

AN ORDINANCE ANNEXING ONE PARCEL OF LAND LOCATED AT 3450 SW 110TH AVENUE; WITHDRAWING THE PROPERTY FROM THE 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; ANNEXATION ANX2019-0003

- 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, 3450 SW 110th 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,** 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 Council withdraws the Property from the Washington County's Enhanced Sheriff's Patrol District and Washington County's Urban Road Maintenance District.
- Section 4.** 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 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 on Exhibit B) to incorporate any revisions needed to meet the requirements of the State of Oregon.

First reading this 4th day of June, 2019.

Second reading and passage this 11th day of June, 2019.

Approved by the Mayor this 12th day of June, 2019.

ATTEST:


CATHERINE JANSEN, City Recorder

APPROVED:

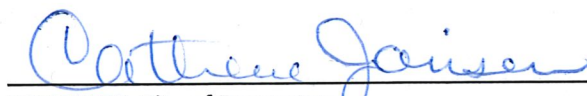

DENNY DOYLE, Mayor

STATE OF OREGON
COUNTY OF WASHINGTON
CITY OF BEAVERTON

ss CERTIFICATION

I, CATHERINE JANSEN, 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 14th day of JUNE, 2019.


RECORDER, City of Beaverton



The Best of Oregon

**EXHIBIT A
LEGAL DESCRIPTION
FOR ANNEXATION 2019-003**

EXPLANATION: THIS LEGAL DESCRIPTION IS PREPARED FOR THE OREGON DEPARTMENT OF REVENUE FOR THE PURPOSE OF DESCRIBING A PARCEL OF LAND IN UNINCORPORATED WASHINGTON COUNTY TO BE ANNEXED TO THE CITY OF BEAVERTON, LYING EAST OF S.W. 110TH AVENUE AND NORTH OF S.W. CABOT STREET, WASHINGTON COUNTY, OREGON.

A PARCEL OF LAND, RECORDED IN DEED 2018-086486, WASHINGTON COUNTY RECORDERS OFFICE, LYING IN THE SOUTHEAST ONE QUARTER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 19, "SUNNY HILL", PLAT IN BOOK 9, PAGE 05, IN THE COUNTY RECORDERS OFFICE, WASHINGTON COUNTY OREGON,

EXCEPT THE NORTH 104.5 FEET THEREOF.

