

Final Documents

For

Annexation to the  
**City of Tigard**

WA4505  
Ordinance No. 2005-11  
34-1764-2005  
Sec. State: AN-2005-0227

Final to Secretary of State

Signature:



Date of

Mailing: 10/7/05

WA4505

Sent

Received

DOR:

10/7/05

Sec. State:

10/7/05

Assessor:

10/7/05

Elections:

10/7/05

Mapped:

Yes

Posted to Web:

Assessor Information:

2S109AC00100

13400 SW Bull Mountain Rd

2S109AC00200

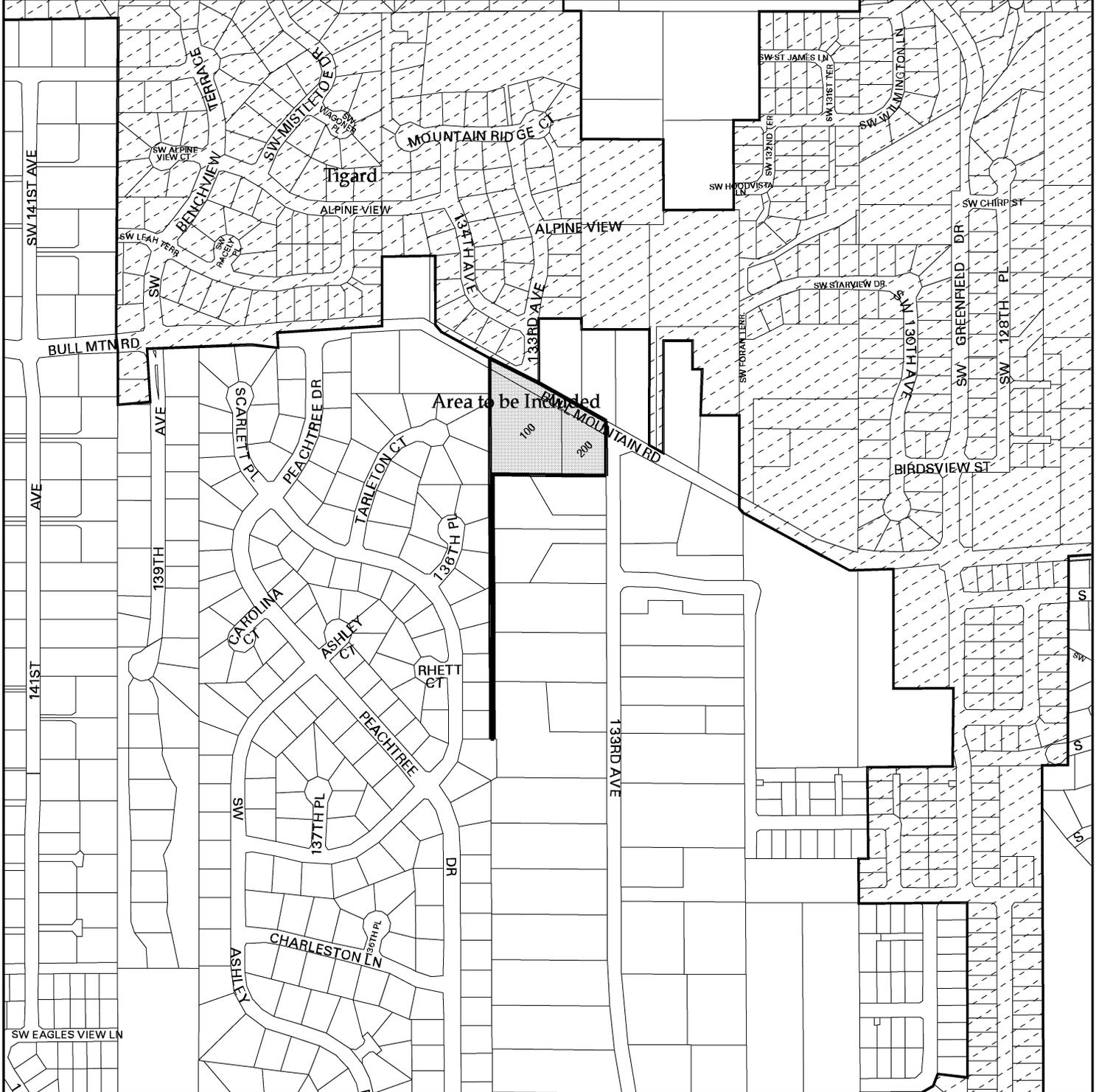
13550 SW Bull Mountain Rd

# Proposal No. WA4505

2S1W09

Annexation to the City of Tigard

Washington Co.



