

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 2014- 01

AN ORDINANCE ANNEXING TWO (2) PARCELS OF LAND AND A PORTION OF RIGHT OF WAY TOTTALLING APPROXIMATELY 8.07 ACRES, APPROVING THE EAST BULL MOUNTAIN CITY PROPERTY AND WILMINGTON LANE ANNEXATION (ZCA2013-00004) AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT AND WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT.

WHEREAS, the City of Tigard is authorized by ORS 222.120(4)(b), ORS 222.125, and ORS 222.170(1) to annex contiguous territory upon receiving written consent from owners of land in the territory proposed to be annexed; and

WHEREAS, the City of Tigard is authorized by ORS 222.120(5) and 222.520 to withdraw property which currently lies within the boundary of the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District upon completion of the annexation; and

WHEREAS, the Tigard City Council held a public hearing on January 14, 2014, to consider the annexation of two (2) parcels (Washington County Tax Map (WCTM) 2S104DC, Tax Lots 5800 & 5900) of land located on SW Alpine Crest Way and a portion of right-of-way along SW Wilmington Lane, and withdrawal of said parcel from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District; and

WHEREAS, pursuant to Metro 3.09, ORS 222.120 and 222.524, notice was given and the City held a public hearing on the issue of the annexation into the City and on January 14, 2014; and

WHEREAS, pursuant to ORS 222.524, the City must declare the withdrawal of the annexed property from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District; and

WHEREAS, the Tigard Development Code states that upon annexation, the zone is automatically changed to the City zoning which most closely implements the City's comprehensive plan map designation or to the City designations which are the most similar; and

WHEREAS, the annexation has been processed in accordance with the requirements of Metro 3.09 and has been reviewed for compliance with the Tigard Community Development Code and the Comprehensive Plan and the annexation substantially addresses the standards in Metro 3.09 regulating annexations; and

WHEREAS, the Tigard City Council has carefully considered the testimony at the public hearing and determined that withdrawal of the annexed property from the applicable service districts is in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard City Council hereby annexes the subject parcel and right of way as described and shown in the attached Exhibits "A", "B", "C" & "D", and withdraws said parcels from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District.

SECTION 2: The Tigard City Council adopts the "Staff Report to the City Council" (ZCA20013-00004) as findings in support of this decision; a copy of the staff report is attached hereto as Exhibit "E" and incorporated herein by this reference.

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor and posting by the City Recorder.

SECTION 4: City staff is directed to take all necessary measures to implement the annexation, including filing certified copies of the Ordinance with Metro for administrative processing, filing with state and county agencies as required by law, and providing notice to utilities.

SECTION 5: Pursuant to ORS 222.120(5), the effective date of the withdrawal of the property from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District shall be the effective date of this annexation.

SECTION 6: In accordance with ORS 222.180, the annexation shall be effective upon filing with the Secretary of State.

PASSED: By unanimous vote of all Council members present after being read by number and title only, this 14th day of January, 2014.

Catherine Wheatley
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 14th day of January, 2014.

John L. Cook
John L. Cook, Mayor

Approved as to form:
Justin Perrin
City Attorney

1.14.2014
Date

Exhibit A

Tax Lot 5800

Real property in the County of Washington, State of Oregon, described as follows:

PARCEL I:

The South 10 acres of the Southwest one-quarter of the Southeast one-quarter of Section 4, Township 2 South, Range 1 West, of the Willamette Meridian, in the County of Washington and State of Oregon.

EXCEPTING the West 462 feet thereof.

PARCEL II:

Also a non-exclusive, perpetual easement for road and utility purposes on, over, under and across the East 50 feet of the following described tract:

Beginning at a stone marking the quarter section corner of the North line of Section 9, Township 2 South, Range 1 West, of the Willamette Meridian; and running thence South 0°35' East along the quarter section line 1238.5 feet to an iron in the center of County Road; thence along County Road South 61°27' East 707.7 feet to an iron pipe in the center of County Road, which iron marks the Southwest corner of the Moler tract; thence North 0°35' West along the West line of the Moler tract, 1581 feet to an iron on North line of said Section 9; thence on section line South 89°36' West 618.1 feet to the place of beginning.

NOTE: This Legal Description was created prior to January 01, 2008.

