



Community Development Department | Planning Division
12725 SW Millikan Way | PO Box 4755
Beaverton, OR 97076
General Information: (503) 526-2222 V/TDD
www.BeavertonOregon.gov

NOTICE OF ANNEXATION

September 29, 2023

To Whom It May Concern:

The City of Beaverton has recently approved the following annexation:

Case File	Size	Taxable Assessed Value	Dwelling Units	Ordinance No.	Effective Date
ANX2023-00183 Leupold & Stevens, Inc. Annexation	4.87 acres	\$1,536,320	0	4846	10/19/2023, or the Secretary of State filing date, whichever occurs later

A vicinity map and copy of the ordinance is attached.

The complete case file is available for review by contacting the City Recorder's Office (12725 SW Millikan Way, 5th Floor, Beaverton, OR 97005) at 503-526-2497 or citymail@beavertonoregon.gov.

For more information about the project, please contact Lauren Russell at 503-278-0318 or lrussell@beavertonoregon.gov.

Sincerely,

A handwritten signature in cursive script that reads "Lauren Russell".

Lauren Russell, AICP
Associate Planner



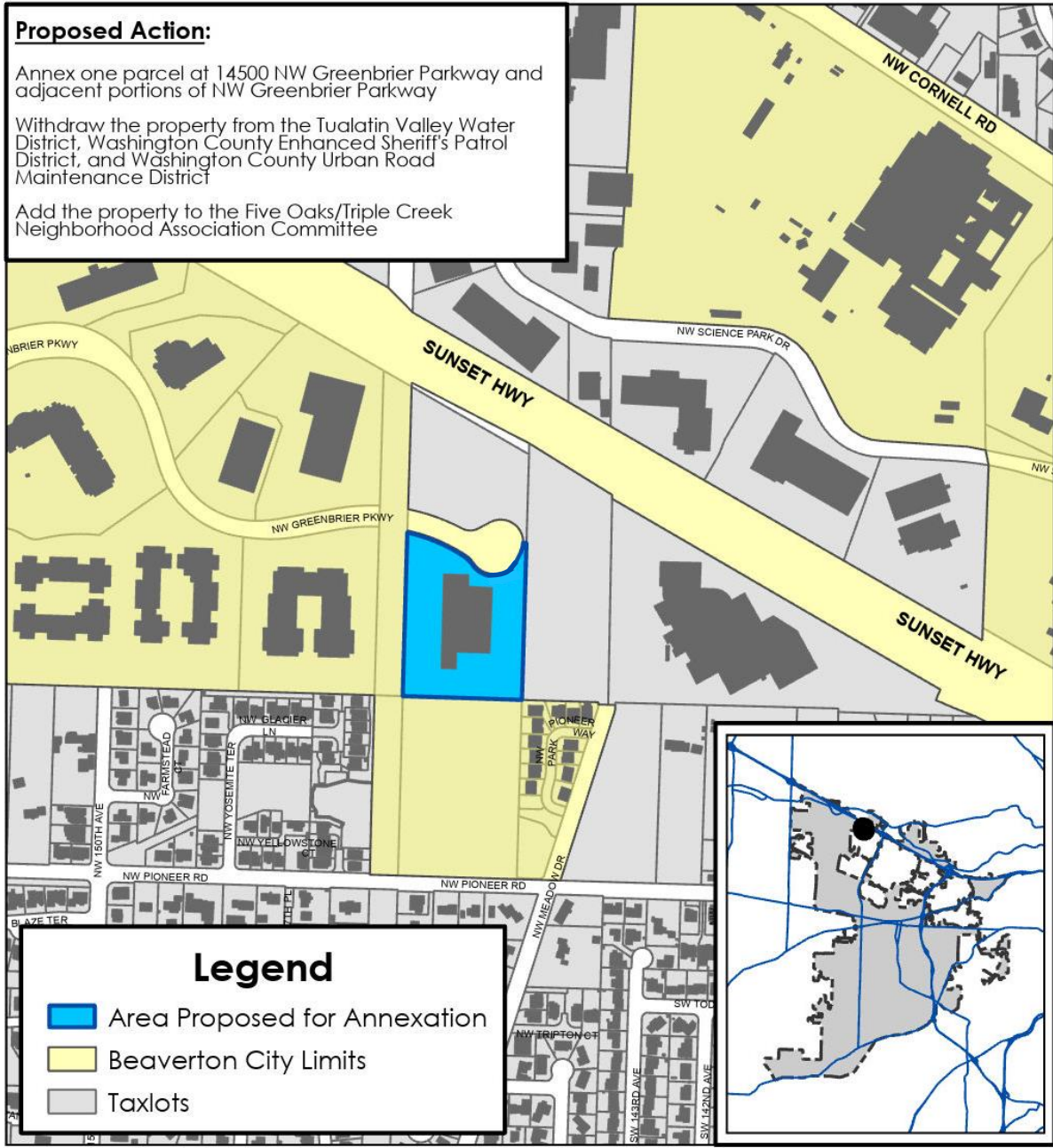
VICINITY MAP

Proposed Action:

Annex one parcel at 14500 NW Greenbrier Parkway and adjacent portions of NW Greenbrier Parkway

Withdraw the property from the Tualatin Valley Water District, Washington County Enhanced Sheriff's Patrol District, and Washington County Urban Road Maintenance District

Add the property to the Five Oaks/Triple Creek Neighborhood Association Committee



Legend

- Area Proposed for Annexation
- Beaverton City Limits
- Taxlots

**LU32023-00186 Leupold & Stevens, Inc. Annexation
(ANX2023-00183)**

08/2/2023



Tax map: 1N132DA
Tax lot: 01300

ORDINANCE NO. 4846

AN ORDINANCE ANNEXING ONE PARCEL AT 14500 NW GREENBRIER PARKWAY AND ADJACENT PORTIONS OF NW GREENBRIER PARKWAY; WITHDRAWING THE PROPERTY FROM THE TUALATIN VALLEY WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, AND WASHINGTON COUNTY URBAN ROAD MAINTENANCE DISTRICT; AND ADDING THE PROPERTY TO THE FIVE OAKS/TRIPLE CREEK NEIGHBORHOOD ASSOCIATION COMMITTEE; LU3 2023-00186 LEUPOLD & STEVENS, INC (ANX 2023-00183)

WHEREAS, ORS 222.125 grants the City of Beaverton (City) authority to initiate an expedited annexation process when all of the owners of land in a territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory; and

WHEREAS, the owner of the property at 14500 NW Greenbrier Parkway, identified as Tax Lot 01300 on Washington County Tax Assessor's Map 1N132DA (Property), and greater than 50 percent of the resident electors submitted a petition to annex into the City; and

WHEREAS, the Property and Right of Way are 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, the Council finds that the City complied with the criteria and notice provisions of Metro Code Section 3.09.045 for expedited annexations; and

WHEREAS, Council Resolution No. 3785 sets forth annexation policies for the City, and this action implements those policies;

WHEREAS, on September 19, 2023, Council held a hearing to consider the proposed annexation; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The Property and Right of Way — described and shown in **Exhibit A**, which is attached and incorporated by this reference — are annexed to the City of Beaverton, effective on the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, or 30 days from the date of adoption, whichever is later.

