

ORDINANCE NO. 4753

**AN ORDINANCE ANNEXING ONE PARCEL OF LAND LOCATED AT 2785 SW ROXBURY AVENUE; 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 CENTRAL BEAVERTON NEIGHBORHOOD ASSOCIATION COMMITTEE: ANX 2018-0002**

- WHEREAS,** ORS 222.125 grants the City authority to initiate an expedited annexation process with the consent of all landowners of the territory to be annexed; and
- WHEREAS,** the owner of the subject parcel, 2785 SW Roxbury Avenue ("Property") signed and submitted a petition to annex the Property into the City; and
- WHEREAS,** the 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,** ORS 222.520 specifies that whenever a part less than the entire area of a water district becomes incorporated as or annexed to a city, the city may cause that part to be withdrawn from the district at any time after such incorporation or annexation; and
- WHEREAS,** the withdrawal of the Property from the Tualatin Valley Water District is consistent with City policies and is in the best interest of the City; and
- WHEREAS,** the Council finds that the City complied with the criteria and notice provisions of Metro Code Section 3.09.45 for expedited annexations; and
- WHEREAS,** Council Resolution No. 3785 sets forth annexation policies for the City, and this action implements those policies; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

- Section 1.** The Property shown on Exhibit B, and more particularly described in Exhibit A, both of which are attached and incorporated by these references, is 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, this property shall be added to the Central Beaverton Neighborhood Association Committee Boundary.
- Section 3.** The Property is withdrawn from Tualatin Valley Water District.

- Section 4.** The Council withdraws the Property from the Washington County's Enhanced Sheriff's Patrol District and Washington County's Urban Road Maintenance District.
- Section 5.** The Council adopts the staff report attached as Exhibit C and incorporated by this reference and finds that this annexation meets all applicable approval criteria.
- 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 working days of adoption.
- 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.
- Section 8.** 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 on Exhibit B) to incorporate any revisions needed to meet the requirements of the State of Oregon.


First reading this 8th day of January, 2019.

Second reading and passage this 15th day of January, 2019.

Approved by the Mayor this 16th day of January, 2019.

ATTEST:

APPROVED:

  
 CATHERINE JANSEN, City Recorder

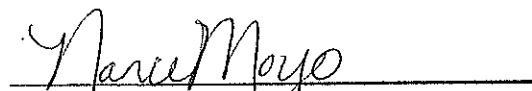
  
 DENNY DOYLE, Mayor

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

ss CERTIFICATION

I, Nanci Mayo, <sup>Deputy</sup> Recorder for the City of Beaverton, Washington County, Oregon, certify and attest that I have compared this copy with its original and determined this instrument is a true and correct copy of the original which is part of the official records of the City of Beaverton, Oregon.

Dated this 16<sup>th</sup> day of January, 2019.

  
 RECORDER, City of Beaverton

**EXHIBIT A  
LEGAL DESCRIPTION  
FOR ANNEXATION 2018-002**

EXPLANATION: THIS LEGAL DESCRIPTION IS PREPARED FOR THE OREGON DEPARTMENT OF REVENUE FOR THE PURPOSE OF DESCRIBING A PARCEL OF LAND RECORDED IN DOCUMENT 2012-084387 AND RE-RECORDED AS DOCUMENT 2013-072522 IN THE WASHINGTON COUNTY RECORDER OFFICE, IN UNINCORPORATED WASHINGTON COUNTY TO BE ANNEXED TO THE CITY OF BEAVERTON, LYING WEST OF S.W. ROXBURY AVENUE AND NORTH OF S.W. WALKER ROAD, WASHINGTON COUNTY, OREGON.

