

STAFF REPORT

Report Date: December 1, 2022

Application/Project Name: ANX2022-0005 137th Avenue Annexations

Application Numbers: ANX2022-0005

Proposal: An Ordinance Annexing Two Tax Lots at 140 and 170 SW 137th Avenue, the Adjacent Right of Way of SW 137th Avenue, and Additional Right of Way of portions of SW 137th Avenue and SW Linda Lane; Withdrawing the Properties and Adjacent Rights of Way from the Tualatin Valley Water District, Washington County Enhanced Sheriff's Patrol District, and Washington County Urban Road Maintenance District; and Adding the Properties and Adjacent Rights of Way to the Five Oaks/Triple Creek Neighborhood Association Committee.



Proposal Location: 140 and 170 SW 137th Avenue. Tax lots 7800 and 7700 of Washington County Tax Assessor's Map 1S104BA.

Petitioner (140 and 170 SW 137th Ave): Ranya Edupuganti, Sriram Edupuganti, Jalaja Uppili, and Sudarsan Uppili

Applicant: City of Beaverton

Recommendation: APPROVAL of ANX2022-0005 137th Avenue Annexations

Contact Information:

City Staff Representative: Brittany Gada, Associate Planner
971-724-0517
bgada@BeavertonOregon.gov

Property Owner: Nedion Properties, LLC
4011 NW Riggs Drive
Portland, OR 97229

Existing Conditions

Zoning: Washington County R-5

Site Conditions: Existing uses on the subject properties include a single-detached residence and an accessory structure on each tax lot and existing rights of way.

Site Size: 0.97 acres

Location: 140 and 170 SW 137th Avenue and adjacent rights of way

Neighborhood Association Committee: Five Oaks/Triple Creek

Table 1: Surrounding Uses

Direction	Zoning	Uses
North	Washington County R-5	Single-Detached Residential
South	Washington County R-5	Single-Detached Residential
East:	City of Beaverton Residential Mixed C (RMC)	Vacant
West:	Washington County R-5	Single-Detached Residential

Application Information

Table 2: Application Summaries

Application	Application Type	Proposal Summary	Approval Criteria Location
ANX2022-0005	Annexation	Annexation to the City of Beaverton two parcels of land, adjacent Right of Way, and additional Right of Way of SW 137 th Ave and SW Linda Lane	Metro Code 3.09.045

Table 3: Key Application Dates

Application	Petition Date	Deemed Complete	120-Day	365-Day*
ANX2022-0005	June 7, 2022	N/A	N/A	N/A

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Annexation Background and Summary

On June 7, 2022, the owners' representative submitted two petitions for annexation of 140 and 170 SW 137th Avenue. The annexation boundary includes two parcels owned by the petitioners, the adjacent right of way of SW 137th Avenue, and additional rights of way of portions of SW 137th Avenue and SW Linda Lane. The annexation area is in unincorporated Washington County. The parcels are each currently developed with a single-detached residence and accessory structures. The surrounding area contains primarily single-detached homes.

The rights of way to be annexed include those areas adjacent to the subject parcels and portions of SW 137th Ave and SW Linda Lane to connect the site to city boundary along SW Murray Boulevard. The Washington County-Beaverton Urban Planning Area Agreement (UPAA) provides consent to annex "unincorporated properties, including County roads, within Annexation Area A" as shown in Exhibit B of the agreement, that are not a County road designated as County long-term jurisdiction in the County's Transportation System Plan. These sections of County right of way are within Annexation Area A in the UPAA and are not County roads designated as County long-term jurisdiction in the County's Transportation System Plan. Under ORS 222.125 and Metro Code 3.09.045, consent to annex on the part of the landowners allows this proposal to be processed as an expedited annexation.

Analysis and Findings for Annexation Approval

Recommendation: Based on the facts and findings presented below, staff recommends the City Council approve **ANX2022-0005**.

Metro Code Section 3.09.045 Expedited Decisions:

Section 3.09.045 Approval Criteria:

Section 3.09.045 of the Metro Code specifies that to approve an Annexation application, the decision-making authority shall make findings of fact that all criteria specified in Section 3.09.045.A-E are satisfied. The following findings apply to the City's proposed annexation of two parcels of land and adjacent rights of way.

Section 3.09.045.A

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 140 and 170 SW 137th Avenue, specifically identified as Tax Lots 7800 and 7700 respectively, on Washington County Tax Assessor's Map 1S130DD. The City of Beaverton received a Petition for a Consent Annexation for each tax lot that was signed by one hundred percent of the property owners. The UPAA provides consent to annex unincorporated County roads within Annexation Area A that are not designated as County long-term jurisdiction in the County's Transportation System Plan. Since the rights of way proposed to be annexed are within Annexation Area A and are not designated as County long-term jurisdiction, Washington County has previously consented to the annexation of this right of way. There are no electors associated with either tax lot. The City may thus use the expedited decision process for a minor boundary change.

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

Section 3.09.045.B

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 195.003, that is party to any agreement for provision of an urban service to the affected territory.” On December 8, 2022, more than 20 days prior to the date set for the first reading of the annexation ordinance (January 3, 2023), staff mailed notice of the proposal to the necessary parties. 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

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 an extraterritorial extension of service;

FINDING:

This staff report was posted on the City’s website no later than December 27, 2022, which is seven days prior to the first reading of the annexation ordinance at the January 3, 2023, City Council meeting and 28 days before the public hearing on January 17, 2023.