Section 2. Pursuant to Beaverton Code Section 9.06.035(A), the Property and Right of Way shall be added to the Five Oaks/Triple Creek Neighborhood Association Committee Boundary.

Section 3. The Council withdraws the Property and Right of Way from the Tualatin Valley Water District, Washington County Enhanced Sheriff's Patrol District, and Washington County Urban Road Maintenance District.

Section 4. The Council adopts the staff report attached as **Exhibit B**, which is incorporated by this reference, and finds that this annexation meets all applicable approval criteria.

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 working days of adoption.

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.

Section 7. The Council authorizes the City Attorney to approve the final form of the metes and bounds legal description of the area annexed by this ordinance (as shown in **Exhibit A**), and to incorporate any revisions needed to meet the requirements of the State of Oregon.

First reading the 5 day of September, 2023.

Public hearing the 19 day of September, 2023.

Duly passed by the Council the 19 day of September,

2023. Signed by the Mayor the 25 day of September, 2023.

ATTESTED:

SIGNED:

Sue Ryan

Lacey Beaty

SUE RYAN, City Recorder

LACEY BEATY, Mayor



EXHIBIT A

Annexation Description
May 22, 2023
Amended July 11, 2023

A tract of land in the NE1/4SE1/4 Section 32, Township 1 North, Range 1 West, W.M., Washington County, Oregon being Lot 12, CORPORATE CENTER AT CORNELL OAKS, per the plat thereof recorded in Washington County Plat Book 95 at Page 27, EXCEPTING THEREFROM that portion dedicated to the City of Beaverton as right of way in that deed recorded September 29, 2021 as Document No. 2021-103544 of Washington County Book of Records, TOGETHER WITH the said portion of dedicated right of way, said tract being more particularly described as follows:

Beginning at the Southeast Corner of said Lot 12, thence along the south line of said Lot N88°31'15"W, 422.16 feet to the southwest corner thereof;

Thence along the west line of said lot N01°20'19"E, 586.27 feet to the northwest corner of the said Document No. 2021-103544 dedication parcel, said corner being 37.00 feet southerly of the centerline of NW Greenbriar Parkway when measured on the radial;

Thence 228.07 feet along a 613.00 foot radius curve to the right through a central angle of 21°19'03" (the chord of said curve bears S67°17'03"E, 226.76 feet) to a point of compound curvature;

Thence 34.38 feet along a 84.00 foot radius curve to the right through a central angle of 23°26'50" (the chord of said curve bears S44°54'08"E, 34.14 feet) to a point of reverse curvature;

Thence 191.23 feet along a 90.00 foot radius curve to the left through a central angle of 121°44'24" (the chord of said curve bears N85°57'05"E, 157.23 feet) to a point of tangency;

Thence N25°04'53"E, 29.50 feet to a point of curve;

Thence 33.05 feet along a 80.00 foot radius curve to the left through a central angle of 23°40'10" (the chord of said curve bears N13°14'48"E, 32.81 feet) to the most easterly north line of said Lot 12;

Thence S89°12'24"E, 11.85 feet to the northeast corner of said Lot 12;

Thence along the east line of said Lot 12 S01°24'37"W, 555.03 feet to the **Point of Beginning**.

Contains 216203 square feet, or 4.96 Acres, more or less.

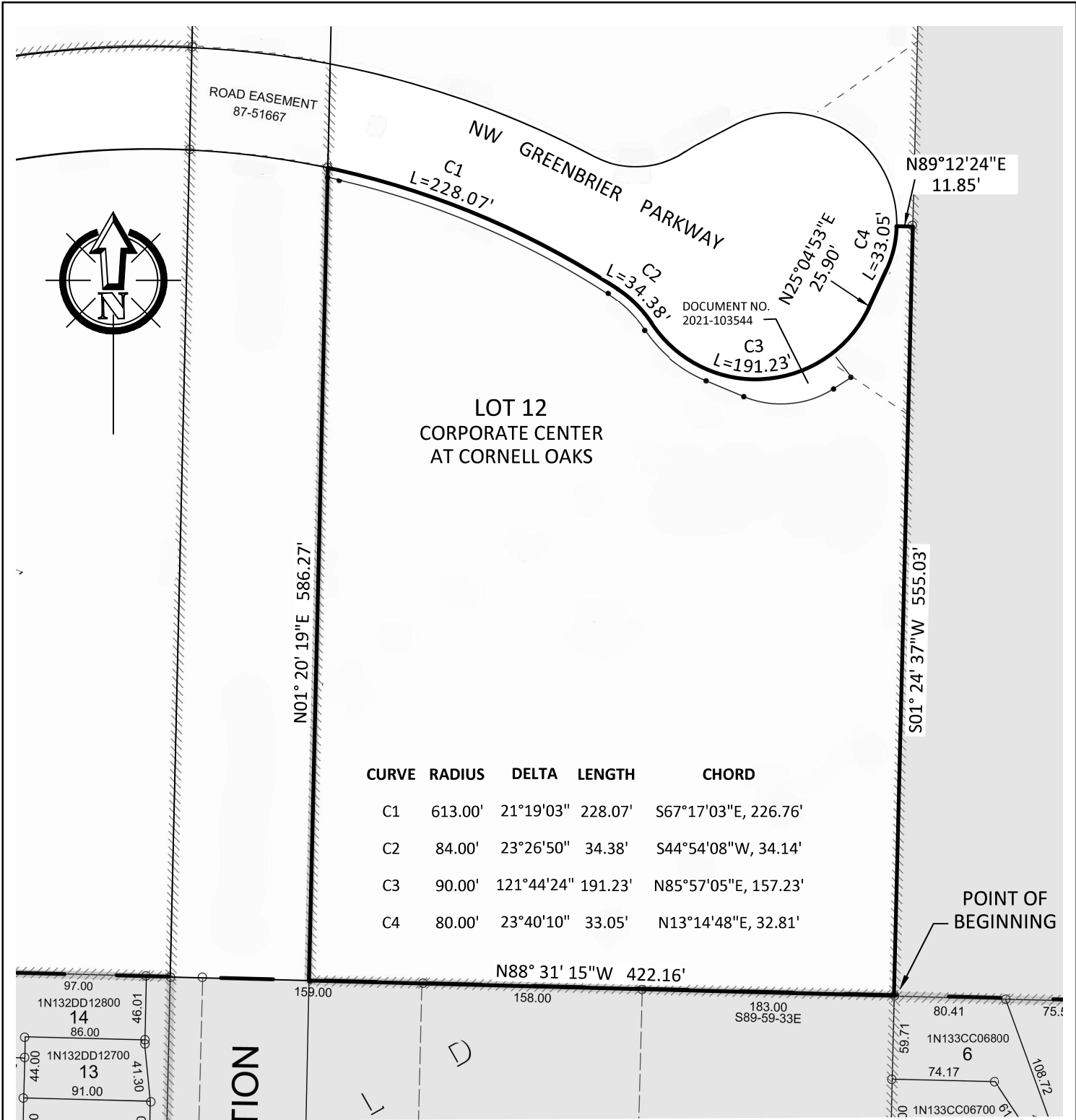
The foregoing description is based on the bearings and dimensions shown on the hereinbefore referenced plat of CORPORATE CENTER AT CORNELL OAKS.