**LEGAL DESCRIPTION**

COMMENCING AT THE SOUTHEASTERLY CORNER OF THE ANTONIE C. LASSEN DONATION CLAIM NO. 57 IN WASHINGTON COUNTY, OREGON, IN NORTHEAST QUARTER (NE1/4) OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, AND RUNNING THENCE ALONG THE SOUTHERLY LINE OF SAID LASSEN DONATION LAND CLAIM IN WALKER ROAD, NORTH 70° 47' WEST, 704.3 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING BEING ALSO THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF SAID LASSEN DONATION LAND CLAIM WITH THE CENTERLINE OF COUNTY ROAD NO. 1692 (S.W. ROXBURY AVENUE); AN IRON ROD BEARS NORTH 19° 12' EAST, 16.5 FEET AND NORTH 70° 47' WEST, 25 FEET FROM THE POINT OF BEGINNING; THENCE FROM THE AFOREMENTIONED POINT OF BEGINNING AND FOLLOWING THE CENTERLINE OF SAID COUNTY ROAD NO. 1692 (S.W. ROXBURY AVENUE) NORTH 19° 12' EAST, 380.1 FEET TO A POINT IN THE CENTERLINE OF SAID COUNTY ROAD NO. 1692 FROM WHICH POINT AN IRON ROD BEARS NORTH 70° 47' WEST 25 FEET; THENCE FROM SAID POINT IN THE CENTERLINE NORTH 70° 47' WEST, 275 FEET TO AN IRON ROD; THENCE SOUTH 19° 12' WEST, 380.1 FEET TO A POINT ON THE SOUTHERLY LINE OF THE AFOREMENTIONED LASSEN DONATION LAND CLAIM NO. 57, FROM WHICH POINT AN IRON ROD BEARS NORTH 19° 12' EAST, 20 FEET; THENCE FROM SAID POINT ON SAID LASSEN DONATION LAND CLAIM NO. 57 AND FOLLOWING SAID SOUTHERLY LINE SOUTH 70° 47' EAST, 275 FEET TO THE POINT OF BEGINNING, THE EASTERLY 25 FEET OF WHICH IS RESERVED FOR THE USE OF THE PUBLIC FOR ROADWAY PURPOSES.

**EXCEPT THEREFROM THE FOLLOWING DESCRIBED PARCELS OF LAND CONTAINED IN THE ABOVE DESCRIPTION:**

PARCEL 1: A PARCEL OF LAND LYING IN THE ANTONIE C. LASSEN DONATION LAND CLAIM NO. 57 AND ALSO DESCRIBED IN CIRCUIT COURT CASE No. 32534, LYING WITHIN TOWNSHIP 1 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, AND BEING A PORTION OF THAT PROPERTY DESCRIBED IN THAT DEED TO CLEVELAND C. AND JEAN C. CORY, RECORDED IN BOOK 306, PAGE 453 OF WASHINGTON COUNTY RECORDS OF DEEDS; THE SAID PARCEL BEING THAT PORTION OF SAID PROPERTY INCLUDED IN A STRIP OF LAND VARIABLE IN WIDTH, LYING ON THE NORTHERLY SIDE OF THE CENTER LINE OF WALKER ROAD AS SAID ROAD HAS BEEN RELOCATED, WHICH CENTER LINE IS DESCRIBED AS FOLLOWS:

BEGINNING AT ENGINEER'S CENTER LINE STATION "W" 26+00, SAID STATION BEING 406.70 FEET NORTH AND 1078.02 FEET WEST OF THE SOUTHEAST CORNER OF SAID DONATION LAND CLAIM NO. 57; THENCE SOUTH 67° 51' 06" EAST 700 FEET TO ENGINEER'S STATION "W" 33+00.

THE WIDTH IN FEET OF THE STRIP OF LAND ABOVE REFERRED TO ARE AS FOLLOWS:

STATION	TO	STATION	WIDTH ON NORTHERLY SIDE OF CENTERLINE
"W" 26+00		"W" 29+50	30 TAPER TO 65
"W" 29+50		"W" 33+00	65

BEARINGS ARE BASED UPON THE OREGON CO-ORDINATE SYSTEM, NORTH ZONE.