Critical and essential urban services are already provided to the subject parcel by Washington County and area special service districts. Annexation of the property will include the transfer of some services. The proposed annexation does not entail extraterritorial extensions of city services. More information on each urban service is provided below:

Public Water: The subject parcels are within the Tualatin Valley Water District (TVWD) and are served by TVWD. The properties will be withdrawn from Tualatin Valley Water District service area to preserve the city’s ability to serve the lots in the future. The subject properties will continue to be served by the Tualatin Valley Water District through a wheeling agreement until the City has infrastructure in place to serve the properties.

Public Sanitary Sewer: The subject properties will be provided Sanitary Sewer Service by the City of Beaverton upon annexation, utilizing the current infrastructure (8-inch sanitary sewer main) within SW 137th Avenue.

Stormwater Drainage: The City of Beaverton will provide stormwater drainage to the parcels upon annexation. There is existing stormwater infrastructure, a 12-inch storm gravity main, approximately 220 feet from the subject properties in the portion of SW Linda Lane that is a part of this annexation request.

Transportation: The subject parcels are developed with single-detached dwellings, one per lot, and are on SW 137th Avenue, a local street. The properties are in a residential neighborhood and abut vacant lots to the rear that are within the city boundary. In addition to the right of way fronting the property, the city will annex additional right of way on SW 137th Avenue and SW Linda Lane. The additional rights of way are to the south of the parcel and will terminate at SW Murray Boulevard, which is already within the city's jurisdiction. Staff refers to Exhibit 1.1 (Vicinity Map) of the staff report for the boundaries of the proposed annexation. The city will be responsible for maintenance of the segments of SW 137th Avenue and SW Linda Lane, as identified in Exhibit 1.1, when the annexation occurs. The properties will continue to be served by the existing transportation network via SW 137th Avenue, SW Linda Lane, and SW Murray Boulevard. Additionally, the properties will continue to have access to two TriMet bus stops at the intersection of SW Linda Lane and SW Murray Boulevard approximately 350 feet from the site that provide service on the 62 line.

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

Schools and Parks: The proposed annexation is within the Beaverton School District. 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 occur if the property were redeveloped in the future. After annexation, school district boundaries will remain unaffected. The tax lots are already served by the Tualatin Hills Park and Recreation District (THPRD), the recreation district which serves the City of Beaverton. THPRD service to these lots will continue following annexation of these properties into the City of Beaverton.

Police Protection: The properties to be annexed receive police protection from the Washington County Enhanced Sheriff's Patrol District (ESPD). The properties 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 property. The Beaverton land use and zoning district designations will be applied to the 140 and 170 SW 137th Avenue parcels after annexation by the City

of Beaverton pursuant to City of Beaverton Comprehensive Plan procedures and Development Code rules. Those land use and zoning changes will be 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 proposal, the properties will be withdrawn from the Washington County Enhanced Sheriff's Patrol, Tualatin Valley Water District, and Urban Road Maintenance Districts. The proposed annexation will not require withdrawal of territory from any other service districts identified as necessary parties, including Clean Water Services and Tualatin Valley Fire & Rescue.

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 and City Charter require that the proposed ordinance receive an announcement of a public hearing (first reading) and a public hearing, with the first reading taking place a minimum of one week prior to the second reading. Additionally, Article 6.6 of the City's Charter specifies that city ordinances shall take effect 30 days after their adoption by the Council.

The properties shown in Exhibit 1.1 (Vicinity Map), are 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

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

1. Find that the change is consistent with the 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 properties have been established with all critical and essential special district service providers. This includes Clean Water Services, Tualatin Valley Fire & Rescue District, and Tualatin Valley Water District.

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 ORS195.205

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 ORS195.020(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 Washington County, Tualatin Valley Fire & Rescue District, and Tualatin Valley Water District. These agreements call for coordination of planning activities between each service district and the City. Although 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, as necessary parties, the subject districts have been notified of this proposed annexation.

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

FINDING:

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 the proposed annexation.

- e. Any applicable comprehensive plan;

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 Service 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.

Cedar Hills-Cedar Mills Community Plan: The subject parcels are within the boundaries of Washington County's Cedar Hills-Cedar Mills Community Plan, which is one of a number of planning elements that together comprise the Washington County Comprehensive Plan. Staff reviewed this plan and did not find any policies relevant to the proposed annexation.

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.

Subsequent to annexation, the City of Beaverton will apply its Comprehensive Plan and zoning district designations to the subject properties. Selection of the appropriate designations will be dictated by the City of Beaverton pursuant to City of Beaverton Comprehensive Plan procedures and Development Code rules, which are consistent with the Urban Planning Area Agreement with Washington County. Service provision findings were provided above with findings responding to Metro Code 3.09.045.C.

- f. Any applicable concept plan; and

FINDING:

Cedar Hills-Cedar Mills Community Plan: The subject properties are within the boundaries of Washington County's Cedar Hills-Cedar Mills 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 parcels do not contain any Significant Natural or Cultural Resources, and they are not located in any Areas of Special Concern. Accordingly, the proposed annexation will remain consistent with this Community Plan.

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 provision 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.

- 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 greater 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 urban services in this area. The City and service providers have agreements that specify which agency provides services and these agreements, therefore fulfill the role of eliminating duplication.

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

Section 3.09.045.E

A City may not annex territory that lies outside the UGB, except it may annex a lot 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 UGB.

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

CONCLUSION & 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 two parcels of land, the adjacent right of way of SW 137th Avenue, and additional right of way of portions of SW 137th Avenue and SW Linda Lane; withdrawing the property from the Washington County Enhanced Sheriff's Patrol District, the Washington County Urban Road Maintenance District, and Tualatin Valley Water District; and adding the properties 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.

Exhibits

1.1 Vicinity Map