R L I S  
REGIONAL LAND INFORMATION SYSTEM



600 NE Grand Ave.  
Portland, OR 97232-2736  
Voice 503 797-1742  
FAX 503 797-1909  
Email drc@metro-region.org

**METRO**

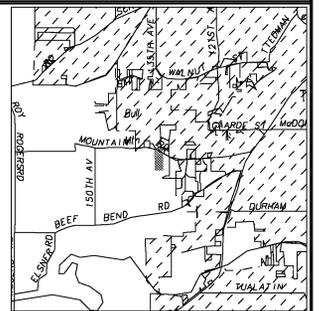
The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

- County lines
- City
- Annexation boundary

Urban Growth Boundary

Proposal No. WA4505  
CITY OF TIGARD  
Figure 1

Scale: 1" = 500'



Notice to Taxing Districts

ORS 308.225

RECEIVED PLANNING

SEP 27 2005

CITY OF TIGARD



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

City of Tigard
Finance Director
13125 SW Hall Blvd
Tigard, OR 97223

Description and Map Approved
September 23, 2005
As Per ORS 308-225

[X] Description [X] Map received from: CITY
On: 9/22/2005

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

ANNEX TO CITY OF TIGARD; WITHDRAW FROM SEVERAL DISTRICTS
(ZCA2005-00002)

ORD: #2005-11

has been: [X] Approved 9/23/2005
[ ] Disapproved

Notes:

Department of Revenue File Number: 34-1764-2005

Prepared by: Carolyn Sunderman, 503-945-8882

Boundary: [X] Change [ ] Proposed Change
The change is for:

- [ ] Formation of a new district
[X] Annexation of a territory to a district
[X] Withdrawal of a territory from a district
[ ] Dissolution of a district
[ ] Transfer
[ ] Merge
[ ] Establishment of Tax Zone



October 11, 2005

Metro  
Robert Knight  
600 NE Grand Ave  
Portland, Oregon 97232-2736

Dear Mr. Knight:

Please be advised that we have received and filed, as of October 11, 2005, the following records annexing territory to the following:

Ordinance/Resolution Number(s)	Our File Number
OR NO 2426 (City of Lake Oswego)	AN 2005-0225
OR NO 2005-10 (City of Tigard)	AN 2005-0226
OR NO 2005-11 (City of Tigard)	AN 2005-0227
OR NO 2005-12 (City of Tigard)	AN 2005-0228
OR NO 2005-09 (City of Tigard)	AN 2005-0229

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



October 3, 2005

Bob Knight  
 Metro Data Resource Center  
 Boundary Change Office  
 600 NE Grand Avenue  
 Portland, OR 97232-2736

Dear Mr. Knight:

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

City file No./Name: **ZCA2005-00002/Wilson Ridge Subdivision Annexation**

- ◆ Certified as Original Copy of Ordinance No. 05-11.
- ◆ Legal Description of the Subject Properties (pre-approved by the Department of Revenue # DOR 34-1764-2005).
- ◆ Assessor's or Vicinity Map of the Subject Properties
- ◆ Notice to Taxing Districts from the Department of Revenue
- ◆ Metro Mapping Fee in the amount of \$300.00
- ◆ Annexation Application
- ◆ Staff Notes and Findings

Additional information on the subject properties:

**Map/Tax Lot Number:** 2S109AC, 00100  
**Property Address:** 13400 SW Bull Mountain Road

Occupied:	<input checked="" type="checkbox"/>	Unoccupied:	<input type="checkbox"/>
No dwelling unit:	<input type="checkbox"/>	To be demolished:	<input type="checkbox"/>
Single-family:	<input checked="" type="checkbox"/>	Multi-family:	<input type="checkbox"/>

Property Owner Name/Mailing Information:

Rickie Allen Graham Revocable Trust  
 Linda Sue Graham Revocable Trust  
 By Linda S/Rick A Graham  
 13400 SW Bull Mountain Road  
 Tigard, OR 97224

---

**Map/Tax Lot Number: 2S109AC, 00200**  
**Property Address: 13350 SW Bull Mountain Road**

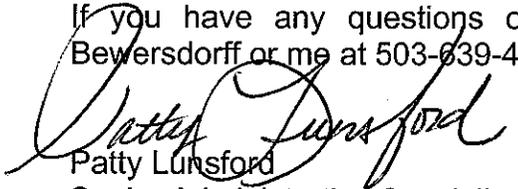
Occupied:                       Unoccupied:   
No dwelling unit:                       To be demolished:   
Single-family:                       Multi-family:

Property Owner Name/Mailing Information:

Rickie Allen Graham TR &  
Linda Sue Graham TR  
13350 SW Bull Mountain Road  
Tigard, OR 97224

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If you have any questions or need further information, please call Dick Bowersdorff or me at 503-639-4171.