55 PARCEL 2: A PARCEL OF LAND LYING IN THE ANTONIE C. LASSEN DONATION LAND CLAIM NO. 57 AND ALSO  
56 DESCRIBED IN CIRCUIT COURT CASE No. 32534, LYING WITHIN TOWNSHIP 1 SOUTH, RANGE 1 WEST,  
57 WILLAMETTE MERIDIAN, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON; THE SAID PARCEL BEING  
58 DESCRIBED AS FOLLOWS:

59 BEGINNING ON THE WESTERLY LINE OF S.W. ROXBURY AVENUE AT A POINT 175 FEET NORTHERLY OF THE  
60 INTERSECTION OF SAID WESTERLY LINE WITH THE NORTHERLY LINE OF WALKER ROAD; THENCE NORTHERLY  
61 ALONG SAID WESTERLY LINE 50 FEET; THENCE SOUTHWESTERLY IN A STRAIGHT LINE TO A POINT OPPOSITE  
62 AND 65 FEET NORTHERLY OF ENGINEER'S STATION "W" 29+50 ON THE CENTER LINE OF RELOCATED WALKER  
63 ROAD, WHICH CENTER LINE IS DESCRIBED IN PARCEL 1; THENCE EASTERLY PARALLEL WITH SAID CENTER LINE  
64 TO THE NORTHWESTERLY LINE OF THAT PROPERTY ACQUIRED BY THE STATE OF OREGON, BY AND THROUGH  
65 ITS STATE HIGHWAY COMMISSION IN THAT CERTAIN FINAL JUDGMENT DATED APRIL 1, 1966, ENTERED AS  
66 CIRCUIT COURT CASE NO. 26992, WASHINGTON COUNTY, OREGON; THENCE NORTHEASTERLY ALONG SAID  
67 NORTHWESTERLY LINE TO THE POINT OF BEGINNING.

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69 PARCEL 3: BEING DESCRIBED IN CIRCUIT COURT CASE No. 26992, WASHINGTON COUNTY, BEGINNING AT THE  
70 INTERSECTION OF THE NORTHERLY LINE OF WALKER ROAD AND THE WESTERLY LINE OF SOUTHWEST ROXBURY  
71 AVENUE; THENCE NORTHERLY ALONG SAID WESTERLY LINE, 175 FEET; THENCE SOUTHWESTERLY IN A  
72 STRAIGHT LINE TO THE NORTHERLY LINE OF SAID WALKER ROAD AT A POINT 60 FEET WESTERLY OF THE POINT  
73 OF BEGINNING; THENCE EASTERLY ALONG SAID NORTHERLY LINE, 60 FEET TO THE POINT OF BEGINNING.

