

CITY OF BEAVERTON



COUNCIL AGENDA

FINAL AGENDA

FORREST C. SOTH CITY COUNCIL CHAMBER
4755 SW GRIFFITH DRIVE
BEAVERTON, OR 97005

REGULAR MEETING
JANUARY 23, 2006
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

PROCLAMATIONS:

PRESENTATIONS:

06010 Tualatin Hills Park and Recreation District Comprehensive Plan Update
Presentation

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Regular Meeting of January 9, 2006

06011 Liquor License - Change of Ownership - Mandarin Palace Restaurant and
Lounge

06012 Liquor License - New Outlet - Juan Colorado Mexican Restaurant

06013 Authorize the City Attorney to Enter into a Professional Services
Contract with Outside Counsel to Provide Legal Review and Consultation

PUBLIC HEARINGS:

ORDINANCES:

Second Reading:

06007 An Ordinance Annexing One Parcel Located at 16930 SW Spellman
Drive to the City of Beaverton. ANX 2005-0012 (Ordinance No.4378)

06008 An Ordinance Annexing Three Parcels and Associated Right of Way
Located at 16655 SW Scholls Ferry Road in the City of Beaverton and
Adding Property to the Neighbors Southwest Neighborhood Association
Committee. ANX 2005-0009 (Ordinance No. 4379)

EXECUTIVE SESSION:

In accordance with ORS 192.660 (2) (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 (2) (e) to deliberate with persons designated by the governing body to negotiate real property transactions and in accordance with ORS 192.660 (2) (d) to conduct deliberations with the persons designated by the governing body to carry on labor negotiations. 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 503-526-2222/voice TDD.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: Tualatin Hills Park and Recreation District
Comprehensive Plan Update Presentation

FOR AGENDA OF: 01-23-06 **BILL NO:** 06010

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Mayor's

DATE SUBMITTED: 12-12-05

CLEARANCES: None

PROCEEDING: Presentation

EXHIBITS: None

BUDGET IMPACT

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

In the summer of 2005, the Tualatin Hills Park & Recreation District began embarking on an extensive process to update its 20-year plan, last updated in 1997, to meet current and future park and recreational needs. The Park District selected a consulting team led by Cogan Owens Cogan, LLC to update the Plan.

INFORMATION FOR CONSIDERATION:

The updated Plan will provide a vision and mission for the Park District, describe existing parks and recreation needs, and plan for future needs by evaluating the following:

- Current and future facility and program needs of Park District residents
- Maintenance and operation standards and practices
- Financing mechanisms and revenue sources
- Goals, policies and actions to be undertaken by the Park District and partnering groups to meet needs and achieve the Park District's vision and mission

As part of this process, the Park District is also refining its Trails Master Plan, which was last updated in 1998. This plan describes the existing trail system, recommends future trail connections and other projects, includes standards for trails, construction techniques and materials, and identifies policies and actions needed to implement the trails system.

RECOMMENDED ACTION:

Listen to presentation.

BEAVERTON CITY COUNCIL
REGULAR MEETING
JANUARY 9, 2006

DRAFT

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, January 9, 2006, at 6:40 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Dennis Doyle, Fred Ruby and Cathy Stanton. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Chief David Bishop, and City Recorder Sue Nelson.

PRESENTATIONS:

Appointment of City Council President 2006

Mayor Drake said at this time each year the Council nominates a council member as Council President for the current year; he said he would accept a motion for City Council President for 2006.

Coun. Bode MOVED, SECONDED by Coun. Doyle to nominate Coun. Cathy Stanton for Council President.

Couns. Arnold, Bode, Doyle, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

Mayor Drake thanked Coun. Bode and said she was an excellent person to work with and an outstanding Council president.

06001 Presentation of Shields and Swearing In of Four Officers to the Beaverton Police Department

Police Chief David Bishop swore in the new officers: Jason Billings, Joshua Griffin, David VanCleve, and Jeffrey Young. Mayor Drake presented them with their shields.

Chief Bishop noted it was his 13th anniversary as Chief of Police with the City of Beaverton.

VISITOR COMMENT PERIOD:

Henry Kane said Council had received his letters regarding the Highway 217 Recommendations, the Metro Transportation Policy Alternatives Committee and A Proposed Resolution on Various Road Improvements, (in the record). He suggested Council inform the Oregon Transportation Committee that Beaverton opposed closure of access to and from Highway 217 at Allen and Denney Road. He said a decision regarding a toll road would mean that all of Highway 217 would become a toll road and that closure would be catastrophic in terms of diversion of traffic onto Hall Blvd. and other city streets.

David James, Beaverton, said he was disappointed Council had not acted on the dangers of walking on Walker Road since his previous visit to Council within the last year. He said there had been no safety improvements on Walker; the street had not been widened but \$3 million dollars had been spent on the Cornell Road Project. He asked Council to walk the seven blocks of Walker Road from 173rd to 180th and they would see the dangers of walking on the road. He said he would come back to Council and ask for their opinions next week.

Mayor Drake replied that Walker Road was part of Washington County's roadway arterial system and the City was not responsible to improve it. He said there had been a study done by the Major Street Transportation Improvement Program (MSTIP) on Walker Road between 185th east to Canyon Road and it appeared from that study the County may choose to improve the east end of Walker Road. He said that on multiple occasions he had asked the Washington County Coordinating Committee (WCCC) and he had also asked privately for the County to consider improving the stretch of road Mr. James was concerned about. He said it was one of the many roads in the County that was considered substandard. He said the County had not decided on the Walker Road improvements but the City had asked them to improve it west of 162nd (west of Stonegate, in the Five Oaks/Triple Creek Neighborhood). He reiterated that Walker Road had been discussed multiple times.

James said he had spoken many times with Washington County officials about how funding for road projects was allocated and he believed the City could have great influence on County decisions.

Mayor Drake responded by saying Walker Road was the responsibility of the County to design and fund.

COUNCIL ITEMS:

Coun. Bode noted that there were many ways people could have contact with the City of Beaverton, including Press representation and televised Council meetings. She said the City provided streaming video of all Council meetings, the City Learning Series as well as infomercials about the Code Services Program. She said that 1,400 people used the City Website to access the streaming video files and that the daily Website usage averaged 3,000 visits with 10,000 Website pages accessed per day. She said a total of 45,000 people visited the Website in November 2005. She said people connected one-on-one and also in the privacy of their own homes to look up very specific information. She noted that Code Services received 204 complaints from citizens in November 2005,

with abandoned auto complaints at the top of the list. She noted that 50% of the complaints were by telephone, 18-20% accessed the Website, and 4% walked in while others sent a few faxes and emails. She concluded by saying there was a variety of ways citizens connected with the City regarding traffic and other concerns.

Mayor Drake said it was important that the public knew that a street like Walker Road was within City limits, but the County maintained both the funding and design of that street. He said the City provided law enforcement for all areas inside the City boundaries.

Coun. Bode asked Mayor Drake to explain who owned Scholls Ferry Road.

Mayor Drake replied that the new part of Scholls Ferry Road was owned by the County after the State improved it and turned it over to the County. He explained it was roughly between Murray Blvd. up to Progress. He asked the City Transportation Engineer if Scholls Ferry Road east of Hall Blvd. was still a State roadway.

Randy Wooley, City Transportation Engineer, said Scholls Ferry Road. was mostly County controlled with the exception of the roadway near the freeway (near Washington Square where it crossed Highway 217) through the interchange area. He noted that part of the roadway still belonged to the State.

Coun. Stanton said January 9, 2006 at the Washington County Public Affairs Forum former Secretaries of State Phil Keisling and Norma Paulus both spoke about an Initiative to allow an Open Primary Election.

Coun. Stanton noted that on January 23, 2006, Mayor Drake would give the State of the City address at the Washington County Public Affairs Forum.

Coun. Stanton said that on January 26, 2006, Tom Brian, Chair of the Washington County Board of Commissioners, would speak at the Westside Economic Alliance Breakfast Forum. She commented that there were lots of opportunities to learn about things going on in the community.

Coun. Stanton thanked Coun. Bode for her work as the 2005 Council President in keeping the Council informed on issues. She noted that she hoped she would do as well as 2006 Council President.

Coun. Ruby said the Martin Luther King Jr. Day celebration had gotten better and better every year. He said that the program was partly sponsored by the City and partly sponsored by Portland Community College (PCC). He said the celebration had been moved to the PCC Rock Creek Campus this year. He explained that the celebration was a broad coalition of different community and government groups that had coordinated efforts to build a program of fellowship and intercultural aspects. He said there would be some southern comfort food served and he encouraged everyone to attend on Sunday, January 15, 2006, at 2:00 p.m.

Mayor Drake noted that the Vision Action Network and the Inter-religious Action Network of Washington County were also major sponsors of the program. He said it was the

Inter-religious Action Network that assisted with the Unity Walk in Beaverton in October 2005.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

Coun. Stanton MOVED, SECONDED by Coun. Doyle that the Consent Agenda be approved as follows:

Minutes of the Regular Meeting of December 12, 2005

06002 Liquor Licenses: New Outlet - El Tapatio Mexican Restaurant; Change of Ownership - Treasure Island Restaurant; Change of Ownership & Greater Privilege - Haerim Restaurant

06003 Boards and Commissions Appointment - Ray Bowman to Beaverton Committee for Citizen Involvement

06004 Traffic Commission Issues No:

TC 585 - Repeal of Two-Hour Parking Restrictions on SW Cascade Avenue;
TC 586 - Parking Restrictions on SW Sagehen Street, SW Chukar Terrace and SW Bunting Street;
TC 587 - Parking Restrictions on SW Larch Place;
TC 588 - Revisions to Traffic Enhancement Fund Project

Mayor Drake noted that Coun. Stanton had requested to pull AB 06004 for separate consideration.

CONTRACT REVIEW BOARD:

06009 Declaration of Surplus Property and Authorization to Dispose of Surplus Property (Resolution No. 3847)

Coun. Stanton commented on AB 06009 and explained that the Westgate Theatre had been purchased by the City. She noted that the contents of the theatre would be dismantled and sold. She encouraged people to visit the State of Oregon Website if they were interested in purchasing some of the surplus property.

Question called on the motion (with AB 06004 pulled for separate consideration). Couns. Arnold, Bode, Doyle, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

Coun. Stanton said she had minor corrections to the minutes of December 12, 2005, that she would present to the City Recorder.

06004 (Pulled for Separate Consideration)

Coun. Stanton said she had some questions concerning Agenda Bill 06004, Traffic Commission Issue 588, (TC 588) - Revisions to Traffic Enhancement Fund Project Allocations. She explained that in 1996 the City had a tax base that incorporated a serial levy for Police and a component for traffic enhancement projects. She said in the new Traffic Enhancement List, the original resolution (Resolution No. 3364) authorized a tax base levy election. She said the City had dedicated \$2.982 million dollars to improve traffic light signalization and timing and to provide neighborhood congestion relief. She said that over the years \$2.182 million dollars had been spent which left a balance in the fund. She explained that 45% of the actual total had been expended, with 21% spent for traffic calming. She said that only 19 and ½% of the new projects would be for traffic calming.

Coun. Stanton commented that according to a June 15, 1998, memo written by Interim Engineering Director Jim Rapp (in the record) Council's thoughts at that time were to use the money to improve signalization and enhance neighborhoods and school zones. She said she was concerned that in the new projects funding less than 20% would go to traffic calming. She noted that staff responded to her written Council question of January 9, 2005 (in the record) indicating there was less traffic calming issues in neighborhoods, but she did not see it totally disappearing.

