

Final Documents  
for  
Formation of the  
**Tigard-Tualatin Aquatic District**

WA1109  
Ordinance/Resolution: 10-6  
Annexation: WA1109  
DOR: 34-1961-2010  
Secretary of State: SD 2010-0019

OFFICE OF THE SECRETARY OF STATE

KATE BROWN  
SECRETARY OF STATE

BARRY PACK  
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION  
MARY BETH HERKERT  
DIRECTOR  
800 Summer Street NE  
Salem, Oregon 97310  
(503) 373-0701  
Facsimile (503) 378-4118

March 16, 2010

Metro  
Linda Martin  
600 Northeast Grand Avenue  
Portland, OR 97232-2736

To Whom It May Concern:

Please be advised that we have received and filed as of March 16, 2010 the Order for Formation of the following District in your county.

Order No.	File No.	Jurisdiction
10-6	SD 2010-0019	Tigard-Tualatin Aquatic District

Our assigned file number(s) are included with the above information.

Sincerely,

Linda Bjornstad  
Official Public Documents

cc: ODOT/Highway Division  
Revenue Cartography Section  
Washington County  
Clackamas County



# WASHINGTON COUNTY OREGON

March 4, 2010

Metro  
Linda Martin  
Data Resource Center  
600 NE Grand Ave.  
Portland, OR 97232-2736

**Re: Notice of Decision for Proposal WA-1109**

Dear Ms. Martin,

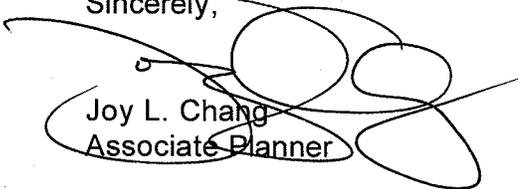
On January 5, 2010 the Washington County Board of Commissioners approved the proposed formation of the Tigard-Tualatin Aquatic District which is subject to voter approval on the May 18, 2010 Primary Election.

The Oregon Department of Revenue approved the final review on February 25, 2010. I've enclosed the mapping fee, DOR Final and Preliminary Review, Notice of Decision, and the Signed Resolution and Order. The legal description and accurate maps of the subject properties are also enclosed.

As required under Oregon Revised Statutes 308.225(2)(a), county staff will also be filing with both Washington and Clackamas County assessors the legal description of the proposed boundary change and the map of the boundary of the proposed Tigard-Tualatin Aquatic District.

If you have any questions on this request please contact me at 503-846-3873 or via e-mail at [joy\\_chang@co.washington.or.us](mailto:joy_chang@co.washington.or.us).

Sincerely,



Joy L. Chang  
Associate Planner

Enclosures

S:\PLNG\WPSHARE\Minor Boundary Changes\Casefiles\2009\WA-1109\_AquaticDistrict\WA-1109\_MetroFinal.doc

**Department of Land Use & Transportation • Planning Division**  
155 N. First Avenue, Suite 350-14, Hillsboro, OR 97124-3072  
phone: (503) 846-3519 • fax: (503) 846-4412

Final Documents

for the

formation of the  
**Tigard-Tualatin  
Aquatic District**

DOR: 34-1961-2010

WA-1109

R&O 10-6

DOR 34-1961-2010

# Notice to Taxing Districts

ORS 308.225



Cadastral Information Systems Unit  
PO Box 14380  
Salem, OR 97309-5075  
(503) 945-8297, fax 945-8737

Washington County Planning  
Dept. of Land Use & Transportation  
155 N. First Ave., Suite 350-14  
Hillsboro, OR 97124-3072

**Description and Map Approved**  
**February 25, 2010**  
**As Per ORS 308.225**

Description     Map received from: WASHINGTON CO. PLANNING  
On: 1/19/2010, 2/22/2010

This is to notify you that your boundary change in Washington County for

FORMATION OF TIGARD-TUALATIN AQUATIC DISTRICT IN WASHINGTON &  
CLACKAMAS COUNTIES

RES & ORDER 10-6(WA-1109)

has been:     Approved        2/25/2010  
                   Disapproved

Notes:

Maps, legals & this ordinance must also be filed with CLACKAMAS & WASHINGTON CO.  
ASSESSORS prior to March 31, 2010.

SEND ADDRESS OF THE NEW DISTRICT.

TO GO TO ELECTION MAY 18, 2010.

Department of Revenue File Number: 34-1961-2010

Prepared by: Elise Bruch, 503-945-8344

Boundary:     Change     Proposed Change  
The change is for:

- Formation of a new district
- Annexation of a territory to a district
- Withdrawal of a territory from a district
- Dissolution of a district
- Transfer
- Merge

**DOR 34-P498-2009  
Preliminary Review**



Cadastral Information Systems Unit  
PO Box 14380  
Salem, OR 97309-5075  
(503) 945-8297, fax 945-8737

Washington County Planning  
Dept. of Land Use & Transportation  
Attn: Joy Chang  
155 N. First Ave., Suite 350-14  
Hillsboro, OR 97124-3072

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Date: 12/21/2009

This letter is to inform you that the map and description for your PLANNED Formation of Tigard-Tualatin Aquatic District (Washington & Clackamas Counties) (WA-1109) in Washington County have been reviewed per your request. They MEET the requirements for use with an Order, Ordinance, or Resolution which must be submitted in final form before March 31, 2010 per ORS 308.225.

The maps and descriptions are approved with the revisions noted in the attachment.

SEE ATTACHMENT.

**Preliminary  
Review**

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If you have any questions please contact: Elise Bruch, 503-945-8344



WASHINGTON COUNTY  
DEPARTMENT OF LAND USE AND TRANSPORTATION  
LONG RANGE PLANNING DIVISION ROOM 350-14  
155 NORTH FIRST AVENUE  
HILLSBORO, OREGON 97124  
(503) 846-3519 fax: (503) 846-4412

# NOTICE OF DECISION

## MAJOR BOUNDARY CHANGE PROPOSAL WA-1109

On September 24, 2009 the county received a petition concerning the formation of a special district to be called the Tigard-Tualatin Aquatic District, which would manage and operate the aquatic centers at Tigard and Tualatin High Schools. The proposed aquatic district boundary follows the Tigard-Tualatin School District boundaries (see map on back page). The petition requests that the County place the formation of the special district on the May 18, 2010 Primary Election ballot.

Notice is hereby given that the County Board of Commissioners **APPROVED** the request for the above-stated proposed Major Boundary Change at its meeting on **January 5, 2010**. The decision for the formation of the Tigard-Tualatin Aquatic District is subject to approval by the voters at the May 18, 2010 election.

### NOTICE MAILING DATE: January 15, 2010

The approved Major Boundary Change does not authorize or prevent any specific use of land. Current County land use designations will not be affected by this proposed change.

This decision may be appealed to the Land Use Board of Appeals (LUBA) by filing a notice of intent to appeal with LUBA within 21 days of the date this decision is final. Contact your attorney if you have questions regarding an appeal to LUBA.

Only those parties who made an appearance of record (including submission of written comments or oral testimony) are entitled to file an appeal.

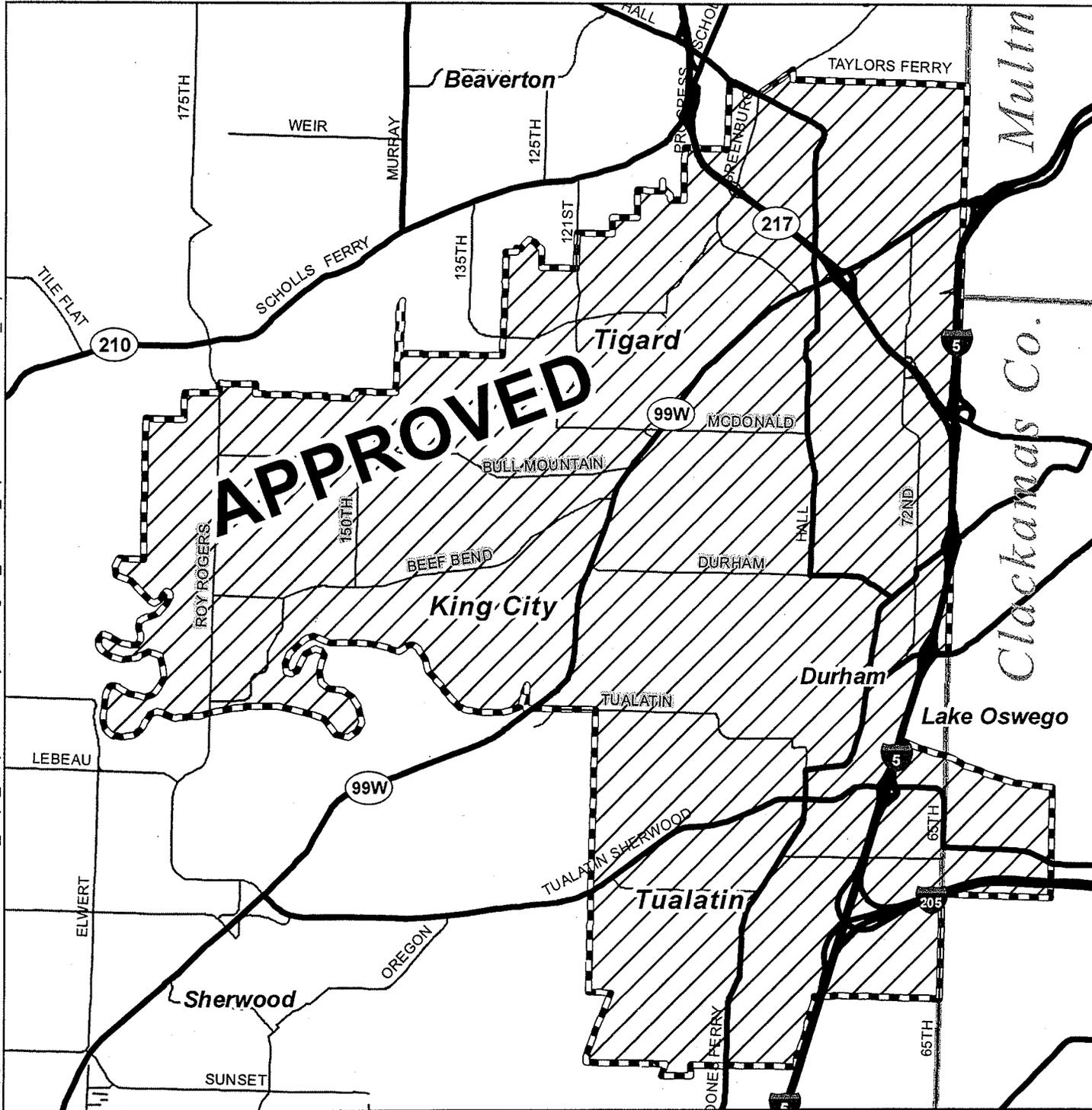
The decision approving the Major Boundary Change is effective as of January 15, 2010 and decision will be final if no contest or appeal is filed by their respective due dates.

The complete application, review standards, record of proceedings, findings for the decision and decision are available at the County for review.

For further information, please contact:

**Joy Chang, Associate Planner**  
Washington County  
Department of Land Use & Transportation  
Long Range Planning Division  
(503) 846-3519

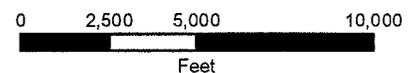
See Map on Back Page



# Tigard-Tualatin Aquatic District

Proposed District Boundary

 Proposed District Boundary



The information on this map was derived from several databases and care was taken in its creation. Washington County cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties for this product. However, notification of any errors will be appreciated.  
 Washington County, Department of Land Use & Transportation,  
 Planning Division, 155 N. First Ave., Suite 350-14  
 Hillsboro, OR 97124  
 (503)846-3519 Email: lutplan@co.washington.or.us



# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Public Hearing – County Administrative Office

(CPOs 3, 4B, 4K,  
4M, 5, and 10)

**Agenda Title:** CONSIDER THE PROPOSED FORMATION OF A SPECIAL DISTRICT (TIGARD-TUALATIN AQUATIC DISTRICT) - CASEFILE WA-1109

**Presented by:** Robert Davis, County Administrator

### **SUMMARY:**

On December 15, 2009, the Board held the third public hearing for the proposed Tigard-Tualatin Aquatic District petition (WA-1109). The hearing was continued to January 5, 2010 to allow the petitioners the time to amend their Economic Feasibility Statement (EFS). Amendments are needed to show the proposed district will be economically feasible with taxes being levied in 2011 rather than 2010 as assumed in the original EFS.

The applicant is amending the legal description of the district boundary to address issues identified by the Oregon Department of Revenue. Metro must also approve the amendment to the Tigard Urban Service Agreement about formation of the district. Approval of the petition prior to the completion of these issues will require conditions of approval in the Resolution and Order concerning their completion.

The district proposes to manage and operate the aquatic centers at Tigard and Tualatin High Schools. The proposed aquatic district boundary follows the Tigard-Tualatin School District boundaries. Approval of the petition would allow the formation of the Tigard-Tualatin Aquatic District to be placed on the May 18<sup>th</sup> ballot.

The staff report and complete Resolution and Order with findings will be provided to the Board prior to the January 5th public hearing.

Attachments: Maps of proposed boundary

### **DEPARTMENT'S REQUESTED ACTION:**

Conduct the fourth public hearing. At the conclusion of public testimony issue a decision to either approve or deny the proposed formation petition (WA-1109) and adopt findings in support of the Board's decision, or continue the hearing to January 19, 2010.

### **COUNTY ADMINISTRATOR'S RECOMMENDATION:**

I concur with the requested action.

RO 10-6

Agenda Item No.	<u>4.a.</u>
Date:	<u>1-5-10</u>

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Approving Boundary in the ) RESOLUTION AND ORDER  
4 Petition for Formation of the Tigard-Tualatin )  
5 Aquatic District (WA-1109), Adopting Findings, )  
6 and Calling an Election ) No. 10-6

7 This matter having come before the Washington County Board at its hearings of November 24,  
8 2009, December 8, 2009, December 15, 2009, and January 5, 2010; and

9 It appearing to the Board that a legally sufficient petition for formation of a special district, to be  
10 called the Tigard-Tualatin Aquatic District, was filed pursuant to ORS Chapter 198 and ORS Chapter 266;  
11 and

12 It appearing to the Board that the nature of the proposed special district is a parks and recreation  
13 district with the limited purpose of managing and operating the aquatic centers owned by the Tigard-  
14 Tualatin School District at Tigard High School and Tualatin High School; and

15 It appearing to the Board that, after providing notice on November 4, 2009 and December 18, 2009,  
16 as required by law, the Board heard testimony and received evidence regarding the proposed boundary and  
17 other matters regarding the formation of the proposed district; and

18 It appearing to the Board that the properties in the petition for the proposed district would benefit  
19 from formation of the proposed district and are properly included; and

20 It appearing to the Board that the petition generally complies with the provisions of law including,  
21 but not limited to, the Oregon Revised Statutes, Metro Code, and the Washington County Comprehensive  
22 Plan; and

It appearing to the Board that, ORS 198.810 provides that, if formation of the proposed district  
includes a permanent rate limit, the approval of such formation is to be placed before the electors within  
the boundary as adopted herein; now, therefore, it is

1 RESOLVED AND ORDERED that subject to final approval by Metro of revisions to the Tigard  
2 Urban Service Agreement and subject to approval of the legal description of the boundaries of the  
3 proposed district by the Oregon Department of Revenue, the petition for formation of the Tigard-Tualatin  
4 Aquatic District is approved for placement before the electors, with the boundary shown on Exhibit "A,"  
5 subject to the findings in the Staff Reports (Exhibit "B"), and, it is further

6 RESOLVED AND ORDERED that subject to the conditions described above, an election on the  
7 question of whether to form the Tigard-Tualatin Aquatic District with a permanent rate limit of .09 per  
8 \$1,000 shall be held on May 18, 2010; and, it is further

9 RESOLVED AND ORDERED that, at such election, members of the proposed district's board  
10 shall be voted for; and, it is further