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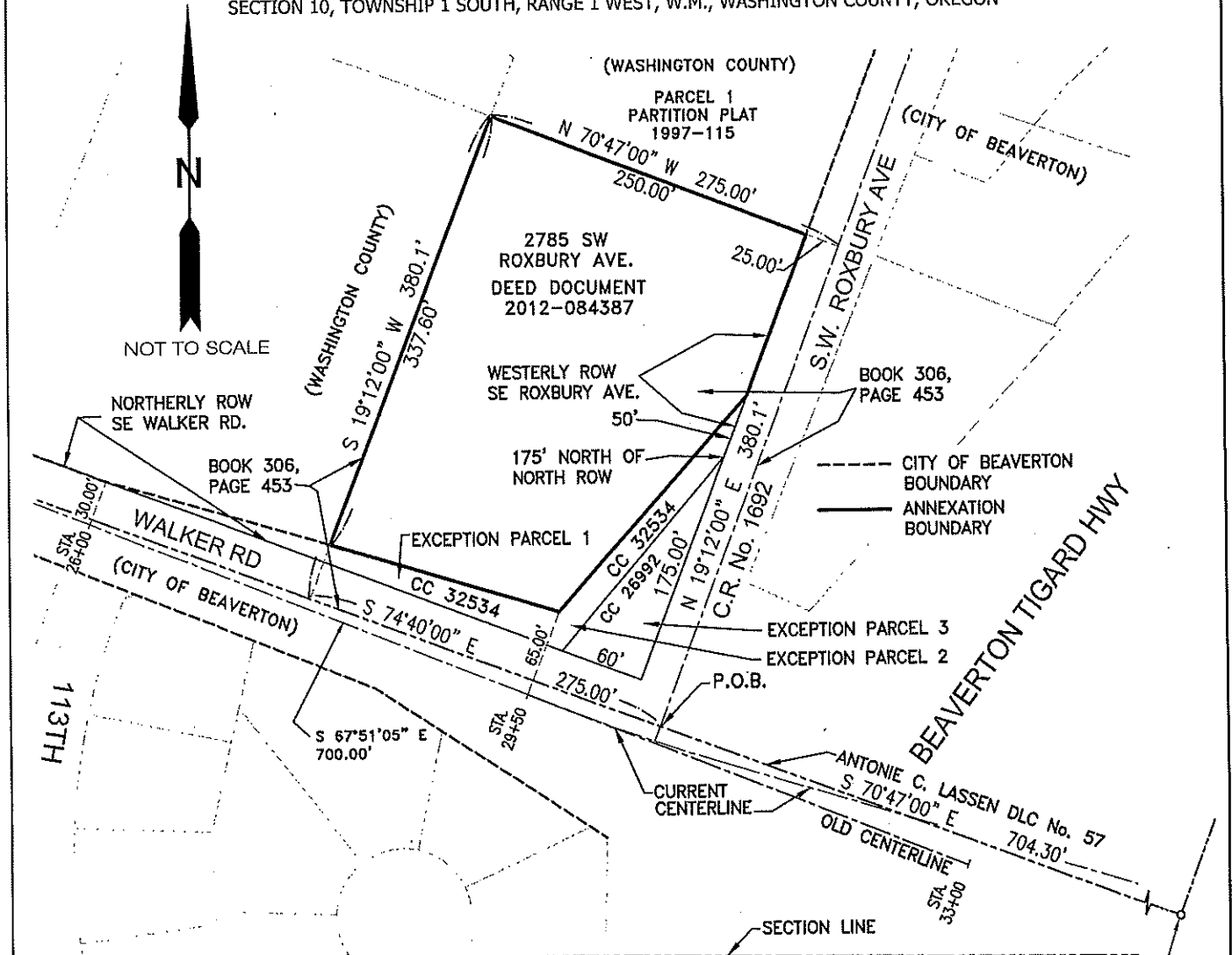
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BASIS OF BEARING: ARE BASED ON THE OREGON COORDINATE SYSTEM 1983, NORTH ZONE.

SEE EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

EXHIBIT B

WITHIN THE ANTONIE C. LASSEN DLC No. 57, LYING IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., WASHINGTON COUNTY, OREGON



NOT TO SCALE

NORTHERLY ROW SE WALKER RD.

BOOK 306, PAGE 453

WESTERLY ROW SE ROXBURY AVE. 50'

175' NORTH OF NORTH ROW

EXCEPTION PARCEL 1

CC 32534

CC 26992

CC 32534

EXCEPTION PARCEL 3

EXCEPTION PARCEL 2

P.O.B.

CURRENT CENTERLINE

SECTION LINE

BOOK 306, PAGE 453

CITY OF BEAVERTON BOUNDARY  
ANNEXATION BOUNDARY

ANTONIE C. LASSEN DLC No. 57  
S 70°47'00" E 704.30'

SOUTHEAST CORNER OF ANTONIE C. LASSEN DLC No. 57

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON  
JULY 09, 2013  
MARTIN T. SPRAGUE  
81280

RENEWAL DATE 06/30/20

Y:\SURVEY\ANNEX\2018-002\DWG\exhibit B.dwg

SHEET 1 OF 1



PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

JOB NO: 18-002  
DATE: 11.08.18

DRAWN BY: MTS  
CHECKED BY: MTS

APPROVED BY:

REVISION:	_____
REVISION:	_____

EXHIBIT C



**Staff Report**  
**Annexation of 2785 SW Roxbury Avenue**  
**City Council**

<b>1<sup>st</sup> Reading:</b> .....	<b>January 8, 2019</b>
<b>2<sup>nd</sup> Reading:</b> .....	<b>January 15, 2019</b>
<b>Date of Report:</b> .....	<b>December 28, 2019</b>

**Application No.** ANX2018-0002

**Request/Summary:** Expedited annexation of one parcel of land to the City of Beaverton. Also amendment of the Central Beaverton Neighborhood Association Committee Boundary to include the area proposed for annexation. The proposal also includes withdrawal of the property from Tualatin Valley Water District, Washington County's Urban Road Maintenance District, and Washington County's Enhanced Sheriff's Patrol.