  
Patty Lunsford  
Senior Administrative Specialist

c: ZCA2005-00002 Land use file



**CITY OF TIGARD**  
*Community Development*  
*Shaping A Better Community*

**CITY OF TIGARD**

*Washington County, Oregon*

**NOTICE OF FINAL ORDER BY THE TIGARD CITY COUNCIL**

Case Number:	<b>ZONE CHANGE ANNEXATION (ZCA) 2005-00002</b>
Case Name:	<b>WILSON RIDGE SUBDIVISION ANNEXATION</b>
Names of Owners:	<b>Rickie Allen Graham Revocable Trust, Linda Sue Graham Revocable Trust By Linda S./Rick A. Graham</b>
Name of Applicant:	<b>Alpha Community Development Attn: Jerry Palmer</b>
Address of Applicant:	<b>9600 SW Oak Street, Suite 230 Portland, OR 97223</b>
Address of Properties:	<b>13350 and 13400 SW Bull Mountain Road Tigard, OR 97224</b>
Tax Map/Lot Nos.:	<b>Washington County Tax Assessor's Map No. 2S109AC, Tax Lots 100 &amp; 200</b>

A FINAL ORDER INCORPORATING THE FACTS, FINDINGS AND CONCLUSIONS **APPROVING** A REQUEST FOR **ANNEXATION (ORDINANCE NO. 05-11)**.

THE CITY OF TIGARD CITY COUNCIL HAS REVIEWED THE APPLICANT'S PLANS, NARRATIVE, MATERIALS, COMMENTS OF REVIEWING AGENCIES, THE PLANNING DIVISION'S STAFF REPORT AND RECOMMENDATIONS FOR THE APPLICATION DESCRIBED IN FURTHER DETAIL IN THE STAFF REPORT. THE CITY COUNCIL OPENED THE PUBLIC HEARING ON **AUGUST 9, 2005** AND CONTINUED THIS ITEM TO A DATE CERTAIN OF **AUGUST 23, 2005** TO RECEIVE PUBLIC TESTIMONY, CLOSED THE RECORD, THEN CONTINUED THE HEARING TO **SEPTEMBER 13, 2005** PRIOR TO MAKING A DECISION ON THE REQUEST. THIS DECISION HAS BEEN BASED ON THE FACTS, FINDINGS AND CONCLUSIONS CONTAINED WITHIN THIS FINAL ORDER.

**Request:** ➤ A request to annex two (2) parcels of land containing 2.68 acres into the City of Tigard.

**ZONE:** R-7: Medium-Density Residential District. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.320 and 18.390, Comprehensive Plan Policies 2 and 10; ORS Chapter 222; and Metro Code Chapter 3.09.

**Action:** ➤  Approval as Requested       Approval with Conditions       Denial

**Notice:** Notice was published in the newspaper, posted at City Hall and mailed to:  
 Affected Government Agencies       Affected Citizen Involvement Team Members

**Final Decision:**

**THIS IS THE FINAL DECISION OF THE CITY AND IS EFFECTIVE ON OCTOBER 13, 2005.**

The adopted findings of fact, decision and statement of conditions can be obtained from the City of Tigard Planning Division, Tigard City Hall, 13125 SW Hall Boulevard, Tigard, Oregon.

**Appeal:** A review of this decision may be obtained by filing a notice of intent to appeal with the Oregon Land Use Board of Appeals (LUBA) according to their procedures within 21 days.

**Questions:** If you have any questions, please call the City of Tigard Planning Division or the City Recorder at (503) 639-4171.

CITY OF TIGARD, OREGON

ORDINANCE NO. 2005- 11

**AN ORDINANCE ANNEXING 2.68 ACRES, APPROVING WILSON RIDGE ANNEXATION (ZCA2005-00002), AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY STREET LIGHTING DISTRICT #1, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT.**

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**WHEREAS**, the City of Tigard is authorized by ORS 222.120(4)(B) and 222.170 to initiate an annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed and written consent from owners of more than half the land in the territory proposed to be annexed; and

**WHEREAS**, the City of Tigard is authorized by ORS 222.120(5) and 222.520 to withdraw properties which currently lie within the boundary of the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District upon completion of the annexation; and

**WHEREAS**, the Tigard City Council held a public hearing on August 9, 2005 to consider the annexation of two (2) parcels of land consisting of 2.68 acres and withdrawal of said property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District; and

**WHEREAS**, the City Council left the record open for written submissions for an additional seven days after the hearing on August 9, 2005 and allowed a further seven days on August 23, 2005 for submission of responses to new evidence submitted during that time, as provided by ORS 197.763(6)(c); and

**WHEREAS**, pursuant to ORS 222.520(2) the City is liable to the Water District for certain debt obligations, however, in this instance the 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 property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District; and

**WHEREAS**, pursuant to ORS 222.524, the City must declare the withdrawal of annexed properties from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District by Ordinance; 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 current zoning district is R-7, an existing City zone that has been adopted by the County and the zoning after annexation would remain R-7 so that no zone change is necessary, and by annexation the Comprehensive Plan of the City of Tigard goes into effect; 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 City Council has carefully considered the testimony at the public hearing and the written materials submitted after the hearing and determined that withdrawal of the annexed properties 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 Council adopts the staff report and the document entitled "Supplemental Finding Concerning Compliance with ORS Chapter 222" as findings. In addition, Council adopts the document entitled "Findings in Response to Comments" as additional findings of fact.

**SECTION 2:** The Tigard City Council hereby annexes the parcels described in the attached **Exhibit "A"** and shown in **Exhibit "B"** and withdraws said parcels from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District.