11 RESOLVED AND ORDERED that the Elections Manager shall include on the ballot a description  
12 of the boundaries of the proposed district and a statement of the permanent rate as provided by law; and, it  
13 is further

14 RESOLVED AND ORDERED that the County Counsel is directed to prepare a ballot title and  
15 explanatory statement for Board consideration; and, it is further

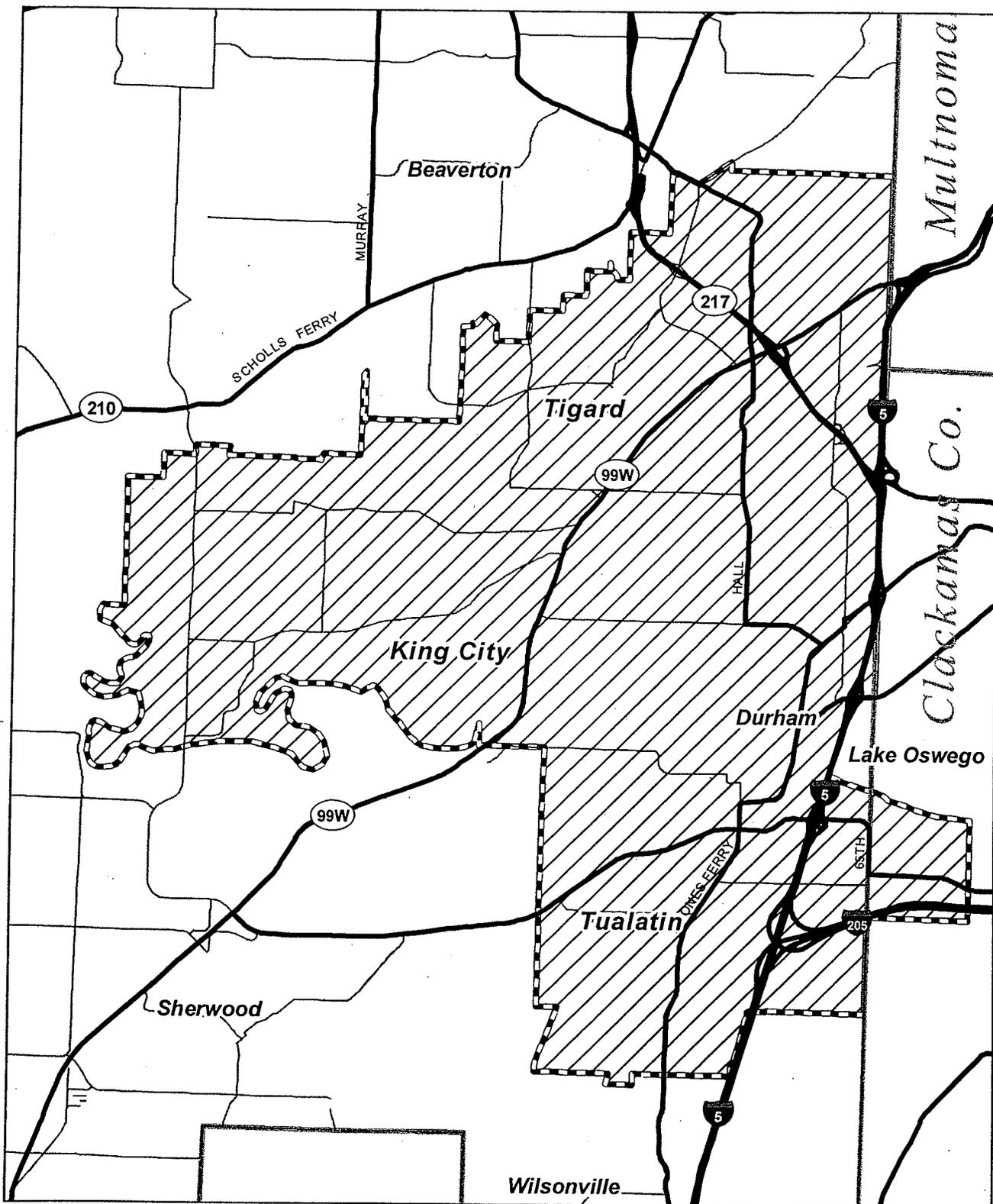
16 RESOLVED AND ORDERED that the County Administrator or his designee shall take such other  
17 steps as are necessary to effectuate this Resolution and Order.

18 DATED this 5th day of January, 2010.

	AYE	NAY	ABSENT
BRIAN	✓	—	—
SCHOUTEN	✓	—	—
STRADER	—	—	✓
ROGERS	—	—	✓
DUYCK	✓	—	—

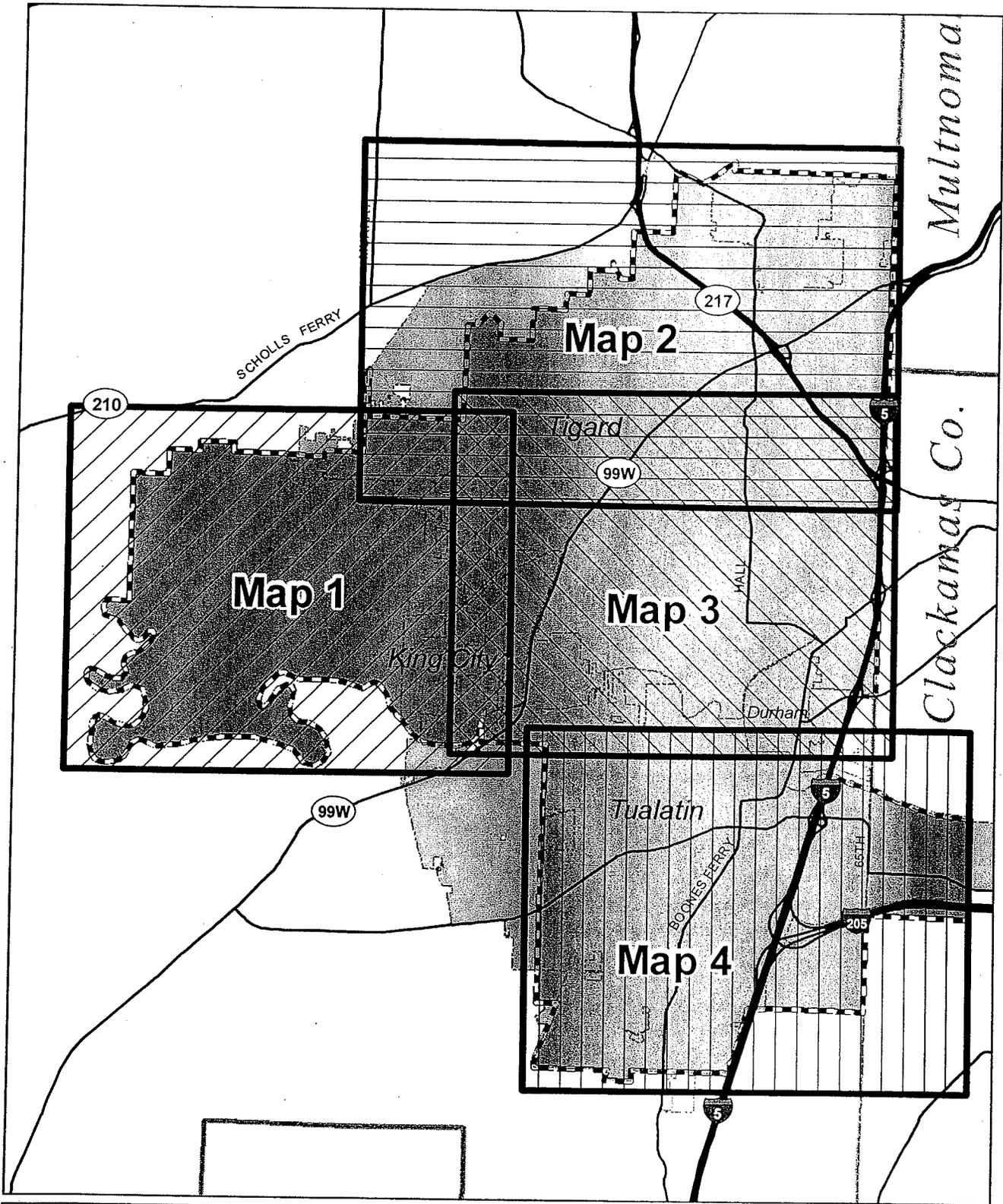
19 BOARD OF COUNTY COMMISSIONERS  
20 FOR WASHINGTON COUNTY, OREGON

21 Tom Bavin  
22 CHAIRMAN  
Barbara Heitmanek  
RECORDING SECRETARY



**Proposed Tigard-Tualatin  
Aquatic District  
Vicinity Map  
Casefile: WA-1109**

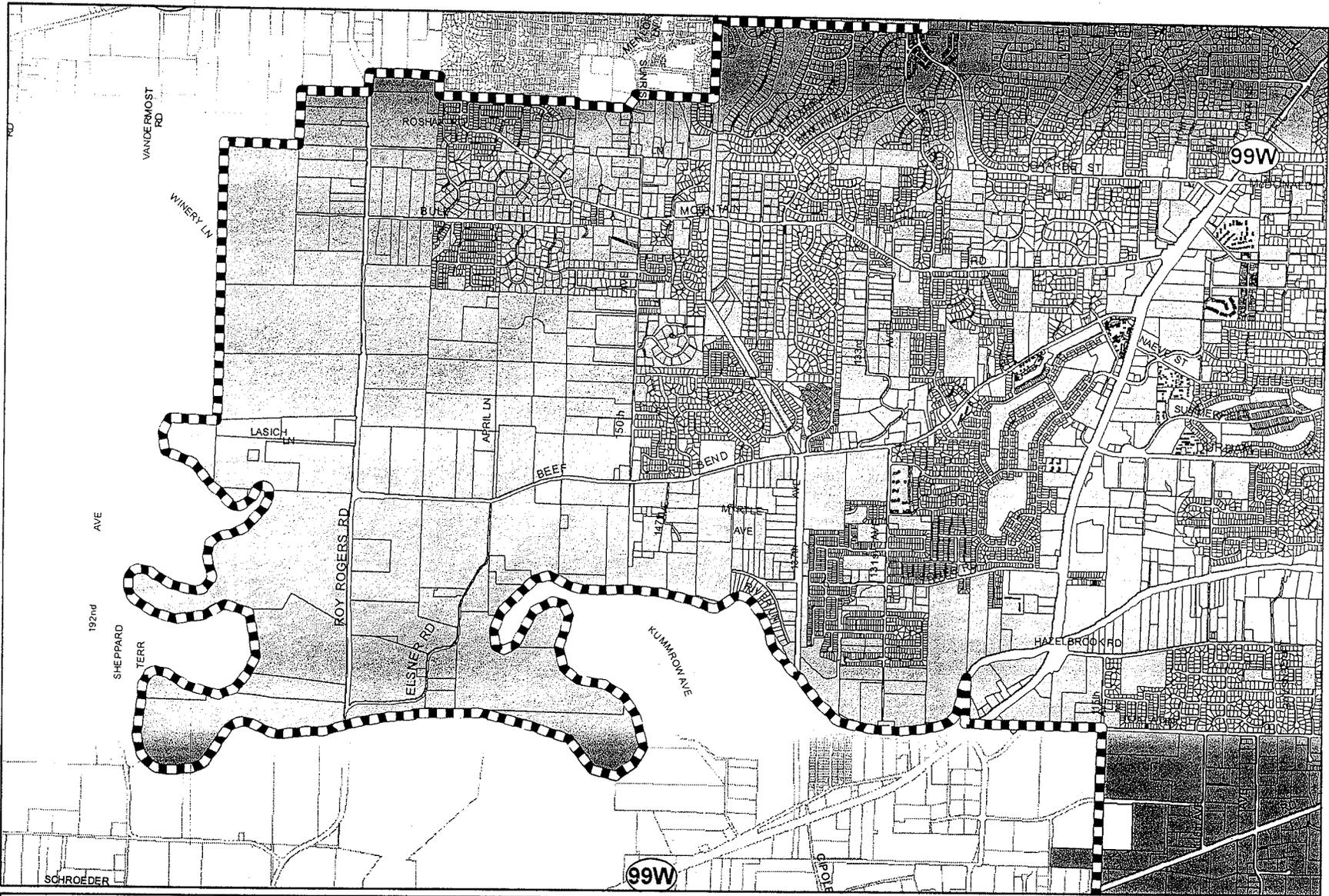




**Proposed Tigard-Tualatin Aquatic District Index Map**  
**Casefile: WA-1109**

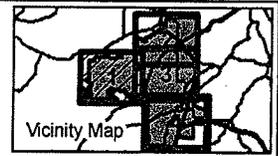
-  Proposed Tigard-Tualatin Aquatic District Boundary
-  Properties in the Affected Area
-  County line

N  

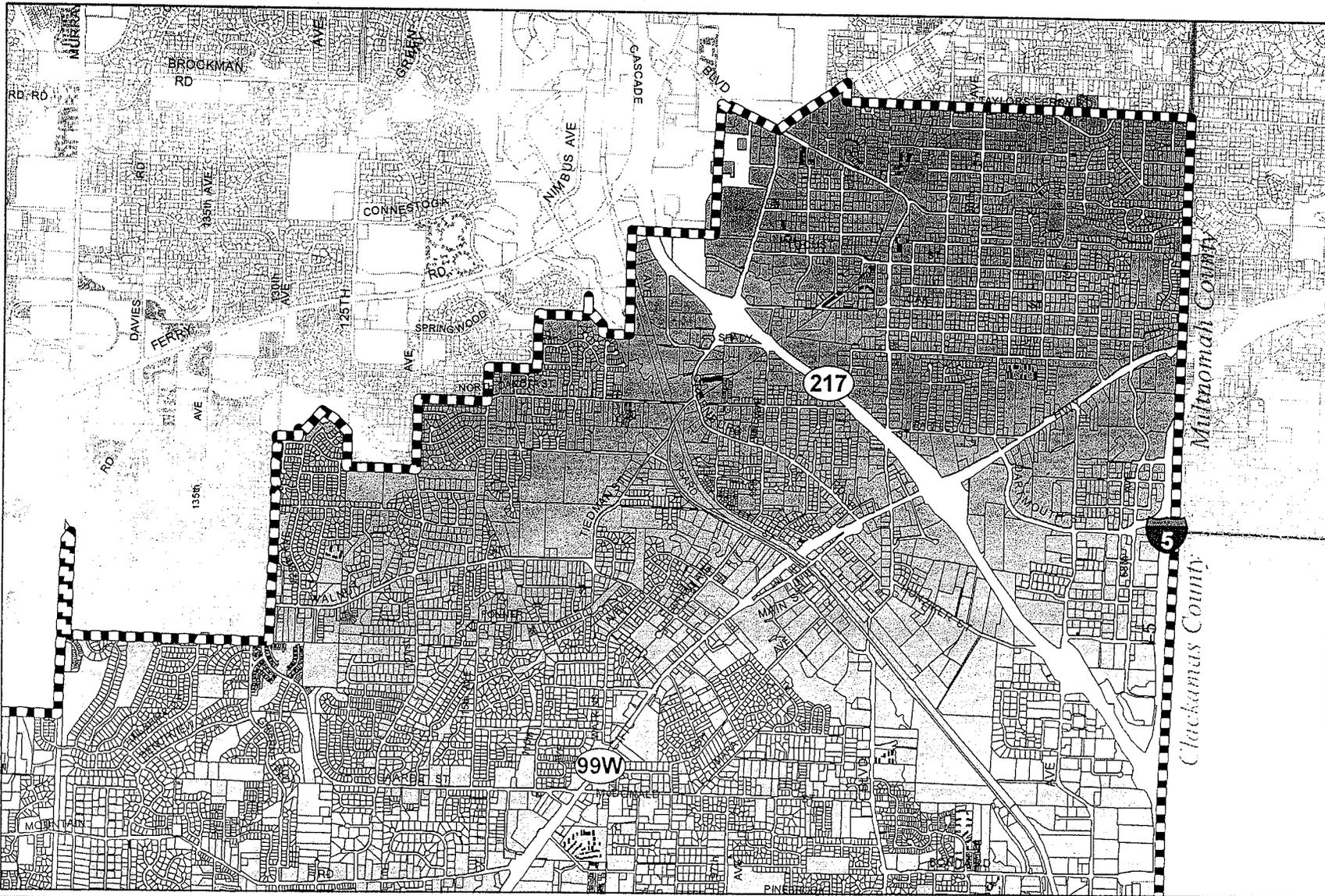



**Proposed Tigard-Tualatin  
Aquatic District  
Map 1  
Casefile: WA-1109**

-  Proposed Tigard-Tualatin Aquatic District Boundary
-  Properties in the Affected Area
-  County line



