME: Carla Properties, Ltd.  
 ADDRESS: 633 NW 19<sup>th</sup> Ave., Portland, Or. 97209

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

PRINT OR TYPE NAME: PAUL H. LABBY SIGNATURE: [Signature] DATE: 8-6-04  
 Paul Labby  
 MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS: \_\_\_\_\_  
 633 NW 19<sup>th</sup> Ave., Portland, Or.