Coun. Stanton referred to AB 06004, page 19, Traffic Expenditures, items number 15 (Traffic Calming Phase 5 - Heather Lane; 170th Dr) and 17(Traffic Calming Phase 6 - Indian Hill, 6th, Davies, 155th) and said the list indicated a \$215,000 difference between the previous budget and the total estimated cost for Phases 5 and 6. She asked if that was because the estimation was not accurate or the projects were not yet completed in those phases. She said if the projects were not completed then there was a \$215,000 shortfall based on the numbers on Attachment A and a traffic calming reserve of \$31,800 was not going to meet that \$215,000 difference.

Wooley explained that several of the projects did not go through to construction. He explained that in the case of Indian Hill and Davies in Phase 6, the neighbors in the neighborhood meeting process decided to withdraw from the program. He said that when the City estimated the costs, they expected those projects to be constructed. He noted that in the case of Heather Lane they did not get the 67% support from citizens for the neighborhood design; consequently that project did not go through. He said that was a big share in the reduction in costs.

Wooley said another reason for the estimated costs was that the City realized the proposed projects qualified and were put on the list, but there was no design at that point. He said the City estimated the projects would take the most expensive traffic calming devices and they wanted to make sure there would be enough money in the fund. He said all of the recent cases had consisted primarily of speed humps, which were not that expensive. He said there had been some savings there without landscape islands and other expensive features included. He explained the City was getting better prices because some of the work was being done in-house by the City Operations crews.

Wooley said the projects in Phases 5 and 6 were completed. He explained that the estimates noted in the agenda bill were very close to the final cost.

Coun. Stanton said that in the 1996 tax base there was \$2.982 million dollars set aside for signalized timing and traffic enhancement. She said that even with the new projects the total was only \$2.55 million dollars and she asked if it would be good to keep the rest of the money in reserve. She asked if the City had any fiduciary or legal responsibility to spend the money just within the confines of what the tax base said.

Patrick O'Claire, Finance Director, replied that there was another component of the Traffic Calming and Signalization program included in the \$2.9 million dollars. He noted that component was hiring staff. He said the schedule showed \$775,000 per year for three years to the actual construction program (detailed in the agenda bill). He noted that amount was \$2.3 million dollars. He said the reason there was actually \$2.5 million dollars in the construction fund was because those funds were collected in FY 98/99 and FY 2000 and interest had been earned on those funds in the construction activities to actually provide more money than what had originally been raised. He reminded Council that three staff members were hired to handle the design and construction oversight of all of the projects and those were included in the General Fund and not in the Traffic Construction Fund.

Coun. Stanton said she thought she heard O'Claire say that with interest more money had been spent. She said almost \$3 million dollars should have been spent, but only \$2.56 million dollars would be spent.

O'Claire said that \$2 million dollars also included staff salaries for the last five years, which was not part of the Construction Fund, but part of the General Fund. He said that would equal about \$220,000 to \$250,000 a year for the staff.

Coun. Stanton said she would like a bigger fund for traffic enhancement. She said she would like to hear comments from the other Councilors about how they felt about having only \$31,000 in the Traffic Calming Reserve, when there was \$377,000 in new projects and only \$31,800 was going to remain for the traffic calming reserve.

Mayor Drake explained that the money this year would be expended and was completely accounted for, both in equipment, design and staff to actually implement the program. He said one of the large shares of staff time regarding traffic calming was working with the neighborhoods and hearing what everyone had to say, assessing the votes on the projects, and holding the public hearings. He noted that it had been extremely time intensive and had been a great program for citizens. He reiterated that the roughly \$3 million dollars was accounted for and based on the initial estimates, City staff had been able to provide many more projects than they had actually anticipated initially by working with the neighborhoods. He said some was not completed, but the projects that had been requested to date were finished and the initial list of projects through day-to-day work and solicitation of requests were complete.

Mayor Drake said that as more traffic calming projects were identified that he would recommend the allocation of gas tax money or other sources of funding through the budget process. He said that the City would always improve traffic signalization to put signals where they were needed. He said the City would have completed what had been committed to the voters as part of the tax base and then Council could decide annually what they wanted to spend on traffic calming and/or signal improvements.

Coun. Stanton asked if there would be any savings on completion from the Traffic Calming Reserve of \$31,000 from the new projects or from completion of the old projects. She said that \$225,000 had been budgeted for a new (yet to be identified) signal. She said if that signal came in under budget would there be a mechanism in this agenda item that remaining funds would go into the Traffic Calming Reserve.

O'Claire explained that the \$31,811 was anticipated to be left over after everything was done this fiscal year. He said if things came in less expensive that reserve would grow. He said it was just like the beginning working capital the City would have for this particular project category beginning next fiscal year.

Coun. Stanton asked if any project that came in under budget would go into the Traffic Calming Reserve and any project that went over budget would come out of the Traffic Calming Reserve even though it would not be a traffic calming issue to cover the shortfall.

O'Claire said that would be the recommendation.

Mayor Drake said part of the selling point initially of the new tax base was making the Police Serial Levy permanent and allowing the Police numbers to grow incrementally as the City's population grew. He said the City had synchronized signals, but there was a huge increase in traffic traveling through the City due to development both in adjoining cities and in the county. He noted that citizens had requested that the traffic signals be coordinated and the City had cooperated with the State and the County on that issue. He said he had heard as much from citizens regarding traffic signal timing as he had heard about traffic calming in neighborhoods. He said that people generally loved living on a street where traffic calming was installed, because it improved their livability. He said he also heard from drivers upset after going through a neighborhood with traffic calming. He stated that he would explain to those drivers that traffic calming was not meant to keep people from going through a neighborhood but it was designed to allow travel through the neighborhoods at a sane and safer speed. He said most people understood but others did not and those people would never be happy about traffic calming. He said there were neighborhoods that needed it for the safety of kids and to maintain property values.

Coun. Stanton said her only concern was that the City will have funds available as neighborhoods developed and as people found alternate routes other than traffic clogged arterials. She said the fund needed to be maintained for future problems of cut through traffic in neighborhoods.

Coun. Bode said if 125th Street was completed, there would not be so much cut through traffic in residential neighborhoods considering the number of schools in that location. She said there was always the balance on funding new projects, but she thought something was owed to the long-term established neighborhoods. She said it was important to pay close attention to the established neighborhoods and not just to the new developments and to look at the richness the old neighborhoods possessed. She said that the traffic patterns and the congestion were points to be considered in the upcoming budget. She noted that she would like to see more work done on 125th Street. She said the traffic was just phenomenal in that section of roadway and it directly affected safety and livability. She said if 125th Street had traffic improvements, less

money would have to be poured into the subdivisions for traffic calming. She noted that the cut through traffic in that area was due to commuters on their way to and from work. She said Council could look at that during budget time this spring.

Coun. Doyle said he read the staff reply (in the record) to Coun. Stanton's questions and he was very confident that the Traffic Commission spent time on two occasions looking at the issues. He commended the Traffic Commission for their work. He said flashing beacons in school zones at Southridge and Sunset High Schools were long overdue. He said he was glad the video detection systems were in place and he was happy with the changes.

Mayor Drake said it was interesting to look at funding sources for roadways. He said the MSTIP Program was a one time levy that voters in the county approved. He explained that when Ballot Measure 50 was approved by the voters after Ballot Measure 47 it made that funding levy continuous. He said the County Commission (though they were not legally bound to spend that money only on roadways) be consistent with what the voters had approved. He said that prior to Ballot Measures 47 and 50 they made a verbal commitment and by action had continued to put that money toward road improvements. He said he shuddered to think what roadway needs would be if the Commissioners hadn't put that money beyond Ballot Measures 47 and 50. He said Ballot Measure 47 passed in 1996 and Ballot Measure 50 passed in 1997. He said the point that made the Cities a little sore was all that money was being put into just the County road system although that money was coming from City voters too. He commented that at least the money was going to roads in the county, which most drivers used when they left the city or to county roads within the City. He said the Commissioners deserved a pat on the back for consistently using the money for roadways.

Coun. Doyle asked if there was information on the City Website or a contact at the City where one could find out about accessible pedestrian signals, which provided audible and tactile information for visually impaired pedestrians.

Wooley said calls could be made to the City Engineering Office as well as questions could be directed through email at citymail@ci.beaverton.or.us. He noted that written communication could be addressed to the Engineering Department.

Coun. Arnold said she had served as liaison for the Citizens with Disabilities Advisory Committee (CDAC) and that group actively and regularly looked for specific needs within the City. She said she was happy to see funds allocated for help with crosswalks.

Coun. Doyle said he had gotten many positive comments regarding signals with the countdown capabilities. He said citizens should contact the City as mentioned earlier through the telephone, by email or by written communication.

Coun. Stanton MOVED, SECONDED by Coun. Bode for approval of Agenda Bill 06004. Couns. Arnold, Bode, Doyle, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

PUBLIC HEARING:

06005 Public Hearing on Biggi Investment Partnership Measure 37 Claim

Alan Rappleyea, City Attorney, said Measure 37 had been declared unconstitutional by a circuit court in Marion County and was currently on expedited appeal to the Supreme Court. He said the Biggi's had agreed to postpone this matter until after the Supreme Court ruled. He said if the Supreme Court called it unconstitutional there would be no need for a hearing and if it was declared valid then the City would have 40 days in which to conduct a hearing to hear this matter. He recommended Council continue this matter until after the Supreme Court's decision and that as this was a date uncertain that Council direct staff to re-notice the public hearing.

Mayor Drake said that anyone who had gotten notice of this claim originally and that would have had interest in this claim would be re-noticed. He said there was sufficient time within the 40-days to re-notice people.

Rappleyea agreed that was correct.

Coun. Bode asked if this issue required a motion.

Mayor Drake said since there had been a public hearing with notice that night, Council would have to take an action.

Coun. Ruby MOVED, SECONDED by Coun. Doyle that the hearing be continued to after the Supreme Court had decided the constitutionality of Measure 37 and at the time of such decision direct staff to re-notice the hearing. Couns. Arnold, Bode, Doyle, Rudy and Stanton voting AYE, the MOTION CARRIED, unanimously. (5:0)

Coun. Arnold asked if the Biggi's had to give the City the continuance.

Rappleyea said that information was in the correspondence between the Biggi's and the City. He said the Biggi's had agreed to 40 days additional time after the hearing. He said the Supreme Court decision could be expected before June 2006.

Mayor Drake reiterated that the hearing would be continued to after a decision by the Supreme Court. He said that once that decision had been rendered, the City agreed to a hearing no more than 40 days after the decision and would notice those that were required to be noticed. He said a public hearing would be held by the Beaverton City Council.

Coun. Stanton stated that notice would be given to those required to be noticed and also anyone who had expressed either verbal or written interest.

06006 Adopt Resolution and Authorize Implementation of Building, Mechanical, and Electrical Permit Fee Increases (Resolution No. 3846)

Coun. Stanton thanked Brad Roast, Building Official, for providing complete information on the Fee increases.

Mayor Drake opened the Public Hearing.

There was no one that wished testify.

Mayor Drake closed the Public Hearing.

