



***Revised - FINAL AGENDA**

(*Items Added to Agenda)

CITY HALL – SECOND FLOOR CONFERENCE ROOM
4755 SW Griffith Drive
Beaverton, OR 97005

SPECIAL MEETING
JUNE 8, 2004
Following Budget Committee
Meeting

CALL TO ORDER:

ROLL CALL:

CONSENT AGENDA:

- *04102 Authorize Annexation Agreement Between the City of Beaverton and the Beaverton School District 48.

PUBLIC HEARING:

- 04086 A Resolution Adopting a Supplemental Budget (#S-04-2) for the Fiscal Year Commencing July 1, 2003, and Making Appropriations Therefrom. (Resolution No. 3755)

ORDINANCES:

First and Second Reading and Adoption:

- *04103 An Ordinance Annexing Property Owned by the Beaverton School District, Located South of NW Cornell Road and West of NW 114th Avenue, to the City of Beaverton: Expedited Annexation 2004-0009. (Ordinance No. 4311)

EXECUTIVE SESSION:

In accordance with ORS 192.660 (1) (h) to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed and in accordance with ORS 192.660 (1) (d) to conduct deliberations with the persons designated by the governing body to carry on labor negotiations and in accordance with ORS 192.660 (1) (e) to deliberate with persons designated by the governing body to negotiate real property transactions. Pursuant to ORS 192.660 (3), it is Council's wish that the items discussed not be disclosed by media representatives or others.

ADJOURNMENT

This information is available in large print or audio tape upon request. In addition, assistive listening devices, sign language interpreters, or qualified bilingual interpreters will be made available at any public meeting or program with 72 hours advance notice. To request these services, please call 526-2222/voice TDD.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Authorize Annexation Agreement Between
the City of Beaverton and the Beaverton
School District 48.

FOR AGENDA OF: 06/08/04 **BILL NO:** 04102

Mayor's Approval:



DEPARTMENT OF ORIGIN:

City Attorney's



DATE SUBMITTED: 05/18/04

CLEARANCES:

CDD



PROCEEDING: Consent.

EXHIBITS: Annexation Agreement

BUDGET IMPACT

EXPENDITURE REQUIRED \$ 0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

The Mayor's office and the Community Development Department have negotiated the terms of an agreement whereby the City will provide urban services to this property, formerly owned by the Teufels, if and when the Beaverton School District constructs a school on the property. This agreement allows the District to move forward with its land use applications.

In exchange for the District's petition for and consent to annexation to the City, the City has agreed that upon annexation and for a period of 10 years thereafter, a discount would be applied to all City land development and building permit fees sought by the District for this site.

INFORMATION FOR CONSIDERATION:

This action will not annex the property. Annexation will be by ordinance, not requiring a public hearing, and shall be effective immediately upon the Mayor's signature. Additionally, the Council will hear an ordinance that imposes City Comprehensive Plan and Zoning designations on this property.

RECOMMENDED ACTION:

Approve on Consent Agenda.

ANNEXATION AGREEMENT

Recitals:

This is an Agreement between the City of Beaverton (hereinafter "City") and the Beaverton School District No. 48 (hereinafter "District") both Oregon municipal corporations. The District is the owner of property located at tax lot 1N134C00010 and as further described in Exhibit A (hereinafter the "Property").

The parties intend that City provide urban services to the Property if and when District constructs a school on the Property. District's intention to develop the Property in turn relies on District procuring certain land use permits that City may grant, deny, or grant with conditions in City's sole discretion. The parties intend by this Agreement that the Property be annexed to the City to allow District to submit land use applications to City for its review and action.

Agreement:

In consideration of those premises as generally recited, the parties now agree:

1. The signature of the District on this Agreement by its authorized agent shall constitute their consent to annexation to City of the Property. An annexation ordinance shall be enacted by the City Council.
2. Building Permit Fees. In partial consideration for District's petition for and consent to annexation to City and recognizing the importance of schools to the City, the City agrees that upon annexation and for a period of ten (10) years following the date that annexation is effective, City shall discount all City land development and building permit fees sought by District as to any improvements on the Property by twenty-five percent (25%).

The discounts provided for in this section shall be applied to the fees for such permits as are currently adopted by City as of the date of application for such permits by District or successor District.

3. City's Fiscal Responsibility. Except as otherwise expressly provided for herein, this Agreement does not obligate City to expend any monies or appropriate any money to fulfill any term of this Agreement.

4. Recording. This Agreement shall be a public record and part of the record of City's proceedings on annexing the Property. City's obligations under this Agreement shall expire and have no further force and effect ten (10) years from the date of signing.

Agreed to this ____ day of _____, 2004.

