



CITY OF BEAVERTON
Planning Division
Community Development Department
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STAFF REPORT

Report Date: October 24, 2022

Application/Project Name: Panzer Annexation

Application Number: ANX2022-0007

Proposal: Expedited annexation of eight parcels at 1065 SW 181st Avenue and 17940 – 18110 W Baseline Road and adjacent portions of 179th Avenue, Baseline Road, and Stepping Stone Drive; withdrawing the properties from the Tualatin Valley Water District, Washington County Enhanced Sheriff's Patrol District, and Washington County Urban Road Maintenance District; and adding the properties to the Five Oaks/Triple Creek Neighborhood Association Committee.

Proposal Location: 1065 SW 181st Avenue and 17940 – 18110 W Baseline Road. The properties are specifically identified as Tax Lots 3600, 3700, 3702, 3800, 3900, 4000, 4100, and 4200 on Washington County Tax Assessor's Map 1S106BC. The proposal also includes adjacent portions of 179th Avenue, Baseline Road, and Stepping Stone Drive, as shown in Exhibits A and B to the ordinance.

Applicant: City of Beaverton

Recommendation: APPROVAL of ANX2022-0007

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Property Owner: Panzer Investment Properties, LLC & GKP Investments, LLC
Attn: Natalie K. Panzer
2840 SW 121st Avenue
Beaverton, OR 97005

Existing Conditions

Zoning: The subject properties contain the following Washington County Land Use Districts:

- Transit Oriented Residential District 18-24 units per acre (TO: R18-24)
- Transit Oriented Residential District 24-40 units per acre (TO: R24-40)

Surrounding Zoning:

- North: Washington County Industrial District and Transit Oriented Business District
- South: Washington County Transit Oriented Residential District 9-12 units per acre and Residential District 4-5 units per acre
- East: Washington County Residential District 5-6 units per acre
- West: Washington County Residential District 4-5 units per acre and Residential District 19-24 units per acre and City of Hillsboro Station Community Commercial and Station Community Residential

Site Conditions: The site is currently occupied by Panzer Nursery, a wholesale nursery, and is developed with multiple buildings, greenhouse structures, and a paved parking lot. The southern portion of the site also contains an existing single detached dwelling with associated parking and landscaping.

Site Size: The eight parcels and identified rights of way total approximately 36.74 acres.

Neighborhood Association Committee: The subject property is not in a NAC but is proposed to be added to the Five Oaks/Triple Creek NAC upon annexation.

Application Information

Table 1: Application Summary

Application	Application Type	Proposal Summary	Approval Criteria Location
ANX2022-0007	Annexation	Annex eight parcels at 1065 SW 181st Avenue and 17940 – 18110 W Baseline Road and adjacent portions of 179th Avenue, Baseline Road, and Stepping Stone Drive	Metro Code Section 3.09.045 Expedited Decisions

Table 2: Key Application Dates

Application	Submittal Date	Deemed Complete	120-Day	365-Day
ANX2022-0007	August 12, 2022	August 12, 2022	N/A	N/A

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Analysis and Findings for Annexation Approval Criteria

Metro Code Section 3.09.045 Expedited Decisions

- 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 eight parcels at 1065 SW 181st Avenue and 17940 – 18110 W Baseline Road. The properties are specifically identified as Tax Lots 3600, 3700, 3702, 3800, 3900, 4000, 4100, and 4200 on Washington County Tax Assessor's Map 1S106BC. The proposal also includes adjacent portions of 179th Avenue, Baseline Road, and Stepping Stone Drive, as shown in Exhibits A and B to the ordinance. The City of Beaverton received Petitions for Consent Annexation signed by 100 percent of the owners of all eight properties. Only one of the eight properties (Tax Lot 3700) contains resident electors and the petition for Tax Lot 3700 was also signed by 50 percent of the electors. Accordingly, the city may use the expedited decision process for a minor boundary change, and no public hearing is required under Metro Code. Washington County also consented to annexation of the identified portions of 179th Avenue, Baseline Road, and Stepping Stone Drive on August 22, 2022.

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

- 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 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 (November 15, 2022). 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).

- 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 extraterritorial extensions of service;

FINDING:

This staff report was posted on the city's website no later than November 8, 2022, which is seven days prior to the first reading of the annexation ordinance at the November 15, 2022, City Council meeting and 28 days before the public hearing on December 6, 2022.

Critical and essential urban services are available to the subject properties by Washington County and area special service districts. Annexation of the properties will mean a 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 properties are currently served by the Tualatin Valley Water District (TVWD). Upon annexation, the subject properties 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 properties currently receive sanitary sewer service from Clean Water Services (CWS). Upon annexation, the subject properties will be withdrawn from the CWS sanitary sewer service area and will be added to the City of Beaverton sanitary sewer service area.

Stormwater Drainage: The subject properties currently receive stormwater service from CWS. Upon annexation, the subject properties will be withdrawn from the CWS stormwater service area and will be added to the City of Beaverton stormwater service area.

Transportation: The proposed annexation area includes portions of 179th Avenue, Baseline Road, and Stepping Stone Drive, as shown in Exhibits A and B to the ordinance. The Washington County Transportation System Plan classifies 179th Avenue as a Neighborhood Route and Baseline Road and Stepping Stone Drive as Arterials. On August 22, 2022, the Washington County Director of Land Use & Transportation sent a letter to the city consenting to annexation of all three rights of way (Exhibit C to the ordinance). Although the identified rights of way will be annexed into the city, the county will retain road jurisdiction and maintenance authority for all three streets.

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 properties. 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 tax lots and identified rights 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 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 the annexation ordinance's adoption, whichever is later.

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

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;

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 sanitary sewer and stormwater service from CWS and receives water service from TVWD. Upon annexation, the site will be withdrawn from the CWS sanitary sewer and stormwater service areas and the TVWD water service area and will be added to the City of Beaverton service areas for sanitary sewer, stormwater, and water. The subject site will remain in the service areas for Waste Management, Beaverton School District, and TVF&R. The subject site will be withdrawn from the Washington County ESPD, 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.

FINDING:

Staff reviewed both city and county comprehensive plan documents and found four 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

properties are 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. The site is identified on the Community Plan's Special Area Streets Map, which shows planned future street connections through the site. Street connections will be addressed at the time of development review for the subject site; therefore, this annexation is consistent with the Washington County's Sunset West Community Plan.

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.

Washington County Transportation System Plan: The site is identified on the Washington County Transportation System Plan's Special Area Streets Map, which shows planned future street connections through the site. Street connections will be addressed at the time of development review for the subject site; therefore, this annexation is consistent with the Washington County Transportation System Plan.

- f. Any applicable concept plan; and

FINDING:

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. The site is identified on the Community Plan's Special Area Streets Map, which shows planned future street connections through the site. Street connections will be addressed at the time of development review for the subject site; therefore, this annexation is consistent with the Washington County's Sunset West 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 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).

- E. 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 & 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 eight parcels at 1065 SW 181st Avenue and 17940 – 18110 W Baseline Road and adjacent portions of 179th Avenue, Baseline Road, and Stepping Stone Drive; withdrawing the properties from the Tualatin Valley Water District, Washington County Enhanced Sheriff's Patrol District, and Washington County Urban Road Maintenance 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.