

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ANNEXING TO THE METRO DISTRICT BOUNDARY APPROXIMATELY 59 ACRES IN THE NORTH BETHANY AREA OF WASHINGTON COUNTY) Ordinance No. 13-1298) Introduced by Chief Operating Officer Martha Bennett with the Concurrence of Council President Tom Hughes

WHEREAS, K & R Holdings LLC, has submitted a complete application for annexation of 59 acres ("the territory") in the North Bethany area to the Metro District; and

WHEREAS, the Metro Council added the North Bethany area to the UGB, including the territory, by Ordinance No. 02-987A on December 5, 2002; and

WHEREAS, Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan requires annexation to the district prior to application of land use regulations intended to allow urbanization of the territory; and

WHEREAS, Metro has received consent to the annexation from the owners of all the land in the territory; and

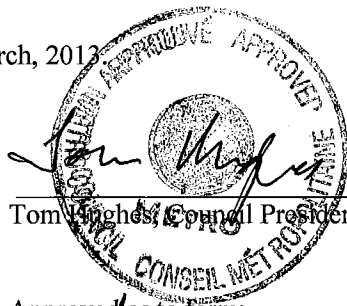
WHEREAS, the proposed annexation complies with the requirements of Metro Code 3.09.070; and

WHEREAS, the Council held a public hearing on the proposed amendment on March 14, 2013; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro District Boundary Map is hereby amended, as indicated in Exhibit A, attached and incorporated into this ordinance.
2. The proposed annexation meets the criteria in section 3.09.070 of the Metro Code, as demonstrated in the Staff Report dated February 12, 2012, attached and incorporated into this ordinance.

ADOPTED by the Metro Council this 14 day of March, 2013

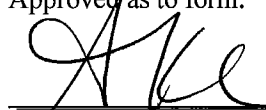


Tom Hughes, Council President

Attest:


Kelsey Newell, Recording Secretary

Approved as to form:


Alison Kean Campbell, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 13-1298, FOR THE PURPOSE OF ANNEXING INTO THE METRO BOUNDARY APPROXIMATELY 59 ACRES IN THE NORTH BETHANY AREA OF WASHINGTON COUNTY

Date: February 12, 2013

Prepared by: Tim O'Brien
Principal Regional Planner

BACKGROUND

CASE: AN-0212, Annexation to Metro District Boundary

PETITIONER: K & R Holdings, LLC
17933 NW Evergreen Parkway
Beaverton, OR 97006

PROPOSAL: The petitioner requests annexation of eight properties to the Metro District boundary following the Metro Council's addition of the property to the Urban Growth Boundary (UGB) in 2002. The applicant is currently in the process of annexing the subject properties to the necessary service districts in Washington County.

LOCATION: The eight properties are located in the North Bethany Area of Washington County, in the vicinity of NW Brugger Road and total approximately 59 acres. A map of the area can be seen in Attachment 1.

ZONING: The properties are zoned for residential use (R6 NB, R9 NB, R15 NB, and R24 NB), commercial (NCCB) and institutional (INST NB) by Washington County.

The proposal consists of eight tax lots. The land was added to the UGB in 2002 and is part of the North Bethany Subarea Plan that was adopted by Washington County. The land must be annexed into the Metro District for urbanization to occur.

APPLICABLE REVIEW CRITERIA

The criteria for an expedited annexation to the Metro District Boundary are contained in Metro Code Section 3.09.070.

3.09.070 Changes to Metro's Boundary

(E) The following criteria shall apply in lieu of the criteria set forth in subsection (d) of section 3.09.050. The Metro Council's final decision on a boundary change shall include findings and conclusions to demonstrate that:

- 1. The affected territory lies within the UGB;*

Staff Response:

The subject parcel was brought into the UGB in 2002 through the Metro Council's adoption of Ordinance No. 02-987A.

- 2. The territory is subject to measures that prevent urbanization until the territory is annexed to a city or to service districts that will provide necessary urban services; and*

Staff Response:

The conditions of approval for Ordinance No. 02-987A include a requirement that Washington County apply interim protection measures for areas added to the UGB as outlined in Urban Growth Management Functional Plan Title 11: Planning for New Urban Areas. Title 11 requires that new urban areas be annexed into the Metro District Boundary prior to urbanization of the area. Washington County also requires the land to be annexed into the appropriate sanitary sewer, water, park and road service districts prior to urbanization occurring. The applicant is currently moving forward with the necessary annexation requirements with Washington County. These measures ensured that urbanization would occur only after annexation to the necessary service districts is completed.

3. *The proposed change is consistent with any applicable cooperative or urban service agreements adopted pursuant to ORS Chapter 195 and any concept plan.*

Staff Response:

The properties proposed for annexation are part of Washington County's North Bethany County Service District, established by the County Board of Commissioners on June 7, 2011. The proposed annexation is consistent with that agreement and is required by Washington County as part of a land use application. The inclusion of these properties within the Metro District is consistent with all applicable plans.

ANALYSIS/INFORMATION

Known Opposition: There is no known opposition to this application.

Legal Antecedents: Metro Code 3.09.070 allows for annexation to the Metro District boundary.

Anticipated Effects: This amendment will add approximately 59 acres to the Metro District. The land is currently within the UGB in unincorporated Washington County. Approval of this request will allow for the urbanization of these parcels to occur consistent with the North Bethany Subarea Plan.

Budget Impacts: The applicant was required to file an application fee to cover all costs of processing this annexation request, thus there is no budget impact.

RECOMMENDED ACTION

Staff recommends adoption of Ordinance No. 13-1298.