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**Proposed Tigard-Tualatin  
Aquatic District  
Map 2  
Casefile: WA-1109**



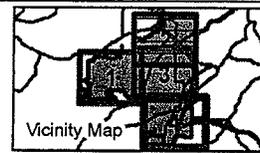
Proposed Tigard-Tualatin Aquatic District Boundary



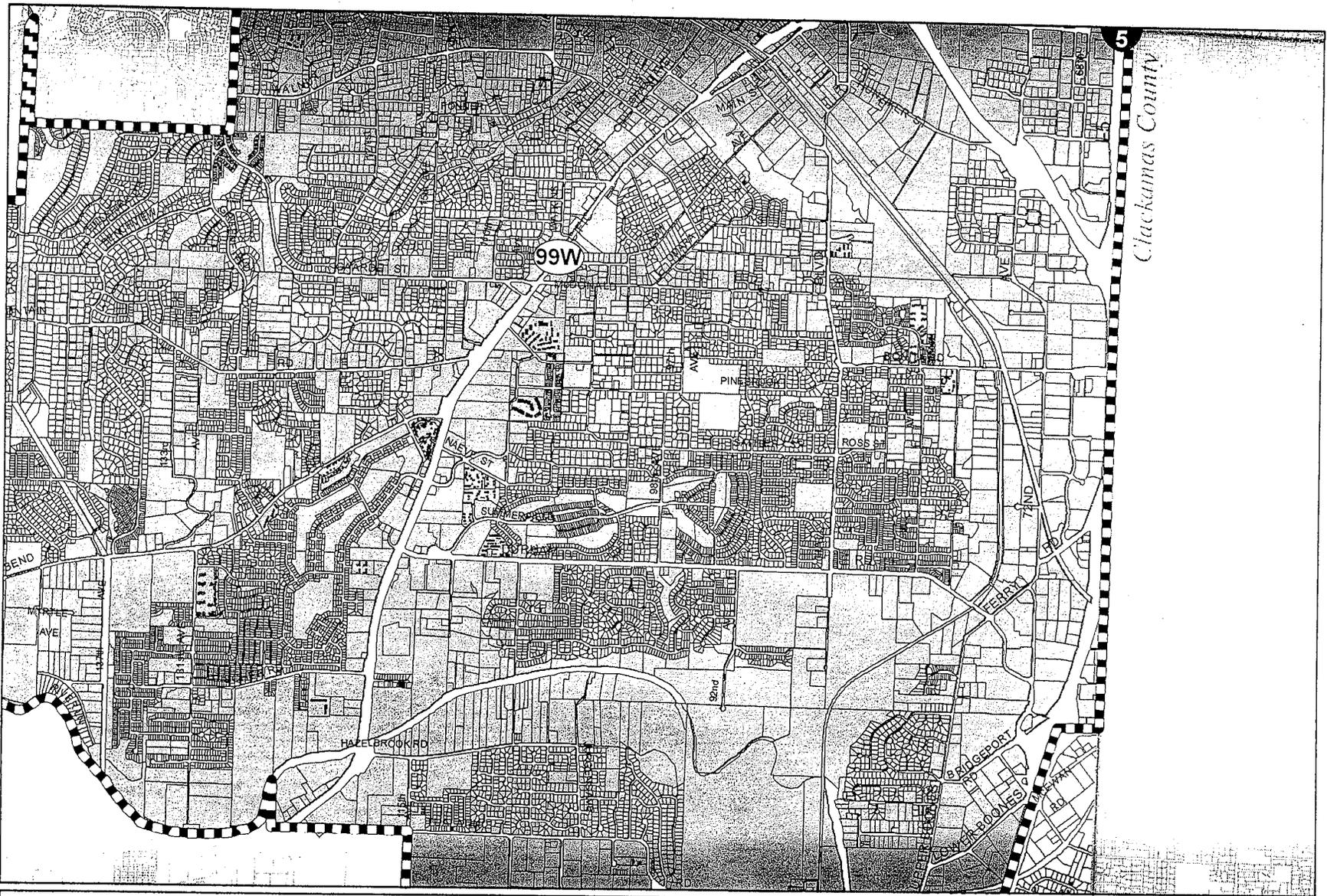
Properties in the Affected Area



County line



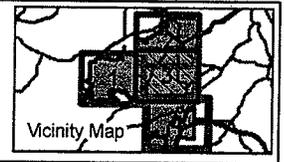
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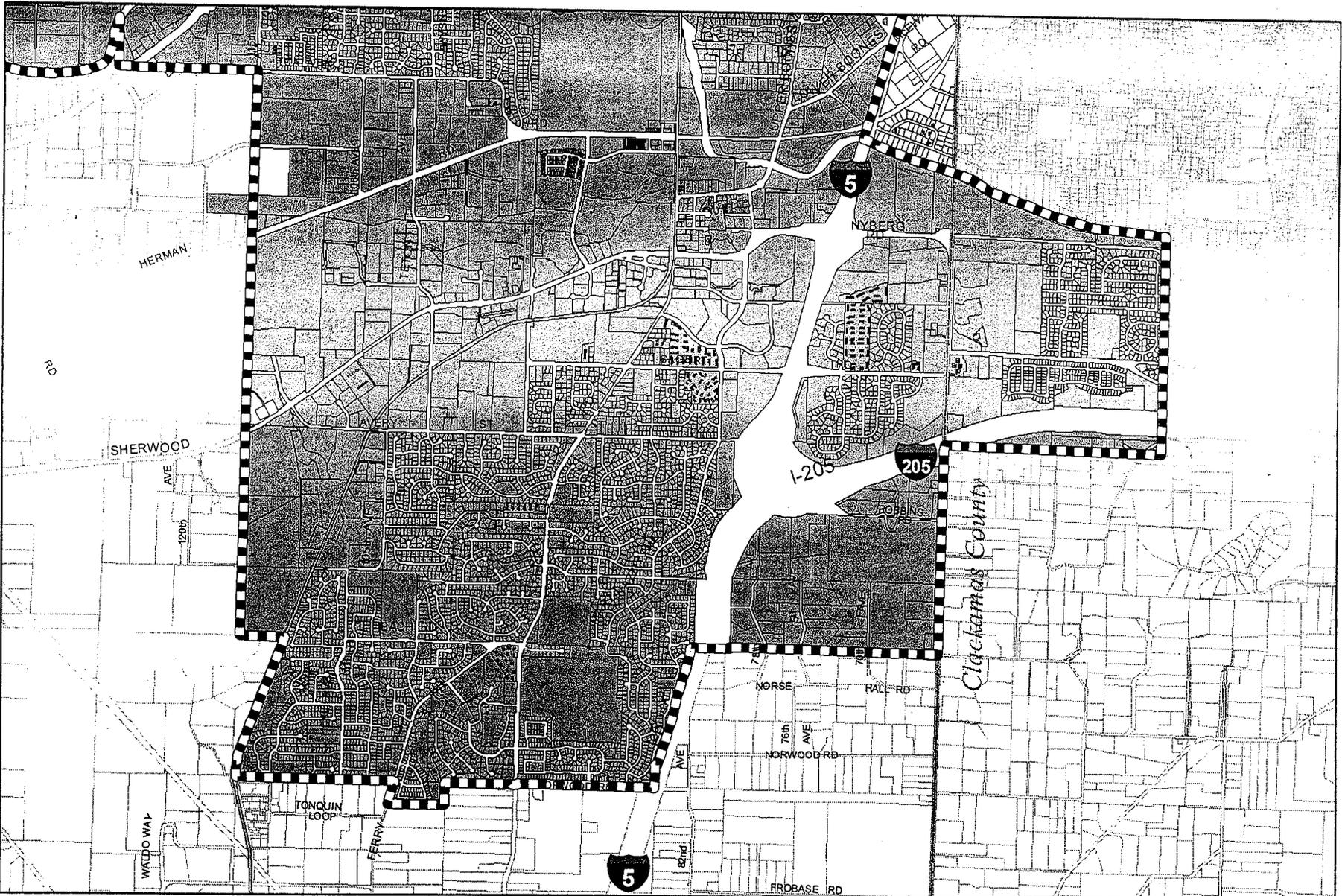
Clackamas County

**Proposed Tigard-Tualatin  
Aquatic District  
Map 3  
Casefile: WA-1109**

-  Proposed Tigard-Tualatin Aquatic District Boundary
-  Properties in the Affected Area
-  County line

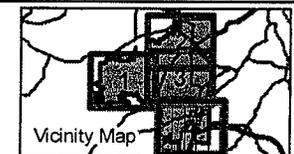


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**Proposed Tigard-Tualatin  
Aquatic District  
Map 4  
Casefile: WA-1109**

-  Proposed Tigard-Tualatin Aquatic District Boundary
-  Properties in the Affected Area
-  County line



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# WASHINGTON COUNTY OREGON

November 9, 2009

## MAJOR BOUNDARY CHANGE PROPOSAL No. WA-1109 FORMATION OF THE TIGARD-TUALATIN AQUATIC DISTRICT

### STAFF REPORT

For the November 24, 2009 Board of Commissioners Hearing  
(The public hearing will begin no sooner than 6:30 PM)

#### STAFF RECOMMENDATION

Conduct the first public hearing. Continue the public hearing to allow the petitioners to obtain an endorsement from the City of Beaverton.

#### REQUESTED ACTION

On September 24, 2009 the county received a petition concerning the formation of a park and recreation special district organized under ORS 266. The district is proposed to be called the Tigard-Tualatin Aquatic District. The terms and conditions of the petition pursuant to ORS 197.750(h) would limit the proposed district to manage and operate each aquatic center at Tigard High School and Tualatin High School that are owned by the Tualatin-Tigard School District. The proposed aquatic district boundary follows the Tigard-Tualatin School District boundary. (A map of the proposed district is attached.) The petition proposes to establish an annual permanent tax rate limit of \$0.09 per \$1,000 of assessed valuation. The petition requests that the county place the proposed formation of the special district on the May 18, 2010 Primary Election ballot.

A small portion of the proposed district is located in Clackamas County. Under ORS 198 705(17) and 198.725, the Washington County Board of Commissioners (Board) is identified as the review authority for the portion of the district in Clackamas County.

The designated chief petitioners are: Kathy Stallkamp, Cheryl Coupe, and Debra Arizala. The petitioners are property owners and registered voters in the proposed district.

#### KEY REVIEW CRITERIA

Provided below is a brief summary of the key review criteria that are applicable to the proposed formation of the special district for aquatic services.

1. Formation of a special service district is a land use decision. The Board must determine whether it meets the relevant standards of the statutes, the Metro Code and the comprehensive plans of the affected counties and cities. Staff also recommends making findings demonstrating that it is feasible for the proposed district to comply with the Statewide Planning Goals.

2. Based on Policy 15 of Washington County's Comprehensive Framework Plan for the Urban Area, it is staff's opinion that district formation must be consistent with the Tigard Urban Service Agreement. Appropriate changes to that agreement have been prepared and coordinated with the affected parties. The affected parties are: City of Tigard, Tualatin Hills Park & Recreation District, Metro and Washington County. Changes to the agreement must be made by all four parties if the Board chooses to approve the petition.
3. A primary function of the Board under the statutes is to determine whether to add or delete property from the proposed district boundary. If the proposal excludes property that would benefit from the formation of the district, the Board may direct staff to include that property at the hearing on November 24, 2009. Additional notice and opportunity to comment must be provided for any owners who are not present at the hearing for purposes of adding property to the boundary. It is not mandatory to add property that would benefit from the district formation. On the other hand, if property is included in the proposal that would not benefit from the district, that property must be excluded from the boundary. There is no definition of "benefit" under state law for purposes of adding or deleting properties. The Board may exercise its discretion in interpreting and applying this term. However, the Board may not decide to deny the petition altogether because no properties benefit from incorporation.
4. The Board may alter the proposed tax rate, which is \$0.09.
5. The Board may specify terms and conditions for the proposed service district. The terms and conditions may be used to limit the district to the operation of the two existing pools as proposed by the petition.

#### **SIGNATURES AND FILING SIGNED PETITIONS**

ORS 198.755(1) requires at least 15 percent of the electors in the proposed boundary sign the petition. On October 5, 2009, the Washington County Elections Division certified that this requirement was met.

#### **ENDORSEMENTS**

ORS 198.720(1) and 198.800 require the petition to be endorsed by any city with territory in the proposed district. The following cities with territory in the proposed district have endorsed the formation of the Tigard-Tualatin Aquatic District.

City of Durham - Resolution No. 515-09  
City of King City - Resolution No. 09-11  
City of Portland - Resolution No. 36728  
City of Tigard - Resolution No. 09-62  
City of Tualatin - Resolution No. 4928-09

While reviewing the petition to prepare this staff report, staff found that a small amount of the road right of way of Hall Blvd. and Oleson Road located in the district's proposed boundary are

in the City of Beaverton. Therefore, it is necessary that the City of Beaverton endorse the formation of the proposed aquatic district before the Board could approve the petition. The petitioners have been notified of the need to receive this additional endorsement. Staff recommends that the hearing be continued to allow time for the petitioners to request the endorsement.

### LEGAL ISSUES

There is legal uncertainty at this time if taxes for the proposed district can be levied in 2010 as indicated in the petitioners' economic feasibility report. The State Attorney General's Office and the Oregon Department of Revenue are examining this issue and will determine shortly if the statutes require taxes to be levied in 2010 or 2011. If taxes cannot be levied until 2011, the petitioners will need to provide additional budget and financial information that demonstrates the amended economic feasibility statement is viable.

### NOTICE

Notice of this hearing inviting testimony from interested parties was provided as required by statute and Metro Code. Notice consisted of: 1) posting notice in the general vicinity of the territory and in several public buildings on November 4<sup>th</sup>; 2) publishing notice twice in The Oregonian and The Times; and 3) mailing notice to all affected local governments on November 4<sup>th</sup>. On November 5<sup>th</sup>, staff mailed an amended notice to the affected local governments to correct a mapping error. On November 6<sup>th</sup>, staff posted an amended notice to correct the mapping error on the posted notices. The second newspaper notice publication will also include the corrected map.

At the time of writing this report no comments were received. The staff report was available to the public on November 9, 2009.

### PUBLIC HEARING AND SETTING THE DISTRICT BOUNDARY

1. *The district may not include territory from another park district [ORS 198.720(2)]*  
This statute prohibits the proposed district from including territory in another district formed under the same principal act. There is no territory from another park and recreation special district in the proposed district. The Tualatin Hills Park & Recreation District is the only nearby park and recreation district organized under ORS 266 and no portion of it is in the proposed district.
2. *Limit district boundary to territory that may be reasonably served [ORS 198.720(3)]*  
This statute requires the boundary of the district to include only such territory as may in reason be served by the facilities or services of the district. The district is intended to take over the operation of two aquatic centers owned by the Tigard-Tualatin School District due to the school district's budgetary constraints. The school district uses the pools about 20% of the time for school purposes, such as district swim teams. The remaining pool usage is for activities not related to the school. If the district is formed, the school district would continue to own the pools and pay the aquatic district for its use of the pools. Due to the continued

ownership and use of the pools by the school district, the proposal to use the school boundary as the aquatic district's boundary is logical and reasonable. It allows for the continued use of the pools by district students and the public, including residents.

3. *Board May Alter Boundary to Include or Exclude Territory [ORS 198.805]*

ORS 198.805(1) authorizes the Board to alter the boundary of a proposed service district. The Board may alter the boundaries described in the petition to include all territory that may be benefited by being included within the boundaries of the proposed district. The Board must not exclude any land that would be benefited by the formation of the district. No land shall be included in the proposed district that will not, in the judgment of the Board, be benefited.