Tax Lot 5900

Real property in the County of Washington, State of Oregon, described as follows:

A TRACT OF LAND IN SECTION 4, TOWNSHIP 2 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF WASHINGTON AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE ONE-QUARTER CORNER OF THE SOUTH LINE OF SAID SECTION 4; THENCE NORTH 0° 14' 40" WEST, 330.0 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF THE SOUTH 10.0 ACRES OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 4; THENCE NORTH 80° 45' 40" EAST ALONG THE NORTH LINE OF SAID 10.0 ACRE TRACT, A DISTANCE OF 462.0 FEET TO A POINT; THENCE SOUTH 0° 14' 40" EAST, PARALLEL WITH THE WEST LINE OF SAID 10.0 ACRE TRACT, 330.0 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID SECTION 4; THENCE SOUTH 89° 45' 40" WEST, 462.0 FEET TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING:

ANNEXATION CERTIFIED

BY TF

AUG 08 2012

THE WESTERLY 2 ACRES OF THE FOLLOWING TRACT OF LAND IN SECTION 4,
TOWNSHIP 2 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, IN THE
COUNTY OF WASHINGTON AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE ONE-QUARTER CORNER OF THE SOUTH LINE OF SAID
SECTION 4; THENCE NORTH 0° 14' 40" WEST, 330.0 FEET, MORE OR LESS, TO THE
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DISTANCE OF 462.0 FEET TO A POINT; THENCE SOUTH 0° 14' 40" EAST, PARALLEL
WITH THE WEST LINE OF SAID 10.0 ACRE TRACT; 330.0 FEET, MORE OR LESS TO
THE SOUTH LINE OF SAID SECTION 4; THENCE SOUTH 89° 45' 40" WEST, 462.0 FEET
TO THE PLACE OF BEGINNING.

NOTE: This Legal Description was created prior to January 01, 2008.

ANNEXATION CERTIFIED

BY  _____

AUG 08 2012

WASHINGTON COUNTY A & T
CARTOGRAPHY



WESTLAKE
CONSULTANTS INC

ENGINEERING ♦ SURVEYING ♦ PLANNING

Phone: 503 684-0652
Fax: 503 624-0157

Spectrum Development
Road and Utility easement
Project No. 1724-34(D)
Highland Hills Subdivision
January 11, 2012

EXHIBIT A
Legal Description

A tract of land situated in a portion of Section 9 Township 2 South, Range 1 West, of the Willamette Meridian, City of Tigard, Washington County, Oregon, being a portion of that tract of land as conveyed by deed to, Shirley K. Rippey, January 11, 1971, in Book 803, Page 479, Washington County Deed Records and being more particularly described as follows:

Beginning at the southeasterly corner of said Rippey tract, said point being South 00°05'57" East, 19.63 feet more or less from the southwesterly corner of Lot 33, Raven Ridge, a duly recorded subdivision in said Washington County,
Thence South 89°54'03" West along the southerly boundary line of said Rippey tract, 93.00 feet;
Thence continuing along said southerly boundary line, North 89°58'11" West, 250.00 feet more or less to the southwesterly corner of said Rippey tract;
Thence departing said southerly boundary line, North 00°05'57" West along the westerly boundary line of said Rippey tract, 10.02 feet;
Thence departing from said westerly boundary line, along a non-tangent 22.00 foot radius curve to the left, through a central angle of 39°27'45". (chord bears South 70°14'18" East, 14.85 feet) an arc distance of 15.15 feet;
Thence South 89°58'11" East, 150.04 feet;
Thence along a 168.00 foot radius curve to the left, through a central angle of 13°38'34", (chord bears North 83°12'32" East, 39.91 feet) an arc distance of 40.00 feet to the point of reverse curve;
Thence along a 203.00 foot radius curve to the right, through a central angle of 13°31'44", (chord bears North 83°09'07" East, 47.82 feet) an arc distance of 47.93 feet;
Thence North 89°54'59" East, 91.86 feet, more or less, to a point on the easterly boundary line of said Rippey tract;
Thence along said easterly boundary line, South 00°05'57" East, 15.44 feet to the Point of Beginning.
Containing 3166 square feet of land more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 15, 1987
JOHN P. TACCHINI
2267

