Final Documents

for

Annexation to

Tigard

WA2308

Ordinance: 2008-11

Annexation: ZCA2008-00004

DOR: 34-1920-2008

Secretary of State: AN 2008-0179

Office of the Secretary of State

BILL BRADBURY
Secretary of State

Archives Division
MARY BETH HERKERT
Director

800 Summer St. NE
Salem, Oregon 97310
(503) 373-0701

Facsimile (503) 373-0953

September 30, 2008

Metro
Linda Martin
600 NE Grand Ave
Portland, Oregon 97232-2736

Dear Ms. Martin:

Please be advised that we have received and filed, as of September 30, 2008, the following records annexing territory to the following:

Ordinance/Resolution Number(s)		Our File Number
O 08-05	(Tigard Water District-Withdrawal)	SD 2008-0144
2008-11	(Tigard)	AN 2008-0179
1984	(Milwaukie)	AN 2008-0180
08-31	(West Linn)	AN 2008-0181

For your records please verify the effective date through the application of ORS 199.519.

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

Sincerely,

Linda Bjornstad
Official Public Documents

cc: County Clerk(s)
Department of Revenue
ODOT
Population Research Center

DOR 34-1920-2008

Notice to Taxing Districts

ORS 308.225

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

City of Tigard
Assistant Planner
13125 SW Hall Blvd
Tigard, OR 97223

Description and Map Approved
September 5, 2008
As Per ORS 308.225

☒ Description ☒ Map received from: CITY PLANNING
On: 8/21/2008

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

ANNEX TO CITY OF TIGARD; WITHDRAW FROM SEVERAL DISTRICTS

ORD. #2008-11/ZCA2008-004

has been: ☒ Approved 9/5/2008
☐ Disapproved

Notes:

Department of Revenue File Number: 34-1920-2008

Prepared by: Rick Sandoval 503-945-8230

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

September 10, 2008

Linda Martin
METRO - Data Resource Center
Boundary Change Office
600 NE Grand Avenue
Portland, OR 97232-2736

Dear Ms Martin:

The following information is enclosed with this letter in regard to property recently annexed into the City of Tigard:

City File No./Name: **ZCA2008-00004/Brentwood Homes Annexation**

- Certified True Copy of Original City of Tigard Ordinance No. 2008-11.
- Assessor's Map of the Subject Properties.
- Notice to Taxing Districts from the Department of Revenue (DOR 34-1920-2008).
- Metro Mapping Fee in the amount of $300.00 based on 5.1 to 40.0 acres. This annexation is for 7.58 acres.

MAP & TAX LOT	SITE ADDRESS			OWNER'S NAME	OWNER'S ADDRESS IF DIFFERENT THAN SITE ADDRESS
2S108AB, 01200	(none)	SW	Bull Mountain Rd.	Sun Ridge Builders, Inc. 14912 SW Summerview Drive Tigard, OR 97224	Sun Ridge Builders, Inc. dba Brentwood Homes Attn: John Noffz 15170 SW Finis Lane Tigard, OR 97224
2S108AB, 01201	(none)	SW	Bull Mountain Rd.	Sun Ridge Builders, Inc. 14912 SW Summerview Drive Tigard, OR 97224	Sun Ridge Builders, Inc. dba Brentwood Homes Attn: John Noffz 15170 SW Finis Lane Tigard, OR 97224
2S108BA, 04800	15605	SW	Roshak Rd.	Clarence J. and Barbara K. Zickuhr 15605 SW Roshak Rd. Tigard, OR 97224	

If you have any questions or need further information, please call me or Gary Pagenstecher at 503.639-4171.

Patty Lunsford
Planning Assistant

Enclosures

c: ZCA2008-00004 Land use file

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 2008- 11

AN ORDINANCE ANNEXING 7.58 ACRES OF LAND, INCLUDING THREE (3) PARCELS AND RIGHT-OF-WAY, APPROVING THE BRENTWOOD HOMES ANNEXATION (ZCA2008-00004) AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT AND WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT.

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

WHEREAS, the City of Tigard is authorized by ORS 222.111(2) to annex contiguous territory upon the City's own motion;

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

WHEREAS, the Tigard City Council held a public hearing on August 12, 2008, to consider the annexation of three (3) parcels (Washington County Tax Map (WCTM) 2S108AB, Tax Lots 1200 and 1201; and WCTM 2S108BA, Tax Lot 4800) of land located on SW Bull Mountain and Roshak Roads and adjoining right-of-way, and withdrawal of said parcels from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District; and

WHEREAS, pursuant to ORS 222.520(2) the City is liable to the Tigard Water District for certain debt obligations, however, in this instance the Tigard Water District has no debt for the City to assume, therefore, no option regarding the assumption of debt needs to be made; 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 withdrawal of the annexed parcel from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District on August 12, 2008; and

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

WHEREAS, the Tigard Development Code states that upon annexation, the zone is automatically changed to the City zoning most closely conforming to the County zoning; 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 and right-of-way as described and shown in the attached **Exhibits "A"** and **"B"**, and withdraws said parcel from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District.

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

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

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

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

SECTION 6: Pursuant to ORS 222.465, the effective date of the withdrawal of this property from the Tigard Water District shall be July 1, 2009.

SECTION 7: 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 12th day of August, 2008.

Catherine Wheatley

Cathy Wheatley, City Recorder

APPROVED: By Tigard City Council this 12th day of August, 2008.