If the Board determines that land has been improperly omitted from the proposed district and the owner has not appeared at the hearing, the Board must continue the hearing and give notice of the continued hearing. Notice must be the same as was given for the original hearing and for the same period, or notice may be provided to the affected owners by personal service at least ten days prior to the continued hearing. At this time, staff has received no comments from property owners in the proposed district.

There is no definition of "benefit" under state law. The Board may exercise its discretion in interpreting and applying this term. However, in deciding what property will "benefit" from formation of the district, the Board's discretion is generally limited to adjusting the proposed boundaries and not denying the right to vote on incorporation. As a result including or excluding property from the territory is permissible while terminating the district formation proceeding because no property will benefit from its formation is not. Other applicable requirements under state, regional and local law that apply to the incorporation process may however serve as a basis for denying the proposal even if the property will in the opinion of the Board "benefit" from formation of the district.

4. *Applicability of ORS 199.462 (Standards for Review of boundary)*

ORS 198.805(1) requires the Board to consider the provisions of ORS 199.462 as part of its consideration of the petition. Those provisions are:

*"(1) ... consider local comprehensive planning for the area, economic, demographic and sociological trends and projections pertinent to the proposal, past and prospective physical development of land that would directly or indirectly be affected by the proposed boundary change or application under ORS 199.464 and the goals adopted under ORS 197.225."*

The purpose of the district is to continue the operation of two existing aquatic centers due to budgetary constraints of the Tigard-Tualatin School District. To date, no other solution has been found within the affected communities to provide the revenue needed to maintain the operation of the pools. The petition limits the role of the proposed district to operation and maintenance of the existing pools. No new public facilities or services would result from the boundary change. Consequently there is no need to examine economic, demographic and

sociological trends and projections of the affected area as well future development in the affected area. Formation of the district is to provide needed revenue to fund the day to day operations of the two pools, which as noted above, are currently in operation today. As such the primary effect that formation of the district will have on present or future development in the area is to allow the existing swimming pools to continue operating and thus be available for current and future residents and students within the district, as well as the general public. In short, the formation of the district serves nothing more than to provide a revenue source to keep the swimming pools open. Findings for consistency with the applicable comprehensive plans and Statewide Planning Goals under ORS 197.225 are provided below.

*“(2) Subject to any provision to the contrary in the principal Act of the affected district or city and subject to the process of transfer of territory:*

*“(a) Territory within a city may not be included within or annexed to a district without the consent of the city council”*

With the exception of the City of Beaverton, the councils of all of the cities with territory in the proposed district have endorsed the formation of the proposed district. Staff has advised the petitioners that limited road right of way in the City of Beaverton is in the proposed district. Staff recommends continuing the hearing to allow the petitioners the opportunity to receive the city’s endorsement.

*“(b) Territory within a city may not be included within or annexed to another city;”*

This provision is not applicable because the petition is for the formation of a service district rather than a city.

*“(c) Territory within a district may not be included within or annexed to another district subject to the same principal Act.”*

The Tualatin Hills Park & Recreation District is the only nearby district formed under ORS 266. No portion of that district is in the boundary of the proposed district.

5. *Economic Feasibility Statement [ORS 198.749]*

ORS 198.749 requires the chief petitioners to file with the petition an Economic Feasibility Statement (EFS) concerning the proposed district. The EFS is required to be the basis for the proposed permanent tax rate limit for operation taxes. The EFS is required to include the following information:

- A. A description of the services and functions to be performed or provided by the proposed district;
- B. An analysis of the relationships between those services and functions and other existing or needed government services; and

- C. A proposed first year operating budget and a projected third year operating budget for the new district that demonstrate its economic feasibility.

The Washington County Administrative Office (CAO) conducted a detailed review of the aquatic district's amended EFS. This report was submitted by Paul Meade, Chief Financial Officer of Columbia Distributing, acting on behalf of the district formation committee. (The report was amended from the original submittal following discussions between Mr. Meade and the CAO.) The EFS forms the basis for the permanent rate limit of \$0.09 for operating taxes and contains the information necessary to satisfy the submittal requirements of ORS 198.749. The CAO conducted this review based on the assumption that the proposed district will be able to begin levying its taxes during the 2010-11 fiscal year.

Should the key assumptions and conditional provisions materialize as projected in the report, the proposed aquatic district could sustain operations for at least the ten-year period identified in the report (fiscal 2010-11 through 2019-20). More so, if all assumptions occur as planned, it is likely that operations could be sustained beyond 2020—and further. The assumptions used in assembling this ten-year forecast are consistent with other tax and financial forecasting activities recently conducted by Washington County.

Critical assumptions in the report include estimated tax revenues to be generated by a proposed tax rate of 9 cents per 1,000 dollars of assessed value, and an annual assessed value growth rate of 3.75%. These assumptions are estimated to generate over 80% of the district's estimated revenues while other key assumptions regarding fees, lesson charges, etc. generate the remaining required resources to sustain operations. Expenditure estimates were generated from the already-known operations and maintenance information provided by the Tigard-Tualatin School District who has been responsible for managing the existing facilities.

As a matter of assurance, the CAO tested an alternative tax revenue scenario that assumed a 3% annual assessed value growth rate vis-à-vis the 3.75% scenario submitted in the original report. Proposed district operations would also be feasible in this alternative scenario although cash balances would be substantially lower (about one third lower) however, operations could still be maintained in either scenario if all other assumptions materialize as planned.

6. *Terms and Conditions of District Formation [ORS 198.745]*

The terms and conditions of the petition limit the proposed park and recreation district to an aquatic district that would only manage and operate the two existing aquatic centers at Tigard and Tualatin High Schools. Under ORS 198.745(5), a Board resolution and order approving the petition may specify terms and conditions for the district and limit the district to an

aquatic district that would only manage and operate the two existing pools.

7. *Permanent Tax Rate [ORS 198.810(4)]*

The petitioners propose a permanent tax rate of \$0.09. Under ORS 198.810(4)(a), the Board may modify the proposed tax rate. Staff's analysis of the petitioners' amended Economic Feasibility Statement finds the proposed tax rate is viable subject to the assumptions in the report, including the district levying taxes in 2010.

## METRO CODE REQUIREMENTS

### *Metro Code Section 3.09.050*

Metro Code Section 3.09.050 contains minimum requirements for final decisions on major and minor boundary changes. Formation of a service district is a major boundary change. Section 3.09.050(b) requires the staff report to address the following three criteria and the criteria in Subsections 3.09.045(d) and (e).

1. Section 3.09.050(b)(1) *"The extent to which urban services are available to service the affected territory, including any extra territorial extensions of services"*

The majority of the district inside the UGB is served by a full range of urban services, none by extra territorial service extensions. UGB Expansion Areas 63 and 64 currently do not receive urban services. The planning of both areas is underway which will identify how urban services will be provided to the areas as they develop. The proposed aquatic district would provide for the continuation of an existing urban service (the existing pools), which would not be inconsistent with the planning of Areas 63 and 64.

2. Section 3.09.050(b)(2) *"Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party"*

The proposed aquatic district will not withdraw any territory from a necessary party.

3. Section 3.09.050(b)(2) *"The proposed effective date of the boundary change"*

The proposed effective date of the district will be determined during the hearing process, if the petition is approved, based upon applicable election statutory requirements.

### *Metro Code Section 3.09.045(d)(1) and (2)*

The applicable requirements of this section are:

*"(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 only applicable urban service agreement in the subject territory is the Tigard Urban

Service Agreement. Exhibit D of the agreement addresses park and recreation services. Proposed amendments to Exhibit D currently being considered by the affected parties would require the county to work with the parties to amend the Tigard Urban Service Agreement in the event the service district is formed. All four affected parties must approve the proposed amendments to satisfy this requirement.

*“(B) Any applicable annexation plan adopted pursuant to ORS 195.205”*

There is no annexation plan applicable in the proposed district.

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

The cooperative agreements that are applicable to the urban territory of the proposed district (excluding Areas 63 and 64) do not involve the proposed aquatic district.

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

The proposed district is limited to operating the existing pools located at Tigard and Tualatin High Schools. Aquatic services are not addressed in the applicable public facility plans of affected local governments, including Washington County and the affected cities.

*“(E) Any applicable comprehensive plan”*

The applicable jurisdictions' comprehensive plans are Washington and Clackamas counties and the cities of Tigard, King City, Tualatin, and Beaverton. The applicable provisions of these plans are addressed below under the Land Use Planning section.

*“(2) Consider whether the boundary change would:”*

*(A) Promote the timely, orderly and economic provision of public facilities and services”*

Formation of the proposed park and recreation district would allow tax revenues to be collected to fund the continued operation and maintenance of the swimming pools located at Tigard and Tualatin High Schools. Since these facilities are currently in operation, no new public facilities or services would result from the boundary change.

Staff finds that the formation of the new district promotes *“the timely, orderly and economic provision of public facilities and services”* by allowing the swimming pools to remain open to the public without any closure, either temporarily or permanently due to the unavailability of school district funding. Therefore, staff finds that the boundary change is a logical and needed step towards retaining urban services available to the students of both schools,

residents of the new district, as well as the general public. As noted in the above comments about the Economic Feasibility Statement, proposed district operations would be feasible based upon the report's assumptions.

*“(B) Affect the quality and quantity of urban services”*

Formation of the proposed park and recreation district would allow the swimming pools located at Tigard and Tualatin High Schools to remain open. Formation of the district would provide the necessary funds to allow the two swimming pools to continue to operate and to be maintained properly.

According to the petitioners' application, failure to form the district would result in the school district permanently closing both pools. Thus, the inability to form the special or the inability to obtain alternative operating and maintenance funding would have a negative affect on the quality and quantity of urban services. The petitioners noted that the formation of the district is the only viable option for keeping the existing pools open and available for public use as well as for continued use by the schools. Formation of the new district would have a positive affect on the quality and quantity of urban services. As noted in the above comments about the Economic Feasibility Statement, proposed district operations would be feasible based upon the report's assumptions.

*“(C) Eliminate or avoid unnecessary duplication of facilities or services”*

Formation of the proposed district would allow the swimming pools at Tigard and Tualatin High Schools to remain open to the public as well as to serve the water sports teams of both schools. The new district would not duplicate existing facilities or services, but rather provide a revenue source in the form of needed tax revenue to allow the existing pools to remain open. At the time of writing this report, no other funding mechanism has been developed to provide the necessary funds to pay for continued operation and maintenance of the pools. Absent the formation of the new district or identification of alternative revenue source(s), the school district stated that the pools will be closed. Closure of the pools would result in a reduction, not a duplication of facilities or services.

**Metro Code Section 3.09.045(e):**

The applicable requirements of this section are:

*“(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 district is proposed to be limited to providing aquatic services at two existing high school pools inside the UGB. Therefore, the district would not extend sewer or water service outside the UGB.

**LAND USE PLANNING**

Metro Code 3.09.045(d)(1)(e) requires the petition to be consistent with any applicable comprehensive plan. Affected local governments with comprehensive plans are Washington and

Clackamas counties and the cities of Tigard, King City, Tualatin, Portland, Durham, and Beaverton.

Provided below are findings concerning each jurisdiction's comprehensive plans. Findings by the petitioners are included in the petitioners' application materials.

**Applicable Elements Of Washington County's Comprehensive Plan  
Comprehensive Framework Plan for the Urban Area (CFP)**

The CFP contains policies and strategies that address growth and development issues for urban unincorporated Washington County. The CFP is the policy document for the urban unincorporated areas and provides the framework for the community plans that address the urban unincorporated area. The CFP elements and policies that are relevant to this request are addressed below.

*Policy 3, Intergovernmental Coordination*

Policy 3 addresses how the county will coordinate planning and development issues with federal, state, regional and local governments and special service districts. The policy also addresses how the county will provide these agencies with notice of planning and development matters and the opportunity to participate and provide comments.

To fulfill the county's coordination requirements, the county has provided notice to all affected governmental entities, including adjacent cities and service districts providing services in the affected territory, as well as Metro. The county will also consider comments provided in the record and address any concerns as much as possible and draft responsive findings for the Board's consideration. The County fulfills its coordination responsibilities when it provides notice of pending decisions and an opportunity to comment on them.

*Policy 15, Roles and Responsibilities for Serving Growth*

Implementing Strategy d. identifies the urban service boundaries and designated long-term service providers adopted through the Tigard and Hillsboro Urban Service Agreements.

Implementing Strategy d. of Policy 15 says:

*"The County will:"*

....

*"d. In conjunction with Washington County cities and special service districts and Metro, adopt urban service agreements that address all unincorporated and incorporated properties in the Regional Urban Growth Boundary consistent with the requirements of ORS 195.060 to 080. Urban service agreements shall identify which service providers will be responsible for the long-term provision of the urban services described below and the ultimate service area of each provider. Urban service agreements shall also identify the service provision principles for each of urban services described below.*

*"In the event the urban unincorporated territory in the Bull Mountain area is incorporated*

*into a new city or a park and recreation district is formed that includes any portion of the urban unincorporated territory in the Bull Mountain and Metzger-Progress areas, the County will work with affected service providers and amend the Tigard Urban Service Agreement as may be necessary to assure ongoing compliance with ORS 195."*

A large portion of the proposed district is located in unincorporated Bull Mountain and Metzger. On October 27, 2009, the Board adopted Ordinance No. 726, which amended Implementing Strategy d concerning the proposed special district. The strategy was amended to require the county to work with affected service providers and amend the Tigard Urban Service Agreement in the event a park and recreation district is formed that includes any portion of the unincorporated areas in the Bull Mountain and Metzger areas.

As noted above, staff has prepared changes to Exhibit D of the Tigard Urban Service Agreement. The City of Tigard, the Tualatin Hills Park & Recreation District and Metro are currently reviewing the proposed amendments. The Board is scheduled to consider the amendments on November 17, 2009. All four jurisdictions must approve amendments to the agreement.

Implementing Strategy r. of Policy 15 also states:

*"r. Notwithstanding Implementing Strategy q. above, the Board of Commissioners may place a petition to form a park and recreation district that includes any portion of the urban unincorporated territory in the Bull Mountain and Metzger-Progress areas on the ballot provided the Board determines that the petition is consistent with other applicable requirements governing formation under state law and the Metro Code. If the voters approve formation of the new district, the county shall coordinate with the City of Tigard to amend the existing Washington County – City of Tigard Urban Planning Area Agreement (UPAA) as may be required to assure ongoing compliance with the coordination requirements required by ORS 195 and Goal 2."*

In the event the proposed district is created, staff will work with the City of Tigard to implement this requirement.

#### Bull Mountain Community Plan

A large portion of the unincorporated territory in the proposed district is located in this community plan. Since the plan's adoption in 1983, large areas of the plan have annexed to Tigard or King City. In 2004, the community plan was amended to include Metro UGB expansion Areas 63 and 64. Planning of these areas is currently underway.

General Design Element 15 states the county will *"Coordinate with the appropriate park providers for the planning and provision of park and recreation facilities and services."*

In the event the aquatic district is formed, the county will coordinate any needed planning activities with the district.

### Metzger and West Tigard Community Plans

There are no provisions in these community plans related to park and recreation services.

### Rural/Natural Resource Plan

The Rural/Natural Resource Plan (Rural Plan) applies to property outside of an urban growth boundary. There are no provisions in this plan related to park and recreation service providers.

### **Applicable Elements Of Clackamas County's Comprehensive Plan**

Clackamas County's Comprehensive Plan identifies Map IX-2, Subarea A as the area within the proposed Aquatic District boundaries in Clackamas County. In Chapter 9, Parks and Recreation, the plan notes this area is not in the County parks planning area. Therefore, the aquatic district is consistent with this comprehensive plan.

### **City Planning**

The proposed boundary change must be consistent with applicable provisions in the comprehensive plans for the cities of Beaverton, Durham, King City, Tigard, Tualatin and Portland pursuant to Metro Code 3.09.045 (d)(1)(E). Staff has reviewed the comprehensive plans for these cities and makes the following findings.