**Location:** 2785 SW Roxbury Avenue.

**Owner/Applicant:** Philip J. Rengel and Gail K. Rengel

**Total Area:** Approximately 1.72 acres

**Taxable Assessed Value:** \$530,200

**Review Criteria:** Metro Code Chapter 3.09.045

**Staff Reviewer:** Jeff Salvon, AICP

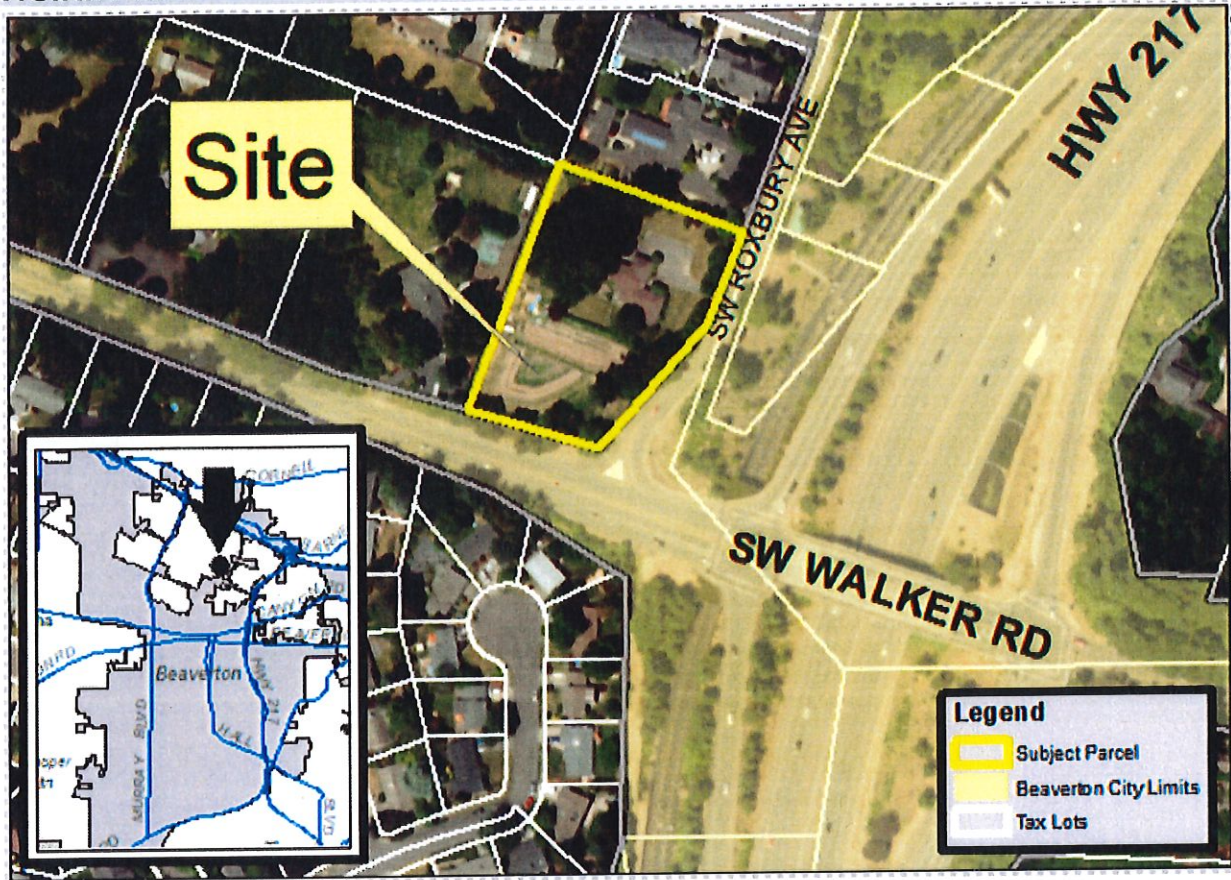
**RECOMMENDATION:** Staff recommends the City Council adopt an ordinance annexing the referenced property effective as of the date the ordinance is filed with the Secretary of State as specified by ORS 222.180 or 30 days from date the ordinance is signed, whichever is later; withdrawing the property from the Tualatin Valley Water District, the Washington County Urban Road Maintenance District and the Enhanced Sheriff's Patrol District; and adding the annexed area to the Central Beaverton Neighborhood Association Committee.

