

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 2016- 01

AN ORDINANCE ANNEXING THREE (3) PARCELS OF LAND TOTALING APPROXIMATELY 2.77 ACRES AND ONE-HALF OF THE ADJOINING 133RD AVENUE RIGHT OF WAY TOTALING .15 ACRES, APPROVING THE FRANZKE/RIRIE ANNEXATION (ZCA2015-00002) AND WITHDRAWING PROPERTY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT AND TIGARD WATER 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 Washington County Enhanced Sheriff's Patrol District Washington County Urban Roads Maintenance District, and Tigard Water District upon completion of the annexation; and

WHEREAS, the Tigard City Council held a public hearing on January 26, 2016, to consider the annexation of three (3) parcels Washington County Tax Map (WCTM) 2S109AC, Tax Lots 1100, 1200, & 1300 of land located on SW 133rd Avenue and adjoining right of way, and withdrawal of said parcels and right of way from the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District and Tigard Water 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 26, 2016; and

WHEREAS, pursuant to ORS 222.524, the City must declare the withdrawal of the annexed property from the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, and Tigard Water 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 parcels (Washington County Tax Map 2S109AC, Tax Lots 1100, 1200) and right of way as described and shown in the attached Exhibits "A", "B" and "C", and withdraws said parcels from the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, and Tigard Water District.

SECTION 2: The Tigard City Council adopts the "Staff Report to the City Council" (ZCA20015-00002) as findings in support of this decision; a copy of the staff report is attached hereto as Exhibit "D" and incorporated herein by this reference.

SECTION 3: 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 4: Pursuant to ORS 222.120(5), the effective date of the withdrawal of the property from Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, and Tigard Water District shall be the effective date of this annexation.

SECTION 5: 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 26th day of January, 2016.

Carol Krager
Carol Krager, City Recorder

APPROVED: By Tigard City Council this 26th day of January, 2016.

John L. Cook
John L. Cook, Mayor

Approved as to form:
[Signature]
City Attorney

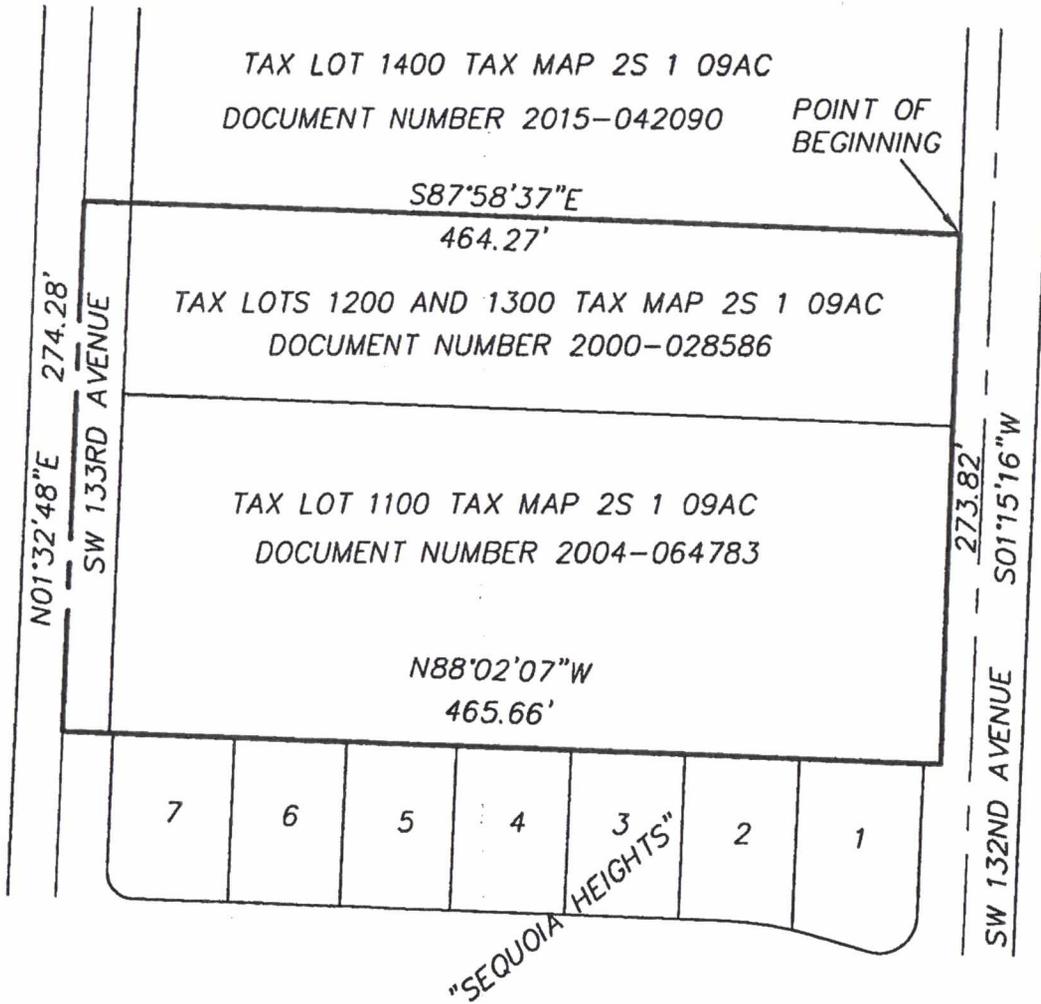
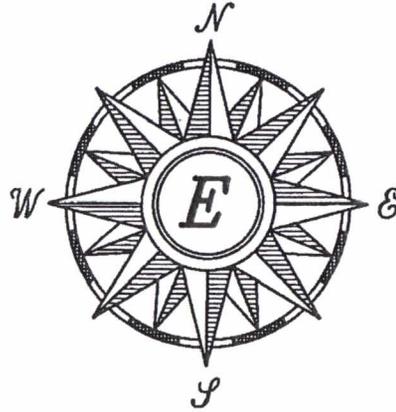
1/27/16
Date