Coun. Stanton MOVED, SECONDED by Coun. Doyle for approval of AB06006, Adopting a Resolution and Authorizing Implementation of Building, Mechanical, and Electrical Permit Fee Increases. Couns. Arnold, Bode, Doyle, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

Coun. Stanton said that this was done every year for all different permit fees across the board because, besides inflation, there were salaries and staff time to take into consideration. She said that depending on state and federal law, the City had to spend more time in detail looking at building regulations. She noted that every time the legislature met there were changes to the building code that the City had to incorporate and administer on behalf of the State. She said that by looking at the fees each year, it made it more comfortable for Developers to know they would not all of a sudden have fees double.

Coun. Doyle said the Community Development Staff worked with professional builders including the members of the Development Liaison Committee (DLC). He said the DLC was a formal committee where members experienced correspondence and advisement from the City.

ORDINANCES:

Coun. Stanton MOVED, SECONDED by Coun. Doyle, that the rules be suspended, and that the ordinances embodied in Agenda Bills 06007 and 06008, be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Arnold, Bode, Doyle, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

First Reading:

Rappleyea read the following ordinances for the first time by title only:

- 06007 An Ordinance Annexing One Parcel Located at 16930 SW Spellman Drive to the City of Beaverton: Expedited Annexation 2005-0012 (Ordinance No. 4378)
- 06008 An Ordinance Annexing Three Parcels and Associated Right of Way, Located at 16655 SW Scholls Ferry Road in the City of Beaverton and Adding the Property to the Neighbors Southwest Neighborhood Association Committee: Expedited Annexation 2005-0009 (Ordinance No. 4379)

EXECUTIVE SESSION:

Coun. Bode MOVED, SECONDED by Coun. Ruby, that Council move into executive session in accordance with ORS 192.660(2)(h) to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed. Couns. Arnold, Bode, Doyle, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

RECESS:

Mayor Drake called for a brief recess at 7:45 p.m.

RECONVENED:

Mayor Drake reconvened the meeting at 8:00 p.m.

The executive session convened at 8:00 p.m.

The executive session adjourned at 9:05 p.m.

The regular meeting reconvened at 9:05 p.m.

O'Claire said he would like to summarize the motion; Authorize the Mayor to Sign a Transfer Resolution Appropriating \$75,000, from the Insurance Fund Reserve to the Professional Services Account.

Coun. Ruby MOVED, SECONDED by Coun. Doyle that Council Authorize the Mayor to Sign a Transfer Resolution Appropriating \$75,000 from the Insurance Fund Reserve to the Professional Services account. Couns. Arnold, Bode, Doyle, Ruby and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 9:05 p.m.

Sue Nelson, City Recorder

APPROVAL:

Approved this day of , 2006.

Rob Drake, Mayor

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: LIQUOR LICENSE

FOR AGENDA OF: 01/23/06 **BILL NO:** 06011

CHANGE OF OWNERSHIP

Mandarin Palace Restaurant and Lounge
9225 SW Allen Blvd.
Beaverton, OR

MAYOR'S APPROVAL: 

DEPARTMENT OF ORIGIN: Police 

DATE SUBMITTED: 01/10/06

PROCEEDING: Consent Agenda

EXHIBITS: None

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$ 0	BUDGETED \$ 0	REQUIRED \$ 0

HISTORICAL PERSPECTIVE:

A background investigation has been completed and the Chief of Police finds that the applicant meets the standards and criteria as set forth in B.C. 5.02.240. The City has published in a newspaper of general circulation a notice specifying the liquor license request.

INFORMATION FOR CONSIDERATION:

Benjamin's Restaurant and Lounge, formerly licensed by the OLCC to Trianon Restaurant, Inc., is undergoing a change of ownership. Evanwood, Inc., has made application for a Full On-Premises Liquor License under the trade name of Mandarin Palace Restaurant and Lounge. The establishment will serve Chinese food. Its hours of operation will be Sunday through Thursday from 11:00 a.m. to 11:30 p.m., and Friday and Saturday from 11:00 a.m. to 12:30 a.m. There will be no entertainment offered. A Full On-Premises Sales License allows the sale of distilled spirits, malt beverages, wine and cider for consumption at the licensed business.

RECOMMENDED ACTION:

The Chief of Police for the City of Beaverton recommends City Council approval of the OLCC license.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: LIQUOR LICENSES

FOR AGENDA OF: 01/23/06 **BILL NO:** 06012

NEW OUTLET

Juan Colorado Mexican Restaurant
16755 SW Baseline Road, Suite 220
Beaverton, OR

MAYOR'S APPROVAL: 

DEPARTMENT OF ORIGIN:

Police 

DATE SUBMITTED:

01/17/06

PROCEEDING: Consent Agenda

EXHIBITS: None

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$ 0	BUDGETED \$ 0	REQUIRED \$ 0

HISTORICAL PERSPECTIVE:

A background investigation has been completed and the Chief of Police finds that the applicant meets the standards and criteria as set forth in B.C. 5.02.240. The City has published in a newspaper of general circulation a notice specifying the liquor license request.

INFORMATION FOR CONSIDERATION:

La Colmena, Inc. has made application for a Full On-premises sales license under the trade name of Juan Colorado Mexican Restaurant. The establishment will serve Mexican food. It will operate seven days a week, serving lunch from 11:00 a.m. to 2:00 p.m., and dinner from 2:00 p.m. to 10:00 p.m. There will be no entertainment offered. A Full On-Premises Sales License allows the sale of distilled spirits, malt beverages, wine and cider for consumption at the licensed business.

RECOMMENDED ACTION:

The Chief of Police for the City of Beaverton recommends City Council approval of the OLCC license.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: Authorize the City Attorney to Enter into a Professional Services Contract with Outside Counsel to Provide Legal Review and Consultation.

FOR AGENDA OF: 01-23-06 **BILL NO:** 06013

Mayor's Approval: 

DEPARTMENT OF ORIGIN: HR 

DATE SUBMITTED: 01-13-06

CLEARANCES: City Attorney
Finance
Police



PROCEEDING: Consent Agenda

EXHIBITS: None

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$5,000	BUDGETED \$31,400*	REQUIRED \$0

*Account No. 001-60-0622-511. The FY 2005-2006 budget included \$31,400 for various professional services. To date, \$11,434 has been expended leaving a balance of \$19,966 as the current appropriation available in this professional services account.

HISTORICAL PERSPECTIVE:

The City Attorney is responsible for providing legal advice to the Council and City administration on numerous topics, including employee disciplinary matters. The Department Head has requested, with the concurrence of the Mayor, that an outside legal review of this appeal on a personnel matter be obtained.

INFORMATION FOR CONSIDERATION:

The Department Head would like to retain attorney Victor Calzaretta to review the department's position. The contract will include a not-to-exceed figure of \$5,000. Funding is available through the above-referenced budget account.

RECOMMENDED ACTION:

Authorize the City Attorney to enter into a Professional Services Contract with attorney Victor Calzaretta on an appeal in an amount not to exceed \$5,000.

AGENDA BILL

Beaverton City Council
Beaverton, Or gon

Revised Ordinance

Section 1. of the Ordinance
 has been Revised to include
 the effective date of
 May 17, 2006 as stipulated by

SUBJECT: An Ordinance Annexing One Parcel
 Located at 16930 SW Spellman Drive to the
 City of Beaverton: Expedited Annexation
 2005-0012

FOR AGENDA OF: 01/23/06 **BILL NO:** 06007
~~01/09/06~~ **BILL NO:** 06007

Mayor's Approval: *Bob Drake*

DEPARTMENT OF ORIGIN: CDD *me*

DATE SUBMITTED: 12/05/05

CLEARANCES: City Attorney *MA*
 Planning Services *HB*

PROCEEDING: ~~First Reading~~
 Second Reading & Passage
 (as revised due to State
 Statutes do not allow
 annexations to become effective
 within a period of 90 days prior to
 a Primary Election) **BUDGET IMPACT**

EXHIBITS: Ordinance
 Exhibit A - Map
 Exhibit B - Legal Description
 Exhibit C - Staff Report

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

This request is to annex one tax parcel located at 16930 SW Spellman Drive to the City of Beaverton. The parcel is approximately 0.4 acres and is developed with a single family house. The property owners (who are also electors) have consented to the annexation. This consent 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.

INFORMATION FOR CONSIDERATION:

This ordinance and the staff report address the criteria for annexation in Metro Code Chapter 3.09.

Beaverton Code Section 9.06.035A provides the City Council the option of adding property to an appropriate Neighborhood Association Committee (NAC) area at the time of annexation. This parcel is currently within the Sexton Mountain NAC boundaries.

Staff recommends that the City Council adopt an ordinance annexing the referenced property, effective 30 days after Council approval and the Mayor's signature on this ordinance or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, whichever is later.

RECOMMENDED ACTION:

~~First Reading~~
 Second Reading & Passage

ORDINANCE NO. 4378

AN ORDINANCE ANNEXING ONE PARCEL LOCATED AT
16930 SW SPELLMAN DRIVE TO THE CITY OF BEAVERTON:
EXPEDITED ANNEXATION 2005-0012

- WHEREAS,** This expedited annexation was initiated under authority of ORS 222.125, whereby all owners of the property and at least fifty percent 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,** This property is in area "A" as set forth in the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Service Plan" and, as prescribed by the agreement, the Washington County Board of Commissioners has agreed not to oppose annexations in area "A"; and
- WHEREAS,** Council Resolution No. 3785 sets forth annexation policies for the City and this action implements those policies; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1.** The property shown on Exhibit A and more particularly described in Exhibit B is hereby annexed to the City of Beaverton, effective 30 days after Council approval and signature by the Mayor, the date the ordinance is filed with the Secretary of State as specified by ORS 222.180 or May 17, 2006 as specified by ORS 222.040, whichever is later.
- Section 2.** The Council accepts the staff report attached hereto as Exhibit C, and finds that:
- a. This annexation is consistent with provisions in the agreement between the City and the Tualatin Valley Water District 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.
- 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 property will be withdrawn from the Washington County Urban Road Maintenance District and the Washington County Enhanced Sheriff Patrol District ;
 - b. The City having annexed into the Tualatin Valley Fire and Rescue District in 1995, the property to be annexed by this Ordinance shall remain within that district; and
 - c. The property will remain within the 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 working days of adoption.
- Section 6.** The Community Development Department shall transmit copies of this Ordinance and all other required materials to all public utilities and telecommunications utilities affected by this Ordinance in accordance with ORS 222.005.