#### **Beaverton Comprehensive Plan**

The city's policies addressing the provision of park and recreation facilities and services are set forth in Chapter 5, Public Facilities and Services Element, of the city's comprehensive plan. The provision of park and recreation facilities and services are specifically addressed in Section 5.8, Parks and Recreation. The city recognizes that parks and recreation facilities contribute positively to the health and welfare of the community. The city, however, is not a provider of park and recreation facilities and services, but rather relies extensively on the Tualatin Hills Park & Recreation District (THPRD) for providing these facilities and services.

Policies specifically pertaining to the provision of aquatic services, either by the city or special service district, such as THPRD, are not identified in Section 5.8 of the city's comprehensive plan. Notwithstanding, the area to be included in the proposed district does not include any area within the THPRD service district boundary. Therefore, the proposed special service district is not inconsistent with this comprehensive plan.

#### **Durham Comprehensive Plan**

The city's policies addressing the provision of park and recreation facilities and services are set forth in the Support System Goals and Policies section of the city's comprehensive plan. The provision of park and recreation facilities and services are specifically addressed in Policy 2, Policies To Provide For Public Facilities and Services, (L) Parks and Recreation. Policies specifically pertaining to the provision of aquatic services, either by the city or a special service district, are not identified in the city's comprehensive plan. Therefore, the proposed special service district is not inconsistent with this comprehensive plan.

#### **King City Comprehensive Plan**

The city's policies addressing the provision of park and recreation facilities and services are listed under Goal 8 (Recreational Needs) of the city's comprehensive plan. The provisions under this goal state that the city will evaluate interests of the community in providing recreational and cultural opportunities for all city residents, within budgetary limitations. Policies pertaining to the provision of aquatic services, either by the city or a special service district, are not identified in the city's comprehensive plan. Therefore, the proposed special service district is not inconsistent with this comprehensive plan.

#### **City of Tigard Comprehensive Plan**

The city's policies addressing the provision of park and recreation facilities and services are set forth in Chapter 8 of the city's comprehensive plan (Parks, Recreation, Trails, and Open Space). Under Key Findings, it states that the City does not operate a recreational program and is not served by a special park and recreation district which consequently limits opportunities to participate in recreation programs. Goal 8.3 of the city's comprehensive plan reads: *"Provide Tigard residents with access to a broad range of recreation, cultural, and educational activities."* The city identified under Goal 8.3 five action measures intended to achieve the policies listed under Goal 8.3. Of these, Recommended Action Measure ii speaks most directly to the formation of the proposed special service district. Recommended Action Measure ii reads: *"Identify potential partners, including school districts, special service districts, private providers, etc, for the provision of recreation programs."*

The formation of the special service district would retain existing aquatic recreational programs available to the public. Consequently, Tigard residents would continue to have access to the aquatic programs currently available at the two schools. Therefore, the proposed special service district does not conflict with this comprehensive plan provisions.

#### **Tualatin Comprehensive Plan**

The city's policies addressing the provision of park and recreation facilities and services are incorporated in the Tualatin Development Code by reference under Chapter 15, Parks and Recreation. The comprehensive plan's objectives most applicable, though not specifically addressing the provision of swimming pools or aquatic programs are: *"(3) Create a park and recreation system that provides diverse recreation opportunity, (17) Develop joint use agreements with the Tigard School District for the joint use of school land for neighborhood park facilities, and (18) Develop a comprehensive City recreation program with an emphasis on youth activities, cultural activities and the City's natural environment."* Therefore, the proposed special service district is not inconsistent with this comprehensive plan.

#### **Portland Comprehensive Plan**

The city's Parks and Recreation Goal and Policies are reflected in Goal 11 Public Facilities, specifically Goal 11 F. Goal 11 F identifies the need to maximize the quality, safety, and usability of facilities with equitable allocation of active recreation opportunities for the citizens of Portland. The proposed district would provide aquatic and active recreational services that would maximize the usability of the facilities in the Tigard and Tualatin High School pools. The

Parks and Recreation Policies and Objectives do not specifically address the use of the district as proposed by the petitioners. However, the proposed district is not inconsistent with the city's Parks and Recreation Goal and Policies relating to aquatic facilities.

### **STATEWIDE PLANNING GOALS**

Staff has reviewed the formation petition for consistency with the following statewide planning goals and makes the following findings. Findings by the petitioners are included in their application materials.

#### ***Goal 1 - Citizen Involvement***

Goal 1 requires that the county develop a citizen involvement program that insures the opportunity for citizens to participate in all phases of the planning process. The goal identifies specific components that must be included in the citizen involvement program. The county provided notice of the public hearing as required by statute and Metro Code consistent with the county's long-standing citizen involvement program. Additionally, the petitioners have developed an extensive citizen involvement process used to gather the required number of signatures for the formation petition as well as to inform the general citizenry of the formation petition process. Therefore, staff finds that the citizen involvement process utilized by the county complies with Goal 1.

#### ***Goal 2, Land Use Planning***

Goal 2 requires the county to establish a land use planning process and policy framework to be the basis of county decisions related to land use matters and to assure there is an adequate factual base for those decisions. The county's land use plans must also be consistent with nearby cities comprehensive plans and Metro planning requirements. The proposed formation of the district does not result in any changes to land use designations of any land within the proposed district's service boundary. Therefore, staff finds that the formation petition is not inconsistent with Goal 2.

#### ***Goal 3 - Agricultural Land***

The proposed district's boundary follows the boundary of the Tigard-Tualatin School District, which includes some land outside of the UGB. Rural land within the proposed district's boundary is designated Exclusive Farm Use (EFU). The purpose of the proposed district is to provide revenue to fund continued operation and maintenance of two existing swimming pools located at Tigard and Tualatin High Schools, both of which are located within the UGB. No construction of additional swimming pools or any other park or recreation facilities are proposed should the new district be formed. Therefore, staff finds that the formation petition complies with Goal 3.

#### ***Goal 8 - Recreation Needs***

Goal 8 requires local governments that are responsible for providing parks and recreation facilities to plan for the provision of them. Washington County is not a park and recreation provider, the county does not have provisions in place to provide parks and recreation facilities

and services to the area included in the proposed district. The cities of Durham, King City, Tigard, and Tualatin provide for the park and recreation needs of its residents, excluding aquatic facilities and programs. The city of Portland provides for the park and recreation, including aquatic facilities and programs, needs of its residents, while the city of Beaverton relies extensively on THPRD to provide for the park and recreation, including aquatic facilities and programs, needs of its residents.

Formation of the proposed district would provide an operation and maintenance funding source to allow existing pools located at Tigard and Tualatin High Schools to remain open to the public and students. Thus the recreation needs of the public and students would continue to be met. Therefore, staff finds that the formation petition complies with Goal 8.

#### ***Goal 11 - Public Facilities and Services***

Goal 11 requires the county to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The formation of the proposed district would not affect existing public facility plans or services. Formation of the new district would provide funding to allow the swimming pools at Tigard and Tualatin High Schools to remain open. The new district would not duplicate or remove existing facilities or services, but rather provide a revenue source to allow the existing pools to remain open. Consequently, existing public facilities and services would continue to be available. Therefore, staff finds that the formation petition complies with Goal 11.

#### ***Goal 14 - Urbanization***

Goal 14 requires the county to amend its comprehensive plans as necessary to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The proposed formation of the district does not result in any changes to county or city comprehensive plans or otherwise affect transitions from rural to urban land uses. Therefore, staff finds that the formation petition is not inconsistent with Goal 14.

#### **TIGARD URBAN SERVICE AGREEMENT**

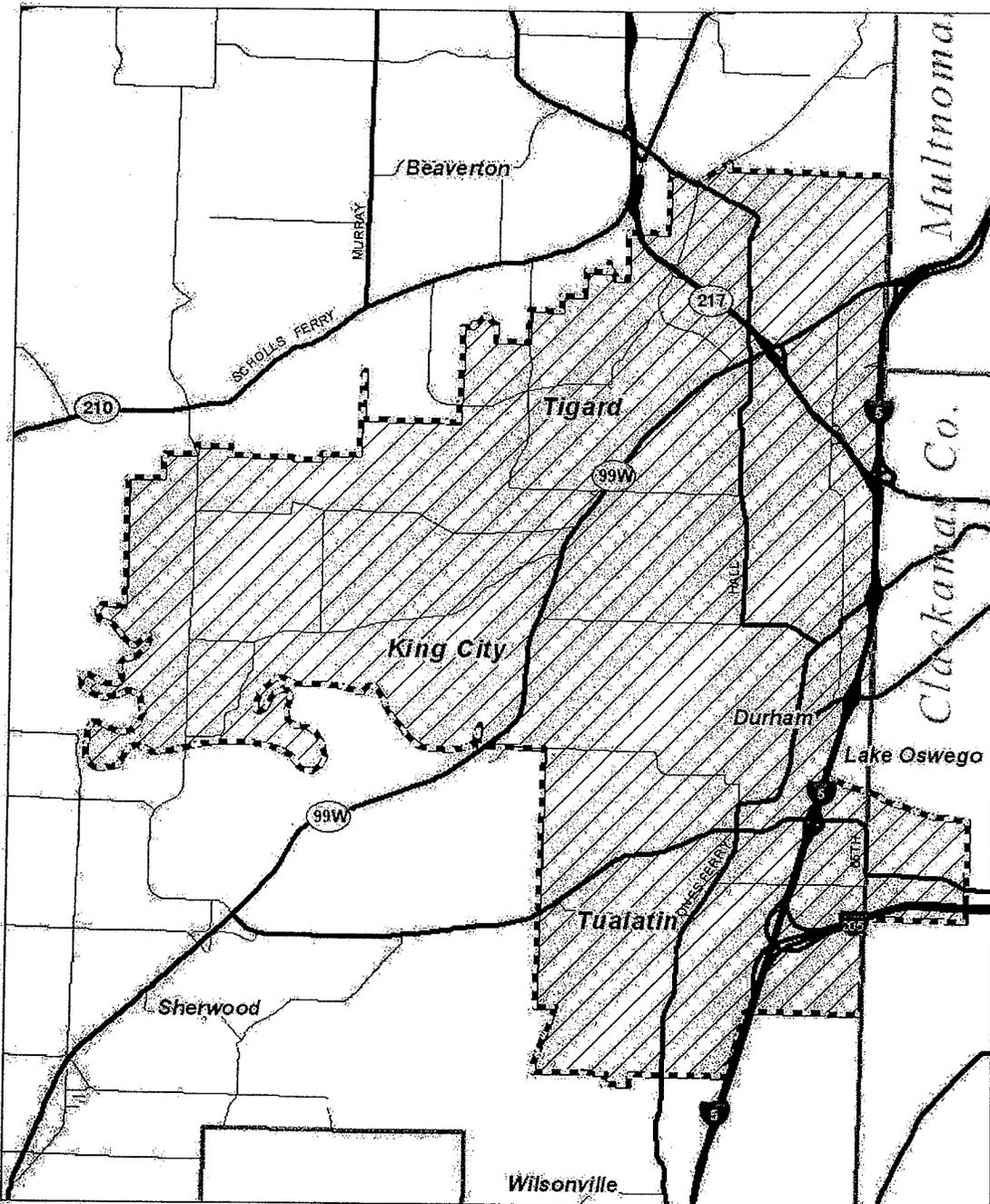
This agreement was adopted pursuant to Senate Bill 122 (codified as ORS 195), which is the state's urban services legislation. It became effective on February 2, 2003. The provisions of the agreement are applicable to properties in the City of Tigard, unincorporated properties in the boundaries of the Bull Mountain, Metzger and West Tigard Community Plans. A map of the Tigard Urban Service Area is attached.

Parties to Exhibit D, Park and Recreation Services, are: City of Tigard, Tualatin Hills Park & Recreation District, Metro, and Washington County. The City of Tigard is designated to be the long-term service provider for park and recreation services for the Tigard Urban Service Area.

In 1995, Washington County, its cities and special service districts, and Metro began to implement Senate Bill 122. Cooperative agreements with all service districts were adopted, the Portland/Beaverton and Hillsboro/Beaverton Urban Service Boundaries were adopted, and the

Hillsboro and Tigard Urban Service Agreements were adopted. During this time period there was no discussion about the potential need to create a service district to take over the operation of the two pools in the Tigard-Tualatin School District. Consequently, there are no provisions in the Tigard Urban Service Agreement or the common service principles for all urban service agreements about the possibility of creating a service district limited to operating existing swimming pools.

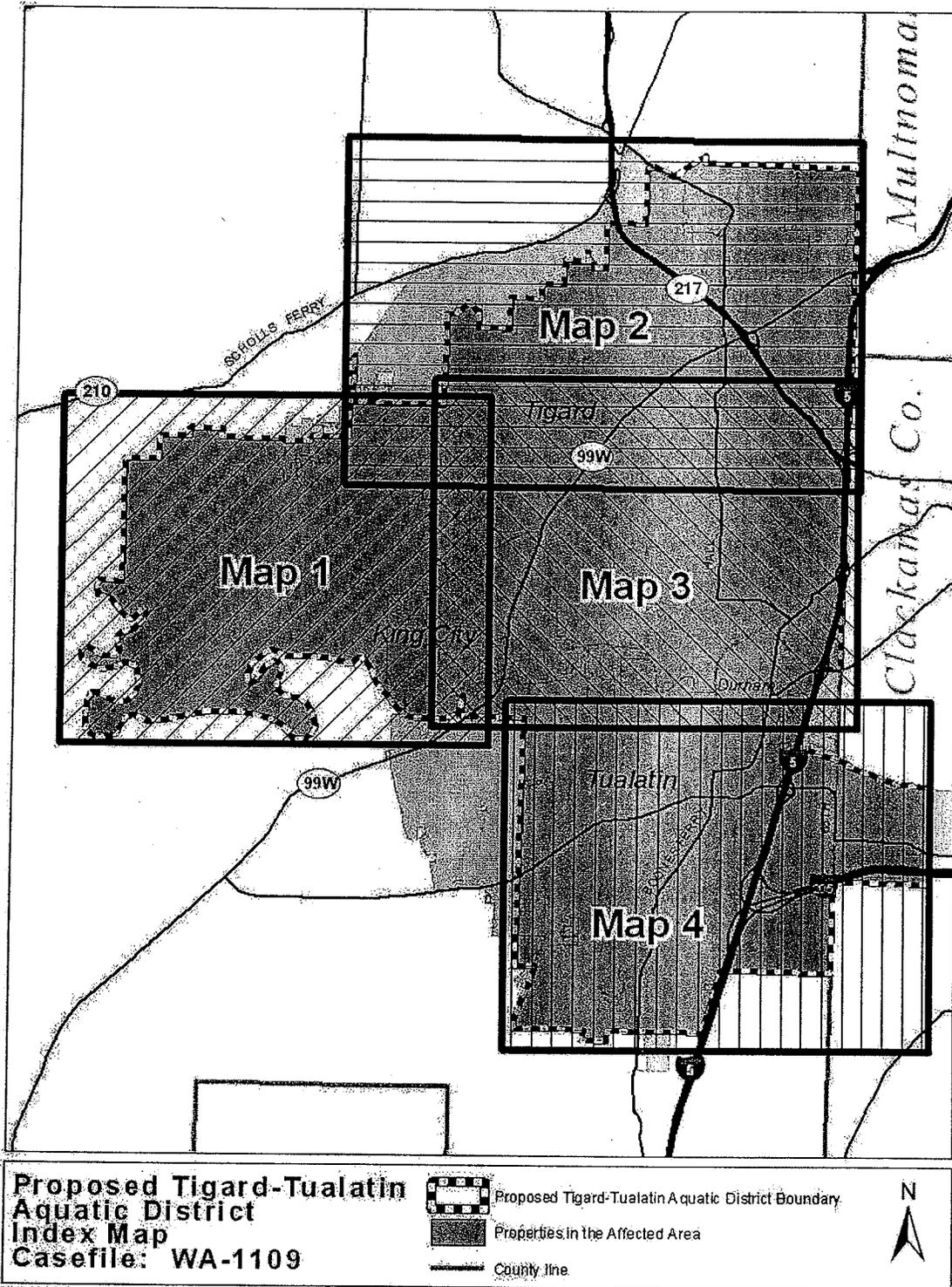
Currently, the parties to the Tigard Urban Service Agreement for park and recreation services are considering proposed amendments to the agreement that would allow the creation of the proposed district for aquatic services. The changes would require the parties to amend the Tigard Urban Service Agreement to assure ongoing compliance with ORS 195. The Board will consider the proposed amendments on November 17, 2009. The parties have been asked to consider the amendments before November 24<sup>th</sup>. It is necessary for the parties to adopt the amendments in order to approve the petition.