6-30-12

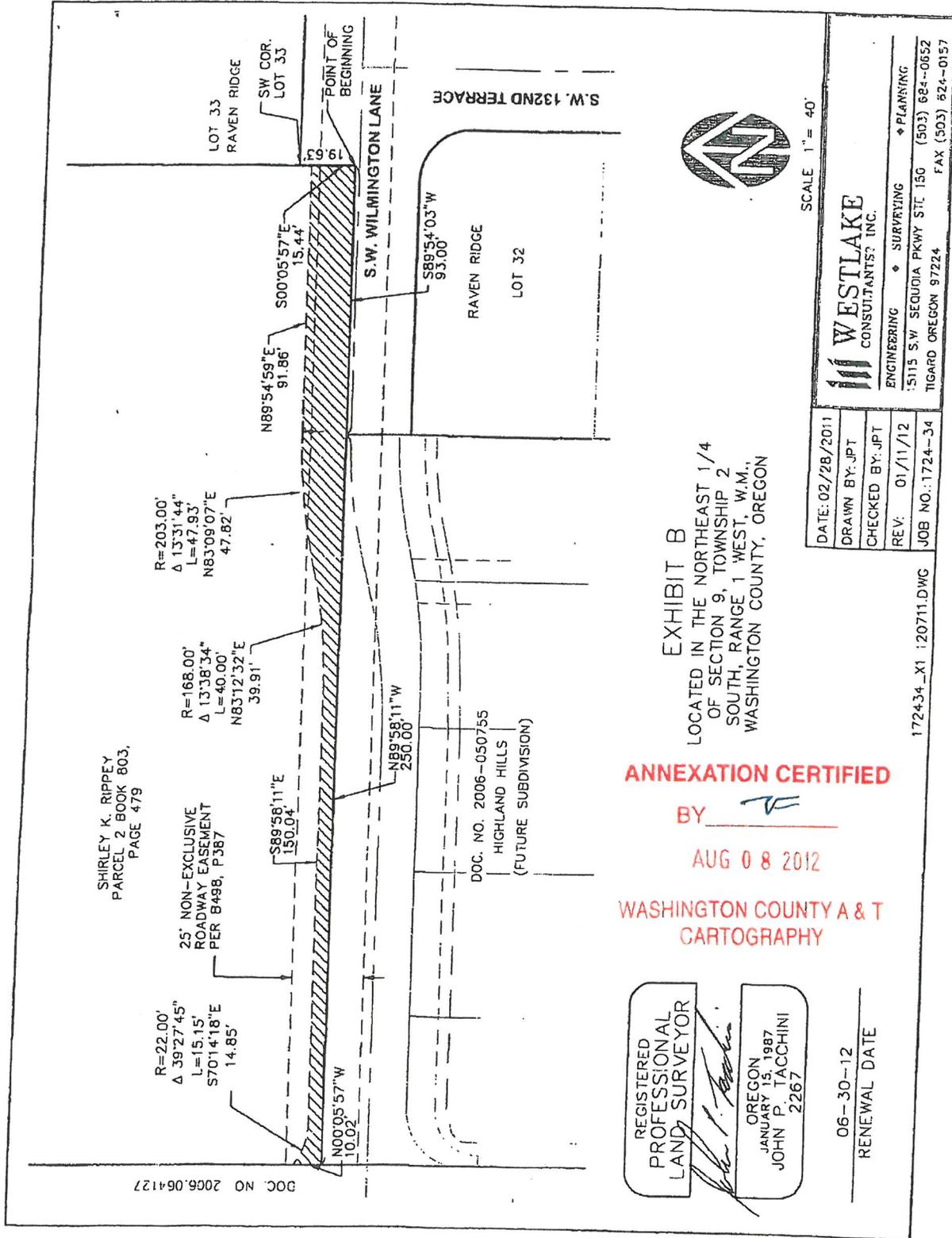
RENEWAL

ANNEXATION CERTIFIED

BY TF

AUG 08 2012

WASHINGTON COUNTY A & T
CARTOGRAPHY



Hearing Date: January 14, 2014 Time: 7:30 PM

**STAFF REPORT TO THE
CITY COUNCIL
FOR THE CITY OF TIGARD, OREGON**



120 DAYS = N/A

SECTION I. APPLICATION SUMMARY

**FILE NAMES
AND NUMBERS:**

ZONE CHANGE ANNEXATION (ZCA)

ZCA2013-00004: East Bull Mountain – City Property/Wilmington Lane Annexation
ZCA2013-00006: Locust Street Annexation

APPLICANT:

City of Tigard
Kim McMillan
13125 SW Hall Blvd.
Tigard, OR

OWNER:

City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223

PROPOSAL:

A request to annex city owned properties and right-of-way into the City of Tigard. The areas to be annexed are known as sites A, B, and C. Site A is made up of two parcels totaling 8 acres. Site B is a portion of SW Wilmington Lane right-of-way (3,166 square feet). Site C is a city owned property on Locust Street (1,986 square feet) that will be dedicated as right-of-way.