Craig Dirksen, Mayor

Approved as to form:

City Attorney

8.12.08
Date

CITY OF TIGARD MUNICIPAL CORPORATION SEAL STATE OF OREGON

Certified to be a True Copy of
Original on File

By: Carol A Krager
Deputy Recorder - City of Tigard

Date: Aug 13 2008

2S108AB, Tax Lots 1200 & 1201
(Including Right-of-Way)

EXHIBIT A

Legal description of Annexation to the City of Tigard

A parcel of land located in part of the Northeast one-quarter of Section 8 Township 2 South, Range 1 West, Willamette Meridian, in Washington County, Oregon, more particularly described as follows:

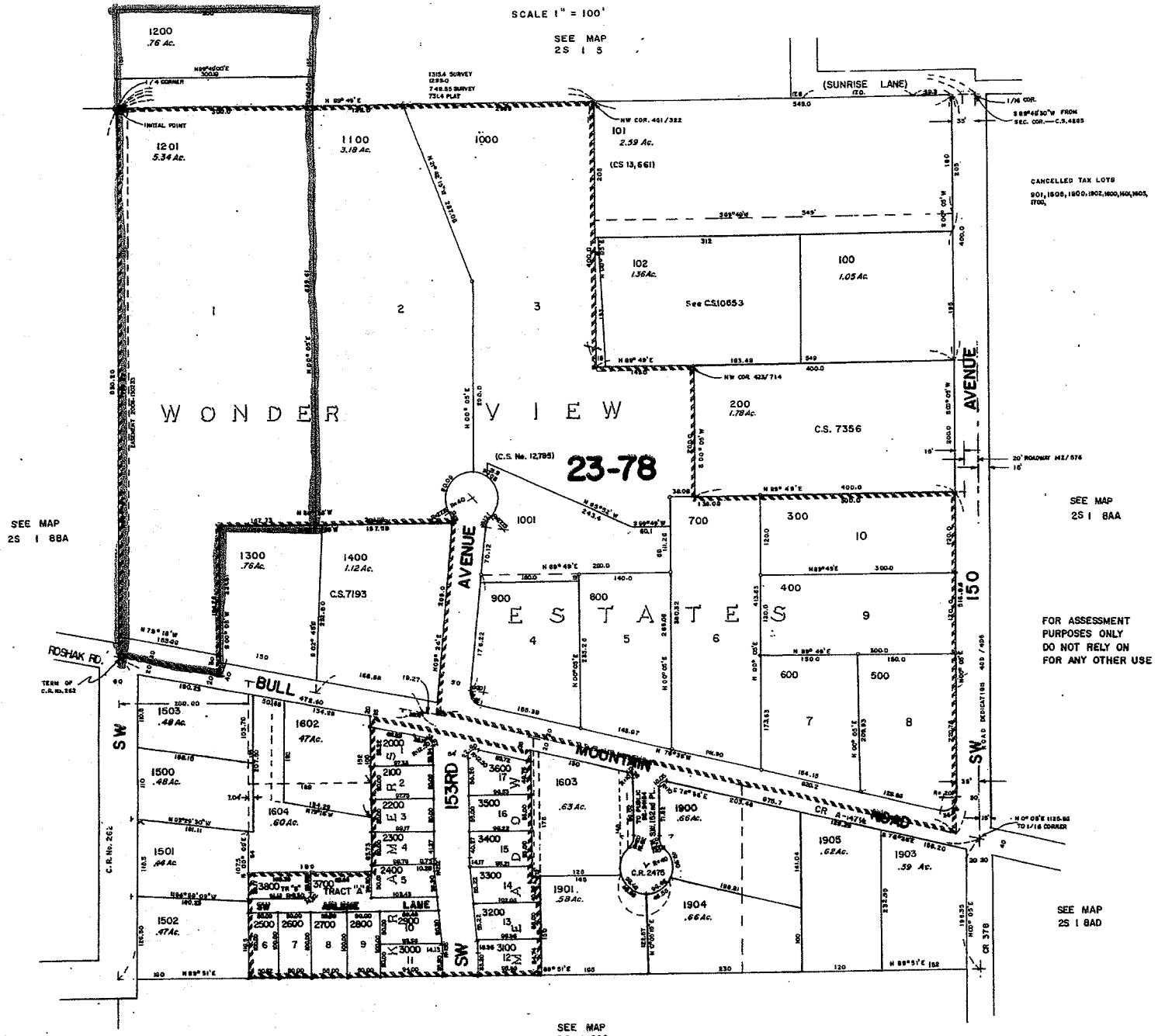
Commencing at the 3-1/4" aluminum disc, being the North ¼ corner of Section 8 said point being the Point of Beginning: thence N 00° 23' 24" E a distance of 155.12 feet along the East line of Tract "D" of Stanhurst, a subdivision plat recorded in Washington County plat records; thence N 89° 49' 35" E a distance of 300.06 feet; thence S 00° 19' 30" W a distance of 155.07 feet to the Northwest corner of Lot 2 Wonder View Estates, a subdivision plat recorded in Washington County subdivision records; thence S 00° 04' 53" E a distance of 635.13 feet along the west line of said Lot 2 to a point on the north line of that tract of land described in Document No. 2004-003518, of the Washington County deed records; thence N 89° 36' 18" W a distance of 147.71 feet along said north line; thence S 00° 23' 50" W a distance of 225.99 feet to the center line of SW Bull Mountain Road; thence N 79° 16' 44" W a distance of 156.43 feet along thecenter line of SW Bull Mountain Road to the intersection of the center line of SW Bull Mountain Road with the extension east line of Stanhurst; thence N 00° 07' 38" E a distance of 830.04 feet along the east line of Stanhurst to the Point of Beginning.

Containing 6.21 Acres

NW1/4 NE1/4 SECTION 8 T2S R1W W.M.

WASHINGTON COUNTY OREGON

SCALE 1" = 100'



2S108BA, Tax Lot 4800
(Including Right-of-Way)