BEAVERTON SCHOOL DISTRICT 48

CITY OF BEAVERTON

Name: _____,
Superintendent

Rob Drake,
Mayor

Approved at to form:

Alan A. Rappleyea,
City Attorney

EXHIBIT A

LEGAL DESCRIPTION

ANX 2004-0009

BEAVERTON SCHOOL DISTRICT SITE EXPEDITED ANNEXATION

A parcel of land (consisting entirely of tax lot 1N 1 34C 101) situated in the West 1/2 of Section 34, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon; more particularly described as follows:

Beginning at the Center (as restored in Washington County survey no. 15,810) of said Section 34; thence along the East line of the Southwest 1/4 of said Section 34, South 00° 43' 21" East, a distance of 1415.60 feet; thence South 88° 26' 51" West, a distance of 899.67 feet; thence North 02° 01' 43" West, a distance of 270.54 feet, to a point of curvature; thence along the arc of a circular curve to the right (radius of 378.00 feet, central angle of 20° 55' 03", long chord bears North 08° 25' 48" East, a distance of 137.24 feet), a distance of 138.00 feet; thence North 18° 53' 20" East, a distance of 463.22 feet; thence North 82° 45' 19" East, a distance of 652.67 feet; thence North 00° 43' 21" West, a distance of 540.66 feet, to a point on the South line of NW Cornell Road; thence along said South line and the arc of a non-tangent circular curve to the right (radius point bears southwesterly 386.70 feet, central angle of 12° 36' 22", long chord bears South 71° 08' 30" East, a distance of 84.91), a distance of 85.08 feet; thence, leaving said South line, South 00° 43' 21" West, a distance of 4.26 feet, to the point of beginning.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: A Resolution Adopting a Supplemental Budget (#S-04-2) for the Fiscal Year Commencing July 1, 2003, and Making Appropriations Therefrom

FOR AGENDA OF: 06/08/04 **BILL NO:** 04086

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: Finance *[Signature]*

DATE SUBMITTED: 04/28/04

CLEARANCES: City Attorney *[Signature]*

PROCEEDING: Public Hearing

EXHIBITS: Resolution
Exhibit A – Supplemental
Summary Report

BUDGET IMPACT

EXPENDITURE REQUIRED \$-0-	AMOUNT BUDGETED \$-0-	APPROPRIATION REQUIRED "See Attached"
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HISTORICAL PERSPECTIVE:

Earlier on the evening of June 8, 2004, Supplemental Budget #S-04-2 will have been reviewed and approved by the Budget Committee and forwarded to the City Council for formal action. State Statutes require that the City Council hold a public hearing prior to adopting the Supplemental Budget.

Supplemental Budget #S-04-2 will not increase taxes levied in this fiscal year.

INFORMATION FOR CONSIDERATION:

Attached is the resolution which amends the current fiscal year budget by adopting Supplemental Budget #S-04-2. The Supplemental Budget is presented in summary form in Exhibit A "Budget Supplemental Summary Report".

RECOMMENDED ACTION:

Council hold a public hearing and approve the attached resolution which adopts Supplemental Budget #S-04-2 for the current fiscal year and makes appropriations therefrom.

RESOLUTION NO. 3755

A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET
FOR THE FISCAL YEAR COMMENCING JULY 1, 2003
AND MAKING APPROPRIATIONS THEREFROM

BE IT RESOLVED BY THE CITY OF BEAVERTON AS FOLLOWS:

Section 1. The City Council hereby adopts for the fiscal year 2003-04, the Supplemental Budget (#S-04-2), as approved after public hearing before the Council at its meeting of June 8, 2004, and now on file in the office of the City Recorder (attached hereto as Exhibit A and incorporated herein).

Section 2. For the reasons and purposes set forth in Exhibit A of Section 1 above, the Council finds and determines that it is necessary to make the amendments in appropriations as indicated in Exhibit A. These supplemental appropriations will not increase taxes levied in this fiscal year. Said supplemental appropriations are hereby authorized by the Council.

Section 3. The Finance Director or his designee shall make the appropriate entries in the books, accounts and records of the City to effect the purpose of this Resolution.

Adopted by the Council this ____ day of June, 2004.

Approved by the Mayor this ____ day of June, 2004.

Ayes: _____

Nays: _____

ATTEST:

APPROVED:

Sue Nelson, City Recorder

Rob Drake, Mayor

sbudresol

MEMORANDUM

City of Beaverton
Office of the City Recorder

To: Mayor Drake and Councilors
From: Sue Nelson, City Recorder
Date: June 3, 2004
Subject: *Agenda Bill 04086 – A Resolution Adopting
a Supplemental Budget (#S-04-2) for the
Fiscal Year Commencing July 1, 2003 and
Making Appropriations Therefrom*

The agenda bill and attachments have been printed and distributed for your review in advance of the meeting. Therefore, the attachments will not be reprinted for the Council packet.