LOCATION:

The properties to be annexed are found within two different areas of Washington County. Sites A & B are located on the east side of Bull Mountain within a small unincorporated island of Washington County. The Locust Street property is within Metzger and lies between SW 87th and 90th Avenues.

Site A: 13950 SW Alpine Crest Way; Washington County Tax Assessor's Map (WCTM) 2S104DC, Tax Lots 5800 and 5900.

Site B: No address or map and parcel number.

Site C: No address; WCTM 1S135AA, Tax Lot 00701.

COUNTY ZONES:

R6: Residential, 5 units/acre minimum density, 6 units/acre maximum density.
TO: 18-24 (Transit Oriented Residential District, 18-24 units per acre).

CITY ZONES:

R-7: Medium Density Residential District.
R-4.5: Low Density Residential District

**APPLICABLE
REVIEW
CRITERIA:**

The approval standards for annexations are described in Community Development Code Chapters 18.320 and 18.390, Comprehensive Plan Goal 1, Goal 11, Goal 12, and Goal 14; ORS Chapter 222; Metro Code Chapter 3.09.

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Council find that the proposed annexations (ZCA2013-00004 and ZCA2013-00006) meet all the approval criteria as identified in ORS Chapter 222, Metro Code Chapter 3.09, Community Development Code Chapters 18.320 and 18.390, and the following Comprehensive Plan Goals and Policies: Goal 1.1; Goal 11.1, Policy 4; Goal 11.3, Policy 6; and Goal 14.2, Policy 1-4. Therefore, staff recommends APPROVAL of ZCA2013-00004 and ZCA2013-00006 by adoption of the attached ordinances.

SECTION III. BACKGROUND INFORMATION

Site A:

Site A consists of two parcels (tax lots 5800 and 5900) totaling 8 acres that are located within a small island of unincorporated Washington County properties on the east side of Bull Mountain. The island consists of five parcels. Annexation of one of the other parcels within the island was recently approved (ZCA2013-00003 Otis Annexation) but was not effective at the writing of this report. The owner of the remaining two parcels is not interested in annexing at this time.

Tax lot 5800 is developed with a vacant, single-family home served by a septic tank and city water from SW Alpine Crest Way. Tax lot 5900 is undeveloped. Both parcels are heavily wooded with the exception of the house location.

In 2012 the city purchased the two parcels for a future park along with an adjoining parcel to the west. The adjoining parcel is already within the city boundary and will be maintained as open space. Approval for park development will be requested once the properties are within the city. Park development is not proposed with this application. Preliminary park plans include removal of the existing single family home, and construction of a shelter, utility shed, and sport court. Picnic tables, play structures, and accessible pathways are also anticipated.

Site B:

Site B is a portion of Wilmington Lane right-of-way that was deeded to the City of Tigard by the adjoining property owner to the north (Riphey). The Highland Hills subdivision, south of Wilmington Lane, was approved by Washington County in 2008 and subsequently annexed into Tigard. One of the conditions of the subdivision was to extend Wilmington Lane to the westerly boundary of the subdivision. Constructing the street within the confines of the subdivision would have resulted in a substandard street. Conveyance of the property by the adjoining owner allowed construction of the full street but happened after annexation of the subdivision. This request is to annex a small portion of Wilmington Lane (3,166 square feet), which is a city street.

Site C:

Site C is a small parcel (1,986 square feet) on the north side of Locust Street west of the Hall Boulevard intersection. In 1989 and 1990 the City of Tigard performed street improvements to SW Locust Street. These improvements included installations of utilities as well as widening and realignment of the roadway. It was necessary for the city to purchase property in unincorporated Washington County to avoid improvements being constructed on private property. Following annexation, the city will dedicate the property as public right-of-way within the city's boundary.

SECTION IV. APPLICABLE CRITERIA, FINDINGS AND CONCLUSIONS

City: Community Development Code Chapters 18.320 and 18.390; Comprehensive Plan Goal 1.1; Goal 11.1 (Policy 4), and Goal 11.3 (Policy 6), Goal 14.2 (Policies 1-4).

State: ORS Chapter 222

Regional: Metro Code Chapter 3.09

A. CITY OF TIGARD COMMUNITY DEVELOPMENT CODE (TITLE 18)

Staff has determined that the proposal is consistent with the relevant portions of the Community Development Code based on the following findings:

Chapter 18.320.020.B: Approval Process and Standards.