**BACKGROUND**

The subject property is in unincorporated Washington County. The property owner is working with a development consultant to subdivide the property into an 11-lot subdivision. Subdivision of the property will add storm water flow to a city-maintained line. Additionally, the property owner intends to abandon the existing lateral sanitary sewer line in the northwest corner of the property and connect to an existing line within the SW Walker Road right of way. It is city policy to require that the property annex into Beaverton when city services are provided. After annexation, the city will be able to collect property taxes to help pay for services provided to the property.

Beaverton will provide a variety of services to the property including police, storm water conveyance, urban planning and development review. Under ORS 222.125 and Metro Code 3.09.045, consent to annex on the part of the landowner allows this proposal to be processed as an expedited annexation. Under this state law, annexations that are owner initiated do not require a public hearing.

**VICINITY MAP**



**EXISTING CONDITIONS**

Map and Tax Lot	Site Address	Lot Size (acres)	Existing Land Use
1S110AC01200	2785 SW Roxbury Ave.	1.72	Residential

The property has a single-family detached home and is at the northwest corner of SW Walker Road and SW Roxbury Avenue. The property is also within close proximity to Highway 217. The immediate neighborhood consists of single-family detached homes. A depiction of the annexation area and immediate neighborhood can be viewed on the vicinity map above and more particularly described by the legal description (Exhibit A of the subject ordinance).

**CRITERIA FOR APPROVAL**

In December 1998, the Metro Council adopted Metro Code Chapter 3.09 (Local Government Boundary Changes). This Chapter has since been amended through Ordinance 07-1165A (adopted Jan. 17, 2008). Metro Code Section 3.09.045 identifies expedited procedures applicable to owner-initiated annexations that



occur within the Portland metropolitan area. Section (c) and (d) contain minimum criteria that must be considered in the decision-making process for all expedited annexation decisions. Those criteria are addressed below.

**Criterion:** ***3.09.045 (C) 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 extra-territorial extensions of service;***

**Response:** The proposal involves annexation of one parcel involving approximately 1.72 acres of land. As indicated in the previous section, annexation is required because the property owner desires to subdivide the property requiring connection to a new city-maintained sanitary sewer line. It will also add additional storm water conveyance to a city-maintained storm water line. Both services are available to meet the needs of the proposed subdivision.

Other essential and critical urban services are already provided to the parcel by the county and area special service districts. Annexation of the property will mean a transfer of services in some cases. A detailed explanation as to how these services will be addressed is provided below. The proposed annexation does not entail extra-territorial extensions of city services.

**Police:**

The property to be annexed currently receives police protection from the Washington County Enhanced Sheriff's Patrol District (ESPD). The property 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.

**Fire:**

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

**Sanitary Sewer:**

The subject property is currently served by Clean Water Services (CWS) by a 4-inch pipe at the northwest corner of the property. Subsequent to annexation, the line will continue to be serviced and

maintained by CWS. If subdivision of the subject property occurs after the property annexes, the City will require that the developer tap into an 8-inch line within the Walker Road right of way approximately 270 feet west of the property. This will provide the additional capacity needed to support the development. In such case, the city will assume maintenance responsibility required to service that extension.

Water:

The subject parcel is within the Tualatin Valley Water District and is served by the District. Pipes capable of serving the property are available within both the SW Walker Road and SW Roxbury Avenue rights of way. Pursuant to an intergovernmental agreement between the City of Beaverton and TVWD, and as part of the city's water services transfer program, the city is proposing to withdraw this property from TVWD as part of a larger service territory withdrawal process. Subsequent to annexation, the City of Beaverton will assume responsibility for water service to the subject parcel.

Storm Water Drainage:

The property is served by a 12-inch storm water drain at the northwest intersection of SW Walker Road and SW Roxbury Avenue. The pipe runs 35 feet to a 36-inch pipe that extends southeast across the intersection. Although this line is maintained by the city of Beaverton, it is within a right of way maintained by the Oregon Department of Transportation (ODOT). Therefore, increased storm water runoff resulting from future redevelopment of the property will therefore require permitting from ODOT in addition to the City of Beaverton.