NE 1/4 Section 9, T2S, R1W, W.M. Washington
County, Oregon
City of Tigard

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 19, 1993
EDWARD KING PHELPS
2586

EXPIRES 12-31-16



EMERIO
Design

6107 SW MURRAY BLVD. SUITE 147
BEAVERTON, OREGON 97008
PH: (503) 515-5528

**ANNEXATION
LEGAL DESCRIPTION**

SAGE BUILT HOMES
PORTLAND, OREGON

PROJECT NO. 152-011
DATE: 10-2-2015
BY: EKP
SCALE: 1"=100'
SHEET NO. 1 OF 1

EMERIO *Design*

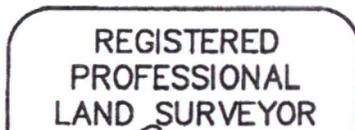
Civil Engineering
Land Survey
Land Use Planning
Construction Management

December 8, 2015

Tracts of land being those tracts described in Document Numbers 2000-028586 and 2004-064783, Washington County Deed Records, situated in the Northeast $\frac{1}{4}$ of Section 9, Township 2 South, Range 1 West, W.M., Washington County, Oregon, being more particularly described as follows:

Beginning at the southeast corner of that tract described in Document Number 2015-042090, said deed records; thence along the westerly right of way line of SW 132nd Avenue, S01°15'16"W, 273.82 feet; thence along the northerly line extended of the plat of "Sequoia Heights", N88°02'07"W, 465.66 feet to the centerline of SW 133rd Avenue; thence along the centerline of SW 133rd Avenue, N01°32'48"E, 274.28 feet; thence leaving said centerline and along the southerly line of that tract described in said Document Number 2015-042090, S87°58'37"E, 464.27 feet to the Point of Beginning.

Containing 127,415 square feet.



A handwritten signature in black ink, appearing to read "E. King Phelps", written over the signature line of the stamp.