The complete agenda bill materials for this item are available for review in the City Recorder's Office on the third floor of Beaverton City Hall, 4755 SW Griffith Drive, Beaverton, OR. The office is open weekdays between 8:00 a.m. and 5:00 p.m.

If you have any questions regarding this item, please call me at (503) 526-2650.

AGENDA BILL

Beaverton City Council Beaverton, Oregon

SUBJECT: An Ordinance Annexing Property Owned by the Beaverton School District, Located South of NW Cornell Road and West of NW 114th Avenue, to the City of Beaverton: Expedited Annexation 2004-0009

FOR AGENDA OF: 6/8/04 **BILL NO:** 04103

Mayor's Approval: *[Signature]*

DEPARTMENT OF ORIGIN: CDD *[Signature]*

DATE SUBMITTED: 05/14/04

CLEARANCES: City Attorney *MR*

Planning Services *HB*

PROCEEDING: First and Second Reading and Adoption

EXHIBITS: Ordinance
Exhibit A - Map
Exhibit B - Legal Description
Exhibit C - Staff Report Dated 05/11/04

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

This annexation consists of one undeveloped parcel owned by the Beaverton School District with no assigned address, located south of NW Cornell Road and west of NW 114th Avenue. The parcel was a portion of the Teufel Nursery property, and is identified on Tax Map 1N134C0 as Lot 00101. The owners of this parcel have signed an annexation petition for an Expedited Annexation, and this annexation is also subject to an annexation agreement, which will be considered separately.

INFORMATION FOR CONSIDERATION:

This ordinance and the attached staff report address the criteria for annexation in Metro Code Section 3.09. Beaverton Code Section 9.06.035A provides the City Council the option of adding this parcel to an appropriate Neighborhood Association Committee (NAC) at the time of annexation. There is no appropriate NAC to add this property to at this time.

Polygon Northwest Company (Polygon), the developer of the 86 acres that constitutes the remainder of the former Teufel Nursery, is ready to submit for development approvals. Staff believes that it would be beneficial for the entire Teufel Nursery site to be developed in a coordinated manner. Polygon would like to acquire, and make a part of its development site through a lot line adjustment, a small portion of the School District property that is not needed to develop a school. Until the School District property is in the City, the proposed development, including the lot line adjustment, cannot be submitted by Polygon to the City for review. The City Charter allows the City Council to adopt an ordinance at a single meeting by a unanimous vote of those Councilors voting on the item, and also allows an ordinance to take effect upon the Mayor's signature "In the event of an emergency, where the reasons for the emergency have been expressly stated..." Declaring this Ordinance an emergency will allow the coordinated development of the former Teufel Nursery to proceed without undue hardship and delay to Polygon.

RECOMMENDED ACTION:

Staff recommends the City Council adopt an ordinance annexing the referenced property, declare it an emergency and have it effective with the Mayor's signature. First and second reading and adoption.

ORDINANCE NO. 4311

AN ORDINANCE ANNEXING PROPERTY OWNED BY THE
BEAVERTON SCHOOL DISTRICT, LOCATED SOUTH OF NW
CORNELL ROAD AND WEST OF NW 114TH AVENUE, TO THE
CITY OF BEAVERTON: EXPEDITED ANNEXATION 2004-0009

- WHEREAS,** This expedited annexation was initiated under authority of ORS 222.125, whereby the owners of the property and a majority of the electors have consented to annexation; and
- WHEREAS,** This 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,** City policy as adopted in Resolution No. 2660, Sections 2 and 4, is to extend City services to properties through annexation; and
- WHEREAS,** Declaring this Ordinance an emergency will facilitate the coordination of development of the former 104-acre Teufel Nursery site between Polygon Northwest Company, the Beaverton School District, and the City of Beaverton; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1.** The property shown on Exhibit A and more particularly described in Exhibit B is hereby annexed to the City of Beaverton, effective after Council approval and upon the Mayor's signature.
- Section 2.** The Council accepts the staff report, dated May 11, 2004, attached hereto as Exhibit C, and finds that:
- a. There are no provisions in urban service provider agreements adopted pursuant to ORS 195.065 that are directly applicable to this annexation; and
 - b. This annexation is consistent with the City-Agency agreement between the City and Clean Water Services in that partial responsibility for sanitary and storm sewer facilities within the area annexed will transfer to the City upon this annexation.
- Section 3.** The Council finds this annexation will promote and not interfere with the timely, orderly, and economic provision of public facilities and services, in that:
- a. The part of the property that lies within the Washington County Urban Road Maintenance District will be withdrawn from the district; and
 - b. The part of the property that lies within the Washington County Street Lighting District #1 will be withdrawn from the district; and
 - c. The part of the property that lies within the Washington County Enhanced Sheriff Patrol District will be withdrawn from the district; and
 - d. The City having annexed into the Tualatin Valley Fire and Rescue District in 1995, the property to be annexed by this Ordinance shall be annexed to or remain within that district; and

- e. The territory will remain within boundaries of the Tualatin Valley Water District.