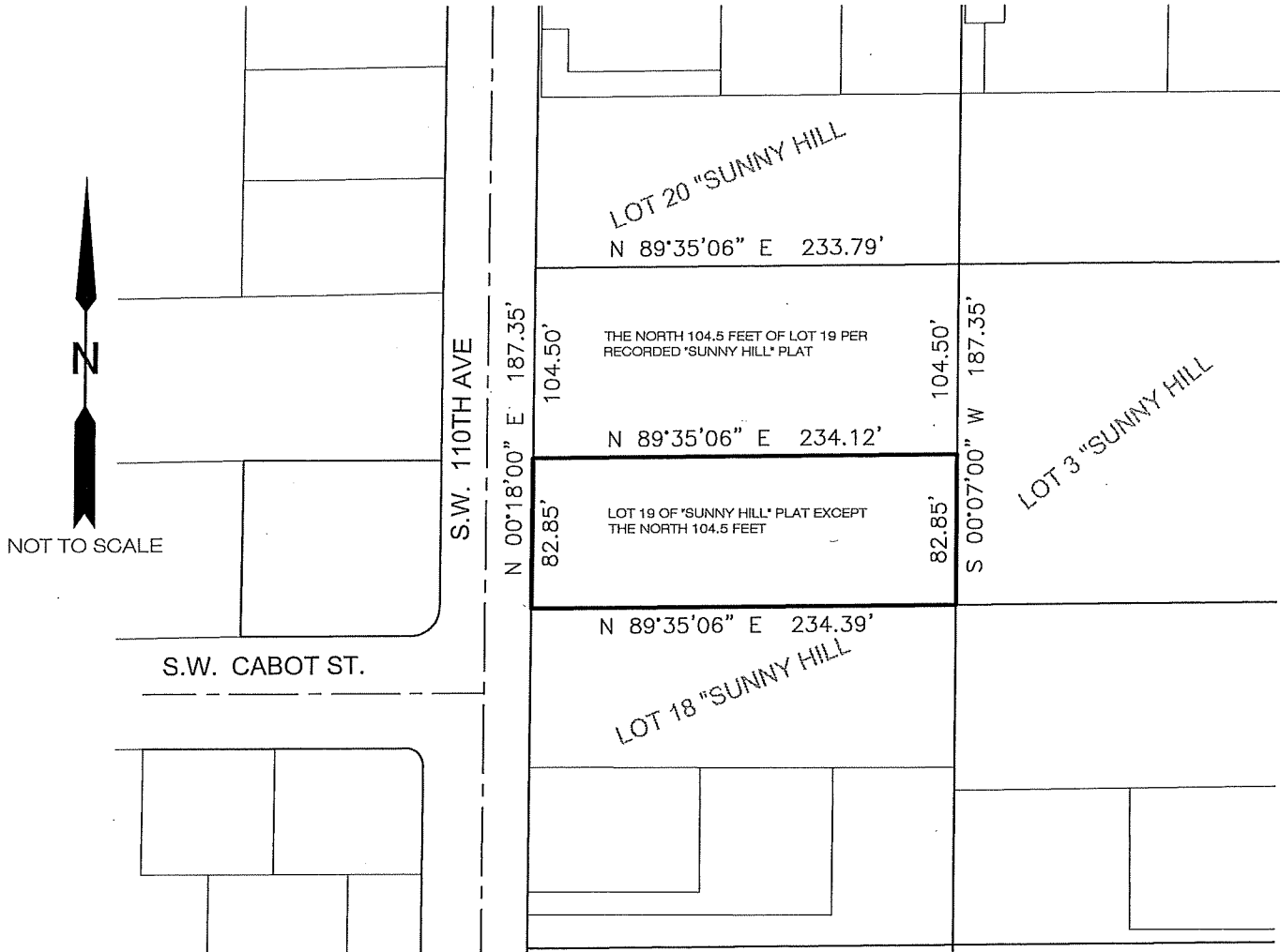
HAVING AN AREA OF 10,179 SQUARE FEET, 0.23 ACRES MORE OR LESS

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

BASIS OF BEARING: NORTH 00°18'00" EAST, BEING THE CENTERLINE OF S.W. 110TH AVENUE IN RECORD SAID "SUNNY HILL" PLAT, IN THE WASHINGTON COUNTY RECORDERS OFFICE, WASHINGTON COUNTY, OREGON.

EXHIBIT B

BEING A PORTION OF LOT 19 "SUNNY HILL" SUBDIVISION AS RECORDED IN BOOK 9, PAGE 05, IN THE WASHINGTON COUNTY RECORDERS OFFICE, LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 1 WEST, W.M., WASHINGTON COUNTY, OREGON



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Martin T. Sprague

OREGON
JULY 09, 2013
MARTIN T. SPRAGUE
81280

RENEWAL DATE 06/30/20

Y:\SURVEY\ANNEX\2019-003\DWG\exhibit B.dwg

SHEET 1 OF 1


 <p>Beaverton OREGON</p>	PUBLIC WORKS DEPARTMENT ENGINEERING DIVISION	JOB NO: 19-003 DATE: 04.21.19	REVISION: _____ _____ _____
		DRAWN BY: MTS CHECKED BY: MTS	REVISION: _____ _____ _____
		APPROVED BY: _____	

EXHIBIT C



Staff Report
Annexation of 3450 SW 110th Avenue
City Council

1st Reading:	June 4, 2019
2nd Reading:	June 11, 2019
Date of Report:	May 10, 2019

Application No. ANX2019-0001

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 Washington County's Urban Road Maintenance District and Washington County's Enhanced Sheriff's Patrol.