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

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

**SECTION 5:** Pursuant to ORS 222.120(5), the effective date of the withdrawal of the property from the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control 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, 2006.

**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 13<sup>th</sup> day of September, 2005.

Catherine Wheatley  
Cathy Wheatley, City Recorder

APPROVED: By Tigard City Council this 13<sup>th</sup> day of September, 2005.

C. Dirksen  
Craig Dirksen, Mayor

Approved as to form:

Justin V. Ferris  
City Attorney

9.13.05  
Date

Certified to be a True Copy of  
Original on file at Tigard City Hall

By: Catherine Wheatley  
City Recorder - City of Tigard

Date: 9.15.05



LEGAL DESCRIPTION  
GRAHAM ANNEXATION

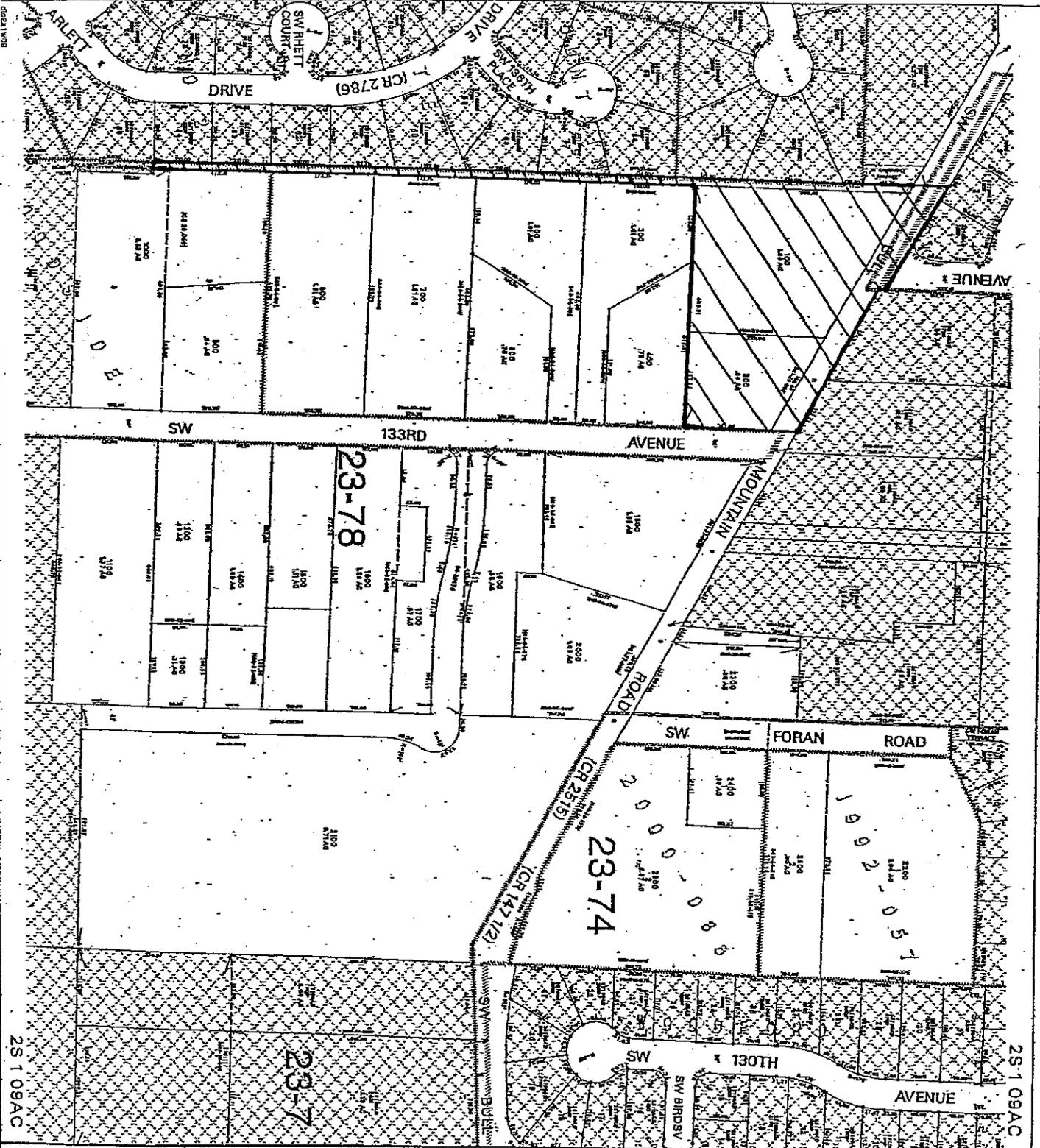
JOB NO. 328-027

A PARCEL OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 13 OF THE PLAT OF "MOUNTAIN GATE", BEING THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED IN DEED DOCUMENT NO. 2004-06529; THENCE ALONG THE EAST LINE OF SAID PROPERTY AND SAID LINE EXTENDED, NORTH  $01^{\circ}31'37''$  EAST 132.47 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF S.W. BULL MOUNTAIN ROAD (COUNTY ROAD NO. 2515) LYING 20.00 FEET, RIGHT-ANGLE MEASURE, NORTHEASTERLY OF THE CENTERLINE; THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH  $59^{\circ}20'07''$  EAST 472.32 FEET TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF WESTERLY RIGHT-OF-WAY LINE OF SW 133<sup>RD</sup> AVENUE LYING 25.00 FEET, RIGHT-ANGLE MEASURE WEST OF THE CENTERLINE OF SW 133<sup>RD</sup> AVENUE; THENCE ALONG SAID EXTENSION AND WESTERLY RIGHT-OF-WAY LINE SOUTH  $00^{\circ}31'25''$  EAST 192.98 FEET TO THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED IN DEED DOCUMENT NO. 2000-04259; THENCE LEAVING SAID RIGHT-OF-WAY LINE ALONG THE SOUTH LINE OF SAID PROPERTY AND THE PROPERTY DESCRIBED IN DEED DOCUMENT NO. 2000-14685 NORTH  $89^{\circ}43'44''$  WEST 402.59 FEET TO A POINT LYING 10.00 FEET RIGHT ANGLE MEASURE EAST OF THE EAST LINE OF THE PLAT OF "MOUNTAIN GATE" ; THENCE SOUTH  $01^{\circ}31'37''$  WEST 928.57 FEET PARALLEL TO THE EAST LINE OF "MOUNTAIN GATE" AND "MOUNTAIN GATE NO.2" ; THENCE LEAVING SAID LINE NORTH  $88^{\circ}22'19''$  WEST 10.00 FEET TO A THE SOUTHEAST CORNER LOT 64 "MOUNTAIN GATE NO.2"; THENCE ALONG THE AFOREMENTIONED PLAT LINES NORTH  $01^{\circ}31'37''$  EAST 1213.81 FEET TO POINT OF BEGINNING.

CONTAINING APPROXIMATELY 3.104 ACRES.

THE BASIS OF BEARING FOR THIS DESCRIPTION IS WASHINGTON COUNTY SURVEY NO. 22,110



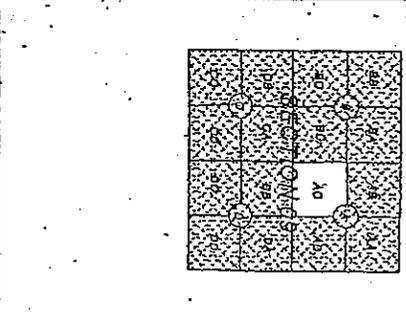
2S 1 09AC

**ASSESSMENT**  
**EXHIBIT**

PLAT DATE: November 30, 2004  
FOR ASSESSMENT PURPOSES  
ONLY - DO NOT RELY ON  
FOR OTHER USE

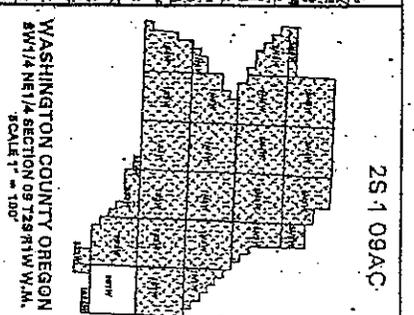
Map must be obtained by the owner or a person in their behalf from the Assessor's Office. Please contact the Assessor's Office for more information.