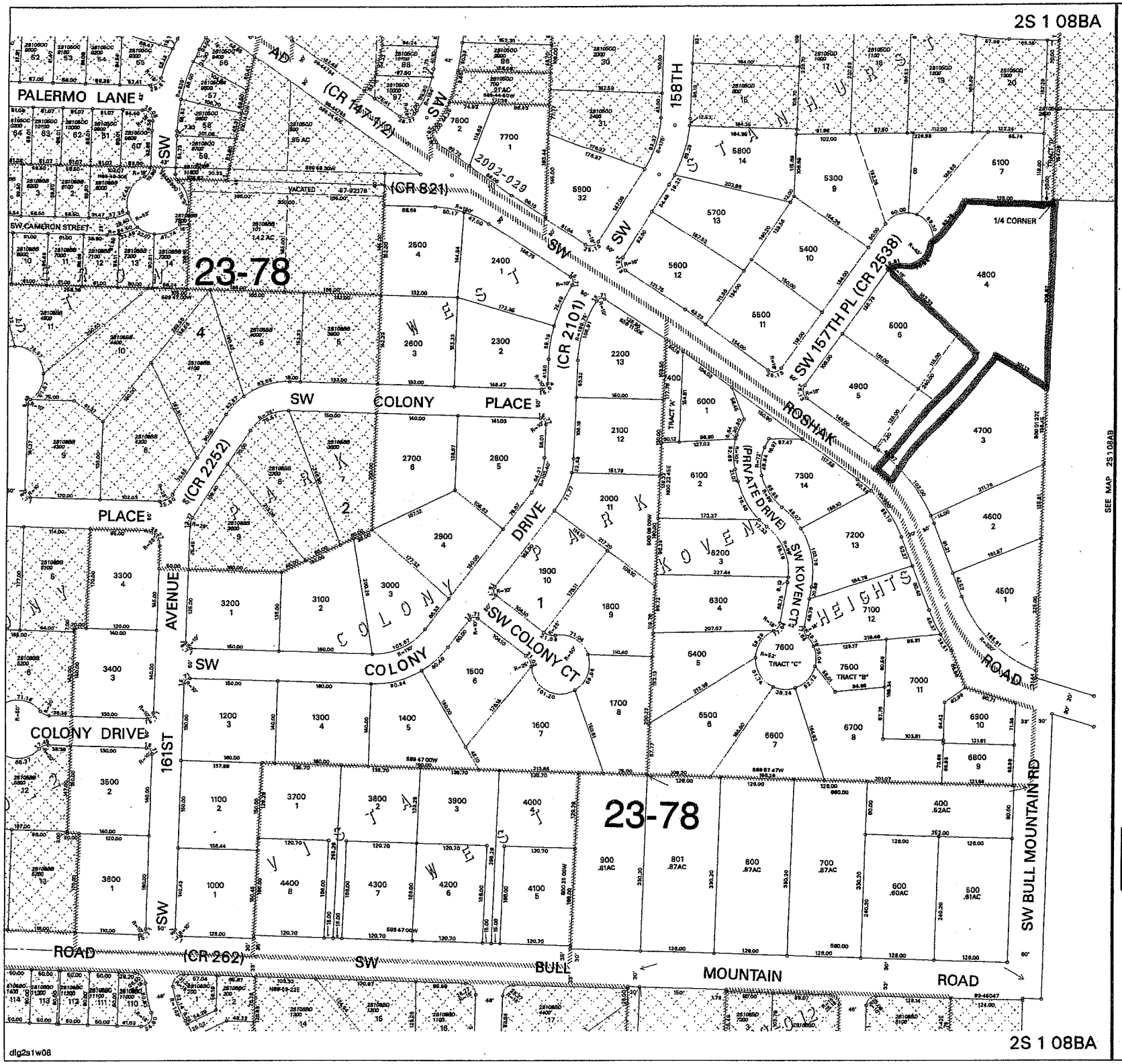
EXHIBIT B

ANNEXATION DESCRIPTION

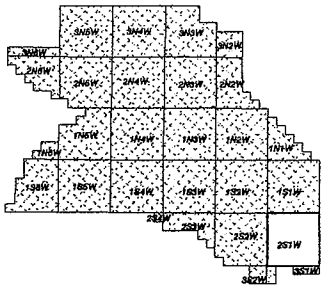
The following described property located in the northwest one-quarter of Section 8 Township 2 South, Range 1 West, of the Willamette Meridian, Washington County, Oregon being more particularly described as follows:

Beginning at the North one-quarter corner of Section 8 Township 2 South, Range 1 West, of the Willamette Meridian also being the northeast corner of Lot 4 Stanhurst as recorded in book 55 Page 27 of the Washington County Subdivision Records; Thence S 00° 01' 37" E, along the east line of said Lot 4, a distance of 308.82 feet to the easterly southeast corner of Lot 4; thence N 61° 01' 43" W, a long the north line of lot 3, a distance of 101.13 feet to the northwest corner of said Lot 3; thence S 39° 32' 55" W, along the west line of said Lot 3 and its extension, a distance of 284.61 feet to the center line of SW Roshak Road and a point on a non-tangent curve to the left; thence along said center line and curve to the left with a radius of 250.00 feet, a central angle of 5° 43' 57" (a chord which bears N 49° 12' 31" W, 25.00 feet) and a length of 25.01 feet; thence N 39° 32' 55" Ea distance of 265.51 feet to a point S 48° 26'34" E a distance of 48.39 feet from the northeast corner of Lot 6 Stanhurst; thence N 48° 26' 34" W a distance of 48.39 feet to the northeast corner of Lot 6 Stanhurst; thence N 48° 26' 34" W, along the north line of said Lot 6, a distance of 162.33 feet to the northwest corner of said lot 6 and a point of curve of a non tangent curve to the right; thence along said curve to the right with a radius of 16.00 feet, a central angle of 69° 51' 48" (a chord which bears N 69° 09' 09" E, 18.32 feet) and a length of 19.51 feet to a point of reversing curve to the left; thence along said curve to the left with a radius of 45.00 feet, a central angle of 97° 58' 10" (a chord which bears N 55° 05' 58" E, 67.91 feet) and a length of 76.94 feet to the most northerly southwest corner Lot 4 Stanhurst; thence N 39° 13' 24" Ea distance of 93.78 feet; thence N 89° 49' 39" E a distance of 145.00 feet to the point of beginning.

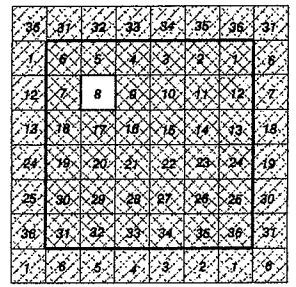
Containing 59750 Square Feet; 1.37 Acres.