Streets and Roads:

The subject parcel occupies a corner lot bordered by SW Walker Road to the south (classified as an arterial) and to the east by SW Roxbury Avenue (classified as a collector). The parcel is also within close proximity to State Highway 217, which is classified as a freeway on the city's Functional Classification Map. Both segments of SW Roxbury Avenue and SW Walker Road are designated statutory county roads. Along with annexation, the property will be withdrawn from the Washington County Urban Road Maintenance District. Maintenance responsibility for both segments will remain with Washington County. Future transfer of maintenance responsibility will be negotiated between Washington County and the City of Beaverton in a separate process.

Schools and Parks:

The proposed annexation is within the Beaverton School District (BSD). Because the proposed action does not propose new residential use of the property, school enrollment will not be affected by the proposed annexation and no additional service demands will be imposed upon the school district. The subject property is also located within the Tualatin Hills Park and Recreation District (THPRD). Subsequent to annexation, school district and park district boundaries will remain unaffected.

Planning, Zoning, and Building:

Washington County currently provides long-range planning, development review and building inspection for the property. Once the annexation becomes effective, the city will conduct all planning and zoning functions associated with the property. Which Beaverton land-use designations and zones will be applied after annexation will be determined by the City of Beaverton – Washington County Urban Planning Area Agreement (UPAA), and those land use and zoning changes will be completed through a separate process.

**Criteria:** *(2) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party;*

**Response:** As part of this annexation proposal, the City of Beaverton is proposing that the property be withdrawn from Tualatin Valley Water District's service territory so the of City of Beaverton can assume the role of primary water service provider for the property over time. This action is being proposed pursuant to an agreement that the city has with TVWD to take over water service for specific areas of City.

Additionally, the property will be withdrawn from Washington County's Enhanced Sheriff's Patrol District and Urban Road Maintenance District. The proposed annexation will not require withdrawal of territory from any other service districts identified as necessary parties. Necessary parties include Clean Water Services, Tualatin Valley Fire and Rescue, and Tualatin Valley Parks and Recreation District.

**Criteria:** *(3) The proposed effective date of the boundary change.*

**Response:** 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's annexation process requires that the proposed ordinance receive first and second readings on consecutive meeting dates. Additionally, Section 36 of the city's Charter specifies that city ordinances shall take effect 30 days after their adoption by the Council and approval of the mayor.

The property shown on Exhibit B of the ordinance, and described in Exhibit A, 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 adoption, whichever is later.

**FINDING:** Staff has addressed the elements contained in Metro Code Section 3.09.045 (C) above. Additionally, this staff report will be made available to the public on or before January 1, 2019, at least seven days prior to the date of decision. Therefore, staff finds that the proposal satisfies Metro Code Section 3.09.045 (C).

**Criteria:** ***3.09.045 (D) 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;***

**Response:** With the exception of area special district water providers Raleigh Water District and West Slope Water District, cooperative, urban service and intergovernmental agreements affecting provision of service to the subject property have been established with all critical and essential special service providers includes Clean Water Services, Tualatin Valley Fire and Rescue District, and Tualatin Hills Parks and Recreation District.

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

**FINDING:** *Staff finds that where applicable, the proposed annexation is consistent with urban service agreements in place as demonstrated in the staff report and as such the proposal satisfies Metro Code Section 3.09.045 (D)(1)(a).*

**Criteria:** **(b) Any applicable annexation plan adopted pursuant to ORS 195.205;**

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

**FINDING:** *Because a comprehensive urban service agreement has not been established as a basis for preparing city annexation plans, staff finds that provisions in Metro Code Section 3.09.045 (D)(1)(b) do not apply.*

**Criteria:** **(c) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party:**

**Response:** As noted in the previous section of this report, the city has entered into ORS Chapter 195 cooperative agreements with Washington County; Tualatin Valley Fire & Rescue District; Tualatin Valley Water District, Tualatin Hills Park & Recreation District. These agreements call for coordination of planning activities between each service district and the city, although it should be noted that annexations are not subject to coordination under the agreement language because annexation does not trigger an immediate change in service provision from the special districts. However, as necessary parties, the subject districts have been notified of this proposed annexation.