First Reading January 9, 2006
Date

Second Reading and Passed _____
Date

Approved by the Mayor _____
Date

ATTEST:

APPROVED:

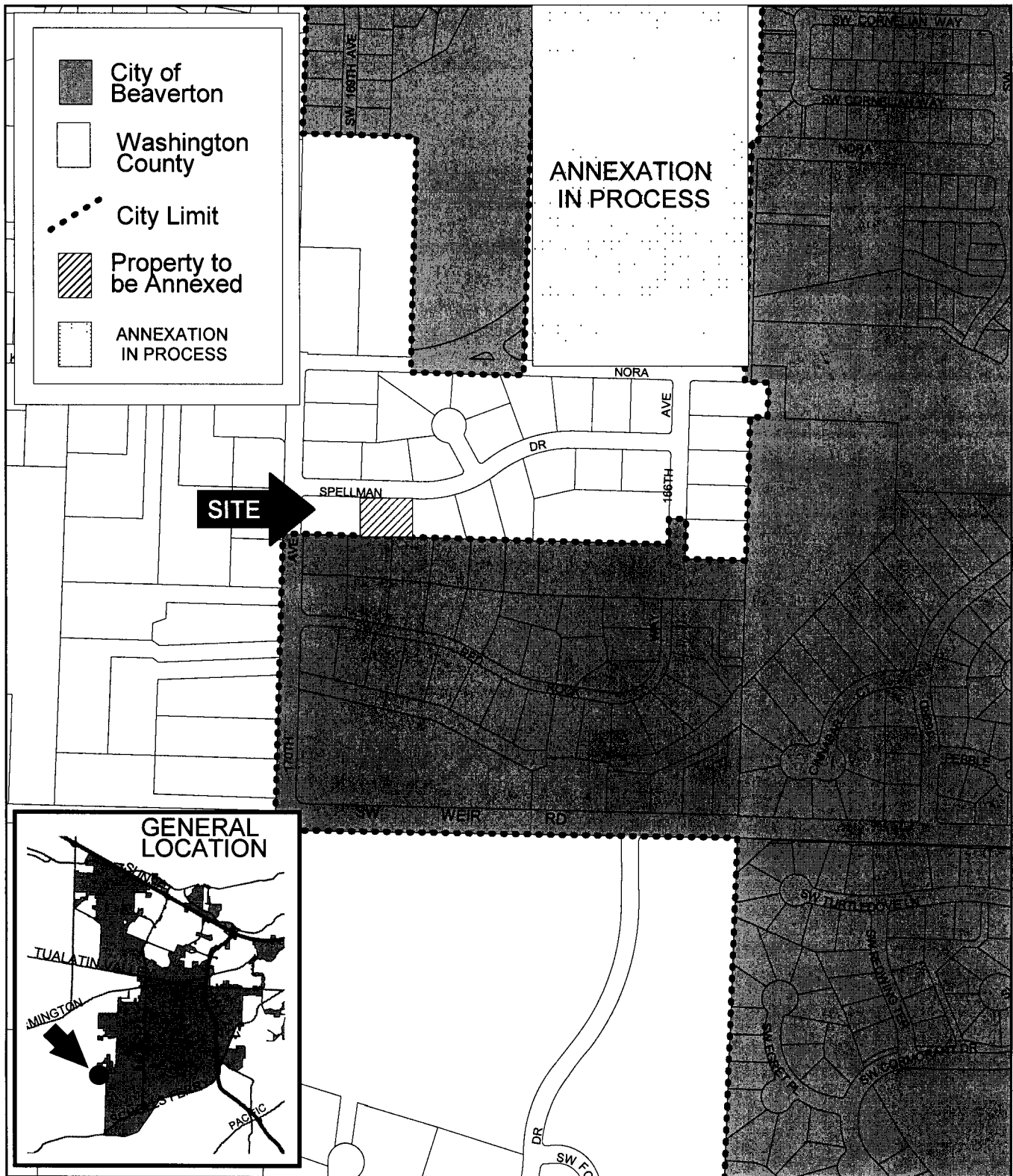
SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP

ORDINANCE
NO. 4378

EXHIBIT "A"



CITY OF BEAVERTON

16930 SW SPELLMAN DRIVE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

12/02/05

Map #

1s130DD01600



Application #
ANX 2005-0012

ORDINANCE NO. 4378

EXHIBIT B

Legal Description

ANX 2005-0012

Lot 12 of MADRONA TERRACE, situated in the southeast quarter of the southeast quarter of Section 30, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon.



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: December 2, 2005

AGENDA

DATE: January 9, 2006

FROM: Community Development Department
Alan Whitworth, Senior Planner

SUBJECT: 16930 SW Spellman Drive Expedited Annexation (ANX 2005-0012)

ACTIONS: Annexation to the City of Beaverton of one parcel located at 16930 SW Spellman Drive. The parcel is shown on the attached map, identified on tax map 1S130DD as lot 01600, and more particularly described by the attached legal description. The annexation of the property is owner initiated (petitions attached) and is being processed as an expedited annexation under ORS 222.125 and Metro Code 3.09.045.

NAC: This property is currently within the Sexton Mountain Neighborhood Association Committee (NAC) boundaries.

AREA: The property is approximately 0.4 acres

TAXABLE BM 50 ASSESSED VALUE: \$ 251,470

ASSESSOR'S REAL MARKET VALUE: \$ 315,930

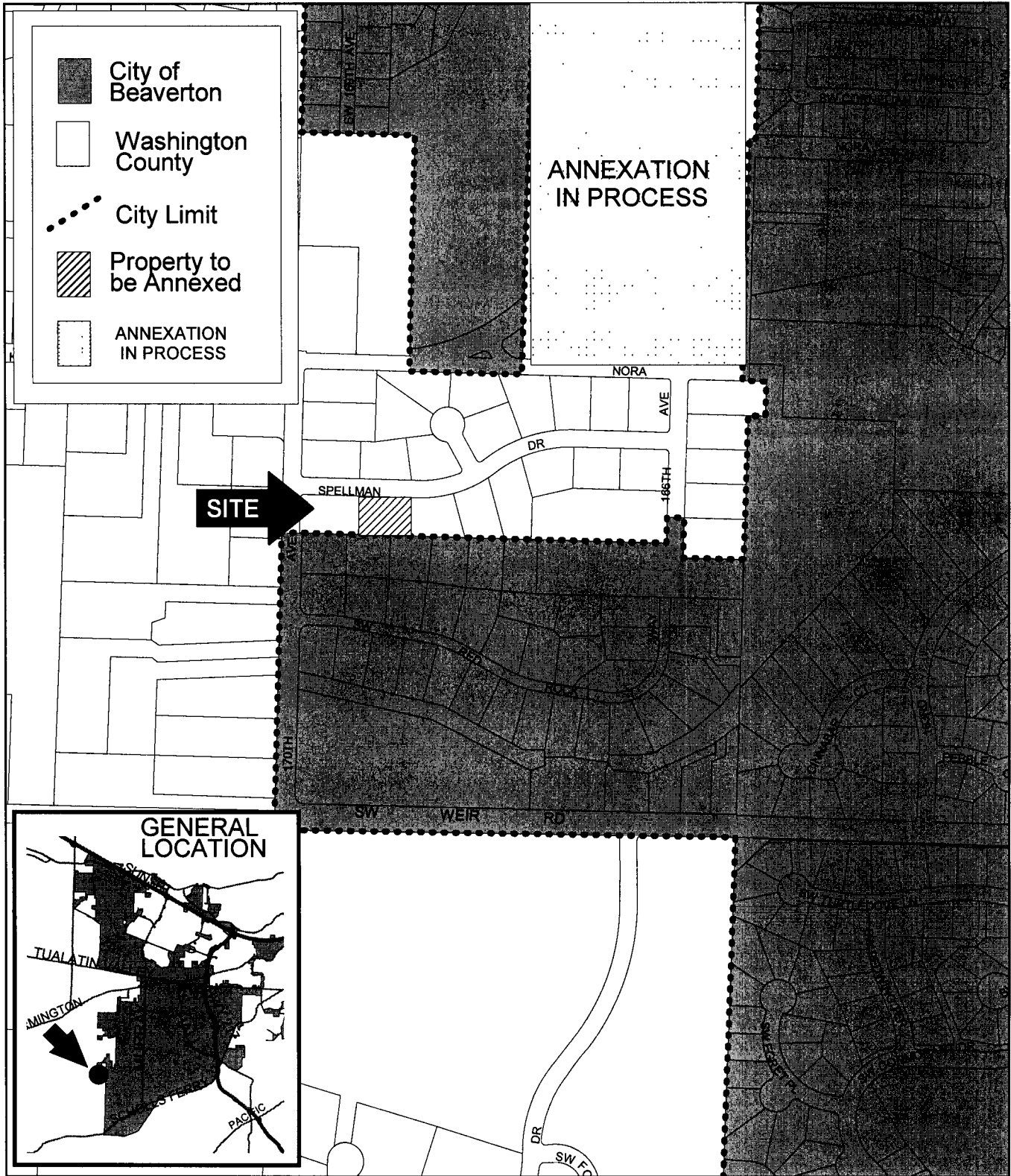
NUMBER OF LOTS: 1

EXISTING COUNTY ZONE: Residential - 6 units to the acre

RECOMMENDATION

Staff recommends the City Council adopt an ordinance annexing the referenced property, effective thirty days after the Mayor's signature or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, which ever is later.

VICINITY MAP



CITY OF BEAVERTON

16930 SW SPELLMAN DRIVE
COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Services Division

12/02/05
 Map #
 1s130DD01600

Application #
 ANX 2005-0012



BACKGROUND

The request is to annex one tax parcel located at 16930 SW Spellman Drive. The parcel is approximately 0.4 acres and is occupied by a single-family house. The property owners have consented to the annexation. Their consent 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. The property owners are requesting annexation in order to connect to City sanitary sewer.

The property is currently in the Sexton Mountain Neighborhood Association Committee boundaries.

In December, the City and Washington County entered into an Intergovernmental Agreement that established an area "A", in which the City could proceed with annexations with County consent, and an area "B", in which the City would need to obtain County consent to proceed with annexation. This proposed annexation is in area "A".

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 City has been a party to a series of ORS Chapter 190 intergovernmental agreements "for Mutual Aid, Mutual Assistance, and Interagency Cooperation Among Law Enforcement Agencies Located in Washington County, Oregon", the last of which was signed by Beaverton Mayor Rob Drake on August 9, 2004. This agreement specifies the terms under which a law enforcement agency may provide assistance in response to an emergency situation outside its jurisdiction when requested by another law enforcement agency.

- On December 22, 2004 the City entered into an intergovernmental agreement with Washington County defining areas that the City may annex for ten years from the date of the agreement without opposition by the County. The property proposed for annexation by this application is included in the areas the City may annex without County opposition.

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 (ESPD). The property will be withdrawn from the ESPD and the City 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 the mutual aid agreement described above.
FIRE:	Tualatin Valley Fire & Rescue (TVF&R) provides fire and ambulance service to the property. The City annexed its own fire services to TVF&R in 1995. TVF&R is designated as the long-term service provider to this area.
SEWER:	There currently is a 6-inch sanitary sewer line that abuts the southern property line of this parcel. The sewer line runs to SW 167th Place following property lines and then connects to the sewer line in SW Red Rock Way that serves this property. 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 property currently has adequate drainage. If the property redevelops, storm drainage will be reviewed as part of the development review process. Upon annexation, billing responsibility will transfer to the City.
STREETS and ROADS:	Access to this property is via SW Spellman Drive (a local road); Spellman connects to SW 170th Avenue (a County maintained Collector) and SW 166th Avenue (a County maintained Neighborhood Route).

**PARKS and
SCHOOLS:**

The proposed annexation is in the Beaverton School District but it is not in the Tualatin Hills Parks and Recreation District. 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. Upon annexation, the City will provide those services. Pursuant to the Urban Planning Area Agreement (UPAA) between the City and County, City Comprehensive Plan and Zoning Designations should 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 December 20, 2005 (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 sent notice to the following parties:

- Anna Marie and Donald Harlan, 16930 SW Spellman Drive Beaverton, OR, 97007, the property owners; and,
- The Sexton Mountain Neighborhood Association Committee (NAC) and the Reedville/Cooper Mountain/Aloha Citizen Participation Organization (CPO 6); interested parties as set forth in City Code Section 9.06.035.