REGISTERED
PROFESSIONAL
SURVEYOR

Digitally signed by Mark Mayer
Date: 2023.07.11 13:48:38-07'00'

OREGON
JULY 14, 1998
MARK J. MAYER
2887

EXPIRES: DECEMBER 31, 2024



REGISTERED PROFESSIONAL SURVEYOR

OREGON
JULY 14, 1998
MARK J. MAYER
2887

EXPIRES: DECEMBER 31, 2024



PUBLIC WORKS DEPARTMENT
Engineering Division

12725 SW Millikan Way
P.O. Box 4755 Beaverton, OR
97076 Ph: 503-526-2269

ANNEXATION PLAN

Lot 12, CORPORATE CENTER AT CORNELL OAKS,
INCLUDING THE PORTION THEREOF DEDICATED RIGHT OF WAY AS
NW GREENBRIER PKWY
SE 1/4 Sec. 32, T1N, R1W, W.M.

SCALE 1" = 100 FEET



PROJECT NO. LU32023-186
230522.dwg
JUNE 2, 2023
Amended JULY 11, 2023



CITY OF BEAVERTON
Planning Division
Community Development Department
Tel: 503-526-2420
www.beavertonoregon.gov

STAFF REPORT

Report date: August 15, 2023

Application: LU32023-00186 Leupold & Stevens, Inc. Annexation

Application Number: ANX2023-00183

Proposal: Expedited annexation of one parcel at 14500 NW Greenbrier and abutting portions of NW Greenbrier Parkway, withdrawing the property from the Tualatin Valley Water District, Washington County Enhanced Sheriff's Patrol District, and Washington County Urban Road Maintenance District; and adding the property to the Five Oaks / Triple Creek Neighborhood Association Committee.

Proposal location: The site is at 14500 NW Greenbrier Parkway, specifically identified as Tax Lot 01300 on Washington County Tax Assessor's Map 1N132DA. The proposal also includes abutting portions of NW Greenbrier Parkway, as shown in Exhibit A to the ordinance.

Applicant: City of Beaverton

Recommendation: APPROVAL of ANX2023-00183

Contact information:

City Staff Representative: Lauren Russell, AICP, Associate Planner
503-278-0318 / lrussell@beavertonoregon.gov

Applicant: City of Beaverton
12725 SW Millikan Way
Beaverton, OR 97005

Property Owner: Leupold & Stevens Inc.
PO Box 688
Beaverton, OR 97075

Existing Conditions

Zoning: Industrial

Site Conditions: Warehouse and office building with associated parking.

Site Size: 4.87 acres

Location: The subject site is on the south side of NW Greenbrier Parkway. It is bound by Greenbrier Parkway to the north, industrial property to the east, and Pioneer Park to the south.

Neighborhood Association Committee: The property abuts the Five Oaks/Triple Creek Neighborhood Association Committee

Table 1: Surrounding Uses

Direction	Zoning	Uses
North	Washington County Industrial (IND)	Leupold & Stevens industrial use
South	Residential Mixed C (RMC)	Pioneer Park
East:	Washington County Industrial (IND)	Leupold & Stevens industrial use
West:	Office Industrial (OI)	Office use and a parking lot within property owned by the federal government

Application Information

Table 2: Application Summary

Application	Application type	Proposal summary	Approval criteria location
ANX2023-00183	Annexation	Annex one parcel at 14500 NW Greenbrier Parkway and abutting portions of NW Greenbrier Parkway	Metro Code Section 3.09.045 Expedited Decisions

Table 3: Key Application Dates

Application	Submittal Date	Deemed Complete	120-Day	365-Day
ANX2023-00183	April 5, 2023	N/A	N/A	N/A