EXPIRES 12-31-16

Hearing Date: January 26, 2016 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 NAME: FRANZKE/RIRIE ANNEXATION
CASE NO: Zone Change Annexation (ZCA) ZCA2015-00002

APPLICANT: Richard A. Franzke Trust
Mark Franzke, Trustee
5620 SW riverside #1
Portland, OR 97239

OWNER 1: Richard A. Franzke Trust
By Richard A. Franzke Trustee
14980 SW 133rd Ave.
Tigard, OR 97224

OWNER 2: Ririe Living Trust
By David & Mary Louise Ririe
Trustees
14920 SW 133rd Ave.
Tigard, OR 97224

PROPOSAL: A request to annex three (3) parcels approximately 2.77 acres and one-half of adjoining right-of-way along SW 133rd Avenue into the City of Tigard.

LOCATION: 14920 SW 133rd Ave.; WCTM 2S109AC, Tax Lot 1200
SW No Address; WCTM 2S109AC, Tax Lot 1300
14980 SW 133rd Ave.; WCTM 2S109AC, Tax Lot 1100

COUNTY ZONE: R6: Residential, 5 units/acre minimum density, 6 units/acre maximum density. The purpose of the R-6 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre, except as specified by Section 300-2, Section 300-5, or Section 303-6. The intent of the R-6 District is to provide the opportunity for more flexibility in development than is allowed in the R-5 District.

EQUIVALENT CITY ZONE: R-7: Medium-Density Residential District. The R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally.

APPLICABLE REVIEW CRITERIA: The approval standards for annexations are described in Community Development Code Chapters 18.320 and 18.390; Comprehensive Plan Goal 1.1, Goal 11.1 (Policy 4), Goal 11.3 (Policy 6), and Goal 14.2 (Policy 1-4); ORS Chapter 222; and Metro Code Chapter 3.09.

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Council find that the proposed annexation (ZCA2015-00002) meets 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 ZCA2015-00002 by adoption of the attached ordinance.

SECTION III. BACKGROUND INFORMATION

The 2.77 acre annexation site is made up of three parcels located on the east side of SW 133rd Avenue, south of SW Bull Mountain Road. It is bordered by the City of Tigard on two sides. Two of the parcels (tax lots 1100 and 1200) are developed with single-family homes. The third parcel (tax lot 1300) is vacant. Annexation of half of the adjacent right-of-way along SW 133rd Avenue is also proposed. The owners are requesting annexation for future development of a 16 lot subdivision. That development is not part of this proposal.

Utilities are available in the area and can be extended to serve the site. Current Washington County zoning of the property is R-6. Upon annexation the site will be the equivalent city zoning (R-7: Medium Density Residential). Surrounding properties are a mix of city R-7 and county R-6 zoning.

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 site and have adequate capacity to serve existing and future development.

Water – City of Tigard/Tigard Water District. The property lies within the Tigard Water Service Area. The existing homes are both served by city water. There are existing water lines in both SW 132nd Terrace and SW 133rd Avenue, adjacent to the site. There is adequate capacity to serve future homes; however the existing water line in SW 133rd will need to be replaced with a larger line for the future 16-lot subdivision.

Sewer – City of Tigard. The existing homes utilize septic tanks. Homes in the future subdivision will be served by extension of the existing line in SW 132nd Terrace. Based on information supplied to the applicant by the City of Tigard Public Works Department, there is adequate capacity to serve the future homes. Existing public storm lines in adjacent streets will be extended to serve the development.

Streets – City of Tigard Engineering Division. The subject property is currently served by two public streets (SW 132nd Terrace and SW 133rd Avenue). A new public street extending from 132nd to 133rd will be constructed as part of the future development. The properties are 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. Jim Wolf of the Tigard Police Department has reviewed the proposed annexation and has no objections.

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, 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. A service provider letter from TVF&R was submitted with the application.

Parks–City of Tigard. There is an existing public park (Price Park) to the north and an open space (Terraview Greenway) to the east. The annexation and development of this property will not adversely impact the city's ability or capacity to provide parks. System Development Charges for Parks will be collected for any future homes constructed on the site.