The 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 Chapter 3.09 (Local Government Boundary Changes). Pursuant to Metro Code Section 3.09.045, Metro Code Sections 3.09.050(d) and (g) include the following minimum criteria for expedited 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. The City has not yet entered into an urban services provider agreement under ORS 195.065 that relates to all potential urban service providers in and around the city, although discussion with other urban services providers on the content of an agreement have occurred sporadically over the last several years, and the City has proposed an agreement that is acceptable to most of the parties. Because a comprehensive urban service agreement has not been completed, it is not possible to consider adoption of an annexation plan. The City has entered into one agreement that has been designated an ORS 195.065 Urban Service Agreement with Tualatin Valley Water District and this proposed action is consistent with that agreement, as explained in the findings above under existing conditions relating to water service .

As previously noted, On December 22, 2004 the City entered into an intergovernmental agreement with Washington County, titled the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Services Plan" defining areas that the City may annex for ten years from the date of the agreement without opposition by the County, and referencing ORS 195.065(1). The property proposed for annexation by this application is within the ten year annexation area. No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this proposed annexation.

(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: The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services, which was updated as of July 1, 2004. Exhibit 'A' to the new agreement defines areas within the "Beaverton Area of Assigned Service Responsibility" where, subsequent to annexation, specified maintenance responsibilities for sanitary sewer lines under 24 inches in diameter and for certain storm drainage facilities and surface water management functions would transfer to the City as of July 1 of any year if so requested by the City by January 1 of that year. This property is currently on septic and is annexing to connect to a 6-inch City pipe that runs to the southern property line.

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: Comprehensive Plans: 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.

After reviewing the Washington County Comprehensive Framework Plan for the Urban Area on the County's web site (reflecting changes through County Ordinance No. 598) as well as ordinances adopted subsequently up to the date of this staff report that amended 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 which 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.

Two implementing strategies under Policy 15 that relate to annexation state:

The County will:

- f. If appropriate in the future, enter into agreements with service providers which address one or more of the following:*
 - 3. Service district or city annexation*
- g. Not oppose proposed annexations to a city that are consistent with an urban service agreement or a voter approved annexation plan.*

The City of Beaverton, Washington County and the other urban service providers for the subject area have been working off and on for several years to arrive at an urban service area agreement for the Beaverton area pursuant to ORS 195.065 that would be consistent with Policy 15 and the cited implementing strategies. Unfortunately, although most issues have been resolved, a few issues remain between the County and the City that have prevented completion of the agreement. These issues do not relate to who provides services or whether they can be provided when needed in an efficient and cost effective manner so much as how the transfer of service provision responsibility occurs, particularly the potential transfer of employees and equipment from the County to the City. As previously noted the County and the City have entered into an intergovernmental agreement that sets an interim urban services plan area in which the County commits to not oppose annexations by the City.

Staff has reviewed other elements of the County Comprehensive Plan, particularly the Aloha-Reedville-Cooper Mountain Community Plan that includes the subject property, and was unable to identify any provision relating to this proposed annexation.

Public Facilities Plans: *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 in the City: storm water drainage, potable water, sewerage 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. No relevant urban*

services as defined by Metro Code Section 3.09.020(m) will change subsequent to this annexation.

Staff could not identify any provisions in the Washington County Public Facilities Plan relevant to this proposed annexation.

- (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, meaning it became unnecessary for the City to address the Statewide Planning Goals after that date in considering proposed annexations. There are no other criteria applicable to this boundary change in State Law or local ordinances. The City of Beaverton does have Annexation Policies (attached) adopted by resolution and this proposed annexation is consistent with those policies. 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 (g) 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.

Attachments: Annexation Petition
Legal Description
City Annexation Policies

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: <u>16930 SW Spellman Drive Expedited Annexation</u> FILE NUMBERS: <u>ANX 2005-0012</u>
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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 BY 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
151300D-01600	16930 SW SPELLMAN Dr.	2	2	2

CONTACT PERSON ☐ USE MAILING ADDRESS FOR NOTIFICATION

<u>Donald Harlan</u>		
PRINT OR TYPE NAME	BUSINESS NAME	PHONE #
<u>16930 S.W. Spellman Beaverton, OR 97007</u>	<u>Contact #</u>	<u>503-590-0625</u>
ADDRESS		

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

<u>Anna Marie Harlan</u>	<u>Anna Marie Harlan</u>	<u>10-11-05</u>	<input checked="" type="checkbox"/> OWNERS <input checked="" type="checkbox"/> ELECTOR
<u>Donald R. Harlan</u>	<u>Donald R. Harlan</u>		
PRINT OR TYPE NAME	SIGNATURE	DATE	
<u>16930 SW Spellman Dr Beaverton Or. 97007</u>			
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			

Donald R Hartman <i>Donald R Hartman</i>		12/11/05	<input checked="" type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	
16930 SW Spellman Dr Beaverton Or, 97007			
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			

		<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
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LEGAL DESCRIPTION

Legal Description

ANX 2005-0012

Lot 12 of MADRONA TERRACE, situated in the southeast quarter of the southeast quarter of Section 30, Township 1 South, Range 1 West, Willamette Meridian, Washington County, Oregon.

ANNEXATION POLICY

City of Beaverton Urban Service Area and Corporate Limits Annexation Policies

A. City of Beaverton Urban Service Area Policy

The City remains committed to annexing its urban services area over time, but the City will be selective regarding the methods of annexation it chooses to use. The City of Beaverton prefers to avoid use of annexation methods that may force annexation against the will of a majority of voters in larger unincorporated residential neighborhoods. The City is, however, open to annexation of these areas by other means where support for annexation is expressed, pursuant to a process specified by State law, by a majority of area voters and/or property owners. The City is open to pursuing infrastructure/service planning for the purposes of determining the current and future needs of such areas and how such areas might best fit into the City of Beaverton provided such unincorporated residents pursue an interest of annexing into the City.

B. City of Beaverton Corporate Limits Policy

The City of Beaverton is committed to annexing those unincorporated areas that generally exist inside the City's corporate limits. Most of these areas, known as "islands", generally receive either direct or indirect benefit from City services. The Washington County 2000 Policy, adopted in the mid-1980s, recognizes that the County should not be a long-term provider of municipal services and that urban unincorporated areas including unincorporated islands should eventually be annexed to cities. As such, primarily through the use of the 'island annexation method', the City's objectives in annexing such areas are to:

- Minimize the confusion about the location of City boundaries for the provision of services;
- Improve the efficiency of city service provision, particularly police patrols;
- Control the development/redevelopment of properties that will eventually be within the City's boundaries;
- Create complete neighborhoods and thereby eliminate small pockets of unincorporated land; and
- Increase the City's tax base and minimize increasing the City's mill rate.

In order to achieve these stated objectives, the City chooses to generally pursue the following areas for 'island annexation' into the City of Beaverton:

- Undeveloped property zoned for industrial, commercial uses or mixed uses;
- Developed or redevelopable property zoned for industrial, commercial or mixed uses;
- Undeveloped or redevelopable property zoned for residential use;
- Smaller developed property zoned residential (within a neighborhood that is largely incorporated within the City of Beaverton).

12-01-06-0512

AGENDA BILL
Beaverton City Council
Beaverton, Oregon

Revised Ordinance
Section 1. of the Ordinance has
been Revised to include the effective
date of May 17, 2006 as stipulated
by ORS 222.040

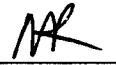
SUBJECT: An Ordinance Annexing Three Parcels, and
Associated Right-of-Way, Located at 16655
SW Scholls Ferry Road to the City of
Beaverton and Adding the Property to the
Neighbors Southwest Neighborhood
Association Committee: Expedited
Annexation 2005-0009

FOR AGENDA OF: 01/23/06
~~01/09/06~~ **BILL NO:** 06008

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 12/05/05

CLEARANCES: City Attorney 
Planning Services LIB

PROCEEDING: ~~First Reading~~
Second Reading & Passage
(as revised due to State Statutes
do not allow annexations to become
effective within a period of
90 days prior to a Primary Election)

EXHIBITS: Ordinance
Exhibit A - Map
Exhibit B - Legal Description
Exhibit C - Staff Report

BUDGET IMPACT

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

This request is to annex three tax parcels, plus associated right-of-way, located at 16655 SW Scholls Ferry Road to the City of Beaverton. The parcels are approximately 13.5 acres and are developed with a single family house and an animal kennel. The property owners (one of whom is an elector) have consented to the annexation. This consent 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.

INFORMATION FOR CONSIDERATION:

This ordinance and the staff report address the criteria for annexation in Metro Code Section 3.09.045.

Beaverton Code Section 9.06.035A provides the City Council the option of adding property to an appropriate Neighborhood Association Committee (NAC) area at the time of annexation. This parcel is not currently in a NAC. The Neighborhood Office is recommending that this property be added to the Neighbors Southwest NAC.

Staff recommends that the City Council adopt an ordinance annexing the referenced property and adding it to the Neighbors Southwest NAC, effective 30 days after Council approval and the Mayor's signature on this ordinance or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, whichever is later.

RECOMMENDED ACTION:

~~First Reading~~
Second Reading and Passage

Agenda Bill No: 06008

ORDINANCE NO. 4379

AN ORDINANCE ANNEXING THREE PARCELS, AND
ASSOCIATED RIGHT-OF-WAY, LOCATED AT 16655 SW
SCHOLLS FERRY ROAD TO THE CITY OF BEAVERTON AND
ADDING THE PROPERTY TO THE NEIGHBORS SOUTHWEST
NEIGHBORHOOD ASSOCIATION COMMITTEE: EXPEDITED
ANNEXATION 2005-0009

- WHEREAS,** This expedited annexation was initiated under authority of ORS 222.125, whereby all owners of the property and at least fifty percent of the electors, have consented to annexation; and
- WHEREAS,** This property was brought inside the Urban Growth Boundary by Metro, the Regional Government, in December of 2002 by the approval of Ordinance Number 02-969B; and
- WHEREAS,** All legal appeals of the Metro decision have been exhausted; and
- WHEREAS,** This property is in area "A" as set forth in the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Service Plan" and, as prescribed by the agreement, the Washington County Board of Commissioners has agreed not to oppose annexations in area "A"; and
- WHEREAS,** Council Resolution No. 3785 sets forth annexation policies for the City and this action implements those policies; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

- Section 1.** The property shown on Exhibit A and more particularly described in Exhibit B is hereby annexed to the City of Beaverton, effective 30 days after Council approval and signature by the Mayor, the date the ordinance is filed with the Secretary of State as specified by ORS 222.180 or May 17, 2006 as specified by ORS 222.040, whichever is later.
- Section 2.** Pursuant to Beaverton Code Section 9.06.035A, this property shall be added to the Neighbors Southwest Neighborhood Association Committee boundaries.
- Section 3.** The Council accepts the staff report attached hereto as Exhibit C, and finds that: this annexation is consistent with the City-Agency agreement between the City and Clean Water Services.
- Section 4.** The Council finds this annexation will promote and not interfere with the timely, orderly, and economic provision of public facilities and services, in that: The City having annexed into the Tualatin Valley Fire and Rescue District in 1995, the property to be annexed by this Ordinance shall remain within that district.

Section 5. 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 6. The City Recorder shall place a certified copy of this Ordinance in the City's permanent records, and the Community Development Department shall forward a certified copy of this Ordinance to Metro and all necessary parties within five working days of adoption.