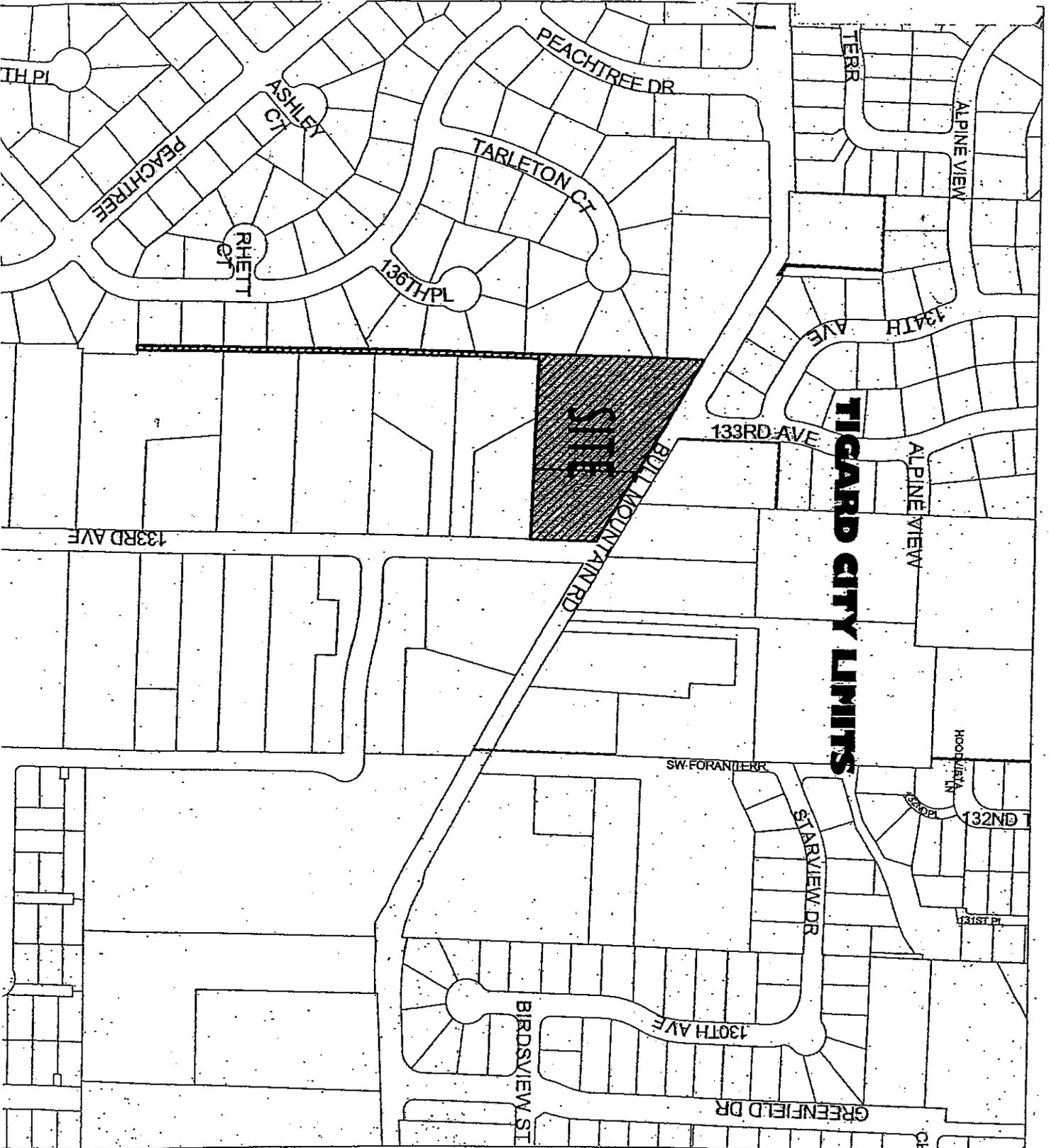
TIGARD  
2S 1 09AC



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
WWW.WASHINGTONCOUNTY.OREGON

WASHINGTON COUNTY OREGON  
SANTA FE SECTION 09 T2S 1N10W 10E  
SCALE 1" = 100'

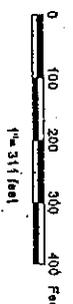
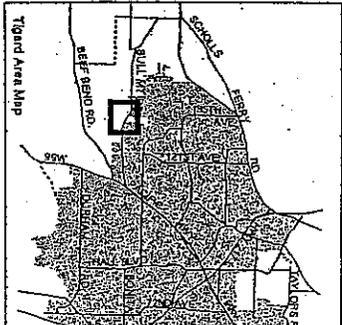




**TIGARD CITY LIMITS**

**MTR**

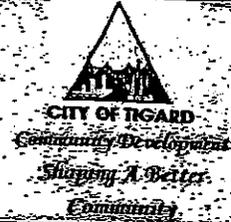
**CITY OF TIGARD**  
 GEOGRAPHIC INFORMATION SYSTEM  
**VICINITY MAP**  
 ZCA2005-00002  
**WILSON RIDGE ANNEXATION**



**City of Tigard**  
 Information on this map is for general location only  
 should be verified with the Development Services D  
 13125 SW Hill Blvd  
 Tigard, OR 97223  
 (503) 839-4171  
 Map provided by Tigard for the

Agenda Item: 7Hearing Date: August 9, 2005 7:30 PM

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

**SECTION I. APPLICATION SUMMARY****FILE NAME:****WILSON RIDGE ANNEXATION****CASE NO.:**

Zone Change Annexation (ZCA)

**ZCA2005-00002****AGENT:**

Alpha Community Development  
 Affn: Jerry Palmer  
 9600 SW Oak Street, Suite 230  
 Portland, OR 97223

**OWNER:**

Rickie and Linda Graham  
 13400 SW Bull Mountain Rd  
 Tigard, OR 97224

**PROPOSAL:**

The applicant has applied for annexation of 2.68 acres into the City of Tigard.

**CURRENT  
ZONING****DESIGNATION:**

R-7, Medium Density Residential.

**EQUIVALENT CITY  
ZONING****DESIGNATION:**

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

**LOCATION:**

13350 and 13400 SW Bull Mountain Road,  
 WCTM 2S109AC, Tax Lots 100 and 200

**APPLICABLE  
REVIEW  
CRITERIA:**

Community Development Code Chapters 18.320 and 18.390;  
 Comprehensive Plan Policies 2 and 10; Metro Code Chapter 3.09; and  
 ORS Chapter 222.