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. 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 January 5, 2016: Tigard Library, Tigard City Hall, Tigard Permit Center, and at the subject property on 14920 & 14980 SW 133rd Avenue. The City published notice of the hearing in *The Tigard Times* for two successive weeks (January 14 & January 21, 2016) prior to the January 26, 2016, public hearing. The City also mailed notice to all interested parties and surrounding property owners within 500 feet on January 4, 2016.

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 will be provided by the City but lines will not be extended until development of the future subdivision. Drainage will be directed to stormwater facilities in the southeast portion of the project. A downstream analysis will be necessary as part of the subdivision application to determine what improvements must be provided by the applicant to accommodate the increased stormwater.

Goal 11.3: Public Facilities and Services.

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

City of Tigard sanitary service is available in SW 132nd Terrace and must be extended to serve the future development. These future public lines within the proposed subdivision will be owned and maintained by

the City of Tigard. The applicant will not receive City services prior to annexation as the existing homes will continue to rely on existing septic tanks for sanitary service.

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 under 18.320.020.B.1, 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 under 18.320.020.B, consistent with this policy.

B. is consistent with applicable state statute.

As reviewed later 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.

The proposed annexation does not create an unincorporated island within the City, services can be efficiently provided by extending lines within adjacent public streets, and the site is not part of a concept plan or sub-area master plan. The City sent invitations to adjacent owners to join the annexation but did not receive any responses.

CONCLUSION: Annexation of additional parcels is not necessary at this time. The city has coordinated with all jurisdictions and agencies within/near the annexation site. The City of Tigard has the services/facilities available and at adequate capacity to serve the site. 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: All of the subject property 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 TDC 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 R-6 is R-7 zoning.

CONCLUSION: Upon annexation the property will be zoned R-7, which most closely implements Washington County's comprehensive plan and zoning designations (R-6). 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; the City mailed notice on January 4, 2016 and published public notice in *The Tigard Times* for two successive weeks (January 14 & January 21, 2016) prior to the January 26, 2016 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, 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 electors or landowners 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 owners and registered voters of the subject parcels have signed petitions for annexation to the City. The site is contiguous to the City’s boundary. The City mailed notice on January 4, 2016, and published public notice in *The Tigard Times* for two successive weeks (January 14 & January 21, 2016) prior to the January 26, 2016 public hearing and posted the hearing notice for public view on January 5, 2016 in the Tigard Library, Tigard City Hall, Tigard Permit Center, and at the site on SW 132nd Terrace and SW 133rd Avenue.

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 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 followed all processing and notice requirements in the *UPAA*, providing notice to Washington County. 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.”

(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 applicant has submitted a petition to annex signed by both property owners and a majority of the registered voters.

(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 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. 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 to the site for future homes and for sites to the north and west that may want to annex. In addition, Tigard Police will serve the site instead of Washington County Sheriff. 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 January 11, 2016, 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 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 26, 2016. If the Council adopts findings to approve ZCA2015-00002, the effective date of the annexation will be upon filing with the Secretary of State office in accordance with Oregon Revised Statutes (ORS 222.180).

(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 15-07 extended previously approved incentives for property owners that voluntarily annex into the city limits for reasons that do not include the need for city services. These incentives include waiver of the annexation application fee, assistance with paperwork and, phasing in of increased property taxes. Because the annexation is needed to serve the site for future development, these incentives cannot be extended to the applicant. As demonstrated in previous sections of this report, the proposed annexation is consistent with all other applicable provisions of the Tigard Development Code.

CONCLUSION: Based upon the findings above, all applicable provisions of the city's implementing ordinances are satisfied

SECTION VII. AGENCY COMMENTS

Representatives of City of Tigard Police and Public Works reviewed the proposal and had no objections.

SECTION VIII. PUBLIC COMMENTS

The City mailed notice to surrounding property owners within 500 feet. No written public comments were received as of January 7, 2016.


PREPARED BY: Cheryl Caines
Associate Planner

January 11, 2016
DATE


REVIEWED BY: Tom McGuire
Asst. Community Development Director

January 11, 2016
DATE