Section 4. The Council finds that this annexation complies with all other applicable criteria set out in Metro Code Chapter 3.09 as demonstrated in the staff report attached as Exhibit C.

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 days of the effective date.

Section 6. The Community Development Department shall transmit copies of this Ordinance and all other required materials to all public utilities and telecommunication utilities affected by this Ordinance in accordance with ORS 222.005.

Section 7. The Council finds that immediate adoption of this Ordinance is necessary to enable the City to allow for the timely and coordinated development of the 104-acre former Teufel Nursery site to proceed without undue hardship and delay to Polygon Northwest Company and to allow them to submit for the development approvals.

First reading this ____ day of _____, 2004.

Passed by the Council this ____ day of _____, 2004.

Approved by the Mayor this ____ day of _____, 2004.

ATTEST:

APPROVED:

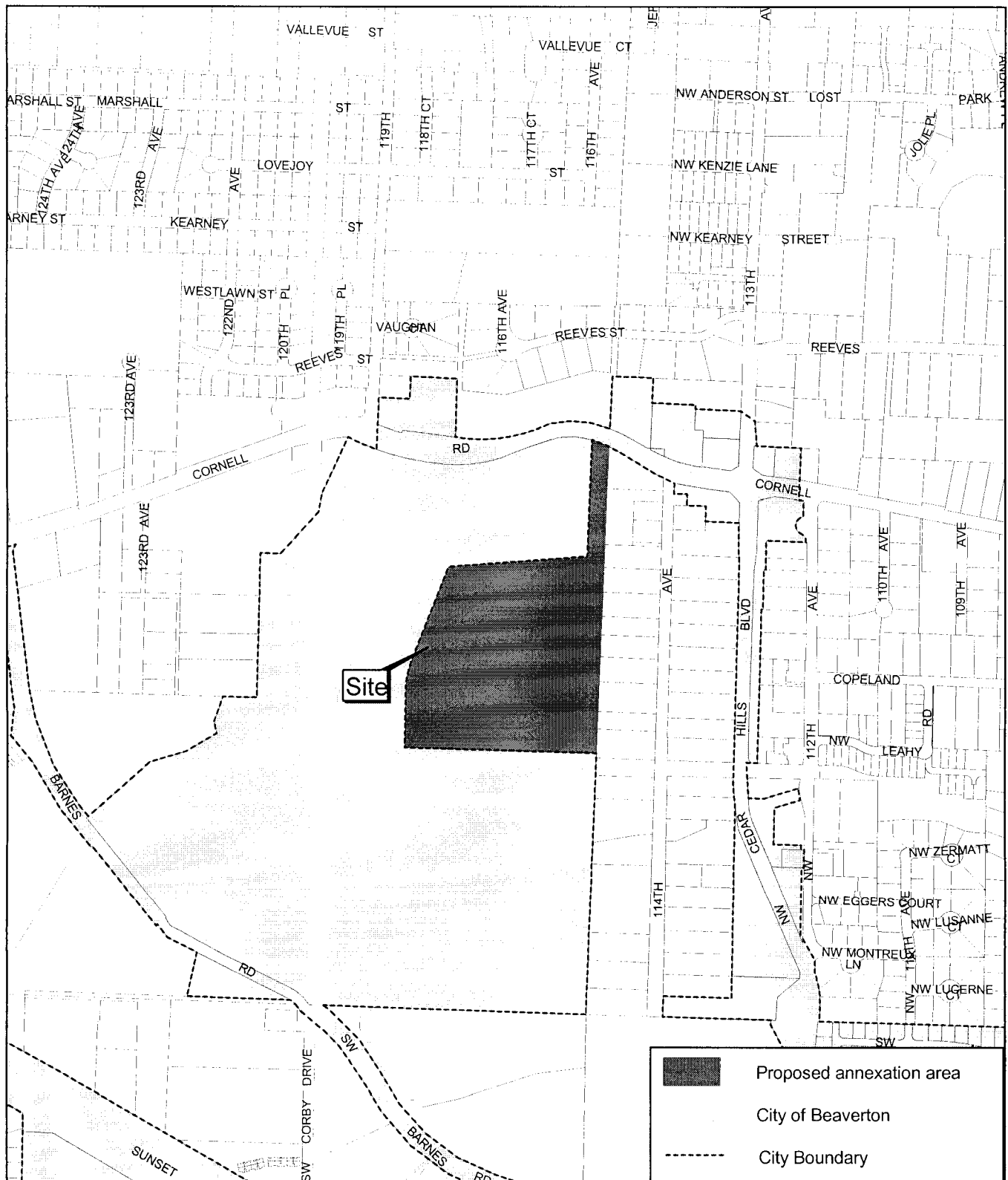
SUE NELSON, City Recorder

ROB DRAKE, Mayor

ANNEXATION MAP

ORDINANCE NO. 4311

Exhibit "A"