**Proposed Tigard-Tualatin  
Aquatic District  
Vicinity Map  
Casefile: WA-1109**

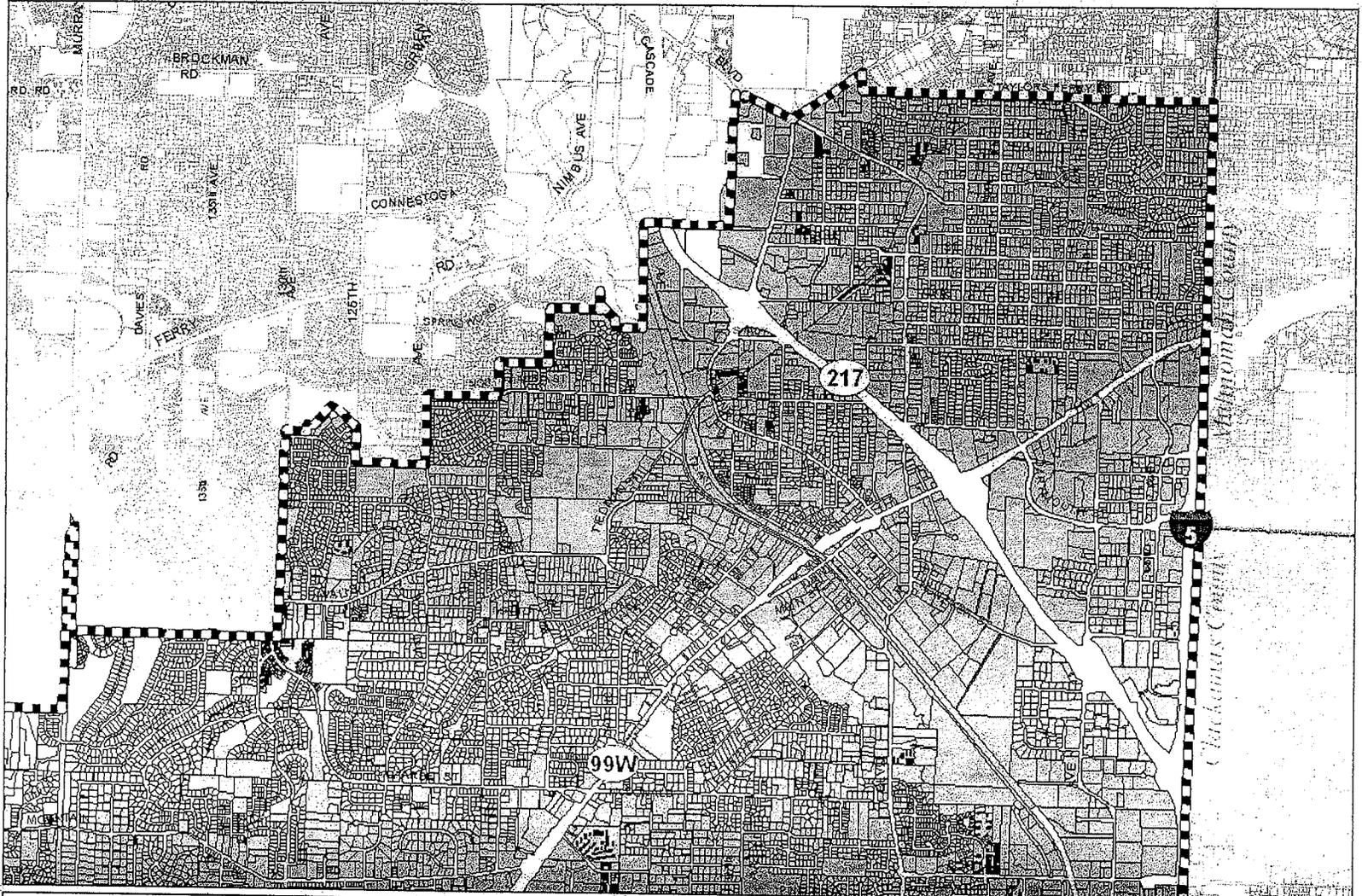


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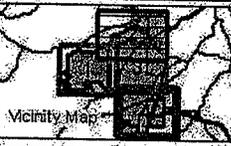
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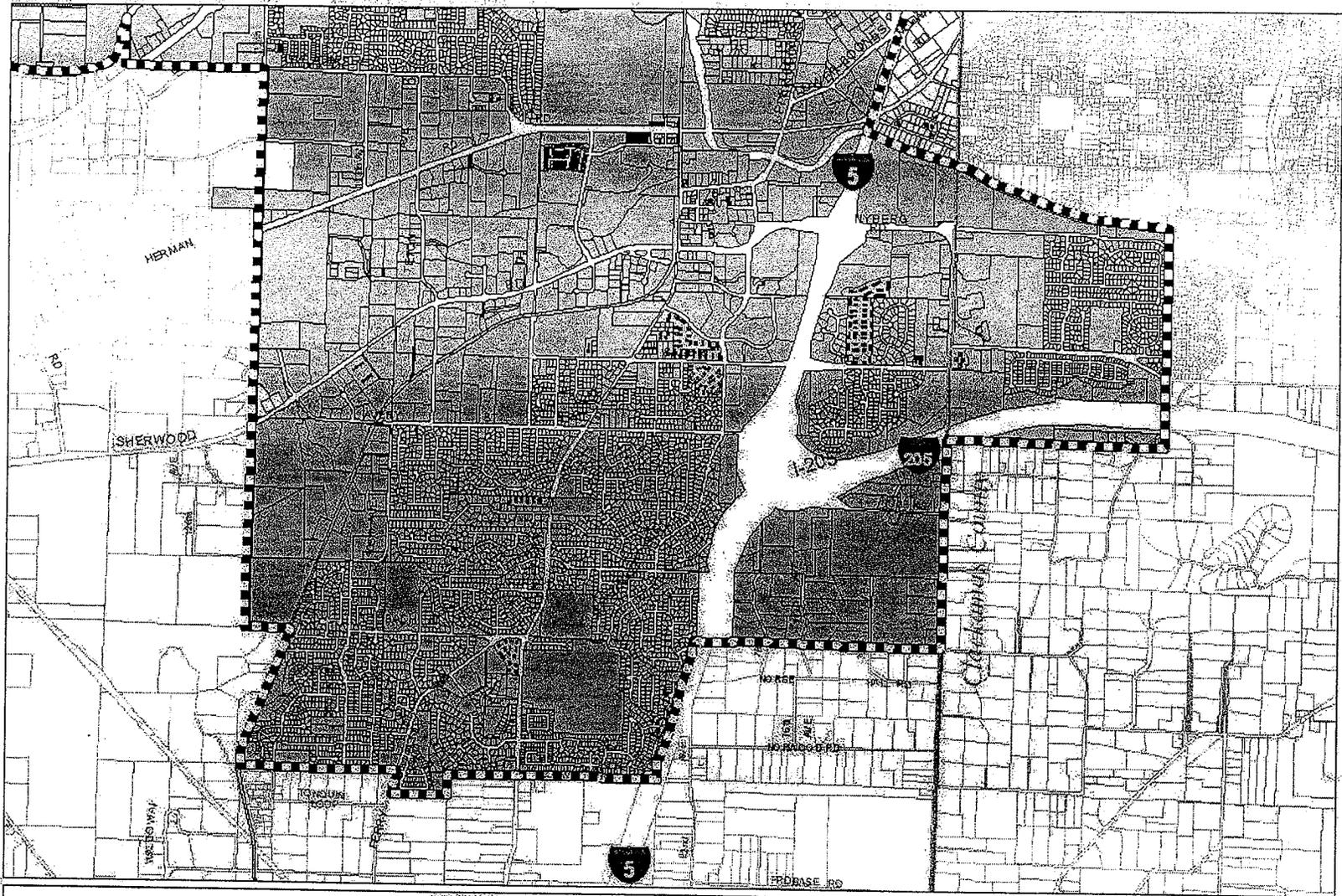
**Proposed Tigard-Tualatin Aquatic District**  
**Map 2**  
**Casefile: WA-1109**

-  Proposed Tigard-Tualatin Aquatic District Boundary
-  Properties in the Affected Area
-  County line

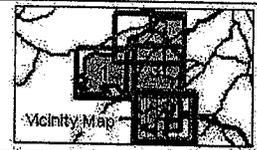
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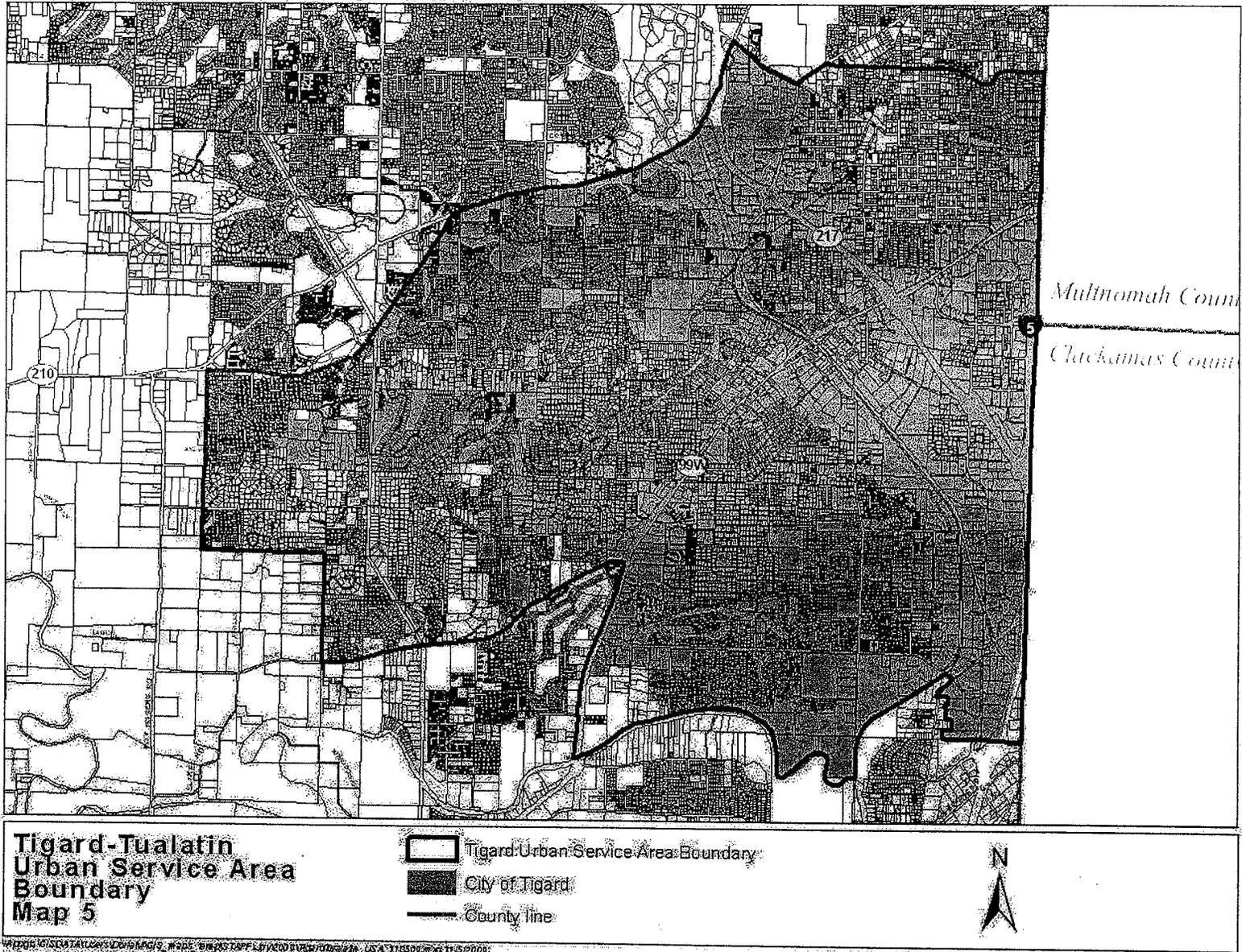


**Proposed Tigard-Tualatin  
Aquatic District  
Map 4  
Casefile: WA-1109**

-  Proposed Tigard-Tualatin Aquatic District Boundary
-  Properties in the Affected Area
-  County line



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# WASHINGTON COUNTY OREGON

December 4, 2009

## MAJOR BOUNDARY CHANGE PROPOSAL No. WA-1109 FORMATION OF THE TIGARD-TUALATIN AQUATIC DISTRICT

### STAFF REPORT

For the December 8, 2009 Board of Commissioners Hearing  
(The public hearing will begin no sooner than 10:00 AM)

#### STAFF RECOMMENDATION

Conduct the second public hearing. At the conclusion of public testimony issue a decision to either approve or deny the proposed formation petition and adopt findings in support of the Board's decision, or continue the hearing to a later date.

#### BACKGROUND-ANALYSIS

On November 24, 2009 the Board opened the first public hearing on the proposed Tigard-Tualatin Aquatic District petition (WA-1109). At the conclusion of public testimony, the Board continued the hearing to December 8, 2009. The continuation allowed the petitioners to obtain the City of Beaverton's endorsement and time for other outstanding issues to be completed.

##### City of Beaverton Endorsement

While reviewing the petition to prepare the November 24, 2009 staff report, staff found that a small amount of the road right of way of Hall Blvd. and Oleson Road within in the district's proposed boundary are in the City of Beaverton, consequently requiring the City of Beaverton endorsement. The Petitioners have submitted an endorsement request to the city and the City of Beaverton Council is scheduled to hear this item on December 7, 2009.

##### Tigard Urban Service Agreement

Currently, the parties to the Tigard Urban Service Agreement for park and recreation services have or are considering proposed amendments to the agreement that would allow the creation of the proposed district. The Board considered the proposed amendments on November 17, 2009 and continued the item to December 8, 2009 to allow the City of Tigard to complete its review of the proposed changes. City of Tigard, Resolution No. 09-71, adopted the proposed amendments to Exhibit D on November 24, 2009. Tualatin Hills Parks and Recreation District is scheduled to hear this item on December 7, 2009. Metro is reviewing the proposed changes. Staff does not know when Metro plans to act on the proposed changes. Staff will provide an update to the Board for their necessary action.

Department of Revenue (DOR) Legal Description and Map approval

Preliminary legal description and map approval has not been obtained from DOR. The petitioners are in the process of making the necessary corrections. Staff will provide an update to the Board for their necessary action.

Economic Feasibility Statement

There is uncertainty if taxes for the proposed district can be levied in 2010 as indicated in the petitioners' economic feasibility report. County Counsel will issue a separate report addressing this issue.



# WASHINGTON COUNTY OREGON

December 15, 2009

## MAJOR BOUNDARY CHANGE PROPOSAL No. WA-1109 FORMATION OF THE TIGARD-TUALATIN AQUATIC DISTRICT

### STAFF REPORT

**For the December 15, 2009 Board of Commissioners Hearing  
(The public hearing will begin no sooner than 6:30 PM)**

#### STAFF RECOMMENDATION

Conduct the third public hearing. At the conclusion of public testimony issue a decision to either approve or deny the proposed formation petition and adopt findings in support of the Board's decision, or continue the hearing to a later date.

#### BACKGROUND-ANALYSIS

On December 8, 2009 the Board opened the second public hearing on the proposed Tigard-Tualatin Aquatic District petition (WA-1109). At the conclusion of public testimony, the Board continued the hearing to December 15, 2009. The continuation allowed the petitioners to complete the following outstanding issues.

