



Staff Report
Annexation of 2785 SW Roxbury Avenue
City Council

1st Reading:	January 8, 2019
2nd Reading:	January 15, 2019
Date of Report:	December 28, 2019

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

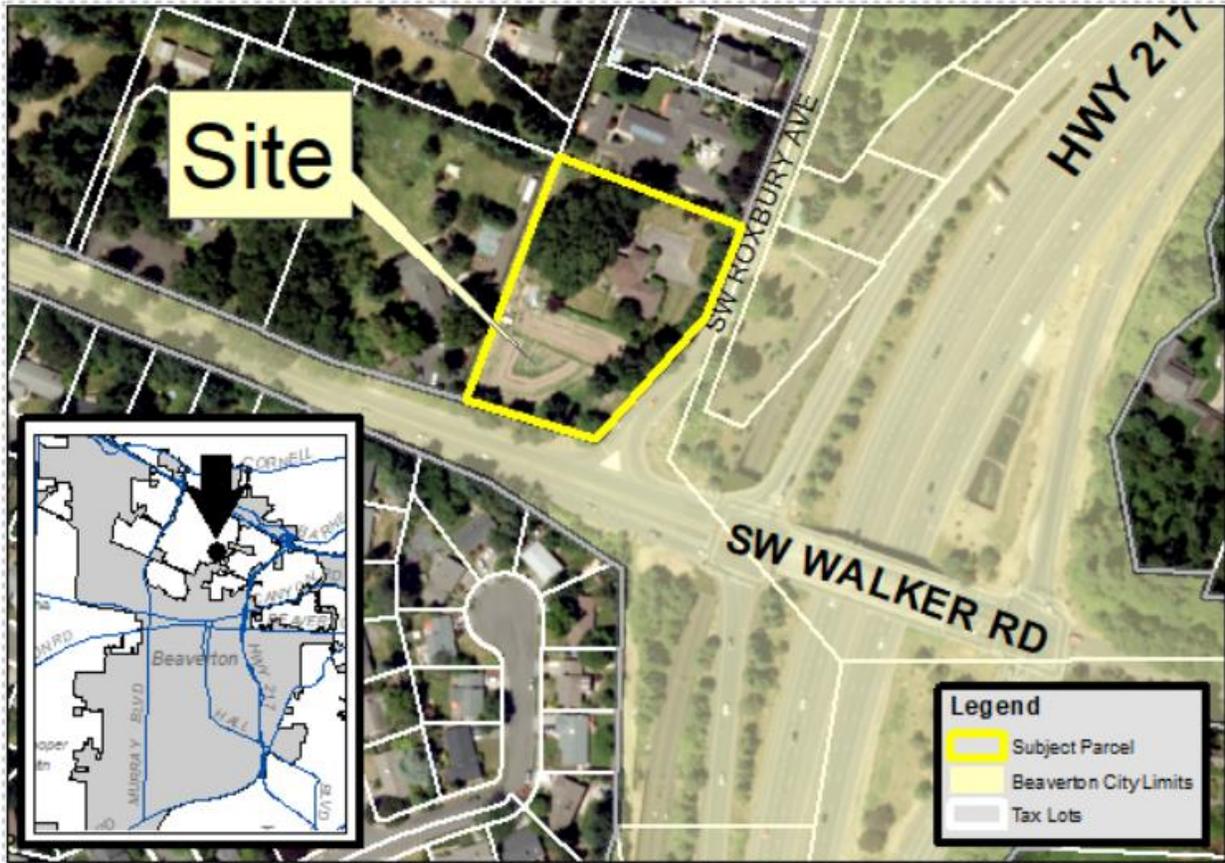
RECOMMENDATION: Staff recommends the City Council adopt an ordinance annexing the referenced property effective as of the date the ordinance is filed with the Secretary of State as specified by ORS 222.180 or 30 days from date the ordinance is signed, whichever is later; withdrawing the property from 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.