**FINDING:** *Staff finds that the proposed annexation is consistent with urban service agreements in place as demonstrated in the staff report and as such the proposal satisfies Metro Code Section 3.09.045 (D)(1)(c).*

**Criteria:** **(d) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;**

**Response:** 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: storm water 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 its public facilities plan, the city has essentially agreed to abide by any provisions of that master plan.

Staff could not identify any provisions in the Washington County Public Facilities Plan or special district plans applicable to this proposed annexation.

**FINDING:** *Staff finds that the proposed annexation is consistent with applicable Public Facility Plans and therefore satisfies Metro Code Criterion 3.09.045 (D)(1)(d).*

**Criteria:** (e) ***Any applicable comprehensive plan;***

**Response:** 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.

In reviewing the Washington County Comprehensive Framework Plan for the Urban Area on the county's website (reflecting changes through county ordinance No. 844) that will amend 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 that 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 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.*

Subsequent to annexation, the City of Beaverton will apply its plan and zone designations to the parcel. Selection as to which designations are appropriate will be dictated by the terms specified in the Beaverton – Washington County Urban Planning Area Agreement (UPAA). The intent is to apply city designations that most closely correspond to what had previously been applied.

**FINDING:** Staff finds that the proposed annexation is consistent with applicable provisions contained in the City of Beaverton's Comprehensive Plan, Washington County's Framework Plan. The proposed amendment therefore satisfies Metro Code Criterion 3.09.045 (D)(1)(e).

**Criteria:** (f) Any applicable Concept plan;

**Response:** No concept plan applies to this area, so this criterion is not applicable.

**FINDING:** Staff finds that Metro Code Criterion 3.09.045 (d)(1)(f) is not applicable to this proposal.

**Criteria:** (2) Consider whether the boundary change would:

**(a) Promote the timely, orderly and economic provision of public facilities and services;**

**Response:** 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 attempted to ensure that the provision of services subsequent to the proposed boundary change will be timely, orderly, and economically viable.

**FINDING:** Staff finds that for the reasons indicated above, changes in service provision occurring subsequent to the proposed boundary change have been adequately anticipated and planned for. The proposed amendment therefore satisfies Metro Code Criterion 3.09.045 (D)(2)(a).

**Criteria:** (b) Affect the quality and quantity of urban services;

**Response:** 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 or higher than provided in unincorporated areas. Accordingly, the city is generally regarded as offering a level of service to properties that annex from unincorporated county that is equal or higher than what was previously received. Annexation to the City of Beaverton will therefore retain or enhance the quality and quantity of urban services for the annexed area. In addition, annexation will make city sewer service available to the property, which is now on a septic system.

**FINDING:** The proposed annexation will generally retain or enhance the quality and quantity of urban service. Criterion 3.09.045(D)(2)(b) has been met.



**Criteria:** (c) *Eliminate or avoid unnecessary duplication of facilities or services.*

**Response:** This staff report identifies which agency will be responsible for the providing of urban services in this area. The city and service providers have agreements that specify which agency provides services. These agreements therefore fulfill the role of eliminating duplication.

**FINDING:** *As the proposed annexation is subject to the terms of agreements among the city and other governments and service providers, provisions have been made to avoid unnecessary duplication of facilities or services involving the subject parcel. Criterion 3.09.045(D)(2)(c) has been met.*

## **PROCESS**

- Consistent with Metro Code Section 3.09.045, the city sent notice of the proposed annexation on December 12, 2018, (at least 20 days prior to the City Council's first reading of the ordinance that would approve the annexation) to all necessary parties including Washington County, Metro, affected special districts and county service districts.
- The notice and a copy of this staff report was posted on the city's website on December 12, 2018, (at least 20 days prior to the City Council's first reading of the ordinance that would approve the annexation).

## **CONCLUSION**

***Based on the facts and findings in this report, staff concludes that approval of the owner-initiated annexation for Tax Lot # 1S110AC01200, meets all pertinent criteria outlined in Metro Section 3.09.045.***