City of Beaverton

BEAVERTON SCHOOL DISTRICT SITE EXPEDITED ANNEXATION

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

04/22/04

Map #

1n134c000101

Application #

ANX 2004-0009



LEGAL DESCRIPTION
ANX 2004-0009
BEAVERTON SCHOOL DISTRICT SITE EXPEDITED ANNEXATION

A parcel of land (consisting entirely of tax lot 1N 1 34C 101) situated in the West 1/2 of Section 34, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon; more particularly described as follows:

Beginning at the Center (as restored in Washington County survey no. 15,810) of said Section 34; thence along the East line of the Southwest 1/4 of said Section 34, South 00° 43' 21" East, a distance of 1415.60 feet; thence South 88° 26' 51" West, a distance of 899.67 feet; thence North 02° 01' 43" West, a distance of 270.54 feet, to a point of curvature; thence along the arc of a circular curve to the right (radius of 378.00 feet, central angle of 20° 55' 03", long chord bears North 08° 25' 48" East, a distance of 137.24 feet), a distance of 138.00 feet; thence North 18° 53' 20" East, a distance of 463.22 feet; thence North 82° 45' 19" East, a distance of 652.67 feet; thence North 00° 43' 21" West, a distance of 540.66 feet, to a point on the South line of NW Cornell Road; thence along said South line and the arc of a non-tangent circular curve to the right (radius point bears southwesterly 386.70 feet, central angle of 12° 36' 22", long chord bears South 71° 08' 30" East, a distance of 84.91), a distance of 85.08 feet; thence, leaving said South line, South 00° 43' 21" West, a distance of 4.26 feet, to the point of beginning.



CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

STAFF REPORT

TO: City Council

REPORT DATE: May 11, 2004

AGENDA

DATE: June 8, 2004

FROM: Community Development Department

Alan Whitworth, Senior Planner

SUBJECT: Beaverton School District Site Expedited Annexation (ANX 2004-0009)

ACTIONS: Annexation to the City of Beaverton of one parcel with no assigned street address. The property is shown on the attached map, identified as tax lot 1N134C0 00101, and more particularly described by the attached legal description. The annexation of the property is owner initiated (petition attached) and is being processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045.

NAC: This property is not in a Neighborhood Association Committee (NAC) area. The Neighborhood Office is not proposing to add this property to a NAC because there is no appropriate NAC to add it to at this time.