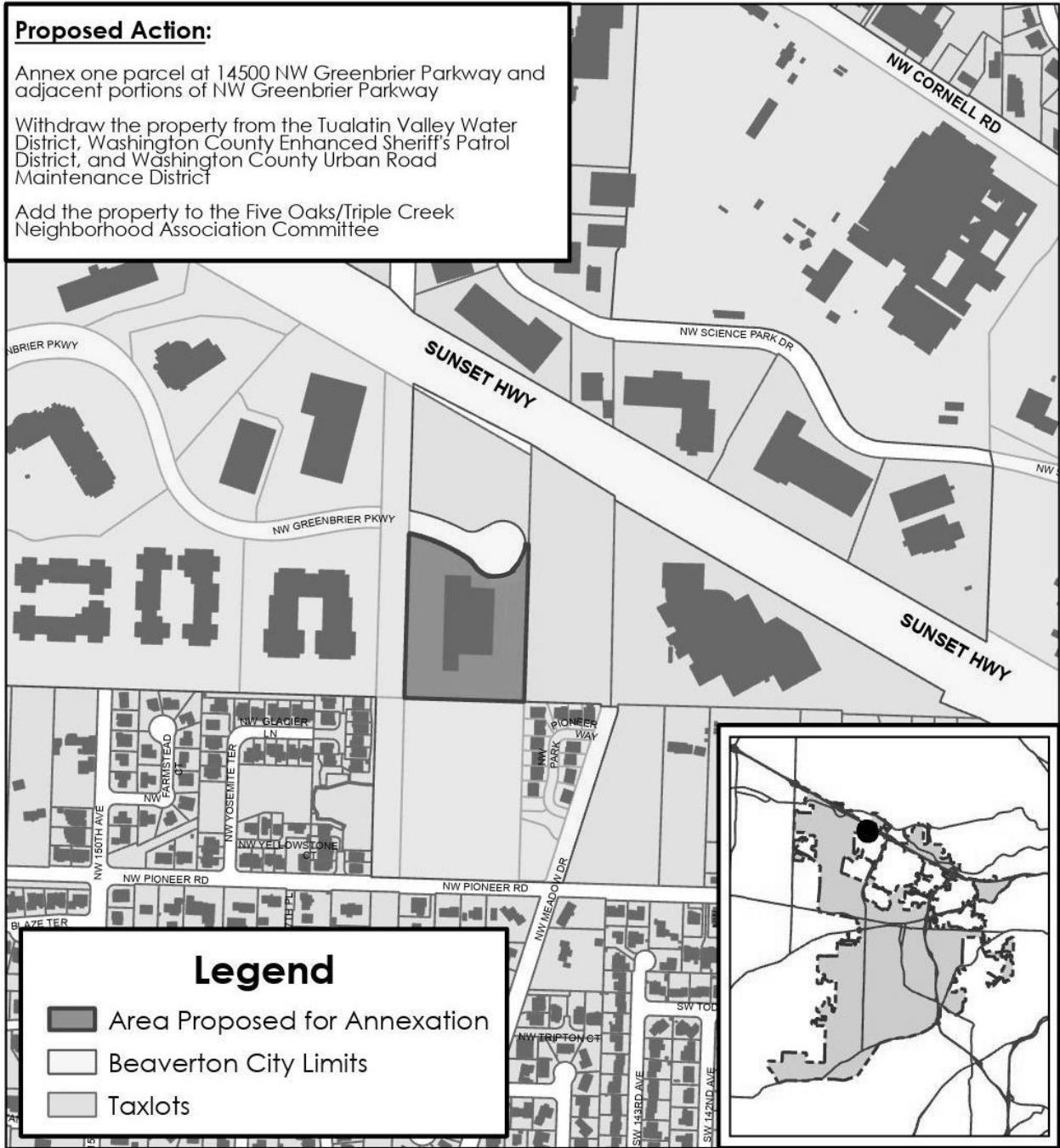
VICINITY MAP

Proposed Action:

Annex one parcel at 14500 NW Greenbrier Parkway and adjacent portions of NW Greenbrier Parkway

Withdraw the property from the Tualatin Valley Water District, Washington County Enhanced Sheriff's Patrol District, and Washington County Urban Road Maintenance District

Add the property to the Five Oaks/Triple Creek Neighborhood Association Committee



**LU32023-00186 Leupold & Stevens, Inc. Annexation
(ANX2023-00183)**

08/2/2023



Tax map: 1N132DA
Tax lot: 01300

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Exhibits:

Exhibit 1. Materials Submitted by Staff

Exhibit 1.1 Vicinity Map (page 4 of this report)

Exhibit 2. Public Comment

None received

Exhibit 3. Agency Comment

None received

Attachment A: ANX2023-00183 Annexation

ANALYSIS AND FINDINGS FOR ANNEXATION APPROVAL

Recommendation: APPROVAL of ANX32023-00183

Metro Code Section 3.09.045 Expedited Decisions

Section 3.09.045(A)

Approval Criterion: The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.

FINDING:

The proposal is to annex one parcel at 14500 NW Greenbrier Parkway, specifically identified as Tax Lot 01300 on Washington County Tax Assessor's Map 1N132DA. The proposal also includes abutting portions of NW Greenbrier Parkway, as shown in Exhibit A to the ordinance. The City of Beaverton received a Petition for Consent Annexation signed by 100 percent of the owners of the property. There are no residents nor resident electors. Accordingly, the city may use the expedited decision process for a minor boundary change, and no public hearing is required under Metro Code.

Conclusion: Therefore, staff finds that the proposal satisfies Section 3.09.045(A).

Section 3.09.045(B)

Approval Criterion: The expedited process must provide for a minimum of 20 days' notice prior to the date set for decision to all necessary parties and other persons entitled to notice by the laws of the city or Metro. The notice shall state that the petition is subject to the expedited process unless a necessary party gives written notice of its objections to the boundary change.

FINDING:

Metro Code Section 3.09.020(J) defines necessary party as "any county; city; 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; or any other unit of local government, as defined in ORS 190.003, that is party to any agreement for provision of an urban service to the affected territory." Staff mailed notice of the proposal to necessary parties at least 20 days prior to the date set for the first reading of the annexation ordinance on September 5, 2023. The notice stated that the petition is subject to the expedited process unless a necessary party gives written notice of its objections to the boundary change.

Conclusion: Therefore, staff finds that the proposal satisfies Section 3.09.045(B).

Section 3.09.045.C

Approval Criterion: At least seven days prior to the date of decision the city or Metro shall make available to the public a report that includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extraterritorial extensions of service.

FINDING:

This staff report was posted on the city's website no later than August 29, 2023, which is seven days prior to the first reading of the annexation ordinance at the September 5, 2023, City Council meeting and 21 days before the public hearing on September 19, 2023.

Critical and essential urban services are available to the subject property by Washington County and area special service districts. Annexation of the property will mean a transfer of some services. The City of Beaverton and the property owner, Leupold & Stevens, Inc., entered into a deferred annexation agreement (Exhibit C to the Ordinance) on August 24, 2021. The property owner proposed to construct a distribution center on the site. City of Beaverton storm drainage and sanitary sewer services are required to serve the development. Because providing extraterritorial utility services is against city policy, the subject property is required to annex into the City of Beaverton to access those services. The annexation agreement allowed the property owner to construct the distribution center on the site according to a June 10, 2021, Washington County land use decision prior to annexing into the city. More information on each urban service is provided below:

Public Water: The subject property is currently served by the Tualatin Valley Water District (TVWD). Upon annexation, the subject property will be withdrawn from the TVWD water service area and will be added to the City of Beaverton water service area.