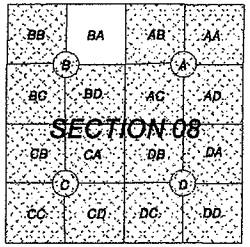
2S 1 08BA



WASHINGTON COUNTY OREGON
NE1/4 NW1/4 SECTION 08 T2S R1W W.M.
SCALE 1" = 100'



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us



Cancelled Taxlots For: 2S108BA
901,100,200,5200,5101,4901,300,101,

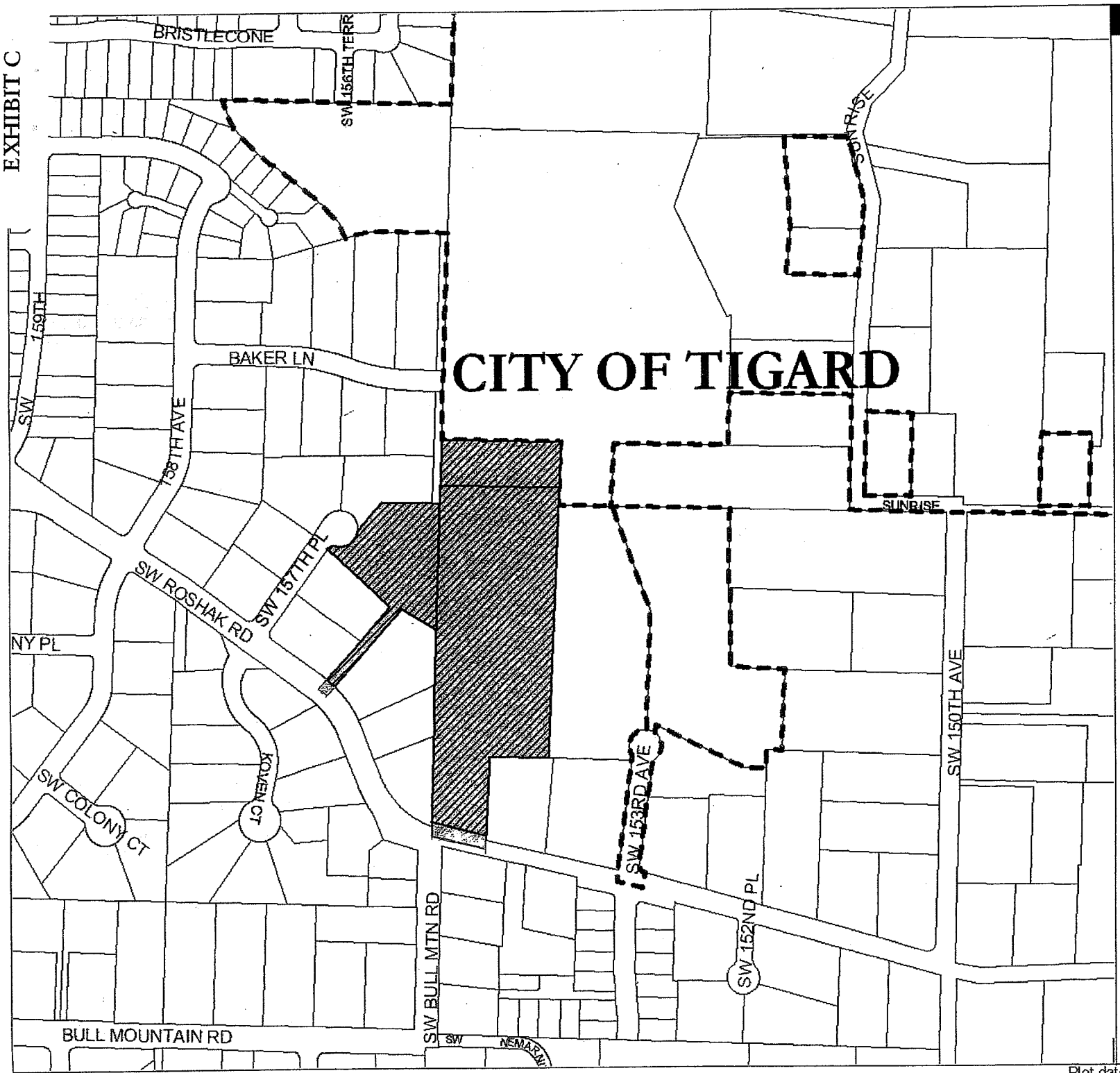
Assessment
CARTOGRAPHY
Taxation

PLOT DATE: December 30, 2002
FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE

Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

2S 1 08BA

EXHIBIT C



CITY of TIGARD

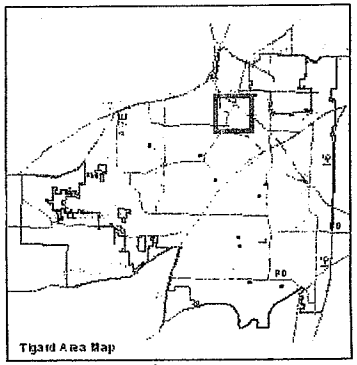
GEOGRAPHIC INFORMATION SYSTEM

VICINITY MAP

ZCA2008-00004

BRENTWOOD HOMES ANNEXATION

SUBJECT SITE



N

0 90 180 270 360 450 Feet

1"= 337 feet

TIGARD

Information on this map is for general location only and should be verified with the Development Services Division.

13125 SW Hall Blvd
Tigard, OR 97223
(503)639-4171
http://www.ci.tigard.or.us

Community Development

Plot date: Jul 25, 2008, C:\magic\MAGIC03.APR

TO THE COUNCIL OF THE CITY OF TIGARD, OREGON:

We, the undersigned owner(s) of the property described below and/or elector(s) residing at the referenced location(s), hereby petition for, and give consent to, Annexation of said property to the City of Tigard. We understand that the City will review this request in accordance with ORS Chapter 222 and applicable regional and local policies prior to approving or denying the request for Annexation.

LEGEND:
PO - Property Owner
RV - Registered Voter
OV - Property Owner & Registered Voter

	SIGNATURE	PRINTED NAME	I AM A PO	I AM A RV	I AM A OV	ADDRESS	PROPERTY DESCRIPTION Township/ Section	Map Number	Tax Lot Number	Precinct Number	DATE
X		JOHN NOFFZ, PRESIDENT	✓			no site address	2S1	08AB	1200	410	5-22-08
X		SUNRIDGE BUILDERS, INC. ✓ dba Brentwood Homes				no site address	2S1	08AB	1201	410	5-22-08

EXHIBIT D

TO THE COUNCIL OF THE CITY OF TIGARD, OREGON:

We, the undersigned owner(s) of the property described below and/or elector(s) residing at the referenced location(s), hereby petition for, ar give consent to, Annexation of said property to the City of Tigard. We understand that the City will review this request in accordance with ORS Chapter 222 and applicable regional and local policies prior to approving or denying the request for Annexation.