Approval Criteria. The decision to approve, approve with modification, or deny an application to annex property to the City shall be based on the following criteria:

1. All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area;

The City of Tigard Comprehensive Plan's Public Facilities and Services Chapter states that for the purposes of the Comprehensive Plan, public facilities and services refer to stormwater management, water supply and distribution, wastewater management, community facilities, and private utilities. In addition the Comprehensive Plan Glossary includes public safety, parks, and transportation. All services are available to the proposed annexation sites and have adequate capacity to serve future development. Site B is existing right-of-way for SW Wilmington Lane, and Site C will be dedicated as right-of-way for SW Locust Street. All services are available in the area for these two sites, but services are not needed. Individual services or facilities serving Site A are discussed in further detail below.

Water – City of Tigard/Tigard Water District. Sites A lies within the Tigard Water Service Area and the existing house is already served by city water through a 4-inch line from SW Alpine Crest Way. In addition, there are 6 and 8-inch lines in adjacent streets (SW Ridgefield Lane and SW Fernridge Terrace). There is capacity to serve future park improvements.

Sewer – City of Tigard/Clean Water Services. The vacant home on Site A is served by septic. Existing sanitary lines are available at the north and east property lines. Clean Water Services is the sewer provider in the surrounding area. There is adequate capacity to serve the existing home or future park uses.

Stormwater – Clean Water Services. Clean Water Services is the current provider of stormwater services in this area. Storm drainage can be directed to existing stormwater facilities to the east. Capacity is adequate to serve the existing single-family home or future park improvements on Site A.

Streets – City of Tigard Engineering Division. Site A is currently served by a private access easement from SW Alpine Crest Way; however three public streets stub to the site (SW Alpine Crest Way and SW Fernridge Terrace to the north and SW Ridgefield Lane to the east). The proposed annexation will not impact the current private access and street extension will be addressed with future park development. The property is within the Washington County Urban Road Maintenance District and will be removed from the district upon annexation.

Police – City of Tigard Police Department. Police services are currently provided by the Washington County Sheriff. If approved, the property will be withdrawn from the Enhanced Sheriff's Patrol District. The City of Tigard Police Department was contacted by city staff regarding the annexation. Tigard Police expressed no objections to the proposal.

Fire – Tualatin Valley Fire and Rescue (TVF&R). The subject property is in Tualatin Valley Fire and Rescue's (TVF&R's) service area. The TVF&R District currently provides services to Site A, which will not change following annexation. The Fire District has personnel and equipment in the area that can respond to an emergency incident and implement such actions as may be necessary for fire and/or rescue operations.

Parks–City of Tigard. Site A is planned for a future neighborhood park, which will add to the city's park capacity.

CONCLUSION: Based upon this review, staff finds that all public services and facilities (as defined by the Comprehensive Plan) are available to the proposed annexation territory and have sufficient capacity to provide service; however these services are not needed for sites B and C because they are now or will be dedicated right-of-way. The proposed annexation will not reduce the level of services within the City of Tigard. This criterion is met.

2. The applicable Comprehensive Plan policies and implementing ordinance provisions have been satisfied.

FINDINGS: The following Comprehensive Plan goals and policies apply to the proposed annexation: Goal 1.1; Goal 11.1, Policy 4; Goal 11.3, Policy 6; and Goal 14, Policy 1- 4. Staff has determined that the

proposal has satisfied the applicable Comprehensive Plan policies based on the following findings:

Goal 1.1: Citizen Involvement. The City shall provide citizens, affected agencies and other jurisdictions the opportunity to participate in all phases of the planning process.

The City maintains an ongoing citizen involvement program. To assure citizens will be provided an opportunity to be involved in all phases of the planning process, the City provides notice for Type IV land-use applications. The City posted, mailed and published notice of the public hearing as follows. The City posted the hearing notice at four public places on December 20, 2013: Tigard Library, Tigard City Hall, Tigard Permit Center, and near the proposed annexation areas. The City published notice of the hearing in *The Tigard Times* for two successive weeks (January 2 and January 9, 2014) prior to the January 14, 2014 public hearing. The City also mailed notice to all interested parties and surrounding property owners within 500 feet on December 24, 2013.

Goal 11.1: Public Facilities and Services.

Policy 4. The City shall require the property to be located within the city limits prior to receiving City stormwater services.