##### Tigard Urban Service Agreement

Currently, the parties to the Tigard Urban Service Agreement for park and recreation services have or are considering proposed amendments to the agreement that would allow the creation of the proposed district. The Board adopted the changes on December 8, 2009. City of Tigard, Resolution No. 09-71, adopted the proposed amendments to Exhibit D on November 24, 2009. Tualatin Hills Parks and Recreation District heard this item on December 7, 2009 and adopted the proposed amendments under Amended Resolution No. 2009-22. Metro has reviewed the proposed changes and Metro plans to act on the proposed changes no later than January 7, 2010.

##### Department of Revenue (DOR) Legal Description and Map approval

Preliminary legal description and map approval has not been obtained from DOR. The petitioners have made and submitted corrections requested by DOR. DOR is in the process of reviewing the revised description.

##### Economic Feasibility Statement

There is uncertainty if taxes for the proposed district can be levied in 2010 as indicated in the petitioners' initial economic feasibility report. The petitioners submitted a revised economic feasibility report that reflects taxes not being collected until November 2011. The County Administrative Office reviewed the latest budget spread sheet and determined that the proposed budget is feasible if the petitioners' assumptions to borrow initial operating funds are feasible. The petitioners plan to provide the Board with information about their plans to borrow funds, including terms of the loan. The Board, based on the petitioners' new testimony, found that the revised Economic Feasibility Statement is not feasible and asked the petitioners to provide additional information.

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# WASHINGTON COUNTY OREGON

December 30, 2009

## MAJOR BOUNDARY CHANGE PROPOSAL No. WA-1109 FORMATION OF THE TIGARD-TUALATIN AQUATIC DISTRICT

### STAFF REPORT

For the January 5, 2010 Board of Commissioners Hearing  
(The public hearing will begin no sooner than 10:00 AM)

#### STAFF RECOMMENDATION

Conduct the fourth public hearing. At the conclusion of public testimony issue a decision to either approve or deny the proposed formation petition and adopt findings in support of the Board's decision, or continue the hearing to January 19<sup>th</sup>.

#### BACKGROUND-ANALYSIS

On December 15, 2009 the Board opened the third public hearing on the proposed Tigard-Tualatin Aquatic District petition (WA-1109). The hearing was continued to January 5, 2010 to allow the petitioners to complete the following outstanding issues.

##### Tigard Urban Service Agreement

Currently, the parties to the Tigard Urban Service Agreement for park and recreation services have or are considering proposed amendments to the agreement that would allow the creation of the proposed district. The Board adopted the changes on December 8, 2009. City of Tigard, Resolution No. 09-71, adopted the proposed amendments to Exhibit D on November 24, 2009. Tualatin Hills Parks and Recreation District heard this item on December 7, 2009 and adopted the proposed amendments under Amended Resolution No. 2009-22. Metro has reviewed the proposed changes and Metro plans to act on the proposed changes on January 14, 2010.

##### Department of Revenue (DOR) Legal Description and Map approval

On December 21, 2009 preliminary legal description and map approval was obtained from DOR.

##### Economic Feasibility Statement

There is uncertainty if taxes for the proposed district can be levied in 2010 as indicated in the petitioners' initial economic feasibility report. The petitioners submitted a revised economic feasibility report that reflects taxes not being collected until November 2011. The County Administrative Office reviewed the latest budget spread sheet and determined that the proposed budget is feasible if the petitioners' assumptions to borrow initial operating funds are feasible. The petitioners plan to provide the Board with information about their plans to borrow funds, including terms of the loan.

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# TIGARD-TUALATIN AQUATIC DISTRICT

October 22, 2009

Amended December 29, 2009

A tract of land situated in Sections 25, 26, 33, 34, 35 & 36, Township 1 South, Range 1 West (T. 1 S., R. 1 W.), and in Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 34, 35 & 36, Township 2 South, Range 1 West (T. 2 S., R. 1 W.), of the Willamette Meridian in Washington County; and in Sections 19 & 30, Township 2 South, Range 1 East (T. 2 S., R. 1 E.), of the Willamette Meridian (W.M.) in Clackamas County, Oregon, more particularly described as follows:

1. beginning at the East quarter corner of said Section 25, T. 1 S., R. 1 W., W.M., which point is on the east line of Washington County, and the west line of Multnomah County;
2. thence south along said east line of Washington County (being the east line of Sections 25 and 36, T. 1 S., R. 1 W., W.M.), also being the west line of Multnomah County, a distance of 7,876 feet, more or less to the southeast corner of said Section 36, which is the common corner where Washington County, Multnomah County and Clackamas County intersect;
3. thence continuing south along the east line of Washington County (being the east line of Section 1, Section 12, and a portion of Section 13, T. 2 S., R. 1 W., W.M.), also being the west line of Clackamas County, a distance of 13,380 feet, more or less to the centerline of S.W. Lower Boones Ferry Road;
4. thence westerly along the centerline of S.W. Lower Boones Ferry Road, a distance of 798 feet, more or less to the centerline of Interstate Highway No. 5, R.H. Baldock Freeway, at engineers station 186+90, more or less;
5. thence southwesterly along the centerline of said Interstate Highway No. 5, a distance of 3,348 feet, more or less to the centerline of the Tualatin River;

6. thence southeasterly along the centerline of the Tualatin River, a distance of 1,816 feet, more or less to the east line of said Section 24, T. 2 S., R. 1 W., W.M., being the east line of Washington County and the west line of Clackamas County;
7. thence continuing southeasterly along the centerline of the Tualatin River, a distance of 4,253 feet, more or less to the East 1/16th line of said Section 19, T. 2 S., R. 1 E., W.M.;
8. thence south along said East 1/16th line and along the East 1/16th line of said Section 30, T. 2 S., R. 1 E., W.M., a distance of 4,110 feet, more or less to the North 1/16th line of said Section 30;
9. thence west along said North 1/16th line of said Section 30, a distance of 4,128 feet, more or less to the east line of said Section 25, T. 2 S., R. 1 W., W.M., being the east line of Washington County and the west line of Clackamas County;
10. thence south along the east line of Washington County (being the east line of Section 25), also being the west line of Clackamas County, a distance of 3,968 feet, more or less to the southeast corner of said Section 25;
11. thence west along the south line of said Section 25, a distance of 4,680 feet, more or less to the northeast corner of Lot 79, "Chieftain No. 2", a duly recorded plat, also being the westerly right-of-way line of said Interstate Highway No. 5;
12. thence south along said westerly right-of-way line of Interstate Highway No. 5, a distance of 2,532 feet, more or less to the east line of said Section 35, T. 2 S., R. 1 W., W.M.;
13. thence south along said east line of Section 35, a distance of 429 feet, more or less to the centerline of S.W. Norwood Road (County Road No. 1183);

14. thence west along the centerline of said S.W. Norwood Road, a distance of 2,625 feet, more or less to the centerline of S.W. Boones Ferry Road (County Road No. 125);
15. thence south along said centerline of S.W. Boones Ferry Road, a distance of 20 feet, more or less to the center of said Section 35;
16. thence west along the north line of the Southwest quarter of said Section 35, a distance of 1320 feet, more or less to the northeast corner of Tract C, "Victoria Gardens", a duly recorded plat;
17. thence south along the east line of said Tract C, a distance of 426 feet, more or less to the southeast corner of said "Victoria Gardens" plat;
18. thence west along the south line of said "Victoria Gardens" plat, a distance of 1067 feet, more or less to the east right-of-way line of S.W. Graham's Ferry Road (County Road No. 844, 40-foot wide), also being the west line of said "Victoria Gardens" plat;
19. thence northeasterly along said east right-of-way line of S.W. Graham's Ferry Road (40-foot wide), also being the west line of said "Victoria Gardens" plat, a distance of 443 feet, more or less to said north line of the Southwest quarter of Section 35;
20. thence west along said north line of the Southwest quarter of Section 35, a distance of 370 feet, more or less to the East quarter corner of said Section 34, T. 2 S., R. 1 W., W.M., also being the south right-of-way line of S.W. Helenius Street (County Road No. 1395);
21. thence west along the north line of the Southeast quarter of said Section 34 a distance of 2,634 feet, more or less to the southwest corner of "Stream Stone Estates", a duly recorded plat, also being the east right-of-way line of that 50-foot wide strip of land formerly known as Oregon Electric Railroad;
22. thence northeasterly along said right-of-way line of that 50-foot wide strip of land formerly known as Oregon Electric Railroad, a distance

- of 2,811 feet, more or less to the south line of said Section 27, T. 2 S., R. 1 W., W.M.;
23. thence west along said south line of Section 27, a distance of 872 feet, more or less to the South quarter corner of said Section 27;
  24. thence north along the north-south centerline of said Sections 27 and 22, T. 2 S., R. 1 W., W.M., a distance of 10,575 feet, more or less to the North quarter corner of said Section 22, also being the centerline of S.W. Tualatin Road;
  25. thence west along the north line of said Section 22, a distance of 2,632 feet, more or less to the southeast corner of said Section 16, T. 2 S., R. 1 W., W.M.;
  26. thence north along the east line of said Section 16, a distance of 900 feet, more or less to the centerline of the Tualatin River;
  27. thence southwesterly, westerly and northerly (northwesterly, generally), along the centerline of the Tualatin River as it meanders through Sections 16, 21, 17, 20, 19, 18 of T. 2 S., R. 1 W., and in Section 13, T. 2 S., R. 2 W., of the W.M., a distance of 43,352 feet (8.2 miles), more or less to the south line of said Section 7, T. 2 S., R. 1 W., W.M.;
  28. thence east along said south line of Section 7, a distance of 900 feet, more or less to southwest corner of the Southeast quarter of the Southwest quarter of said Section 7, also being the northwest corner of S. 1/2 L.A. Ross DLC;
  29. thence north along the West 1/16th line of said Section 7, a distance of 5,280 feet, more or less to the northwest corner of the Northeast quarter of the Northwest quarter of said Section 7;
  30. thence east along the north line of the said Section 7 a distance of 1,322 feet, more or less to the South quarter corner of said Section 6, T. 2 S., R. 1 W., W.M.;

31. thence north along the west line of the Southeast quarter of said Section 6 a distance of 954 feet, more or less to the northwest corner of that tract of land depicted as "Map of Subdivision of South 29 Acres of West 1/2 of S.E. 1/4 Sec. 6, Twp. 2 S., R. 1 W., W.M." (dated Sept. 1939), Survey No. 11,950, Washington County Survey Records (cited as "North 953.75");
32. thence east along the north line of said tract of land "Map of Subdivision of South 29 Acres of West 1/2 of S.E. 1/4 Sec. 6, Twp. 2 S., R. 1 W., W.M." a distance of 1,324 feet, more or less, to a point on the centerline of S.W. Roy Rogers Road (County Road No. 748), (Survey No. 11,950, cites "N. 89°27' E. 1,323.83");
33. thence north along said centerline of S.W. Roy Rogers Road, a distance of 367 feet, more or less to the north line of that 40.11 Acre tract of land in the southeast corner of said Section 6, as depicted on Survey No. 3,222 (dated May 1942), Washington County Survey Records (cited as "N. 0°03' E. 366.5"); the northwest corner of said 40.11 Acre tract bears West 1,322 feet, more or less, and North 1,322 feet, more or less, from the southeast corner of said Section 6);
34. thence east along said north line of that 40.11 Acre tract of land in the southeast corner of said Section 6, a distance of 1,321 feet, more or less to the west line of said Section 5, T. 2 S., R. 1 W., W.M. (Survey No. 3,222, cites "N. 89°18' E. 1,320.8");
35. thence south along said west line of Section 5, a distance of 364 feet, more or less to the southwest corner of "Kerron's Crest No. 4", a duly recorded plat;
36. thence east along the south line of said "Kerron's Crest No. 4" and along the south line of "Bull Mountain Meadow No. 4", also a duly recorded plat, a distance of 2,635 feet, more or less to the southeast corner of said "Bull Mountain Meadow No. 4" plat, also being the west line of the Southeast quarter of said Section 5;
37. thence south along said west line of the Southeast quarter of said Section 5, a distance of 59 feet, more or less to the southwest corner

of that 11.03 Acre tract of land for "Gale Oldham", as depicted on Survey No. 19,443 (dated April 1981), Washington County Survey Records (cited as "S.  $0^{\circ}40'42''$ W. 58.9"); said southwest corner of that 11.03 Acre tract of land for "Gale Oldham", bears North 928 feet, more or less, from the South quarter corner of said Section 5);

38. thence east along the south line of said "Gale Oldham" tract, a distance of 623 feet, more or less to an angle point therein (Survey No. 19,443, cites "N.  $89^{\circ}12'32''$  E. 623.10");
39. thence south along said south line of "Gale Oldham" tract, a distance of 10 feet, more or less to an angle point therein (Survey No. 19,443, cites "S.  $0^{\circ}47'50''$  W. 10.00");
40. thence continuing east along said south line of "Gale Oldham" tract, a distance of 401 feet, more or less to the centerline of S.W. Sunrise Lane (40-foot wide) (Survey No. 19,443, cites "N.  $88^{\circ}41'05''$  E. 400.94");
41. thence northerly along said centerline, a distance of 302 feet, more or less to a westerly extension of that line which is 100-foot south of and parallel with the south line of that tract of land "Parcel I", as depicted on Survey No. 19,443 (dated April 1981), Washington County Survey Records (said westerly extension intersects with said centerline at a point which bears East 1,141 feet, more or less, and North 1,177 feet, more or less, from the South quarter corner of said Section 5);
42. thence east along said line which is 100-foot south of and parallel with the south line of said "Parcel I" and along an easterly extension thereof, a distance of 1,510 feet, more or less to a point on the west line of said Section 4, T. 2 S., R. 1 W., W.M., being the west line of Bonneville Power Administration right-of-way (100-foot wide), said point bears South a distance of 1,468 feet, more or less from the West quarter corner of said Section 4;
43. thence north along said west line of Section 4, a distance of 1,468 feet, more or less to the West quarter corner of said Section 4;

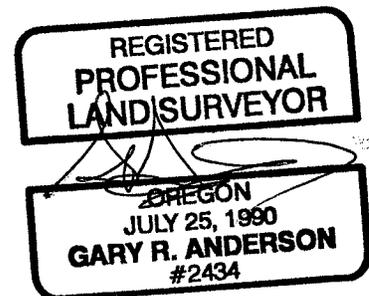
44. thence east along the north line of the Southwest quarter and the north line of the Southeast quarter of said Section 4, a distance of 3,950 feet, more or less to the East 1/16th line of said Section 4;
45. thence north along said East 1/16th line of said Section 4, a distance of 2,697 feet, more or less to the south line of said Section 33, T. 1 S., R. 1 W., W.M., also being the southwest corner of "Village at Summer Lake Park No. 5", a duly recorded plat;
46. thence northerly along the meandering west line of said "Village at Summer Lake Park No. 5" and the meandering west line of said "Village at Summer Lake Park No. 2", a duly recorded plat, and a northerly extension thereof, a distance of 1,329 feet, more or less to the westerly extension of the most westerly north line of that tract of land depicted as "City of Tigard Park" on Survey No. 23,324 (dated May 1989), Washington County Survey Records (said westerly extension intersects with said northerly extension at a point which bears West 1,342 feet, more or less, and South 1,431 feet, more or less, from the East quarter corner of said Section 33);
47. thence east along said westerly extension and the north line of "City of Tigard Park", a distance of 431 feet, more or less to an angle point therein (Survey No. 23,324, cites "S. 89°56'59" E. 431.04");
48. thence north along said north line of "City of Tigard Park", a distance of 220 feet, more or less to an angle point therein, also being the south line of "Amart Summer Lake", a duly recorded plat (Survey No. 19,443, cites "N. 0°55'40" W. 219.59");
49. thence southeasterly along said south line of "Amart Summer Lake", a distance of 135 feet, more or less to an angle point therein;
50. thence northeasterly along said south line of "Amart Summer Lake", a distance of 531 feet, more or less to an angle point therein;
51. thence southeasterly along said south line of "Amart Summer Lake", a distance of 279 feet, more or less to an angle point therein;