RECEIVED
JUN 20 2008
CITY OF TIGARD
PLANNING/ENGINEERING

LEGEND:
PO - Property Owner
RV - Registered Voter
OV - Property Owner & Registered Voter

SIGNATURE	PRINTED NAME	I AM A			ADDRESS	PROPERTY DESCRIPTION				DA
		PO	RV	OV		Township/ Section	Map Number	Tax Lot Number	Precinct Number	
	Clarence Zickuhr			✓	15605 SW Roshak Rd,		2S108BA	04800		6/19
	Barbara Zickuhr			✓	15605 SW Roshak Rd.		2S108BA	04800		6/19

Hearing Date: August 12, 2008 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: BRENTWOOD HOMES ANNEXATION

CASE NO: Zone Change Annexation (ZCA) ZCA2008-00004

APPLICANTS/ OWNERS:
Sun Ridge Builders, Inc.
DBA: Brentwood Homes
Attn: John Noffz
15170 SW Finis Lane
Tigard, OR 97224

APPLICANT'S REP:
LanPacific, Inc.
Scott Emmens & Rene Nelson
5125 SW Macadam, Suite 140
Portland, OR 97239

OWNERS (Joined Annexation):
Clarence J. and Barbara K. Zickuhr
15605 SW Roshak Road
Tigard, OR 97224

PROPOSAL:
Annexation of three (3) parcels totaling 7.45 acres plus 0.13 acres of right-of-way (ROW) to the City of Tigard. The initial applicant and owner is Sun Ridge Builders, the sole owner of Tax Lots 1200 and 1201. Sun Ridge Builders plans to develop its 6.1-acre property into a 16-lot subdivision called Brentwood Estates. The property received land use approval from Washington County (WaCo) on November 6, 2007 (WaCo Casefile 07-314-S/DR). The subject property is required to be annexed to receive public utility services. The connection for public utilities will be from within the Cach Creek property, which is within the City and owned by the City. The City invited the owners of nine neighboring properties to join the annexation and the owners of one 1.35-acre property (15605 SW Roshak Road) accepted. The property owners of the three subject parcels have consented to the annexation.

LOCATION:
SW Bull Mountain Road just before SW Roshak Road (Washington County Tax Map (WCTM) 2S108AB, Tax Lots 1200 and 1201); and 15605 SW Roshak Road (WCTM 2S108BA, Tax lot 4800).

CURRENT ZONE:
R-6 District (Residential 6 Units Per Acre). The purpose of the Washington County 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 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. The average lot area for single family detached dwellings within a proposed development shall be no less than 4,500 square feet and the minimum lot area shall be 4,000 square feet. The minimum lot area for single family attached units shall be 3,500 square feet.

EQUIVALENT CITY ZONE: R-7: Medium-Density Residential District. The City of Tigard 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: 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 (Updated Version); Goal 11.1, Policy 4 (Updated Version); Goal 11.3, Policy 6 (Updated Version) and Policy 10.1 (Non-updated Version).

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Council find that the proposed annexation (ZCA2008-00004) 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 (Updated Version); Goal 11.1, Policy 4 (Updated Version); Goal 11.3, Policy 6 (Updated Version) and Policy 10.1 (Non-updated Version). Therefore, staff recommends APPROVAL of ZCA2008-00004 by adoption of the attached ordinance.

SECTION III. BACKGROUND INFORMATION

The proposed annexation includes three (3) parcels and adjoining right-of-way on SW Bull Mountain and Roshak Roads. The parcels are located in the Bull Mountain area, contiguous to the previous Cach Creek Area Annexation (ZCA2006-00002). The SunRidge parcels are contiguous to the City along the north and east boundaries of Tax Lot 1200 and a portion of the east boundary of Tax Lot 1201. The Zickuhr property (Tax Lot 4800) is contiguous to the west boundary of Tax Lot 1201.

Tax Lot 1200 is heavily treed and contains sensitive land areas including steep slopes (over 25% grade) and significant habitat. Tax Lot 1201 is gently sloped with sparse trees. Both parcels are vacant. Tax Lot 4800 contains a single-family dwelling built in 1961 with mature landscaping and significant habitat areas overlaying the northern portion of the property.

The total area proposed for annexation is 7.58 acres. The parcels are 7.45 acres and the proposed right-of-way is approximately 0.13 acre.

The City invited all adjacent property owners to join the annexation and received one petition from Clarence and Barbara Zickuhr, the owners of an adjacent property with access from SW Roshak Road; all owners of the subject parcels that have petitioned for annexation have consented to the annexation.

Clarence and Barbara Zickuhr are the only registered voters within the proposed annexation area and both have signed the petition to annex. Therefore, 100% of property owners and 100% of the registered voters have petitioned for annexation.

SECTION IV. APPLICABLE REVIEW CRITERIA, FINDINGS AND CONCLUSIONS

State: ORS Chapter 222
Regional: Metro Code Chapter 3.09
City: Community Development Code Chapters 18.320 and 18.390, and the following Comprehensive Plan Goals and Policies: Goal 1.1 (Updated Version); Goal 11.1, Policy 4 (Updated Version); Goal 11.3, Policy 6 (Updated Version) and Policy 10.1 (Non-updated Version).

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 Urbanization Chapter (Non-updated) (Policy 10.1.1) defines services as water, sewer, drainage, streets, police, and fire protection. Each service is addressed below.

Policy 10.1.1 further defines capacity as "adequate capacity, or such services to be made available," to serve the proposed area "if developed to the most intense use allowed," and "will not significantly reduce the level of services available to developed and undeveloped land in the City of Tigard."

Upon annexation, the subject property will be zoned R-7, a Medium-Density Residential zone, with a minimum lot size of 5,000 square feet. The subject properties total 7.45 acres. The Brentwood Estates WACO approval included 26 single-family and duplex units. Tax Lot 4800, based on the 1.35-acre size of the property, could have an estimated maximum of 9 units. Steep slopes on the parcel could reduce the maximum density on this parcel. Based on the available information, staff estimates a maximum density of 35 units on the subject property.