## SECTION II. STAFF RECOMMENDATION

Staff recommends that the Council find that the proposed annexation will not adversely affect the health, safety and welfare of the City. Therefore, staff recommends **APPROVAL** of the annexation by adoption of the attached ordinance.

## SECTION III. BACKGROUND INFORMATION

### Site Information and Proposal Description:

The applicant, Alpha Community Development, has applied for subdivision review for which a decision for approval is pending but has not yet become effective. The subdivision is tentatively named Wilson Ridge. A standard condition of approval for subdivision proposals on property that borders City limits within the Urban Services Intergovernmental Agreement area is that the property annex prior to final plat approval. There is no requirement that an applicant or property owner wait until receiving land use approval to annex the property. A parcel that is contiguous to the city limits may apply for annexation at any time. The total area represented in this annexation request is 2.68 acres and is contiguous to the present city limits along the western property boundary.

### Vicinity Information:

The subject parcels are located at the southwest corner of SW 133<sup>rd</sup> and Bull Mountain Road.

## SECTION IV. APPLICABLE REVIEW CRITERIA AND FINDINGS

The relevant criteria in this case are Tigard Comprehensive Plan Policies 2.1.1, 10.1.1, 10.1.2, and; Tigard Community Development Code Chapter 18.320.

Staff has determined that the proposal is consistent with the relevant policies of the Comprehensive Plan based on the following findings:

### Comprehensive Plan

**Policy 2.1.1:** The City shall maintain an ongoing citizen involvement program and shall assure that citizens will be provided an opportunity to be involved in all phases of the planning process.

This Policy requires an ongoing citizen involvement program. Interested parties and surrounding property owners within 500 feet have been notified of the public hearing and notice of the hearing has been published in a newspaper of general circulation. The site has been posted since June 23, 2005. There have been a number of opportunities for citizens to be involved in the decision making process, including the review of the subdivision request.

**Policy 10.1.1:** 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. The services are: water, sewer, drainage, streets, police, and fire protection.

This policy requires adequate service capacity delivery to annexed parcels. The City of Tigard Police, Engineering and Water Departments, NW Natural Gas, Tualatin Valley Fire and Rescue, have all reviewed the annexation request and have offered no objections. While the subdivision approval is complete but not yet effective, in the subdivision review staff found that the adjacent streets had adequate capacity, sewers will be extended from the Alberta Rider School site, storm drainage is conveyed through a new pipe to the Alberta Rider project, and water is provided by an existing 12" water line in Bull Mountain Road. The subdivision approval is contingent on the applicant providing these services prior to recording the final plat. This policy is satisfied.

If required by an adopted capital improvements program ordinance, the applicant shall sign and record with Washington County a nonpromissory agreement regarding the

following: 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: water, sewer, drainage and streets. 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.

No L.I.D.'s have been required with the subject parcels or subdivision approval. All public infrastructure listed above will have to be completed before the land is subdivided by a final subdivision plat. The costs of providing such services will be borne by the applicant. Since there are no capital improvements identified for this site, no nonremonstrance agreement is necessary.

The City shall provide urban services to areas within the Tigard urban planning area or with the urban growth boundary upon annexation.

The City of Tigard has an urban services agreement with Washington County for those areas within the City's urban growth boundary. This policy has been complied with.

**Policy 10.1.2:** approval of proposed annexations of land by the city shall be based on findings with respect to the following: the annexation eliminates an existing "pocket" or "island" of unincorporated territory; or 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; the police department has commented upon the annexation; the land is located within the Tigard urban planning area and is contiguous to the city boundary; the annexation can be accommodated by the services listed in 10.1.1(a).

This Policy pertains to boundary criteria for annexations. The proposed annexation will not eliminate an existing "pocket" or "island" of unincorporated territory; however the annexation will also not create an irregular boundary making it difficult for police to determine whether a particular parcel is in or outside the city. The proposed annexation will incorporate the entire subdivision boundary for Wilson Ridge. There is a long 10 foot wide "pole" that runs south from the parcels. This is a remnant of an easement for access that benefited other properties further south. That easement has been vacated on the subject parcel, so essentially what remains is a long strip of land. While odd in its configuration, the annexation is simply including the entire extent of the parcel as this policy requires. There is no attempt to include a cherry stem (typically achieved by annexing roads) with this subject request. All future lots within this subdivision will be inside city limits. The police department has commented on the proposed annexation request and did not voice any objections. The land is within the Urban Services Area inside the Urban Growth Boundary and is bordered by the city limits on the northern side. Services to the subject property are addressed above. This policy is met.

#### Community Development Code

Section 18.320.020: This Section addresses approval standards for annexation proposals:

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

Adequate service (water, sewer, drainage, streets, police, and fire protection) capacity is available to serve the annexed parcels. The City of Tigard Police, Engineering and Water Departments, NW Natural Gas, Tualatin Valley Fire and Rescue, have all reviewed the annexation request and have offered no objections. Additionally, the adequacy and availability of services to serve the intended R-7 Medium Density residential development will be reviewed and conditioned as necessary as part of the Wilson Ridge subdivision review. Therefore, this policy is satisfied.