Public Sanitary Sewer: The subject property currently receives sanitary sewer service from the City of Beaverton. Per the annexation agreement, once the agreement was executed, the property owner was allowed to seek all necessary sanitary sewer connections, subject to the City's adopted engineering and construction design standards. So long as these standards are met, the City committed to issue construction permits for City sanitary service connections to the property. The City then could process the annexation petition to annex the property beginning no earlier than ten days after County issuance of a Temporary Certificate of Occupancy for the project, which occurred in June 2022. The city waited more than 10 days after occupancy to initiate the annexation.

Stormwater Drainage: The subject property currently receives stormwater service from the City of Beaverton. Per the annexation agreement, once the agreement was executed, the property owner was allowed to seek all necessary stormwater sewer connections, subject to the City's adopted engineering and construction design standards. So long as

these standards are met, the City committed to issue construction permits for City stormwater service connections to the property. The City then could process the annexation petition to annex the property beginning no earlier than ten days after County issuance of a Temporary Certificate of Occupancy for the project, which occurred in June 2022. The city waited more than 10 days after occupancy to initiate the annexation.

Transportation: The proposed annexation area includes portions of NW Greenbrier Parkway, as shown in Exhibit A to the ordinance. The City already has road jurisdiction and maintenance authority for NW Greenbrier Parkway, including the cul-de-sac. The small portion of right of way that is being annexed is the dedication that was required with the distribution center project that was entitled in Washington County.

Fire: Tualatin Valley Fire & Rescue (TVF&R) provides fire and ambulance services to the subject site. TVF&R is designated as the long-term service provider to this area and will continue to serve the subject site after annexation.

Schools and Parks: The proposed annexation area is within the Beaverton School District. Because the proposed action does not propose new residential dwellings, school enrollment will not be affected by the proposed annexation and no additional service demands will be imposed upon the school district. The subject site is within the Tualatin Hills Park & Recreation District. Subsequent to annexation, school district and park district boundaries will remain unaffected.

Police Protection: The subject site receives police protection from the Washington County Enhanced Sheriff's Patrol District (ESPD). The site will be withdrawn from the ESPD, and the City of Beaverton will provide police service upon annexation. In practice, whichever law enforcement agency is able to respond first to an emergency does so in accordance with a mutual aid agreement.

Planning, Zoning, and Building: Washington County currently provides long-range planning, development review, and building inspection services to the property. Once the annexation becomes effective, the city will conduct all planning and zoning functions associated with the site. The Beaverton land use and zoning district designations will be applied to the subject parcel and right of way upon annexation by the city pursuant to City of Beaverton Comprehensive Plan and Development Code procedures. The land use and zoning changes are being completed through a separate but concurrent process.

2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

FINDING:

As part of this annexation, the City of Beaverton is proposing that the subject site be withdrawn from the Tualatin Valley Water District, Washington County Enhanced Sheriff's Patrol District, and Washington County Urban Road Maintenance District. The proposed annexation will not require withdrawal of territory from any other service districts identified

as necessary parties, such as Tualatin Valley Fire & Rescue and Tualatin Hills Park & Recreation District.

3. The proposed effective date of the boundary change.

FINDING:

ORS 222.180 specifies that the date an approved annexation becomes effective is determined by the date the Secretary of State files the jurisdiction's decision with its office. ORS 222.180 also specifies that when annexation proceedings are initiated by a city, the city may specify a later effective date than that determined by the Secretary of State.

The City of Beaverton's annexation process requires that the proposed ordinance receive first and second readings, with the first reading taking place a minimum of one week prior to the second reading. Additionally, Article 6.6 of the City of Beaverton Charter specifies that city ordinances shall take effect 30 days after their adoption by City Council.

The subject site shown and described in Exhibit A to the ordinance is hereby annexed to the City of Beaverton effective upon the date the ordinance is filed with the Secretary of State (as specified by ORS 222.180) or 30 days from the date of the annexation ordinance's adoption, whichever is later.

Conclusion: Therefore, staff finds that the proposal satisfies Section 3.09.045(C).

Section 3.09.045.D

Approval Criterion: To approve a boundary change through an expedited process, the city shall:

1. Find that the change is consistent with expressly applicable provisions in:
 - a. Any applicable urban service agreement adopted pursuant to ORS 195.065;

FINDING:

Cooperative, urban service, and/or intergovernmental agreements affecting provision of service to the subject site have been established with all critical and essential special district service providers. This includes Clean Water Services, Tualatin Valley Fire & Rescue, Tualatin Hills Park & Recreation District, Tualatin Valley Water District, and Washington County.

No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this proposed annexation. This action is consistent with existing agreements.

- b. Any applicable annexation plan adopted pursuant to ORS 195.205;

FINDING:

The city has not submitted or received voter approval for an annexation plan related to this annexation, so this criterion is not applicable.

- c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;

FINDING:

As noted in the findings above, the city has entered into ORS Chapter 195 cooperative agreements with Clean Water Services, Tualatin Valley Fire & Rescue, Tualatin Hills Park & Recreation District, Tualatin Valley Water District, and Washington County. These agreements call for coordination of planning activities between each service district and the city. Annexations are not subject to coordination under the agreement language because annexations do not trigger an immediate change in service provision from the special districts; however, the subject districts have been notified of this proposed annexation because they are necessary parties.

- d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

FINDING:

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 that exist in the city: stormwater drainage, potable water, sewage 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 the city's public facilities plan, the city has effectively agreed to abide by any provisions of that master plan.

The Public Facilities and Services Element of the Washington County Comprehensive Framework Plan for the Urban Area also applies and discusses the adequate provision of facilities and services such as sanitary sewer, water supply and distribution, stormwater drainage, solid waste management, schools, and fire and police protection.

The subject site currently receives water service from the Tualatin Valley Water District (TVWD). Upon annexation, the site will be withdrawn from the TVWD water service area and will be added to the City of Beaverton service area for water. The subject site already receives sanitary and stormwater service from the City of Beaverton, according to the annexation agreement described in more detail in the

findings above. The subject site will remain in the service areas for Waste Management, Beaverton School District, and Tualatin Valley Fire & Rescue. The subject site will be withdrawn from the Washington County Enhanced Sheriff's Patrol District, and the City of Beaverton will provide police service upon annexation. Accordingly, essential facilities and services are available to the annexation area, and the proposal complies with all applicable public facilities plans.

- e. Any applicable comprehensive plan; and

FINDING:

Staff reviewed both city and county comprehensive plan documents and found three applicable plans, described below.

City of Beaverton Comprehensive Plan: There is one policy in the city's Comprehensive Plan that is relevant to annexations. Policy 5.3.1.d states that "the City shall seek to eventually incorporate its entire Urban Services Area." The subject property is within the Assumed Urban Services Area, which is Figure V-1 of the Comprehensive Plan. The annexation proposal is therefore consistent with the city's Comprehensive Plan.