When these sites develop, the applicant will be required to connect to public service facilities. The land-use review process will identify specific service provisions and require additional facilities or upgrades as appropriate, as well as consider the sensitive lands present.

Water – City of Tigard. Tigard Water District is the current service provider for the subject properties. Upon annexation, City of Tigard will be the provider of water. Water is available to serve the subject property. According to the July 24, 2008 letter to Sun Ridge Builders, Inc, from City Engineer Agustus Duenas, the water system does have the overall infrastructure and adequate capacity to serve the properties to be annexed at the most intense use allowed without significantly reducing the level of service available to developed and undeveloped land within Tigard.

Sewer – Clean Water Services/City of Tigard. Clean Water Services (CWS) is the service provider of sewer service. The existing single-family home on Tax Lot 4800 is on a septic system. The owners do not have immediate plans to develop the property with more dwelling units. If or when the parcel develops, the parcel will already be inside city limits and will be required to receive City sewer services. The Brentwood Homes subdivision approval shows connection to CWS sewer to the north in Baker Lane. The owner and the City are in negotiation for an alignment through City property for this connection. Upon annexation, the City of Tigard will be the provider of sewer service. According to the July 24, 2008 letter to Sun Ridge Builders, Inc, from City Engineer Agustus Duenas, the City is capable of providing retail level sewer service without significant reduction in the level of services provided to developed and underdeveloped properties in the City.

Drainage – Clean Water Services/City of Tigard. Clean Water Services is the current provider of stormwater service. Upon annexation, the City of Tigard will be the provider of stormwater service. A single-family home exists on Tax Lot 4800 and the owners do not have immediate plans to develop the property with more dwelling units. If or when the parcel develops, the parcel will already be inside city limits and will be required to receive City stormwater services. The Brentwood Homes subdivision approval shows connection to City stormwater services to the north in the Cach Creek area. The owner and the City are in negotiation for an alignment and outfall on City property for this connection. According to the July 24, 2008 letter to Sun Ridge Builders, Inc, from City Engineer Agustus Duenas, the City has the capacity to provide retail level storm sewer service without significant reduction in the level of services provided to developed and underdeveloped properties in the City.

Streets – City of Tigard Capital Construction & Transportation Division. The subject properties are located north of SW Bull Mountain and Roshak Roads. The Brentwood Homes subdivision approval through Washington County includes a local public street that will stub to the east property boundary. The developer will be required to construct the street improvements according to the approved plan. According to the July 24, 2008 letter to Sun Ridge Builders, Inc, from City Engineer Agustus Duenas, the City has determined that it can provide street-related services to this site and doing so will not significantly reduce the level of services to developed and underdeveloped properties in the City.

Police – City of Tigard Police Department. The City of Tigard Police Department was notified of the proposed annexation and suggested that a monument marker be placed on Bull Mountain Road to identify house numbers located on the private access drive to Tax Lot 4800. The Tigard Police Department has determined that it has adequate services to serve the most intense use allowed and that providing services will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard.

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 the entire Bull Mountain area, both inside and outside of the City of Tigard. 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 to developed and undeveloped land within the City of Tigard. TVF&R's new fire station, Station No. 50, located within approximately 1.5 miles of the subject property at SW 124th Avenue and Walnut Street, is due to open in December 2008.

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 to the proposed annexation territory if developed to the most intense use allowed and will not significantly reduce the level of services available to developed and undeveloped land in the City of Tigard.

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

The following Comprehensive Plan goals and policies apply to the proposed annexation: Goal 1.1 (Updated Version); Goal 11.1, Policy 4 (Updated Version); Goal 11.3, Policy 6 (Updated Version) and Policy 10.1 (Non-updated Version). Staff has determined that the proposal has satisfied the applicable Comprehensive Plan policies based on the following findings:

Goal 1.1 (Updated): 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 June 27, 2008: Tigard Library, Tigard City Hall, Tigard Permit Center, and at the subject property on SW 153rd Avenue. The City published notice of the hearing in *The Tigard Tualatin Sherwood Times* for two successive weeks (July 24, 2008 & July 31, 2008) prior to the August 12, 2008, public hearing. The City also mailed notice to all interested parties and surrounding property owners within 500 feet on July 21, 2008.

In addition, the City maintains a list of interested parties organized by geography. Notice was mailed to interested parties in the West area on July 21, 2008, including former members of Citizen Involvement Team West. Staff finds that this policy is met.

Goal 11.1 (Updated): 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.**

A single-family home exists on Tax Lot 4800 and the owners do not have immediate plans to develop the property with more dwelling units. If or when the parcel develops, the parcel will already be inside city limits and will be required to receive City stormwater services. The Brentwood Homes subdivision approval shows connection to City stormwater services to the north in the Cach Creek area. The owner and the City are in negotiation for an alignment and outfall on City property for this connection. The City has stipulated that the owner complete the annexation prior to any site work on City property. Therefore, this policy is met.

Goal 11.3 (Updated): 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.**

A single-family home exists on Tax Lot 4800 and the owners do not have immediate plans to develop the property with more dwelling units. If or when the parcel develops, the parcel will already be inside city limits and will be required to receive City sewer services. The Brentwood Homes subdivision approval shows connection to CWS sewer to the north in Baker Lane. However, since the sewer must cross through City property the sewer will become City sewer. The owner and the City are in negotiation for an alignment through City property for this connection. The City has stipulated that the owner complete the annexation prior to any site work on City property. Therefore, this policy is met.

Policy 10.1.1 (Non-updated): Urbanization. **Prior to the annexation of land to the City of Tigard,**

a) the City shall review each of the following services as to adequate capacity, or such services to be made available, to serve the parcel if developed to the most intense use allowed, and will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard: 1. Water; 2. Sewer; 3. Drainage; 4. Streets; 5. Police; and 6. Fire Protection.

As addressed under 18.320.020 above, all services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area.

b) If required by an adopted capital improvements program ordinance, the applicant shall sign and record with Washington County a nonremonstrance agreement regarding the following:

1. The formation of a local improvement district (L.I.D.) for any of the following services that could be provided through such a district. The extension or improvement of the following: a) Water, b) Sewer, c) Drainage, and d) Streets. 2. The formation of a special district for any of the above services or the inclusion of the property into a special service district for any of the above services.