AREA: Approximately 18 acres

TAXABLE BM 50 ASSESSED VALUE: \$ 0

ASSESSOR'S REAL MARKET VALUE: \$ 3,456,000

NUMBER OF LOTS: 1

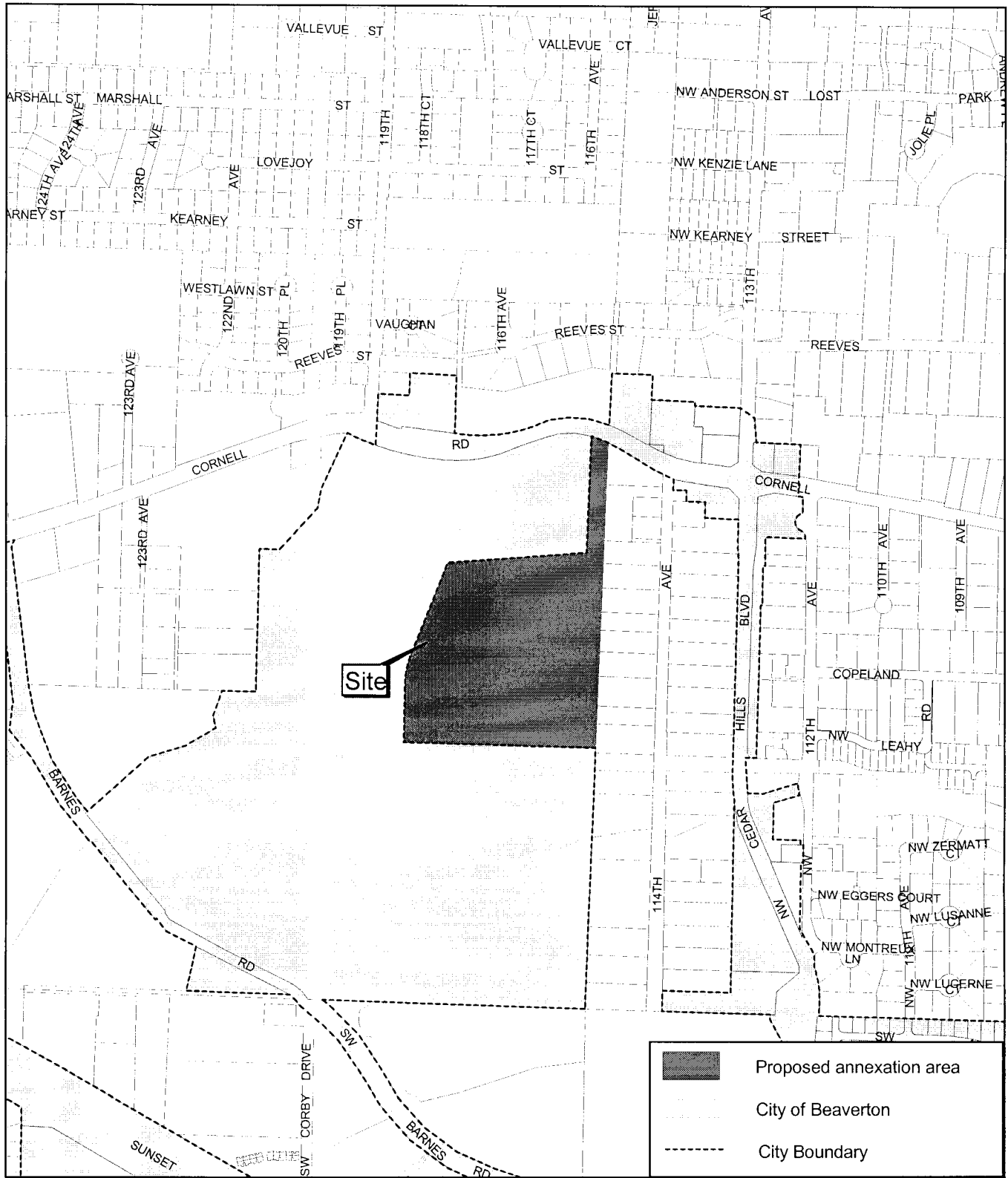
EXISTING COUNTY ZONE: TO: R24-40 (Transit Oriented: 24-40 units per acre)

SUMMARY AND RECOMMENDATION

This is a request to annex a parcel to the City of Beaverton with no assigned street address. The property is shown on the attached map, identified as tax lot 1N134C0 00101, and more particularly described in the attached legal description.

Staff recommends the City Council adopt an ordinance annexing the referenced property at a single meeting and declare it an emergency making it effective upon the Mayor's signature.

ANNEXATION MAP



City of Beaverton

BEAVERTON SCHOOL DISTRICT SITE EXPEDITED ANNEXATION

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

04/22/04

Map #

1n134c000101

Application #

ANX 2004-0009



BACKGROUND

The request is to annex one tax parcel with no assigned site address located south of NW Cornell Road and west of NW 114th Avenue. The parcel is approximately 18 acres and was part of the property known as the Teufel Nursery. The Beaverton School District, the property owner, has consented to the annexation. This allows this to be processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045 and no public hearing is required.

Polygon Northwest Company, the developer of the 86 acres that constitutes the remainder of the former Teufel Nursery, is ready to submit for development approvals. Staff believes that it would be beneficial for the entire Teufel Nursery site to be developed in a coordinated manner. Polygon would like to acquire, and make a part of its development site through a lot line adjustment, a small portion of the School District property that is not needed to develop a school. Until the school district property is in the City, the proposed development, including the lot line adjustment, cannot be submitted by Polygon to the City for review.

Chapter VIII Section 35.A.4 of the City Charter allows the City Council to adopt the Ordinance at a single meeting by a unanimous vote of those Councilors voting on the item. Chapter VIII Section 36 of the Charter allows an Ordinance to take effect upon the Mayor's signature "In the event of an emergency, where the reasons for the emergency have been expressly stated...". Eliminating the second reading and declaring this Ordinance an emergency will allow the coordinated development of the former Teufel Nursery to proceed without undue hardship and delay to Polygon.

The property is not in a Neighborhood Association Committee (NAC) area. After consultation with the Neighborhood Office staff does not recommend adding this property to a NAC because there is no appropriate NAC to add it to at this time.