Location: 3450 SW 110th Avenue

Owner/Applicant: Christopher Sherby

Total Area: Approximately 0.44 acres

Taxable Assessed Value: \$244,610

Review Criteria: Metro Code Chapter 3.09.045

Staff Reviewer: Jeff Salvon, AICP

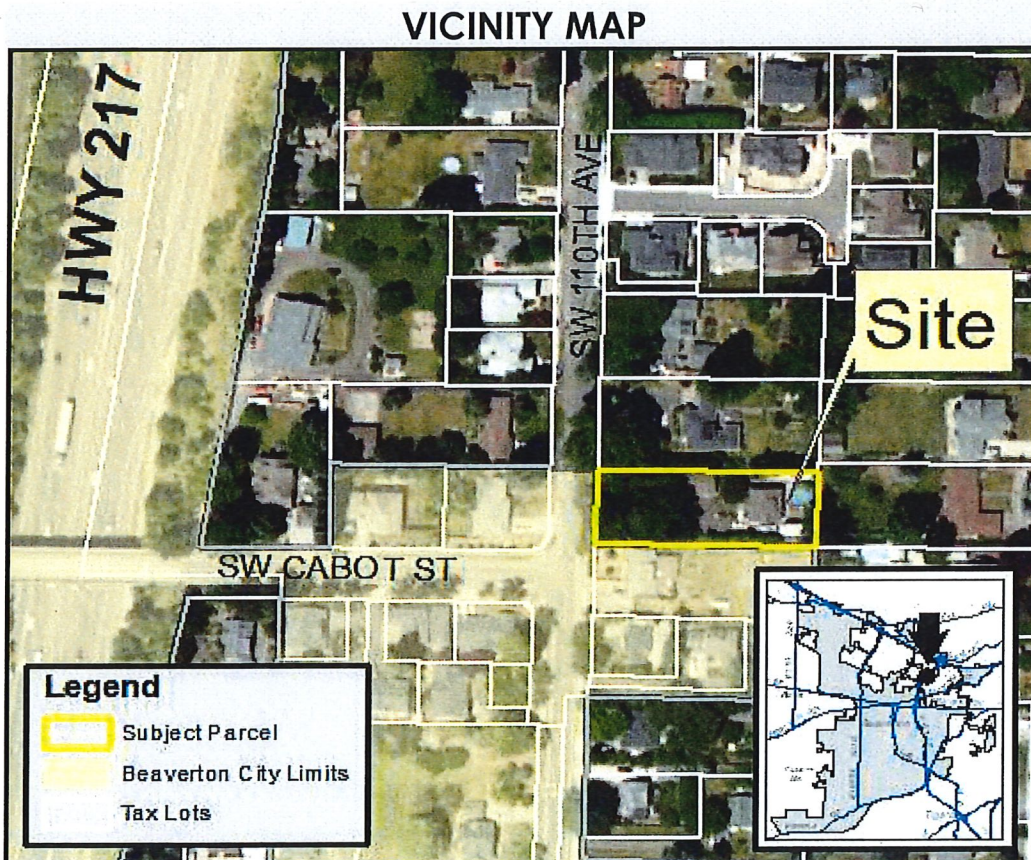
RECOMMENDATION: Staff recommends the City Council adopt an ordinance annexing the referenced property effective as of the date the ordinance is filed with the Secretary of State as specified by ORS 222.180 or 30 days from the date the ordinance is signed, whichever is later; withdrawing the property from 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 would like to subdivide the property to support one additional dwelling unit. The proposal will add flow to city-maintained sanitary sewer and stormwater lines.

It is city policy to require that the properties annex into Beaverton when city services are provided. After annexation, the city will have the ability to collect property taxes to pay for the services provided. Additionally, subsequent to annexation, Beaverton will administer development review, plan review, and permitting that will be required with development of the property.