Washington County Sunset West Community Plan: The subject site is within the boundaries of Washington County's Sunset West Community Plan, which is one of a number of planning elements that together comprise the Washington County Comprehensive Plan. This Community Plan shows that the subject site does not contain any Significant Natural or Cultural Resources, and it is not located in any Areas of Special Concern, Local Street Connectivity Lands, Pedestrian Connectivity Areas, Special Area Streets, or Pedestrian Focus area.

Washington County Comprehensive Framework Plan for the Urban Area: There are two policies in Washington County's Comprehensive Framework Plan for the Urban Area that are relevant to annexations. The relevant policies are:

- Policy 3, Intergovernmental Coordination: It is the policy of Washington County to effectively coordinate its planning and development efforts with federal, state, and other local governments and special districts to ensure that the various programs and activities undertaken by these bodies are consistent with the County Comprehensive Plan; and
- Policy 15, Roles and Responsibilities for Serving Growth: 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.

The city has effectively coordinated with Washington County on the proposed annexation by providing adequate notice and an opportunity for input and comments. Additionally, the proposed annexation follows the guidelines established under the Washington County – Beaverton Urban Planning Area Agreement. Changes that affect public facility and service provisions to individual properties are generally subject to agreements between the City of Beaverton, Washington County, and special districts. These agreements are adopted and periodically updated to address which urban service provider will assume responsibilities for service in the event of a boundary change. By entering into these agreements and through the adoption of planning documents, the city and its service district partners have ensured that the provision of services subsequent to the proposed boundary change will be timely, orderly, and economically viable. Accordingly, the proposed annexation is consistent with Washington County's Comprehensive Framework Plan for the Urban Area.

- f. Any applicable concept plan.

FINDING:

The subject site is within the boundaries of Washington County's Sunset West Community Plan, which is one of a number of planning elements that together comprise the Washington County Comprehensive Plan. This Community Plan shows that the subject site does not contain any Significant Natural or Cultural Resources, and it is not located in any Areas of Special Concern, Local Street Connectivity Lands, Pedestrian Connectivity Areas, Special Area Streets, or Pedestrian Focus area.

- 2. Consider whether the boundary change would:

- a. Promote the timely, orderly, and economic provision of public facilities and services;

FINDING:

Changes that affect public facility and service provisions to individual properties are generally subject to agreements between the City of Beaverton, Washington County, and special districts. These agreements are adopted and periodically updated to address which urban service provider will assume responsibilities for service in the event of a boundary change. By entering into these agreements and through the adoption of planning documents, the city and its service district partners have ensured that the provision of services subsequent to the proposed boundary change will be timely, orderly, and economically viable.

- b. Affect the quality and quantity of urban services; and

FINDING:

Responsibilities pertaining to the provision of public facilities and services will either remain unchanged or transfer to the city. In general, because cities provide services on an urban scale, they can provide services at a level equal to or higher than what is provided in unincorporated areas. Annexation to the City of Beaverton will therefore retain or enhance the quality and quantity of urban services for the annexed area.

- c. Eliminate or avoid unnecessary duplication of facilities or services.

FINDING:

This staff report identifies which agency will be responsible for the provision of various urban services in this area. The city and applicable service providers have established intergovernmental agreements that specify which agency provides services. As a result, these agreements eliminate duplication of facilities or services.

Conclusion: Therefore, staff finds that the proposal satisfies Section 3.09.045(D).

Section 3.09.045.E

Approval Criterion: A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.

FINDING:

The territory proposed to be annexed into the City of Beaverton lies wholly within the Urban Growth Boundary (UGB).

Conclusion: Therefore, staff finds that the proposal satisfies Section 3.09.045(E).

Conclusion and Recommendation

Based on the facts and findings presented, staff concludes that the proposed owner-initiated annexation meets all pertinent criteria outlined in Metro Code Section 3.09.045 for an expedited annexation.

Therefore, staff recommends that City Council adopt an ordinance annexing one parcel at 14500 NW Greenbrier Parkway and adjacent portions of NW Greenbrier Parkway; withdrawing the property from the Tualatin Valley Water District, Washington County Enhanced Sheriff's Patrol District, and Washington County Urban Road Maintenance District; and adding the property to the Five Oaks / Triple Creek Neighborhood Association Committee, effective as of the date the ordinance is filed with the Secretary of State as specified by ORS 222.180 or 30 days from the date the ordinance is signed, whichever is later.

EXHIBIT C

RECORDING COVER SHEET

ANNEXATION AGREEMENT

Between City of Beaverton, an
Oregon municipal corporation and
Leupold & Stevens, Inc.

Washington County, Oregon **2021-093152**
D-IPPS
Stn=2 S AKINS **08/26/2021 03:27:20 PM**
\$50.00 \$11.00 \$5.00 \$60.00 **\$126.00**

I, Joe Nelson, Interim Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Joe Nelson, Interim Director of
Assessment and Taxation, Ex-Officio

Legible copies of exhibits attached are available at City of Beaverton, City
Recorder's Office

After recording return to:
City of Beaverton
Records Management
PO Box 4755
Beaverton, OR 97076

AFTER RECORDING, RETURN TO:
City of Beaverton
PO Box 4755
Beaverton, OR 97076

ANNEXATION AGREEMENT

This Annexation Agreement (“Agreement”) is between the City of Beaverton, an Oregon municipal corporation (“City”), and Leupold & Stevens, Inc. (“Leupold”) (together, the “Parties”). Leupold represents that it is authorized to bind all persons having a fee interest in the “Annexation Property,” as defined below. The City represents that it is ready, willing, and able to provide City urban services to the Annexation Property on the conditions described below. This Agreement shall be effective when signed by all parties (“Parties”).