This criterion does not apply. No capital improvements program requires a nonremonstrance agreement for this area. Some urban services are already available for the proposed annexation territory; others are available nearby and would require connections from the proposed annexation area if the properties are developed in the future.

c) The City shall provide urban services to areas within the Tigard Urban Planning Area or within the Urban Growth Boundary upon annexation.

The proposed territory is within the Tigard Urban Planning Area and within the City's Urban Growth Boundary. Upon annexation, urban services will be provided as outlined in the Washington County-Tigard Urban Planning Area Agreement, Tigard Urban Services Agreement and current City policies. Staff finds that this policy is met.

Policy 10.1.2 (Non-updated): Urbanization. Approval of proposed annexations of land by the City shall be based on findings with respect to the following: a) The annexation eliminates an existing "pocket" or "island" of unincorporated territory; or, b) The annexation will not create an irregular boundary that makes it difficult for the police in an emergency situation to determine whether the parcel is within or outside the City; c) The Police Department has commented upon the annexation; d) the land is located within the Tigard Area of Interest and is contiguous to the City boundary; e) The annexation can be accommodated by the services listed in 10.1.1(a).

a) The subject parcels are contiguous to the City and are located in unincorporated territory in the Tigard Urban Services Area and Tigard Area of Interest. The properties are only accessed from SW Bull Mountain and Roshak Roads which is typical of other properties located north of Bull Mountain Road to the east. Annexing the subject parcel and adjoining right-of-way would help to reduce a pocket of unincorporated territory located north of Bull Mountain and Roshak Roads and west of SW 153rd Avenue.

b) The proposed annexation will not create an irregular boundary that will make it difficult for the police to locate a parcel in an emergency situation. The Police Department identifies properties by address and the locations of the subject properties are clear.

c) The City of Tigard Police Department was notified of the proposed annexation and suggested that a monument marker be placed on Bull Mountain Road to identify house numbers located on the private access drive to Tax Lot 4800. A monument marker currently exists identifying the four dwellings which take access from the private drive.

d) The *UPAA (2006)* includes the proposed annexation territory within Tigard's Area of Interest. The proposed annexation territory is contiguous to the City.

e) Lastly, as the findings for Chapter 18.320.020, above, demonstrated, the annexation can be accommodated for the following services: water, sewer, drainage; streets; police; and fire protection.

Items a through e have been met. Therefore, staff finds that the proposed annexation meets Policy 10.1.2.

Policy 10.1.3 (Non-updated): Urbanization. Upon annexation of land into the City which carries a Washington County zoning designation, the City of Tigard shall assign the City of Tigard zoning district designation which most closely conforms to the county zoning designation.

Section 18.320.020.C of the Community Development Code provides specifics on this conversion. See Table 18.320.1 on the following page:

TABLE 320.1
CONVERSION TABLE FOR COUNTY AND CITY PLAN AND ZONING DESIGNATIONS

Washington County Land Use Districts/Plan Designation	City of Tigard Zoning	City of Tigard Plan Designation
R-5 Res. 5 units acre	R-4.5 SFR 7,500 sq. ft.	Low density 1-5 units/acre
R-6 Res. 6 units acre	R-7 SFR 5,000 sq. ft.	Med. density 6-12 units acre
R-9 Res. 9 units/acre	R-12 Multi-family 12 units acre	Med. density 6-12 units acre
R-12 Res. 12 units acre	R-12 Multi-family 12 units acre	Med. density 6-12 units acre
R-15 Res. 15 units/acre	R-25 Multi-family 25 units acre	Medium-High density 13-25 units acre
R-24 Res. 24 units acres	R-25 Multi-family 25 units acre	Medium-High density 13-25 units acre
Office Commercial	C-P Commercial Professional	CP Commercial Professional
NC Neighborhood Commercial	CN Neighborhood Commercial	CN Neighborhood Commercial
CBD Commercial Business District	CBD Commercial Business District	CBD Commercial Business District
GC General Commercial	CG General Commercial	CG General Commercial
IND Industrial	I-L Light Industrial	Light Industrial

The subject parcel is zoned R-6 by Washington County. Table 320.1 summarizes the conversion of the County's plan and zoning designations. R-6 County zoning converts to the City's R-7 zoning. As this is a Zone Change Annexation (ZCA) application, upon approval and execution of the proposed annexation, the subject parcel will automatically convert to R-7 zoning. In addition, the City's Comprehensive Plan designation for medium-density residential will be applied to the properties.

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. A zone change is required if the applicant requests a comprehensive plan map and/or zoning map designation other than the existing designations. (See Chapter 18.380). A request for a zone change can be processed concurrently with an annexation application or after the annexation has been approved.

As the previous section demonstrated, the City of Tigard R-7 zoning district is the most similar to Washington County's R-6 zoning district. The subject property is currently zoned R-6 and will automatically be zoned R-7 upon annexation. This zone conversion will occur concurrently with the annexation process. There have been no requests for zoning other than R-7.

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 July 21, 2008, and published public notice in *The Tigard Tualatin Sherwood Times* for two successive weeks (July 24, 2008 & July 31, 2008) prior to the August 12, 2008 public hearing.

Additionally, Chapter 18.390.060 sets forth five decision-making considerations for a Type IV decision:

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

The City's Comprehensive Plan has been acknowledged by the Land Conservation and Development Commission to be in compliance with state planning goals. As reviewed above, the annexation proposal meets the existing Comprehensive Plan policies and is, therefore, in compliance with state planning goals.

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

ORS 222:
State law (ORS 222.120(4)(b), ORS 222.125 and ORS 222.170(1)) allows for a city to annex contiguous territory when owners of land in the proposed annexation territory submit a petition to the legislative body of the city. In addition, ORS 222.111(2) allows for a city to act on its own motion to annex contiguous territory. A city is not required to hold an election for such an annexation if it follows the noticing procedures for a public hearing per ORS 222.120.

ORS 222.120 requires the city to hold a public hearing before its legislative body (City Council) and provide public notice to be published once each week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city 45 days prior to the hearing.

Owners of the subject parcels have signed petitions for annexation to the City. The subject parcels are contiguous to the City's boundary. The City has acted on its own motion to annex the right-of-way on SW Bull Mountain and SW Roshak Roads, which adjoins the subject properties.