EXISTING CONDITIONS

SERVICE PROVISION:

The following analysis details the various services available to the property to be annexed. Cooperative, urban service and intergovernmental agreements affecting provision of service to the subject property are:

- The City has entered into ORS Chapter 195 cooperative agreements with Washington County, Tualatin Valley Fire and Rescue District, Tualatin Hills Parks and Recreation District, Tualatin Valley Water District and Clean Water Services.
- The City has entered into an agreement with Tualatin Valley Water District that has been designated an ORS 195.065 Urban Service Agreement by the parties. (No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this decision.)

- The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services (the Unified Sewerage Agency at the time of the agreement).

This action is consistent with those agreements.

POLICE:	The property to be annexed currently receives police protection from the Washington County Enhanced Sheriff's Patrol District. Sheriff's protection will be withdrawn and the City will provide police service upon annexation. In practice whichever agency is able to respond first, to an emergency, does so.
FIRE:	Tualatin Valley Fire & Rescue (TVF&R) provides fire and ambulance service to the property. The City annexed to TVF&R in 1995. TVF&R is designated as the long-term service provider to this area.
SEWER:	Sanitary sewer is available to this area and will be made available to this site when the adjacent site develops. The adjacent site is the remainder of the old Teufel Nursery and abuts the School District property on the north, west and south. Upon annexation the City will be responsible for billing.
WATER:	Tualatin Valley Water District (TVWD) provides water service to the area. ORS 222.520 allows cities to assume water service responsibilities when annexing less than an entire district. However, the City entered into an intergovernmental agreement with TVWD in 2002 that we would not withdraw property from the District when we annex it. TVWD will continue to provide service, maintenance and perform billing.
STORM WATER DRAINAGE:	The site is 18 acres and has no structures on it. When the property develops, storm drainage would be reviewed in the development review process. Storm water improvements have been constructed in this area. Upon annexation billing responsibility will transfer to the City.
STREETS and ROADS:	Access to this property is from NW Cornell Road which is a County maintained Arterial. Access will be provided from a new Collector that is proposed to be constructed by the developer of the adjacent property.

**PARKS and
SCHOOLS:**

The proposed annexation is within both the Beaverton School District and the Tualatin Hills Parks and Recreation District. This proposed annexation will not affect either district boundary. Neither services nor district boundaries associated with these districts will be affected by the proposed annexation.

**PLANNING,
ZONING and
BUILDING:**

Washington County currently provides long-range planning, development review and building inspection for the property. Pursuant to the Urban Planning Area Agreement (UPAA) between the City and County, City Comprehensive Plan and Zoning Designations will be applied to this parcel in a separate action within six months of annexation.

PUBLIC INVOLVEMENT

Consistent with Metro Code Section 3.09.045, the City will send notice of the proposed annexation on or before May 25, 2004 (20 days prior to the agenda date) to all necessary parties including Washington County, Metro, affected special districts and County service districts. Additionally, the City will send notice to the following parties:

- Robert Fisher, Ed.D., Assistant Superintendent, Beaverton School District (representing the property owner);
- Jan Youngquist, Beaverton School District (the listed contact person); and
- The Central Beaverton Neighborhood Association Committee and the Cedar Hills-Cedar Mill Citizen Participation Organization; interested parties as set forth in City Code Section 9.06.035.

Notices of the proposed annexation will also be posted in the Beaverton Post Office, City Library and City Hall. Notice and a copy of this staff report will be posted on the City's web page.

CRITERIA FOR APPROVAL

REGIONAL ANNEXATION CRITERIA:

In December 1998 the Metro Council adopted Metro Code Section 3.09 (Local Government Boundary Changes). Metro Code Section 3.09.050 includes the following minimum criteria for annexation decisions:

3.09.050 (d) An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

- (1) Consistency with directly applicable provisions in an urban services provider agreement or annexation plan adopted pursuant to ORS 195.065;

Findings: This staff report addresses the provision of services in detail and the provision of these services is consistent with cooperative agreements between Beaverton and the service providers.

- (2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;

Findings: This proposed annexation is consistent with the agreement between the City of Beaverton and Clean Water Services. The acknowledged Washington County – Beaverton Urban Planning Area Agreement (UPAA) does not contain provisions directly applicable to City decisions regarding annexation. The UPAA does address actions to be taken by the City after annexation, including annexation related Comprehensive Plan Land Use Map amendments and rezones. These actions will occur through a separate process.

- (3) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans;

Findings: City of Beaverton Comprehensive Plan Policy 5.3.1.d states: "The City shall seek to eventually incorporate its entire Urban Services Area." The subject property is within Beaverton's Assumed Urban Services Area and annexing it furthers this policy. There are no other specific directly applicable standards or criteria for boundary changes in Beaverton's Comprehensive Plan or Public Facilities Plan and, therefore, this criterion is met.