Stormwater service near Sites A and B is provided by Clean Water Services. Annexation is not necessary to receive stormwater service. A city stormwater line runs through Site C; however service is not needed for this site.

Policy 6. The City shall require the property to be located within the city limits prior to receiving City wastewater services.

Sites B and C (existing and future rights-of-way) will not require wastewater service. The existing, vacant home on Site A will be demolished. Future park development will likely include portable restrooms, meaning sanitary service will not be needed. However, annexation of this area will ensure that city sanitary service will not be extended outside city limits if needed for future development. The applicant will not receive City services prior to annexation.

Goal: 14.2. Implement the Tigard Urban Services Agreement through all reasonable and necessary steps, including the appropriate annexation of unincorporated properties.

Policy 1. The City shall assign a Tigard zoning district designation to annexed property that most closely conforms to the existing Washington County zoning designation for that property.

The applicable Tigard zoning district designations are addressed below in the findings for Section 18.320.020.C.

Policy 2. The City shall ensure that capacity exists, or can be developed, to provide needed urban level services to an area when approving annexation.

Capacity has been addressed above, consistent with this policy.

Policy 3. The City shall approve proposed annexations based on findings that the request:

A. can be accommodated by the City's public facilities and services; and

The availability of the City's public facilities and services has been addressed above, consistent with this policy.

B. is consistent with applicable state statute.

As reviewed in this report, staff finds that the provisions of ORS 222 have been met, consistent with this policy.

Policy 4. The City shall evaluate and may require that parcels adjacent to proposed annexations be included to: A) avoid creating unincorporated islands within the City; B) enable public services to be efficiently and effectively extended to the entire area; or C) implement a concept plan or sub-area master plan that has been approved by the Planning Commission or City Council.

Sites A and B lie within an island of unincorporated Washington County. There are five parcels with three owners within this island. Two of the parcels owned by the city are included in this proposed annexation. An additional parcel was recently approved for annexation into the city (ZCA2013-00003). The property owner of the remaining two parcels was approached by city staff for annexation; however the owner has indicated no interest in annexing at this time. The proposed annexation will result in a smaller island.

Site A was purchased by the city in 2012 for park development to implement the City of Tigard Park System Master Plan. The plan outlines the need to acquire park property and construct park improvements, to preserve open spaces, enhance water quality and provide recreational opportunities. Annexation will allow the city to pursue development of park facilities on this property. Annexation will allow public services to be more efficiently and effectively provided because city improvements will be located within the boundary.

CONCLUSION: Annexation of additional parcels is not possible at this time. The city has coordinated with all jurisdictions and agencies within/near the annexation sites. The City of Tigard has the services/facilities available and at adequate capacity to serve the sites. The proposed annexation is consistent with applicable Comprehensive Plan policies. This criterion is met.

Chapter 18.320.020.C

Assignment of comprehensive plan and zoning designations.

The comprehensive plan designation and the zoning designation placed on the property shall be the city's zoning district which most closely implements the city's or county's comprehensive plan map designation. The assignment of these designations shall occur automatically and concurrently with the annexation. In the case of land which carries county designations, the city shall convert the county's comprehensive plan map and zoning designations to the city designations which are the most similar.

FINDINGS: Site A is currently zoned R-6 (Washington County). This zone is intended for residential development at no more than 6 units per acre and no less than 5 units per acre. Table 18.320.1 in the Tigard Community Development Code (TCDC) summarizes the conversion of the county's plan and zoning designations to city designations which are most similar. According to this table, the city designation most similar to county R-6 is city R-7 zoning. Site B is right-of-way and has no zoning, but zoning of adjacent parcels within city boundaries is R-7. Site C is currently zoned county TO: 18-24 (Transit Oriented, 18-24 units per acre). Table 18.320.1 does not designate an equivalent city zone. The site will be dedicated as city right-of-way following annexation; therefore city R-4.5 (Low Density Residential) is proposed to match the zoning of adjacent properties within Tigard that are located on the south side of Locust Street. Once the parcel is dedicated to city right-of-way, zoning will no longer be applicable.

CONCLUSION: Upon annexation Site A will be zoned city R-7, which most closely implements Washington County's comprehensive plan and zoning designations (R-6). Site C will be zoned city R-4.5 to match nearby properties within the city boundary. This criterion is met.