RECITALS

- A. This Agreement concerns the Property generally described as Washington County (the “County”) Assessor’s Map 1N1 32 DA, Tax Lot No. 1300 (the “Annexation Property”). The Annexation Property consists of 4.96 acres. There is presently no street address. Leupold is the sole owner of the Annexation Property.
- B. The Annexation Property is shown on the Tax Map attached as **Exhibit 1**, legally described in **Exhibit 2** and contiguous to the City’s jurisdictional limits.
- C. On January 8, 2021, Leupold submitted a Type II Site Plan and Design Review Application (the “DR Application”) to the County. The County deemed the DR Application complete on February 10, 2021. The County issued the final decision approving the DR Application on June 10, 2021.
- D. The DR Application authorizes the construction of the Distribution Center (the “DC”) on the Annexation Property.
- E. The DR Application proposed construction of the DC (a warehouse), an accessory office and required off-street vehicle parking (the “Development”). The Development is separate and apart from Leupold’s manufacturing facility on a different lot.
- F. Leupold requires City storm drainage and sanitary sewer services to serve the Development.
- G. Leupold intends to annex the Annexation Property into the City in order to receive City storm drainage and sanitary sewer services necessary for the Development, and intends to submit a Petition to begin an annexation process pursuant to Metro Code 3.09.045 “Expedited Annexations,” and ORS 222.125 “Annexation by Consent.”

H. This Agreement concerns only the DC and does not concern Leupold's manufacturing facility.

NOW, THEREFORE, the Parties agree as follows:

AGREEMENT

1. Consent to Annexation

Leupold consents to annexation of the Annexation Property by the City, subject to the terms of this Agreement.

2. Application for Annexation

Leupold, as owner of the property, shall file an Irrevocable Annexation Petition within fourteen (14) days of the signing of this Agreement by the City. The City shall begin processing the Irrevocable Annexation Petition upon issuance of a Temporary Certificate of Occupancy by the County. If the Irrevocable Annexation Petition is approved by the Beaverton City Council, the City shall adopt an ordinance annexing the Annexation Property.

3. Stormwater and Sanitary Service Connections

Once this Agreement is executed by the Parties, Leupold may seek all necessary stormwater and sanitary sewer connections, subject to the City's adopted engineering and/or construction design standards. So long as these standards are met, the City shall issue construction permits for City stormwater service connections to the Property. Permits for any new connections to public sanitary system shall be issued pursuant to City, County and/or Clean Water Services standards, as appropriate, in effect at the time of the permit application.

4. Land Use Actions

To facilitate the development of the Property, the City shall:

A. Process the Irrevocable Annexation Petition submitted under Section 2 of this Agreement to annex the Annexation Property, beginning no earlier than ten (10) days after County issuance of a Temporary Certificate of Occupancy for the project.

B. Concurrently with processing the Irrevocable Annexation Petition, process a Comprehensive Plan Map Amendment and a Zoning Map Amendment application to apply appropriate City land use and zoning designations to the Annexation Property. There is no comparable Beaverton Land Use Designation and Zoning identified in the Beaverton Comprehensive Plan Table 1, 1.5.2; so, application of City designations will be a discretionary process. Any such map amendments shall comply with the Beaverton-Washington County Urban Planning Area Agreement (the "UPAA").

5. Withdrawal from Districts.

Upon annexation to the City, the City shall withdraw the Annexation Property from the Washington County Enhanced Sheriff's Patrol District and Urban Road Maintenance District.

6. Public Improvements

A. Leupold agrees to construct street frontage improvements on SW Greenbrier Parkway according to adopted City design requirements in effect on the date of the submittal of the DR Application and per City of Beaverton FC 2021-0048.

B. Leupold agrees to make the following public improvements on SW Greenbrier Parkway pursuant to the DR Application final decision:

- a. Leupold shall remove the curb-type sidewalk and install a standard city landscaping strip and sidewalk, or other sidewalk improvements as approved through the Sidewalk Design Modification land use application.
- b. Install streetlight(s) on SW Greenbrier Parkway according to adopted City standards in effect on the date of submittal of the DR Application.

7. Property Tax

The Annexation Property shall be subject to the City's full property tax rate as of the effective date the Property is added to the City taxing district by the County Tax Assessor.

8. Covenants Running with the Land

The provisions of this Agreement touch and concern the Property, bind the heirs and successors of the Parties, and are covenants running with the Property. This Agreement shall be recorded in the deed records of Washington County. The Agreement may be assigned but any assignee must be subject to the terms and conditions stated in the Agreement.

9. Modification of Agreement

This Agreement may only be modified in a writing signed by the Parties, or their successors, or their assigns, which writing shall be recorded as an amendment to this Agreement.

10. Termination

This Agreement shall be deemed void and have no further effect if the DR Application final decision granted by the County, as described in the recitals above, expires so that a new DR Application must be approved for the Project.

11. Authorization

The Parties agree that they are authorized by their respective entities to enter into this Agreement and that each person signing this Agreement is duly authorized to do so on behalf of the respective Party.

12. Successors and Assigns

This Agreement shall bind and inure to the benefit of the Parties and their successors and assigns.

13. No Third Party Beneficiaries

The Parties are the beneficiaries of this Agreement, and no person or entity other than the Parties shall be construed to have any rights, powers or authority pursuant to the terms of this Agreement, provided that successors and assigns of the Owner shall be entitled to the rights, powers and authority of their predecessors or assignors. Nothing provided in this section is intended to diminish the obligations of the Parties to negotiate in good faith with one another and to enter into a binding and mutually agreeable annexation agreement.

14. Severability

The invalidity of any section, subsection, paragraph, sentence, or phrase of this Agreement, or the exhibits attached and incorporated to this Agreement, will not affect the validity of the remaining portions of this Agreement.

15. Construction

In construing this Agreement, singular pronouns shall be taken to mean and include the plural and the masculine pronoun shall be taken to mean and include the feminine and the neuter, as the context may require.

16. Governing Law, Venue, Consent to Jurisdiction


This Agreement shall be governed by Oregon law, without regard to principles of conflicts of law. Any action or suit to enforce or construe any provision of this Agreement by any Party must be brought in the Circuit Court of the State of Oregon for Washington County or, if the action or suit must be brought in a federal forum, the United States District Court for the District of Oregon Portland, Oregon. Each Party, by execution of this Agreement, consents to the personal jurisdiction of said courts.


17. Counterparts

This Agreement may be executed in one or more counterparts, all of which shall be considered one and the same agreement, and shall be effective when one or more counterparts have so been signed and delivered by each of the Parties.

CITY OF BEAVERTON,
an Oregon municipal corporation

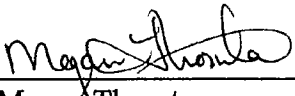
LEUPOLD & STEVENS, INC.,
an Oregon corporation

By: 
City Manager
Date: 8/24/2021

By: 
(Signature)
By: David Dugen
(Printed Name)

APPROVED AS TO FORM:

Title: CFO
Date: 8/18/2021

By: 
Megan Thornton
Assistant City Attorney
Date: August 20, 2021

STATE OF OREGON)
) ss.
County of Washington)

On this day before me personally appeared Jennifer D. Harvzama, the City Manager of the city of Beaverton, an Oregon municipal corporation, and acknowledged this instrument to be the free and voluntary act and deed of such city, for the uses and purposes therein mentioned.