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.



EXISTING CONDITIONS

Map and Tax Lot	Site Address	Lot Size (acres)	Existing Land Use
1S110DA03900	3450 SW 110th Ave.	0.44	Residential

The subject parcel has a single-family detached home on the property and is near the intersection of SW 110th Avenue and SW Cabot Street. The surrounding 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 the annexation area is more particularly described by the legal description (Exhibit A of the subject ordinance).

CRITERIA FOR APPROVAL

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 0.44 acres of land. As indicated in the previous section, annexation is required because the property owner desires to subdivide the property and construct an additional detached residential dwelling on the property. The subdivision would create a lot where a new home would have to connect to an existing city-maintained sanitary sewer line in SW 110th Ave. The new lot also will produce additional stormwater for the city's stormwater line with the anticipated construction. Both stormwater conveyance and sanitary sewer 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 property owner would like to subdivide the property and construct an additional dwelling unit on the subdivided portion. The proposal to construct an additional dwelling unit will generate additional sanitary sewer affluent to the existing system. The city of Beaverton maintains an 8-inch sanitary sewer line adjacent to the property within the SW 110th Avenue right-of-way.

Access to the city's sanitary sewer line requires annexation into the city of Beaverton so the city has the ability to recover costs associated with the additional service provision. Subsequent to annexation, the city will begin billing the property for services and sanitary sewer conveyance services. The city will maintain the 8-inch line.

Water:

The subject parcel is within the West Slope Water District, and a 6-inch water line located within the SW 110th Avenue right-of-way currently serves the property with potable water. Subsequent to annexation, the West Slope Water District will continue to provide water to the property.

Stormwater Drainage:

The property owner would like to subdivide the property and construct an additional dwelling unit on the subdivided portion of the property. The proposal will add impervious surface and the resulting

stormwater runoff to a 10-inch stormwater line within the adjacent SW 110th Avenue right-of-way. As an alternative, the developer may opt to tap into a 12-inch stormwater line approximately 40 feet south of the property's street frontage. Both lines are maintained by the city.

Subsequent to annexation, the city will begin billing the property for stormwater conveyance services. The city will provide maintenance for the stormwater line.

Streets and Roads:

The subject parcel is an interior lot with homes on either side. SW 110th Avenue in front of the property is a local street. Cabot and 110th Avenue south of the property are both designated as collectors on the city's Functional Classification Map

The property has good transportation access and is within 1,200 feet of SW Canyon Road, an arterial, and within a quarter mile of a Highway 217 onramp. Because the segment of street in front of the parcel is designated a county numbered street, Washington County will continue to provide street maintenance to that segment after annexation occurs.

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. Potential impacts affecting enrollment would incur when subdivision of the property is approved. The subject property is within the Tualatin Hills Park & 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 services to 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 zone will be applied after annexation will be determined by the City of Beaverton pursuant to the Washington County Urban Planning Area Agreement

(UPAA). 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:

In accordance with the UPAA, 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 & Rescue, and Tualatin Valley Parks & 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 May 28, 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/or intergovernmental agreements affecting provision of service to the subject property have been established with all critical and essential special service providers. This includes Clean Water Services, Tualatin Valley Fire & Rescue District, and Tualatin Hills Parks & 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 and 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: 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 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. 850) 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 City of Beaverton pursuant to the terms specified in the Beaverton – Washington County Urban Planning Area Agreement (UPAA).

FINDING: *Staff finds that the proposed annexation is consistent with applicable provisions contained in the City of Beaverton's Comprehensive Plan and 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. In this case, utility services are already available for this lot and so will be provided in a timely, orderly and economic manner.

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 allow any new development occurring on the property to access city sanitary sewer and stormwater conveyance services to that development.

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 April 26, 2019, (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 May 28, 2019, (at least 7 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 # 1S110DA03900, meets all pertinent criteria outlined in Metro Section 3.09.045.