Chapter 18.390.060: Type IV Procedure

Annexations are processed by means of a Type IV procedure, as governed by Chapter 18.390 of the Community Development Code (Title 18) using standards of approval contained in 18.390.020.B, which were addressed in the previous section. Chapter 18.390 requires City Council to hold a hearing on an annexation. It also requires the City to provide notice at least 20 days prior to the hearing by mail and to publish notice at least 10 business days prior to the hearing. City staff mailed notices to other agencies and utilities on December 9, 2013 and property owners within 500 feet on December 24, 2013. A notice was published in *The Tigard Times* for two successive weeks (January 2, 2014 & January 9, 2014) prior to the January 14, 2014 public hearing.

Additionally, Chapter 18.390.060 sets forth five factors for consideration when making a Type IV decision:

1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;

FINDINGS: The city's Comprehensive Plan has been acknowledged by the Land Conservation and Development Commission to be in compliance with state planning goals and as reviewed above, the

annexation proposal is consistent with Tigard Comprehensive Plan goals and policies.

CONCLUSION: The proposal is consistent with the city's acknowledged Comprehensive Plan. Therefore, the proposal complies with statewide planning goals, including citizen involvement, public facilities, transportation, and urbanization.

2. Any federal or state statutes or regulations found applicable;

FINDINGS:

ORS 222:

State law (ORS 222.120(4)(b), ORS 222.125 and ORS 222.170(1)) allows for a city to annex contiguous territory when owners of land in the proposed annexation territory submit a petition to the legislative body of the city. In addition, ORS 222.111(2) allows for a city to act on its own motion to annex contiguous territory. A city is not required to hold an election for such an annexation if it follows the noticing procedures for a public hearing per ORS 222.120.

ORS 222.120 requires the city to hold a public hearing before its legislative body (City Council) and provide public notice to be published once each week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for the same two week period.

The owner of the subject parcels has submitted petitions for annexation to the City. The subject parcel is contiguous to the City's boundary. City staff mailed notice on December 24, 2013, and published public notice in *The Tigard Times* for two successive weeks (January 2 and January 9, 2014) prior to the January 14, 2014 public hearing and posted the hearing notice for public view on December 20, 2013 in the Tigard Library, Tigard City Hall, Tigard Permit Center, and near the proposed annexation sites.

CONCLUSION: Staff finds that the provisions of ORS 222 have been met.

3. Any applicable METRO regulations;

Chapter 3.09 of the Metro Code (Local Government Boundary Changes) includes standards to be addressed in annexation decisions, in addition to local and state review standards. Staff has reviewed the Metro regulations for Local Government Boundary Changes and addressed the applicable regulations (Metro Code 3.09.045(d) & (e) and 3.09.050) below:

FINDINGS:

Metro 3.09.045 (d) and (e)

The proposed annexation is not being reviewed through an expedited process, but subsections (d) of Metro Code 3.09.050 requires that the standards of 3.09.045 (d) & (e) be addressed.

(d) To approve a boundary change through an expedited process, the city shall:

(1) Find that the change is consistent with expressly applicable provisions in:

(A) Any applicable urban service agreement adopted pursuant to ORS 195.065;

The Tigard Urban Service Agreement (TUSA) is between the City, County, Metro, and the service Districts for water, sewer, transportation, parks and public safety. The agreement outlines the role, provision, area, and planning/coordination responsibilities for service providers operating in the Tigard Urban Services Area. These services are addressed above at the beginning of this report.

The Urban Planning Area Agreement (UPAA) between the City and the County provides coordination of comprehensive planning and development, defines the area of interest, and includes policies with respect to the active planning area and annexation. The agreement states that "so that all properties within the Tigard Urban Service Area will be served by the City, the County and City will be supportive of annexations to the City."

The applicable annexation policies include the assignment of comprehensive plan and zoning designations

addressed earlier in this report and acknowledgements that the City is the ultimate service provider of urban services within the Tigard Urban Service Area. The City has adhered to the Comprehensive Planning and Development Policies outlined in the UPAA, and provided notice to/requested comments from Washington County prior to the public hearing.

(B) Any applicable annexation plan adopted pursuant to ORS 195.205;

These statutes outline the process for annexations initiated by a city or district, including public hearings and voting procedures. This statute is not applicable since the annexation was initiated by the property owner. The property owner (City of Tigard) has submitted a petition to annex. There are no registered voters at the sites.

(C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;

ORS195.020(2) speaks to cooperative agreements between counties or Metro with each special district that provides an urban service within the boundaries of the county or the Metropolitan Service District. Special districts would include fire, water, school, and sewer districts. These districts are the same within the county and city with the exception of the sewer district, which will be the City of Tigard following development of the subdivision. Planning for these areas will still be considered by the same special districts upon annexation due to existing agreements with the City.