Given under my hand and official seal this 23 day of AVGUST, 2021.



Rachel M Solonika
NOTARY PUBLIC for City of Beaverton
My Commission Expires: 9/28/24

STATE OF OREGON)
) ss.
County of Washington)

On this day before me personally appeared David Dugan
and acknowledged this instrument to be the free and voluntary act and deed of such corporation,
for the uses and purposes therein mentioned.

Given under my hand and official seal this 18 day of August, 2021.

Sally Moses
NOTARY PUBLIC for Oregon
My Commission Expires: 03/18/2025

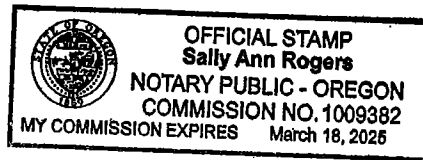


EXHIBIT 1

Survey

GENERAL NOTES

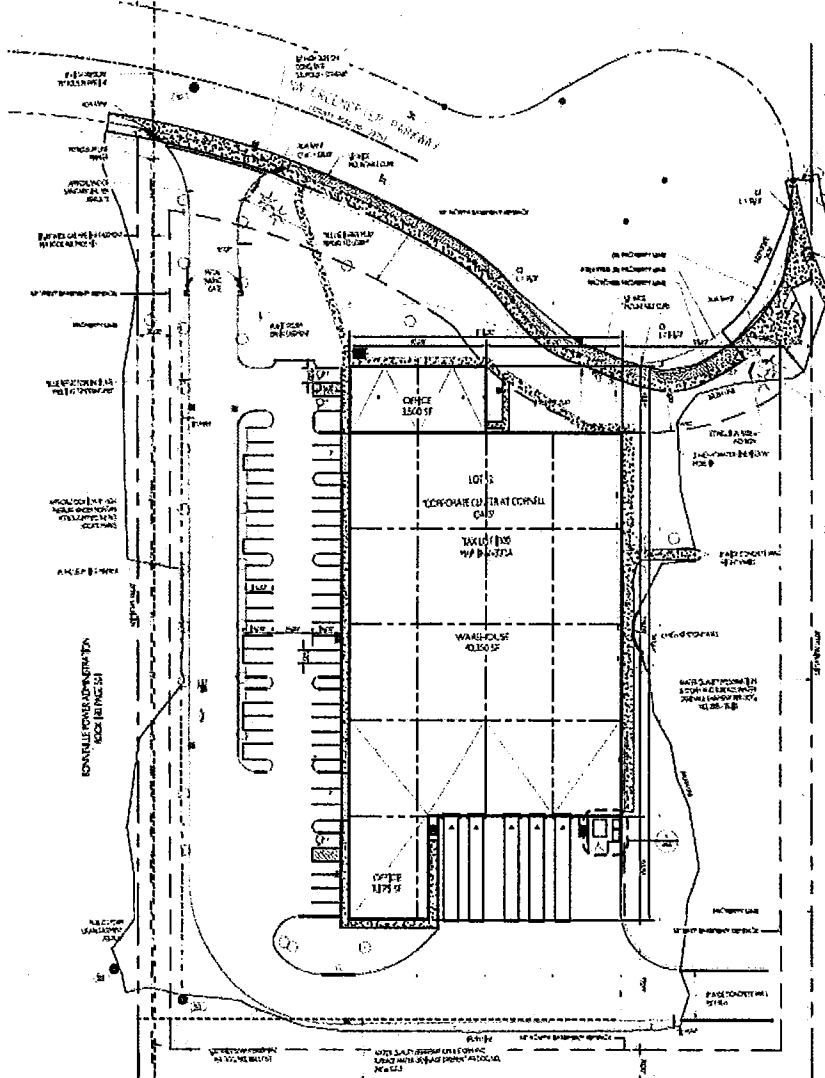
- 1. COMMERCIAL QUALITY MATERIALS AND CONSTRUCTION SHALL BE USED.
- 2. UTILITIES SHALL BE SHOWN ON THE SURVEY AND SHALL BE DELETED OR RELOCATED AS NECESSARY TO ACCOMMODATE THE PROPOSED DEVELOPMENT.
- 3. THE UTILITIES SHOWN ON THE SURVEY ARE BASED ON THE RECORD DRAWINGS AND FIELD SURVEY. THE OWNER SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.
- 4. ALL UTILITIES SHALL BE DELETED OR RELOCATED AS NECESSARY TO ACCOMMODATE THE PROPOSED DEVELOPMENT.

LEGAL DESCRIPTION

SECTION		1/4 SECTION 10, T12N, R10E, S12W, DISTRICT OF CLATSOP COUNTY, OREGON	
AREA		1.10 AC (48,720 SQ. FT.)	
APPROXIMATE ACRES		1.10 AC (48,720 SQ. FT.)	
APPROXIMATE SQUARE FEET		48,720 SQ. FT.	
APPROXIMATE SQUARE FEET		48,720 SQ. FT.	
APPROXIMATE SQUARE FEET		48,720 SQ. FT.	
APPROXIMATE SQUARE FEET		48,720 SQ. FT.	
APPROXIMATE SQUARE FEET		48,720 SQ. FT.	
APPROXIMATE SQUARE FEET		48,720 SQ. FT.	

KEYNOTES

- 1. EXISTING CURB
- 2. EXISTING DRIVE
- 3. EXISTING SIDEWALK
- 4. EXISTING UTILITY
- 5. EXISTING DRIVE
- 6. EXISTING DRIVE
- 7. EXISTING DRIVE
- 8. EXISTING DRIVE
- 9. EXISTING DRIVE
- 10. EXISTING DRIVE
- 11. EXISTING DRIVE
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- 14. EXISTING DRIVE
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- 16. EXISTING DRIVE
- 17. EXISTING DRIVE
- 18. EXISTING DRIVE
- 19. EXISTING DRIVE
- 20. EXISTING DRIVE



ARCHITECTURAL SITE PLAN
SCALE: 1/8" = 1'-0"

PRELIMINARY PLAN ONLY NOT FOR CONSTRUCTION

CIDA

LEUPOLD & STEVENS
FIVE OAKS HWY GREENBERG PARKWAY
BEAVERTON, OR 97006

A0.1

EXHIBIT 2
Legal Description

Lot 12, Corporate Center at Cornell Oaks.