- (4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;

Findings: The Regional Framework Plan (which includes the RUGGOs and the Urban Growth Management Functional Plan) does not contain policies or criteria directly applicable to annexation decisions of this type.

- (5) Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;

Findings: The Existing Conditions section of this staff report contains information addressing this criterion in detail. The proposed annexation will not interfere with the provision of public facilities and services. The

provision of public facilities and services is prescribed by urban services provider agreements and the City's capital budget.

- (6) The territory lies within the Urban Growth Boundary; and

Findings: The property lies within the Urban Growth Boundary.

- (7) Consistency with other applicable criteria for the boundary change in question under state and local law.

Findings: OAR 660-001-0310 states "A city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) shall be considered by Land Conservation and Development Commission to have been made in accordance with the goals...". Compliance with the Comprehensive Plan was addressed in number 3 above. The applicable Comprehensive Plan policy cited under number 3 above was acknowledged pursuant to Department of Land Conservation and Development Order 001581 on December 31, 2003. There are no other criteria applicable to this boundary change in State Law or local ordinances. Staff finds this voluntary annexation with no associated development or land use approvals is consistent with State and local laws for the reasons stated above.

3.09.050 (f) Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be annexed to a city or included in territory proposed for incorporation into a new city. However, cities may annex individual tax lots partially within and without the Urban Growth Boundary.

Findings: This criterion is not applicable to this application because the territory in question has been inside of the Portland Metro Urban Growth Boundary since the boundary was created.

Exhibits: Annexation Petition
 Legal Description

Annexation Petition



CITY OF BEAVERTON
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING SERVICES
4755 S.W. GRIFFITH DRIVE
P.O. BOX 4755
BEAVERTON, OR 97076-4755
PHONE: (503) 350-4039

PETITION FOR A CONSENT ANNEXATION PURSUANT TO ORS 222.125

PLEASE USE ONE PETITION PER TAX LOT

FOR OFFICE USE	FILE NAME: _____ FILE NUMBERS: _____
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**MUST BE SIGNED BY ALL OWNERS. IF THE OWNER IS A CORPORATION OR AN ESTATE THE PERSON SIGNING
MUST BE AUTHORIZED TO DO SO. MUST ALSO BE SIGNED NOT LESS THAN 50 PERCENT OF ELECTORS
(REGISTERED VOTERS), IF ANY, RESIDING ON THE PROPERTY.**


PROPERTY INFORMATION

MAP & TAX LOT	STREET ADDRESS (IF ASSIGNED)	# OF OWNERS	# OF RESIDENT VOTERS	# OF RESIDENTS
1N134C-Lot 101	NOT ASSIGNED	1	0	0

CONTACT PERSON ☐ USE MAILING ADDRESS FOR NOTIFICATION

JAN YOUNGAUIST	BEAVERTON SCHOOL DISTRICT	503-591-4319
PRINT OR TYPE NAME	BUSINESS NAME	PHONE #
16550 SW MERLO RD	BEAVERTON, OR 97006	
ADDRESS		

SIGNATURES OF OWNERS AND ELECTORS CONSENTING TO ANNEXATION (CONTINUED ON BACK)

ROBERT FISHER		4/20/2004	<input checked="" type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	
16550 SW MERLO ROAD	BEAVERTON, OR 97006		
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			

LEGAL DESCRIPTION
ANX 2004-0009
BEAVERTON SCHOOL DISTRICT SITE EXPEDITED ANNEXATION

A parcel of land (consisting entirely of tax lot 1N 1 34C 101) situated in the West 1/2 of Section 34, Township 1 North, Range 1 West, Willamette Meridian, Washington County, Oregon; more particularly described as follows:

Beginning at the Center (as restored in Washington County survey no. 15,810) of said Section 34; thence along the East line of the Southwest 1/4 of said Section 34, South 00° 43' 21" East, a distance of 1415.60 feet; thence South 88° 26' 51" West, a distance of 899.67 feet; thence North 02° 01' 43" West, a distance of 270.54 feet, to a point of curvature; thence along the arc of a circular curve to the right (radius of 378.00 feet, central angle of 20° 55' 03", long chord bears North 08° 25' 48" East, a distance of 137.24 feet), a distance of 138.00 feet; thence North 18° 53' 20" East, a distance of 463.22 feet; thence North 82° 45' 19" East, a distance of 652.67 feet; thence North 00° 43' 21" West, a distance of 540.66 feet, to a point on the South line of NW Cornell Road; thence along said South line and the arc of a non-tangent circular curve to the right (radius point bears southwesterly 386.70 feet, central angle of 12° 36' 22", long chord bears South 71° 08' 30" East, a distance of 84.91), a distance of 85.08 feet; thence, leaving said South line, South 00° 43' 21" West, a distance of 4.26 feet, to the point of beginning.