(D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and

The City of Tigard Public Facility Plan was adopted in 1991 in compliance with statewide planning goals and Oregon Administrative Rule 660-11. A revised plan is currently being developed as part of periodic review and the River Terrace Community Plan. New Comprehensive Plan goals and policies for public facilities were adopted in 2008 (Goal 11), and the applicable goals and policies were addressed previously in this report. The proposed annexation is consistent with the Tigard Public Facility Plan.

(E) Any applicable comprehensive plan; and

The Tigard Comprehensive Plan applies in this case. Applicable policies are satisfied as addressed previously in this report.

(2) Consider whether the boundary change would: (A) Promote the timely, orderly and economic provision of public facilities and services; (B) Affect the quality and quantity of urban services; and (C) Eliminate or avoid unnecessary duplication of facilities or services.

The proposed annexation will allow urban services to be provided for any future development of the sites, which are currently planned for a city park and rights-of-way. Site A is currently developed with a vacant, single-family home on septic, already served by city water, and served by Washington County and Tualatin Valley Fire and Rescue (TVF&R). Upon annexation sanitary sewer and storm can be extended to serve future development. In addition, Tigard Police will serve the site instead of Washington County Sherriff. TVF&R will continue to provide service as it is a county-wide provider.

(e) A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and outside the UGB. Neither a city nor a district may extend water or sewer services from inside a UGB to territory that lies outside the UGB.

The property to be annexed is not outside the UGB. This criterion is not applicable.

Metro 3.09.050 (b)

(b) Not later than 15 days prior to the date set for a change decision, the approving entity shall

make available to the public a report that addresses the criteria in subsection (d) below, and that includes at a minimum the following:

The staff report was available December 30, 2013, fifteen days prior to the public hearing.

(1) The extent to which urban services presently are available to serve the affected territory including any extra territorial extensions of service;

As addressed previously in this report, urban services are available and can be extended if necessary to the affected territory.

(2) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

The proposed territory will remain within Washington County but will be required to be withdrawn from the Washington County Enhanced Sheriff's Patrol District and Urban Road Service District upon completion of the annexation. This withdrawal is incorporated into the proposed ordinance.

(3) The proposed effective date of the boundary change.

The public hearing will take place January 14, 2014. If the Council adopts findings to approve ZCA2013-00004 and ZCA2013-00006, the effective date of the annexations will be upon filing with the Secretary of State office per Oregon Revised Statutes (ORS 222.180) or 30 days following City Council adoption, whichever is later.

(c) The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.

The proposed boundary change meets the applicable criteria as demonstrated in this staff report.

(d) To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (d) and (e) of Section 3.09.045.

The criteria and factors outlined in subsections (d) and (e) of Section 3.09.045 have been previously addressed in this report.

CONCLUSION: As shown in the above findings the proposed annexation satisfies the Metro Code regulations related to Local Government Boundary Changes. This criterion is met.

(Tigard CDC 18.390.060 continued)

4. Any applicable comprehensive plan policies; and

FINDINGS: Findings addressing the applicable Comprehensive Plan policies were provided previously in this report.

CONCLUSION: As previously demonstrated, the proposed annexation is consistent with all applicable comprehensive plan policies.

5. Any applicable provisions of the City's implementing ordinances.

FINDINGS: Resolution 13-08 extended previously approved incentives for property owners that voluntary annex into the city limits through February 2014. The properties to be annexed are owned by the city and are not subject to property tax. Therefore, the provisions of Resolution 13-08 do not apply in this case.

SECTION VII. STAFF & AGENCY COMMENTS

Tigard Police reviewed the proposed annexation and have no objections.

No other comments were received.

SECTION VIII. PUBLIC COMMENTS

The City mailed notice to surrounding property owners within 500 feet. No written public comments were received.

Cheryl A. Caines
PREPARED BY: Cheryl Caines
Associate Planner

December 30, 2013
DATE

Tom McGuire
REVIEWED BY: Tom McGuire
Asst. Community Development Director

December 30, 2013
DATE

Locust Street Annexation Location City of Tigard Oregon



Data Source:
City of Tigard
Oregon
Wilmington Center



19125 SW Holt Blvd
Tigard, Oregon 97223
503.639.4171
www.tigard-or.gov



SITE C