Section 7. The Community Development Department shall transmit copies of this Ordinance and all other required materials to all public utilities and telecommunications utilities affected by this Ordinance in accordance with ORS 222.005.

First Reading January 9, 2006
Date

Second Reading and Passed _____
Date

Approved by the Mayor _____
Date

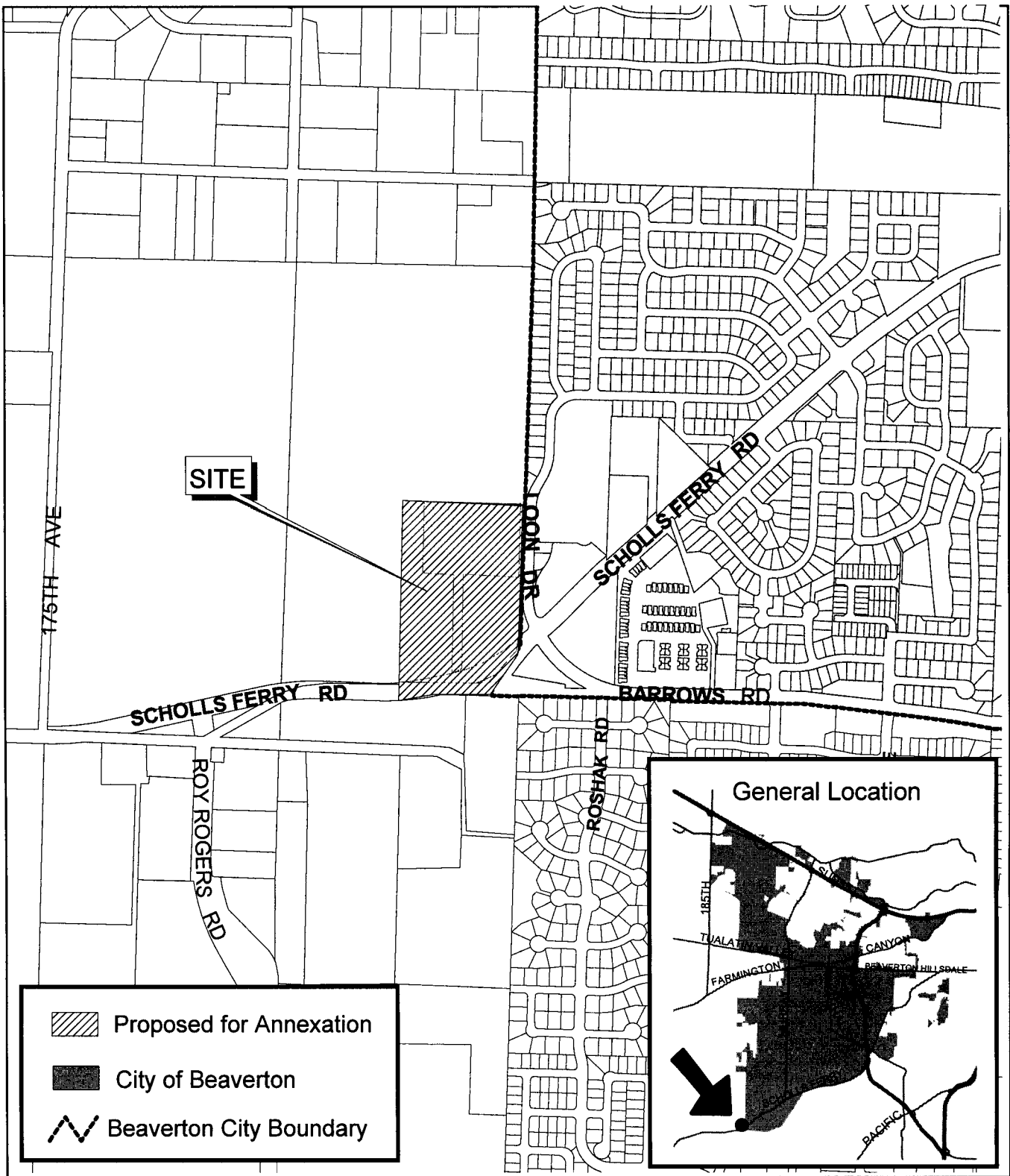
ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

VICINITY MAP " EXHIBIT A "



City of Beaverton

16655 SW SCHOLLS FERRY RD
COMMUNITY DEVELOPMENT DEPARTMENT
 Planning Services Division

07/21/05

Map #

VARIOUS

Application #

ANX 2005-0009



LEGAL DESCRIPTION

ANX 2005-0009

A tract of land situated in the southeast quarter of the northeast quarter of Section 6, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon. Said tract of land being more particularly described as follows:

COMMENCING at the northeast corner of Section 6, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon: Thence, South $00^{\circ}18'30''$ West along the east line of said Section 6 for a distance of 1272.7 feet to the northeast corner of that tract of land conveyed to Ida C. Neats by deed recorded May 16, 1942 in Book 208, page 103 of Washington County Deed Records and the true **POINT OF BEGINNING**; Thence, continuing South $00^{\circ}18'30''$ West along said east line of Section 6 for a distance of 813.01 feet, more or less, to the northwesterly right of way line of S.W. Scholls Ferry Road (CR No. 215) and the existing city limits boundary for the City of Beaverton as established in Boundary Commission Order No. 3243; Thence, South $35^{\circ}37'02''$ West along said right of way line and city limit line for a distance of 284.68 feet, more or less, to a point of intersection with the north right of way line of S.W. Scholl Ferry Road and the most westerly extension of the existing city limits boundary for the City of Beaverton; Thence, South $00^{\circ}25'$ East along said westerly extension for a distance of 60.00 feet to the southerly right of way line of said S.W. Scholl Ferry Road and the most southerly southwest corner of said city limits; Thence, Westerly along along the southerly right of way line of S.W. Scholls Ferry Road for a distance of 410 feet, more or less, to a point on a curve on said right of way line; Thence, 86.93 feet along the arc of a 1481.39 foot radius curve to the right through a central angle of $3^{\circ}21'45''$ to a point of intersection with said right of way line and the southerly projection of the west line of the aforementioned Neats tract; Thence, North $00^{\circ}18'30''$ East along the west line, and it's southerly projection thereof, of said Neats tract for a distance of 1115.6 feet, more or less, to the northwest corner of said Neats tract; Thence, North $89^{\circ}34'00''$ East along the north line of said Neats tract for a distance of 659.30' to the Point of Beginning.



EXHIBIT C

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: December 1, 2005

AGENDA

DATE: January 9, 2006

FROM: Community Development Department
Alan Whitworth, Senior Planner

SUBJECT: 16655 SW Scholls Ferry Road Expedited Annexation (ANX 2005-0009)

ACTIONS: Annexation to the City of Beaverton of three tax parcels plus associated right-of-way located at 16655 SW Scholls Ferry Road. The petitioners' property is shown on the attached map, identified on tax map 2S10600 as tax lots 101, 102 and 105, and more particularly described by the attached legal description which includes right-of-way (one of the tax lots is surrounded by right-of-way). The annexation of the property is owner initiated (petitions are attached as well as a letter from the Oregon Department of Transportation granting permission to annex any of their property or rights-of-way) and is being processed as an expedited annexation under ORS 222.125, Metro Code 3.09.045.

NAC: This property is not currently within a Neighborhood Association Committee (NAC). The Neighborhood Office is recommending that this property be added to Neighbors Southwest NAC.

AREA: Approximately 13.5 acres plus associated right-of-way

TAXABLE BM 50 ASSESSED VALUE: \$ 913,850

ASSESSOR'S REAL MARKET VALUE: \$ 1,268,530

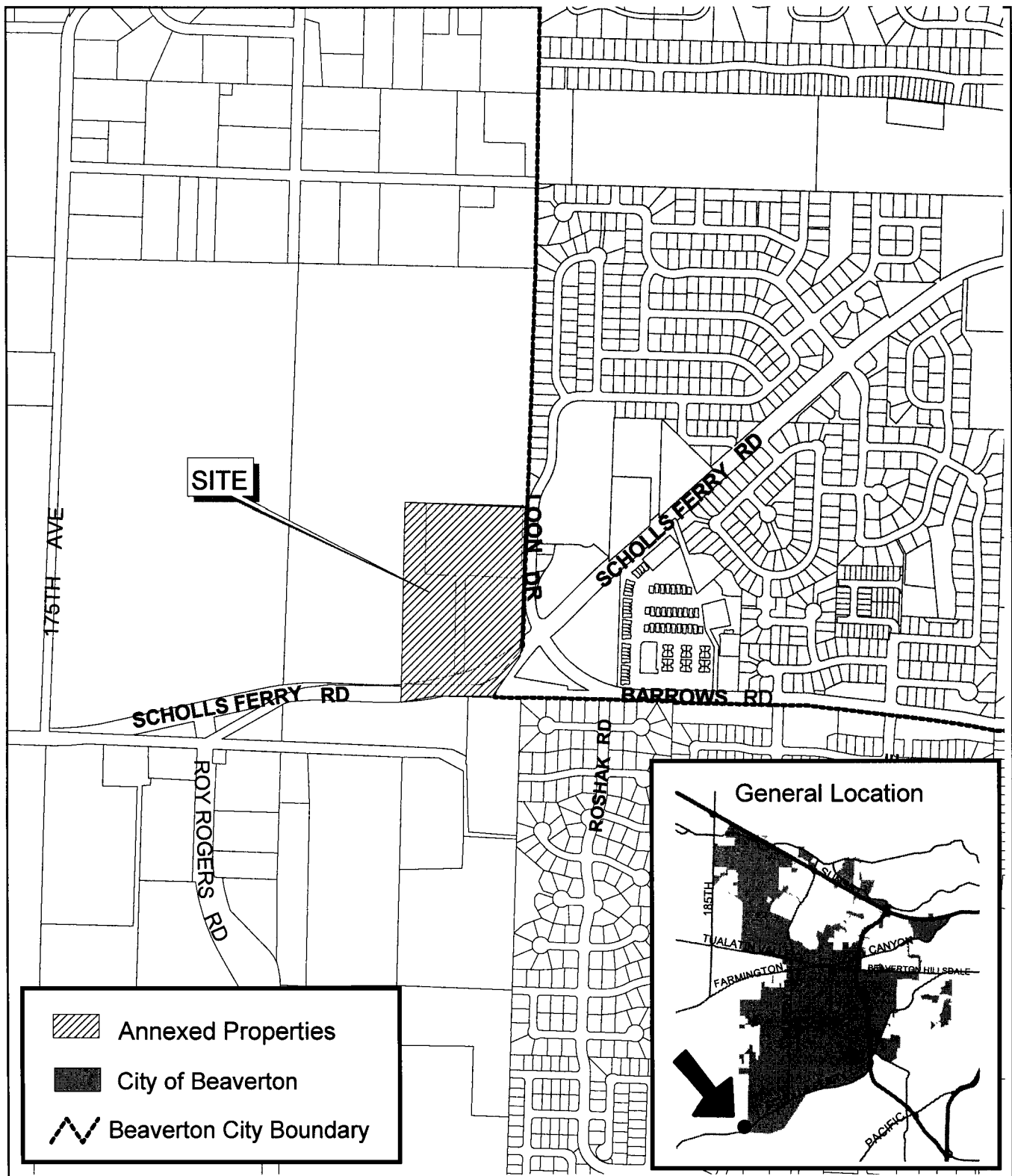
NUMBER OF LOTS: 3 parcels plus associated right-of-way

EXISTING COUNTY ZONE: Future Development 20 Acre (FD-20)

RECOMMENDATION

Staff recommends the City Council adopt an ordinance annexing the referenced property and adding it to the Neighbors Southwest NAC, effective thirty days after the Mayor's signature or the date the ordinance is filed with the Secretary of State as specified by ORS 222.180, which ever is later.