52. thence southeasterly along said south line of "Amart Summer Lake", a distance of 315 feet, more or less to the west line of "Summer Hills Park", a duly recorded plat;
53. thence south along said west line of "Summer Hills Park" and along the west line of "Capstone", a duly recorded plat, a distance of 689 feet, more or less to the southwest corner of said "Capstone";
54. thence east along the south line of said "Capstone" and along the south line of "Merestone", a duly recorded plat, a distance of 1,326 feet, more or less to the centerline of S.W. 121st Avenue (County Road No. 1992);
55. thence north along said centerline of S.W. 121st Avenue, a distance of 1,309 feet, more or less to a line which is 15-feet south of and parallel with the centerline of S.W. North Dakota Street (County Road No. 1992);
56. thence east along said line being 15-feet south of and parallel with the centerline of S.W. North Dakota Street, a distance of 1,318 feet, more or less to the centerline of S.W. 115th Avenue;
57. thence north along said centerline of S.W. 115th Avenue, a distance of 643 feet, more or less to the Center of said Section 34, also being the south line of "Englewood No. 3", a duly recorded plat;
58. thence east along said south line of "Englewood No. 3", a distance of 924 feet, more or less to the southeast corner thereof;
59. thence north along the east line of said "Englewood No. 3", a distance of 1,021 feet, more or less to the south line of Englewood", a duly recorded plat;
60. thence east along said south line of "Englewood", a distance of 934 feet, more or less to the southeast corner thereof;

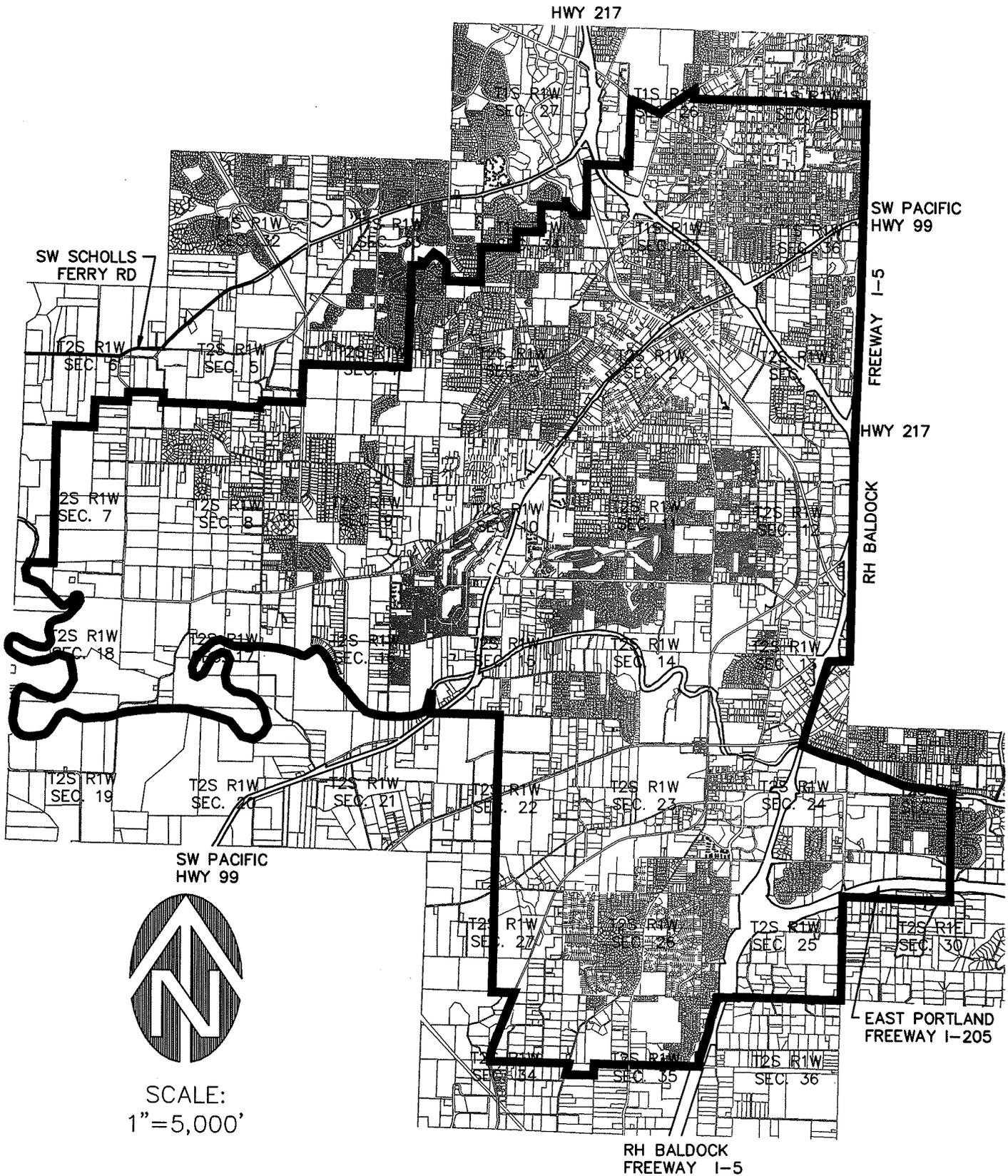
61. thence north along the east line of said "Englewood", a distance of 362 feet, more or less to the most northerly corner of Tract A, "Black Bull Park", a duly recorded plat;
62. thence southeasterly along the northeasterly line of said "Black Bull Park", a distance of 171 feet, more or less to an angle point therein;
63. thence southeasterly along the northeasterly line of said "Black Bull Park", a distance of 109 feet, more or less to an angle point therein;
64. thence southeasterly along the northeasterly line of said "Black Bull Park", a distance of 29 feet, more or less to an angle point therein;
65. thence southeasterly along the northeasterly line of said "Black Bull Park", a distance of 329 feet, more or less to an angle point therein;
66. thence south along the northeasterly line of said "Black Bull Park", a distance of 146 feet, more or less to an angle point therein;
67. thence southeasterly along the northeasterly line of said "Black Bull Park", a distance of 43 feet, more or less to the east line of said "Black Bull Park";
68. thence south along the east line of said "Black Bull Park", a distance of 10 feet, more or less to the northwest corner of Tract A, "Windsor Place", a duly recorded plat;
69. thence east along the north line of said "Windsor Place", a distance of 468 feet, more or less to the west line of said Section 35, T. 1 S., R. 1 W., W.M.;
70. thence north along said west line of Section 35, a distance of 1,931 feet, more or less to the Southwest corner of said Section 26 T. 1 S., R. 1 W., W.M.;
71. thence east along the south line of said Section 26, a distance of 1,630 feet, more or less to the Southeast corner of that 3.73 Acre tract of land "A", as depicted on Survey No. 5,324 (undated), Washington

County Survey Records (said Southeast corner, of that 3.73 Acre tract of land "A", is cited as bearing "S. 89°33' E. 17.8 feet; S. 89°51' E. 896.8 feet; and S. 01°00' E. 358.4 feet" from the northwest corner of David C. Graham DLC);

72. thence north along the East line of said tract of land "A" and a northerly extension thereof, a distance of 2,540 feet, more or less to the centerline of S.W. Hall Boulevard (County Road No. 1165);
73. thence southeasterly along said centerline of S.W. Hall Boulevard, a distance of 1,173 feet, more or less to the southwesterly extension of the centerline of S.W. Oleson Road (County Road No. 2056);
74. thence northeasterly along said southwesterly extension and along the centerline of S.W. Oleson Road, a distance of 1,604 feet, more or less to the northerly extension of the west line of "Glenn Oaks", a duly recorded plat;
75. thence south along the west line of said "Glenn Oaks", a distance of 320 feet, more or less to the southwest corner of said "Glenn Oaks", also being the south line of the Northeast quarter of said Section 26;
76. thence east along said south line of the Northeast quarter of Section 26, a distance of 1,302 feet, more or less to the West quarter corner said Section 25, T. 1 S., R. 1 W., W.M., also being the centerline of S.W. Taylor's Ferry Road (County Road No. 1430);
77. thence east along the east-west centerline of said Section 25, a distance of 5,280 feet, more or less to the point of beginning, being the East quarter corner of said Section 25.



Remnd 12/31/11



**EXHIBIT MAP**  
**TIGARD-TUALATIN**  
**AQUATIC DISTRICT**  
 WASHINGTON COUNTY &  
 CLACKAMAS COUNTY, OREGON

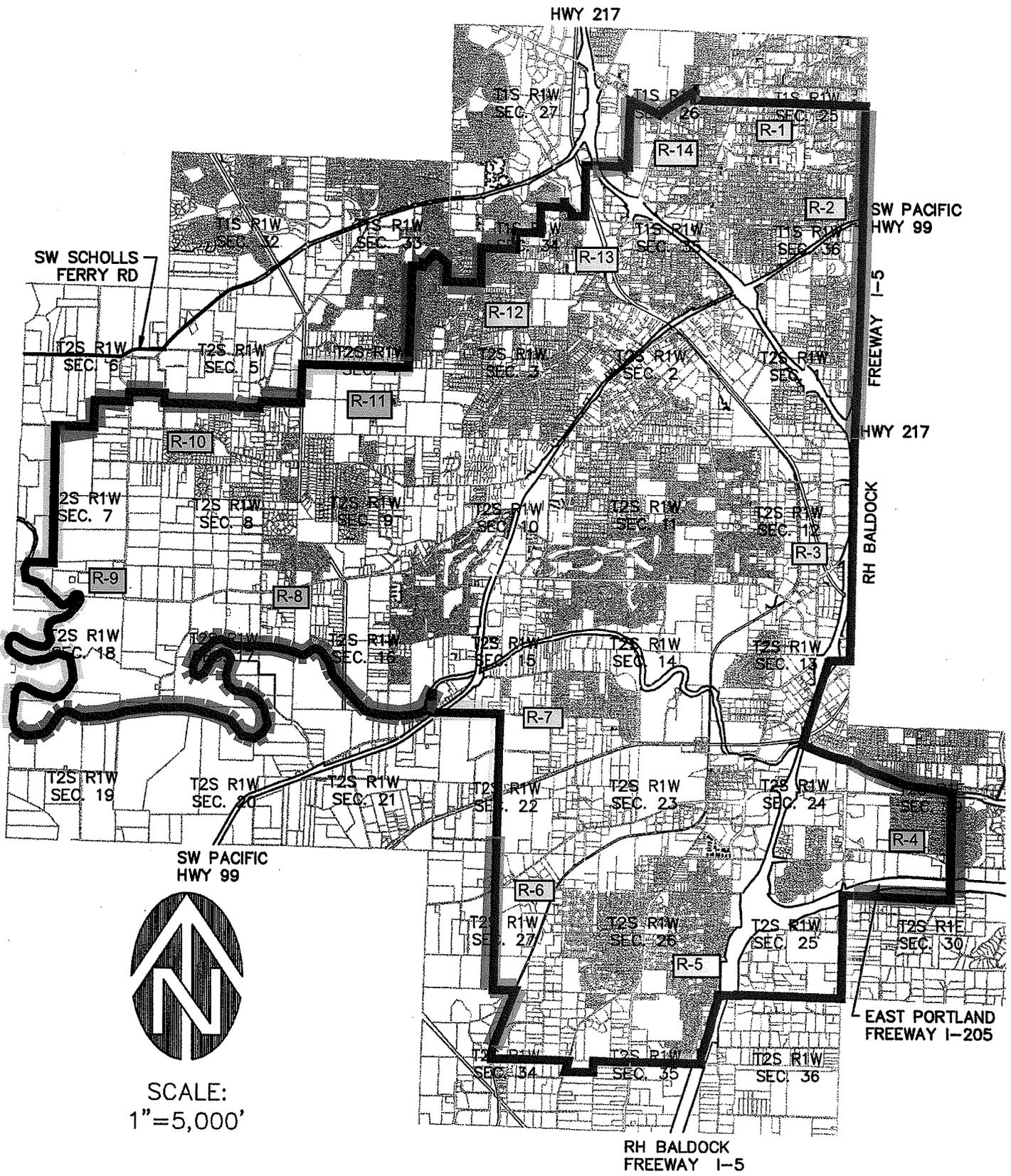
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REVISIONS	
JOB NO.	1384-11

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**EXHIBIT MAP**  
**TIGARD-TUALATIN**  
**AQUATIC DISTRICT**  
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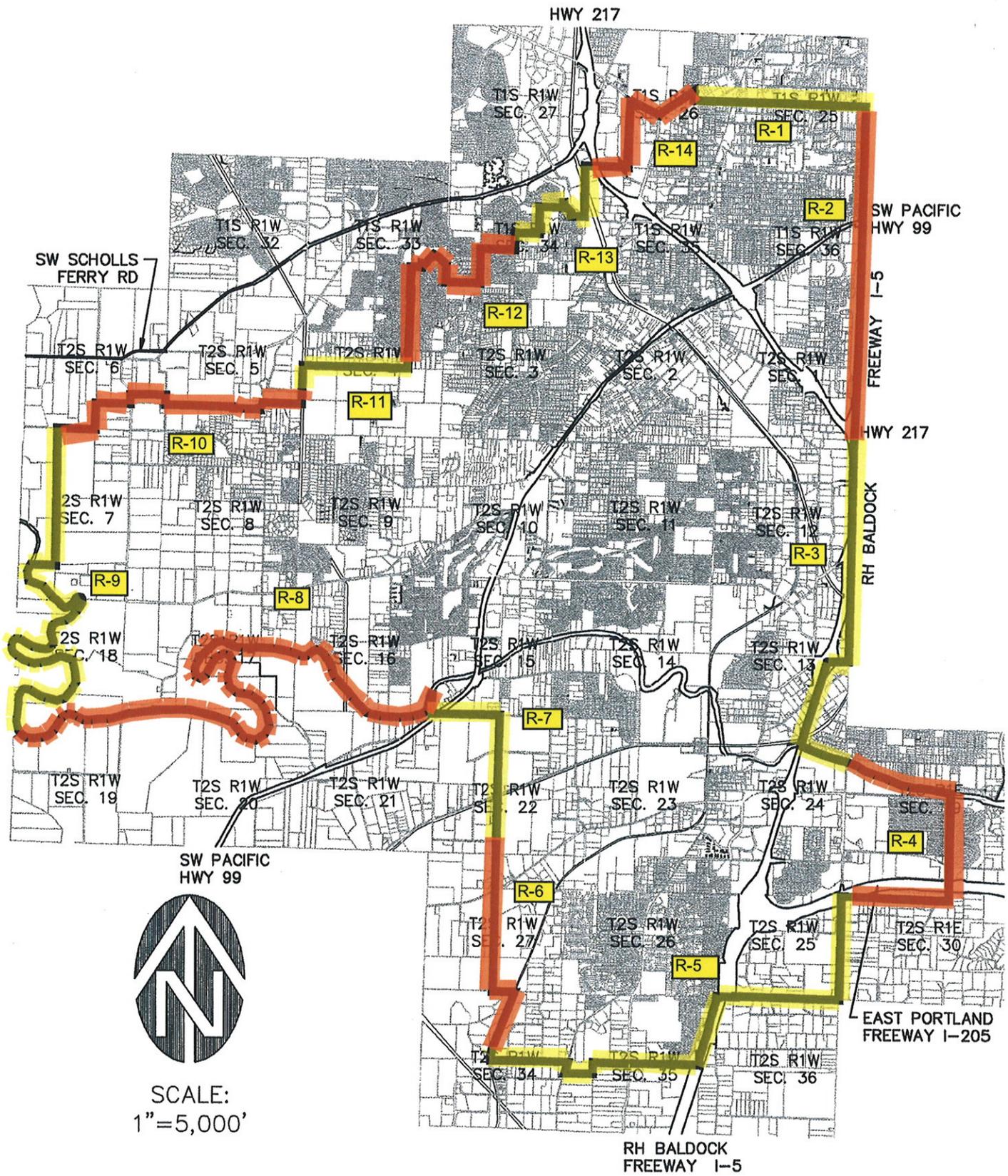
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**EXHIBIT MAP**  
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