The City published public notice in *The Tigard Tualatin Sherwood Times* for two successive weeks (July 24, 2008 & July 31, 2008) prior to the August 12, 2008, public hearing and posted the hearing notice for public view on June 27, 2008: Tigard Library, Tigard City Hall, Tigard Permit Center, and at the proposed territory on SW Bull Mountain Road. 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. Note that this report is available 15 days before the hearing (July 29, 2008 for an August 12, 2008, hearing). Staff has determined that the applicable METRO regulations (Metro Code 3.09.040(b) &(d)) have been met based on the following findings:

Metro 3.09.040 (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 subsections (d) and (g) below, and that includes at a minimum the following:

(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 to the affected territory.

(2) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;

As addressed previously in this report, the annexation proposal complies with all applicable provisions of urban service provider agreements, *UPAA (2006); and TUSA (2006).*

(3) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;

As addressed previously in this report, the annexation proposal complies with all applicable goals and policies of the City of Tigard Comprehensive Plan and urban service provider agreements (*UPAA (2006) and TUSA (2006)*. The proposed annexation territory is within the Urban Growth Boundary and subject to the Regional Framework Plan and Urban Growth Management Functional Plan provisions. There are no specific applicable standards or criteria for boundary changes in the Regional Framework Plan or the Urban Growth Management Functional Plan. However, the City's Comprehensive Plan and Development Code have been amended to comply with Metro functional plan requirements. By complying with the Development Code and Comprehensive Plan, the annexation is consistent with the Functional Plan and the Regional Framework Plan.

(4) 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, Washington County Urban Roads Maintenance District and the Tigard Water District upon completion of the annexation.

(5) The proposed effective date of the decision.

The public hearing will take place August 12, 2008. If the Council adopts findings to approve ZCA2008-00004, the effective date of the annexation will be 30 days later on September 11, 2008.

Metro Code 3.09.040 (d)

(d) An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;

As addressed previously in this application, the proposed annexation complies with all applicable provisions of urban service provider agreements (*UPAA (2006)* and the *TUSA (2006)*). The proposed annexation is in the Area of Interest and Urban Service Area, which are subject to the *UPAA* and *TUSA*. The agreements state that the County and City will be supportive of annexations to the City. Therefore, the proposed annexation is consistent with these agreements.

2. Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;

The *UPAA (2006)* includes the proposed annexation territory. The City has followed all processing and notice requirements in the *UPAA*, providing Washington County with 45-day notice prior to the public hearing. The agreement states that "so that all properties within the Tigard Urban Service Area will be served by the City, the County and City will be supportive of annexations to the City." The annexation proposal is consistent with this agreement.

As previously stated in this report, this proposal meets all applicable City of Tigard Comprehensive Plan provisions. This criterion is satisfied.

4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;

This criterion was addressed under Metro Code 3.09.040(b). By complying with the City of Tigard Community Development Code and Comprehensive Plan, the annexation is consistent with the Functional Plan and the Regional Framework Plan.

5. Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;

The proposed annexation will not interfere with the provision of public facilities or services because it is consistent with the terms of the *TUSA (2006)*, which ensures the timely, orderly, and efficient extension of public facilities and urban services; it is contiguous to existing city limits and services; and lastly, urban services are available to the proposed annexation territory and have not been found to significantly reduce existing service levels.

6. The territory lies within the Urban Growth Boundary; and

The proposed territory is within Metro's Urban Growth Boundary.

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

In previous sections, this report reviewed the proposal's consistency with other applicable criteria and found it to be consistent.

(Tigard CDC 18.390.060)

4. Any applicable comprehensive plan policies; and

As demonstrated in previous sections of this report, the proposed annexation is consistent with, and meets, all applicable comprehensive plan policies.

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

There are no specific implementing ordinances that apply to this proposed annexation. The Development Code and Municipal Code will apply to the proposed territory if or when it develops.

SECTION VII. OTHER STAFF COMMENTS

The City of Tigard Public Works Department reviewed the proposal and provided comment in a June 2, 2008 email from Brian Rager which outlines the tentative terms of an easement agreement between the City and Sun Ridge Builders, Inc for the development of the Brentwood Estates project. The outline addresses schedule, permitting authority, easement scope, utility alignments, and pathway improvements.

The City of Tigard Police Department provided comment on the annexation stating that the Department has determined that it has adequate services to serve the most intense use allowed and that providing services will not significantly reduce the level of services available to developed and undeveloped land with the City of Tigard.

The City of Tigard Engineering Division provided comment on the annexation with a copy of a letter to Sun Ridge Builders, Inc, from Agustin Duenas, City Engineer, dated July 24, 2008. The letter confirms the City's capacity to provide water, sanitary sewer, storm drainage, and streets to the subject properties without significant reduction in the level of services provided to developed and undeveloped properties in the City.

SECTION VIII. AGENCY COMMENTS

Clean Water Services (CWS) has reviewed the proposal and provided its general policies regarding sewer and stormwater connection for future residential development.

SECTION IX. PUBLIC COMMENTS

The City mailed notice to surrounding property owners within 500 feet and all interested parties on July 21, 2008. As of the date of this report, staff has not received any written public comments.

Gary Pagenstecher

PREPARED BY: Gary Pagenstecher
Associate Planner

7/25/2008
DATE

DOR 34-1920-2008

Notice to Taxing Districts

ORS 308.225

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

RECEIVED PLANNING

SEP 09 2008

CITY OF TIGARD

City of Tigard
Assistant Planner
13125 SW Hall Blvd
Tigard, OR 97223

Description and Map Approved
September 5, 2008
As Per ORS 308.225

☒ Description ☒ Map received from: CITY PLANNING
On: 8/21/2008

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

ANNEX TO CITY OF TIGARD; WITHDRAW FROM SEVERAL DISTRICTS

ORD. #2008-11/ZCA2008-004

has been: ☒ Approved 9/5/2008
☐ Disapproved

Notes:

Department of Revenue File Number: 34-1920-2008

Prepared by: Rick Sandoval 503-945-8230

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
☐ Establishment of Tax Zone

Taxing District copy - Copies to: County Assessor, Department of Revenue, County Commissioners or County Court/Boundary Commission (If appropriate)