VICINITY MAP



City of Beaverton

16655 SW SCHOLLS FERRY RD
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Services Division

07/21/05

Map #

VARIOUS

Application #

ANX 2005-0009



BACKGROUND

The request is to annex three tax parcels located at 16655 SW Scholls Ferry Road and associated right-of-way. The parcels are approximately 13.5 acres and are occupied by a single-family house and an animal kennel. The property owners have consented to the annexation and one of them is a registered voter living on site. This consent allows this to be processed as an expedited annexation under ORS 222.125, Metro Code 3.09.045 and Metro Code Title 11 and no public hearing is required.

The Neighborhood Office is recommending that this property be added to the Neighbors Southwest Neighborhood Association Committee.

On December 5, 2002 the Metro Council approved Ordinance No. 02-969B significantly expanding the Regional Urban Growth Boundary (UGB). This property was included in that expansion as part of what was described as Study Area 64. (The remainder of Study Area 64 is south of Scholls Ferry Road and is assumed to be part of the future urban service area for the City of Tigard.) A Metro Council condition of the addition of Area 64 to the UGB is that before planning of the area is done by a city to comply with Title 11 of the Metro Urban Growth Management Functional Plan the area must be annexed. Title 11 planning must occur before urban comprehensive plan and zoning designations can be applied.

In December, the City and Washington County entered into an Intergovernmental Agreement that established an area "A", in which the City could proceed with annexations without County consent, and an area "B", in which the City would need to obtain County consent to proceed with annexation. This proposed annexation is in area "A".

The property owners are annexing to the City in order to obtain urban zoning. Staff will be proposing to the Planning Commission that the property designation be changed from Washington County's Future Development 20 Acre (FD-20) to the City Comprehensive Plan designation of Neighborhood Residential-Medium Density and the Zoning Map designation of Residential minimum land area of 4,000 square feet for each principal dwelling unit (R-4).

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 City has been a party to a series of ORS Chapter 190 intergovernmental agreements "for Mutual Aid, Mutual Assistance, and Interagency Cooperation Among Law Enforcement Agencies Located in Washington County, Oregon", the last of which was signed by Beaverton Mayor Rob Drake on August 9, 2004. This agreement specifies the terms under which a law enforcement agency may provide assistance in response to an emergency situation outside its jurisdiction when requested by another law enforcement agency.
- On December 22, 2004 the City entered into an intergovernmental agreement with Washington County defining areas that the City may annex for ten years from the date of the agreement without opposition by the County. The property proposed for annexation by this application is included in the areas the City may annex without County opposition.

This action is consistent with those agreements.

POLICE: The property to be annexed currently receives police protection from the Washington Sheriff. Upon annexation the City will provide police service. In practice whichever law enforcement agency is able to respond first, to an emergency, does so in accordance with the mutual aid agreement described above.

FIRE: Tualatin Valley Fire & Rescue (TVF&R) provides fire and ambulance service to the property. The City annexed its own fire services to TVF&R in 1995. TVF&R is designated as the long-term service provider to this area.

SEWER: This property is currently on a septic system. There currently is an 8-inch sanitary sewer line in SW Loon Drive which continues on in SW Barrows Road that is available to serve this property. Due to the elevation of the site they may have to run sewer to SW Scholls Ferry Road and then connect to the line in Barrows, when the property develops. This would be addressed in the development review process. Additionally, the property is currently outside the boundary of Clean Water

Services, which is responsible for treatment of sewage that would be generated from urban development on the property. Prior to development the property would need to annex to CWS.

WATER: The property is not currently in a water district. Upon annexation the property will be in Beaverton's water service area. Beaverton has two water lines in SW Loon Drive (a six and a twelve inch) that can provide service to this property.

STORM WATER DRAINAGE: The property currently has adequate drainage. When the property develops, storm drainage will be addressed as part of the development review process. Upon annexation, billing responsibility will transfer to the City.

STREETS and ROADS: Access to this property is via SW Scholls Ferry Road, which is a County maintained arterial road. When this property develops, access can also be obtained from SW Loon Drive, a City maintained local street.

PARKS and SCHOOLS: The proposed annexation is within the Beaverton School District but is not in the Tualatin Hills Parks and Recreation District. 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. Upon annexation, the City will provide those services. Comprehensive Plan and Zoning Designations will be applied to this parcel in a separate action.

PUBLIC INVOLVEMENT

Consistent with Metro Code Section 3.09.045, the City will send notice of the proposed annexation on or before December 20, 2005 (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:

- Larry Cox, P.O. Box 231, Maupin, OR, 97037, a property owner;
- Diane Cox, 16655 SW Scholls Ferry Road, the other property owner, and,
- The Neighbors Southwest Neighborhood Association Committee and the Reedville/Cooper Mountain/Aloha Citizen Participation Organization; interested parties as set forth in City Code Section 9.06.035.

The 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 Chapter 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. The City has not yet entered into an urban services provider agreement under ORS 195.065 that relates to all potential urban service providers in and around the city, although discussion with other urban services providers on the content of an agreement have occurred sporadically over the last several years, and the City has proposed an agreement that is acceptable to most of the parties. Because a comprehensive urban service agreement has not been completed, it is not possible to consider adoption of an annexation plan. The City has entered into one agreement that has been designated an ORS 195.065 Urban Service Agreement with Tualatin Valley Water District and this proposed action is consistent with that agreement, as explained in the findings above under existing conditions relating to water service .

As previously noted, On December 22, 2004 the City entered into an intergovernmental agreement with Washington County, titled the "Beaverton-Washington County Intergovernmental Agreement Interim Urban Services Plan" defining areas that the City may annex for ten years from the date of the agreement without opposition by the County, and referencing ORS 195.065(1). The property proposed for annexation by this application is within the ten year annexation area. No other ORS Chapter 195 Urban Service Agreements have been executed that would affect this proposed annexation.

- (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: The City has entered into an ORS Chapter 190 intergovernmental agreement with Clean Water Services, which was updated as of July 1, 2004. Exhibit 'A' to the new agreement defines areas within the "Beaverton Area of Assigned Service Responsibility" where,

subsequent to annexation, specified maintenance responsibilities for sanitary sewer lines under 24 inches in diameter and for certain storm drainage facilities and surface water management functions would transfer to the City of July 1 of any year if so requested by the City by January 1 of that year. This property is currently on septic. No sanitary or storm sewer lines are included as part of this annexation. The above mentioned agreement does not apply to this annexation.

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. The UPAA does not address property brought inside the Growth Boundary that is zoned FD-20. 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: Comprehensive Plans: 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 not within Beaverton's Assumed Urban Services Area, which is Figure V-1 of the City of Beaverton's Acknowledged Comprehensive Plan, because it was not inside of the Urban Growth Boundary at the time the map was adopted. Staff will be proposing a new Urban Services Area map to reflect the property brought inside the growth boundary and agreements between the City of Hillsboro and Washington County. This area is included in the Intergovernmental Agreement between the City and Washington County agreed to in December of 2004 regarding annexations. Since this property is not covered by the City's acknowledged Comprehensive Plan, we will address the Statewide Planning Goals. We believe the relevant goals are 1, 2, 5, 6,7,10, 11, 12 and 14.

Goal One: Citizen Involvement:

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Metro went through an extensive citizen involvement process before this and other properties were brought inside the growth boundary. That process was then reviewed by the Courts on appeal.

The City will mail notice to all necessary parties as defined by Metro Code and interested parties as defined by City Code. Interested parties are defined as: The Washington County Citizen Participation Organization (CPO) that includes the area of a proposed annexation and the Beaverton Neighborhood Association Committee (NAC) whose is nearest that area being annexed. This staff report will also be posted on the City's web page for at least twenty days prior to first reading of the Ordinance.

Thus, Metro and the City have met their obligation of providing for Citizen Involvement under Statewide Planning Goal One.

Goal Two: Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The City of Beaverton has an acknowledged Comprehensive Plan and has an adopted Development Code. The land use planning processes and policy framework found in these documents form the basis for decisions and actions. The proposed annexation is not currently shown on the Comprehensive Plan Land Use Map. A planning process is currently under way that will lead to amending the Comprehensive Plan to show this property and include it in Beaverton's Urban Services Area. The process will also lead to this property receiving urban zoning as opposed to the current Future Development 20 Acre District assigned by Washington County to comply with Metro requirements. Metro went through a lengthy and very public process in before deciding to bring this area inside the growth boundary. Metro has established procedures that local governments must follow before urban zoning can be applied. The City of Beaverton will follow the Statewide Planning Goals, State statutes, Metro requirements, the Beaverton Comprehensive Plan and Development Code.

Goal Five: Open Spaces, Scenic and Historic areas, and Natural Resources

To conserve open space and protect natural and scenic resources.

This Goal is addressed by Chapter Seven of the Beaverton Comprehensive Plan, and was addressed for the subject property by Washington County when in the early 1980s it inventoried significant Goal 5 resources in the rural area, considered the consequences of protecting those resources versus allowing their development, and adopted provisions to provide limited protection of significant Goal 5 resources. Additionally, in 2002 Metro inventoried regionally significant stream corridors, wetlands and wildlife within the UGB and within one mile outside the UGB. The County inventory does not identify any Goal 5 resources on the subject property.

The Metro inventory, however, does identify streams and “habitat conservation areas” on the subject property. Given this identification, protection of these resources will be addressed when the City plans for future development of the subject property pursuant to Title 11 of the Metro Urban Growth Management Functional Plan.

Goal Six: Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

This Goal is addressed by Chapter Eight of the City’s Acknowledged Comprehensive Plan. This goal was previously addressed by Washington County for the subject property. As noted previously, prior to development the property will need to annex to Clean Water Services, and will therefore be subject to that agency’s Design and Construction standards which were adopted by CWS and are enforced by the City and CWS to protect the quality of surface water on and in the vicinity of the property.

Goal Seven: Areas Subject To Natural Disasters and Hazards

To protect life and property from natural disasters and hazards.

This Goal is addressed by Chapter Eight by of the City’s Acknowledged Comprehensive Plan. The development review process and the Building Code where developed to take into account threats from natural disasters and hazards. The CWS Design and Construction Standards also contain regulations for the purpose of preventing natural disasters resulting from flooding.

Goal Ten: Housing

To provide for the housing needs of citizens of the state.

This area was brought inside the Growth Boundary in order to provide for needed housing. Metro requires that we rezone the property to allow for ten units to the acre. Staff will be proposing Urban Medium Density Residential - 4 zoning, which requires a minimum of 4,000 square feet per principal dwelling unit. This allows for 10.89 principal dwelling units per net acre. The zoning district also allows for accessory dwelling units for every principal dwelling unit. Goal Ten is also addressed by the Housing Element of the Comprehensive Plan, which is Chapter 5.

Goal Eleven: Public Facilities and Services

To plan and develop a timely and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Water and sanitary sewer are available in SW Loon Drive. The property abuts SW Scholls Ferry Road, a County maintained arterial, and SW Loon Drive, a City maintained local street. The property is in the Beaverton School District. The Beaverton Police Department will have no difficulty in serving this 13.5-acre property. Fire service and emergency medical service is and will be provided by Tualatin Valley Fire and Rescue District.

Goal Twelve: Transportation

To provide and encourage a safe, convenient and economic transportation system.

This Goal was addressed by the update in 2001 of the Transportation Element of the City's Comprehensive Plan and the 2020 Transportation System Plan (TSP). This property is served by an arterial road (Scholls Ferry), a collector road (SW Barrows Road), a local street (Loon Drive) and a little over a quarter of a mile to the west by SW 175th Avenue (an arterial). Bus service is available approximately one mile to the northeast at SW Murray Boulevard (an arterial) and Scholls Ferry Road. Impacts of future development on the property on the transportation system will be addressed prior to applying an urban land use designation and zone to the property when the City prepares a concept plan for the subject property pursuant to Title 11 of the Metro Urban Growth Management Functional Plan.

Goal Fourteen: Urbanization

To provide for an orderly and efficient transition from rural to urban land use.

This property was brought inside the growth boundary after an extensive process by Metro (the regional government) following procedures established by the State legislature. This is the process that the State of Oregon has established for an orderly and efficient transition from rural to urban land use. After the City of Beaverton has annexed this property it will go through a planning process and assign urban zoning.

Washington County Comprehensive Plan:

After reviewing the Washington County Comprehensive Framework Plan for the Urban Area on the County's web site (reflecting changes through County Ordinance No. 637) as well as ordinances adopted subsequently up to the date of this staff report that amended 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 which 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.

Two implementing strategies under Policy 15 that relate to annexation state:

The County will:

- f. If appropriate in the future, enter into agreements with service providers which address one or more of the following:*
 - 3. Service district or city annexation*
- g. Not oppose proposed annexations to a city that are consistent with an urban service agreement or a voter approved annexation plan.*

The City of Beaverton, Washington County and the other urban service providers for the subject area have been working off and on for several years to arrive at an urban service area agreement for the Beaverton area pursuant to ORS 195.065 that would be consistent with Policy 15 and the cited implementing strategies. Unfortunately, although most issues have been resolved, a few issues remain between the County and the City that have prevented completion of the agreement. These issues do not relate to who provides services or whether they can be provided when needed in an efficient and cost effective manner so much as how the transfer of service provision responsibility occurs, particularly the potential transfer of employees and equipment from the County to the City. As previously noted the County and the City have entered into an intergovernmental agreement

that sets an interim urban services plan area in which the County commits to not oppose annexations by the City.

Staff has reviewed other elements of the County Comprehensive Plan, particularly the Aloha-Reedville-Cooper Mountain Community Plan and the Scholls Ferry Road Sub-Area that includes the subject property, and was unable to identify any provision relating to this proposed annexation.

***Public Facilities Plans:** 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 in the City: storm water drainage, potable water, sewerage 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. No relevant urban services as defined by Metro Code Section 3.09.020(m) will change subsequent to this annexation. Metro Code states "Urban services" means sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit." Police protection will be provided by the City upon annexation.*

When the property develops various changes to services will take place. The property will be taken off of septic and sanitary sewer will be provided by the City. The property will receive City water instead of being on well water. The City will provide maintenance for street constructed on site if they are dedicated to the public.

Staff could not identify any provisions in the Washington County Public Facilities Plan relevant to this proposed annexation.

- (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 has been within the Urban Growth Boundary since Metro Ordinance No. 02-969B became effective.

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

Findings: Staff is not aware of any other applicable criteria for this boundary change under state or local laws. After the annexation the City must go through a planning process in order to assign urban zoning and to comply with Metro regulation. The assignment of urban zoning will take place, after the appropriate planning review, through a separate process. There are no other criteria applicable to this boundary change in State Law or local ordinances. The City of Beaverton does have Annexation Policies (attached) adopted by resolution and this proposed annexation is consistent with those policies. 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 (g) 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 met because the territory in question was brought inside of the Portland Metro Urban Growth Boundary in December 2002 and the Metro decision regarding this property was upheld by the Land Conservation and Development Commission in July of 2003.

Exhibits: A: Annexation Petitions
 B: Legal Description
 C: City Annexation Policies
 D: Letter from Oregon Department of Transportation

ANNEXATION PETITIONS



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: <u>16655 SW Scholls Ferry Road Expedited Annexation</u> FILE NUMBERS: <u>ANX 2005-0009</u>
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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 BY 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
25106-75101	16655 S.W. Scholls Ferry Rd.	2	1	1

CONTACT PERSON ☐ USE MAILING ADDRESS FOR NOTIFICATION

<u>Larry Cox</u> PRINT OR TYPE NAME	<u>P.O. Box 231 Manupia, Or. 97037</u> ADDRESS	<u>Home: 541-395-2757</u> <u>Cell: 971-275-6787</u> PHONE #
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SIGNATURES OF OWNERS AND ELECTORS CONSENTING TO ANNEXATION (CONTINUED ON BACK)

<u>Larry L. Cox</u> PRINT OR TYPE NAME	<u>Larry L. Cox</u> SIGNATURE	<u>7-8-05</u> DATE	<input checked="" type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
<u>P.O. Box 231 Manupia, Or. 97037</u> MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			

Diane L. Cox	Diane L. Cox	<input checked="" type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE 7/12/05
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS		

		<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE
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PRINT OR TYPE NAME	SIGNATURE	DATE
MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS		



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: <u>16655 SW Scholls Ferry Road Expedited Annexation</u> FILE NUMBERS: <u>ANX 2005-0009</u>
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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 BY 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
25106 TS102	16655 S.W. Scholls Ferry Rd.	2	1	1

CONTACT PERSON ☐ USE MAILING ADDRESS FOR NOTIFICATION

<u>Larry Cox</u> PRINT OR TYPE NAME	<u>P.O. Box 231 Maupin, Or 97037</u> ADDRESS	<u>Home: 541-395-2757</u> <u>Cell: 971-275-6787</u> PHONE #
--	---	---

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

<u>Larry L. Cox</u> PRINT OR TYPE NAME	<u>[Signature]</u> SIGNATURE	<u>7-8-05</u> DATE	<input checked="" type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
<u>Same</u> MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS			

Diane L. Cox		Diane L. Cox		<input checked="" type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	7/12/05	

MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS

		<input type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR		
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PRINT OR TYPE NAME	SIGNATURE	DATE		

MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS



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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

FILE NAME:

16655 SW Scholls Ferry Road Expedited Annexation

USE

FILE NUMBERS:

ANK 2005-0809

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 BY 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
25106 TL105	16655 S.W. Scholls Ferry Rd.	2	1	1

CONTACT PERSON

☐ USE MAILING ADDRESS FOR NOTIFICATION

Larry Cox

PRINT OR TYPE NAME

BUSINESS NAME

Home: 541-395-2757

Cell: 971-275-6787

PHONE #

P.O. Box 231 Mapin, Or. 97037

ADDRESS

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

Larry L. Cox

PRINT OR TYPE NAME

Larry L. Cox

SIGNATURE

DATE

☒ OWNER
☐ ELECTOR

MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS

Same

Diane L. Cox		Diane L. Cox		<input checked="" type="checkbox"/> OWNER <input type="checkbox"/> ELECTOR
PRINT OR TYPE NAME	SIGNATURE	DATE	7/12/05	

MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS

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PRINT OR TYPE NAME	SIGNATURE	DATE		

MAILING ADDRESS IF DIFFERENT FROM PROPERTY ADDRESS

LEGAL DESCRIPTION

ANNEXATION

City of Beaverton

ANX 2005-0009

A tract of land situated in the southeast quarter of the northeast quarter of Section 6, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon. Said tract of land being more particularly described as follows:

COMMENCING at the northeast corner of Section 6, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon: Thence, South 00°18'30" West along the east line of said Section 6 for a distance of 1272.7 feet to the northeast corner of that tract of land conveyed to Ida C. Neats by deed recorded May 16, 1942 in Book 208, page 103 of Washington County Deed Records and the true **POINT OF BEGINNING**; Thence, continuing South 00°18'30" West along said east line of Section 6 for a distance of 813.01 feet, more or less, to the northwesterly right of way line of S.W. Scholls Ferry Road (CR No. 215) and the existing city limits boundary for the City of Beaverton as established in Boundary Commission Order No. 3243; Thence, South 35°37'02" West along said right of way line and city limit line for a distance of 284.68 feet, more or less, to a point of intersection with the north right of way line of S.W. Scholl Ferry Road and the most westerly extension of the existing city limits boundary for the City of Beaverton; Thence, South 00°25' East along said westerly extension for a distance of 60.00 feet to the southerly right of way line of said S.W. Scholl Ferry Road and the most southerly southwest corner of said city limits; Thence, Westerly along along the southerly right of way line of S.W. Scholls Ferry Road for a distance of 410 feet, more or less, to a point on a curve on said right of way line; Thence, 86.93 feet along the arc of a 1481.39 foot radius curve to the right through a central angle of 3°21'45" to a point of intersection with said right of way line and the southerly projection of the west line of the aforementioned Neats tract; Thence, North 00°18'30" East along the west line, and it's southerly projection thereof, of said Neats tract for a distance of 1115.6 feet, more or less, to the northwest corner of said Neats tract; Thence, North 89°34'00" East along the north line of said Neats tract for a distance of 659.30' to the Point of Beginning.

ANNEXATION POLICY

City of Beaverton Urban Service Area and Corporate Limits Annexation Policies

A. City of Beaverton Urban Service Area Policy

The City remains committed to annexing its urban services area over time, but the City will be selective regarding the methods of annexation it chooses to use. The City of Beaverton prefers to avoid use of annexation methods that may force annexation against the will of a majority of voters in larger unincorporated residential neighborhoods. The City is, however, open to annexation of these areas by other means where support for annexation is expressed, pursuant to a process specified by State law, by a majority of area voters and/or property owners. The City is open to pursuing infrastructure/service planning for the purposes of determining the current and future needs of such areas and how such areas might best fit into the City of Beaverton provided such unincorporated residents pursue an interest of annexing into the City.

B. City of Beaverton Corporate Limits Policy

The City of Beaverton is committed to annexing those unincorporated areas that generally exist inside the City's corporate limits. Most of these areas, known as "islands", generally receive either direct or indirect benefit from City services. The Washington County 2000 Policy, adopted in the mid-1980s, recognizes that the County should not be a long-term provider of municipal services and that urban unincorporated areas including unincorporated islands should eventually be annexed to cities. As such, primarily through the use of the 'island annexation method', the City's objectives in annexing such areas are to:

- Minimize the confusion about the location of City boundaries for the provision of services;
- Improve the efficiency of city service provision, particularly police patrols;
- Control the development/redevelopment of properties that will eventually be within the City's boundaries;
- Create complete neighborhoods and thereby eliminate small pockets of unincorporated land; and
- Increase the City's tax base and minimize increasing the City's mill rate.

In order to achieve these stated objectives, the City chooses to generally pursue the following areas for 'island annexation' into the City of Beaverton:

- Undeveloped property zoned for industrial, commercial uses or mixed uses;
- Developed or redevelopable property zoned for industrial, commercial or mixed uses;
- Undeveloped or redevelopable property zoned for residential use;
- Smaller developed property zoned residential (within a neighborhood that is largely incorporated within the City of Beaverton).