The applicable comprehensive plan policies and implementing ordinance provisions have been satisfied.

Applicable Comprehensive Plan policies have been addressed above. The implementing ordinance provisions of ORS 222, TCDC 18.390, and Metro Code 3.09 were followed in processing this annexation request. Conformance with other development code provisions will be addressed at the time the property develops. This standard has been met.

**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.

The subject property is in the Urban Service Area and is zoned R-7 medium density residential, pursuant to the City of Tigard's Urban Services Intergovernmental Agreement. The R-7 zoning designation is consistent with the original Washington County's R-6 zoning designation as shown in the table below. The City's zoning was adopted by the County with the City's R-7 zoning district when the Intergovernmental Agreement was signed between the county and the city to provide city planning services to this area. Therefore, the property does not need to be rezoned upon annexation. According to Section 18.320.020.C, the City's Comprehensive plan and zoning designations occur automatically and concurrently with the annexation.

**Conversion table.** Table 320.1 summarizes the conversion of the County's plan and zoning designations to City designations which are most similar.

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

**Metro**

**Metro 3.09** requires the additional standards to be addressed in annexation decisions, in addition to the local and state review standards. These are addressed and satisfied as discussed below:

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

The processing has been done consistent with applicable Urban Service Provider agreements.

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

The process required by the Development Code and Comprehensive Plan is consistent with the Urban Planning Agreement for annexations.

**Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;**

This has been discussed previously in this report and, as discussed, this criterion is satisfied.

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

Because the Development Code has been amended to comply with applicable Metro functional plan requirements, by complying with the Development Code and Comprehensive Plan, the annexation is consistent with the applicable Functional Plan and the Regional Framework plan.

**Whether the proposed changes 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 adjacent to existing city limits and services, and the delivery of those services was anticipated as part of the urban services agreement which is intended to promote the timely, orderly, and economic delivery of those public facilities and services.

**If the proposed boundary change is for annexation of territory to Metro, a determination by Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval;**

The subject property is already within the Metro boundaries.

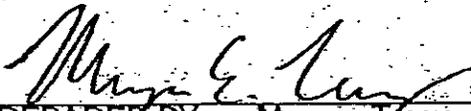
**Consistency with other applicable criteria for the boundary change in question under state and local law.**

Consistency with other applicable criteria has been discussed previously in this report.

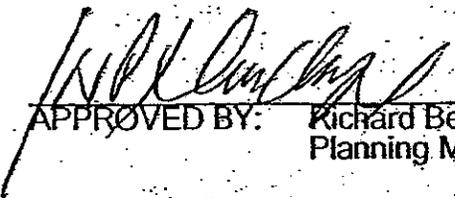
**SECTION V. AGENCY COMMENTS**

Washington County Department Of Land Use & Transportation, Verizon, Qwest Communications, Northwest Natural Gas, Beaverton School District #48, Comcast Cable Corporation, Portland General Electric, Metro Area Communications, Cleanwater Services, Metro Land Use & Planning, Tualatin Hills Park & Rec. District, Tualatin Valley Water District, Tualatin Valley Fire & Rescue, and Tigard/Tualatin School District 23J have had the opportunity to review the proposal and have offered no objections.

**BASED ON THE FINDINGS INDICATED ABOVE, PLANNING STAFF RECOMMENDS APPROVAL OF ZONE CHANGE ANNEXATION (ZCA) 2005-00002 - WILSON RIDGE ANNEXATION.**

  
PREPARED BY: Morgan Tracy  
Associate Planner

July 28, 2005  
DATE

  
APPROVED BY: Richard Bewersdorff  
Planning Manager

July 28, 2005  
DATE

SUPPLEMENTAL FINDINGS  
CONCERNING COMPLIANCE WITH ORS CHAPTER 222  
ZCA2005-00002 – Wilson Ridge

The City is proceeding with this annexation without an election in the territory to be annexed under ORS 222.125. That statute provides:

The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

The Council finds:

1. There are two owners of the two properties that are in the territory proposed for annexation under ZCA2005-00002. Both owners have consented in writing to annexation to the City of Tigard and those consents have been duly filed with the City.
2. According to County voter registration information, two registered voters reside in the territory to be annexed under ZCA2005-00002. The City has received signed consents to annexation from both voters and therefore has the consents of a majority of the electors in the territory to be annexed.
3. Because the City has written consent of all owners of land and the majority of the electors in the territory proposed to be annexed under ZCA2005-00002, the City may proceed with annexation of that territory without a vote in the territory to be annexed, pursuant to ORS 222.125.

## FINDINGS IN RESPONSE TO COMMENTS

At the August 9, 2005, the City Council received testimony from various persons regarding four proposed annexations. The Council allowed all parties until August 16 to submit additional written information. This document sets out the City's findings on the legal and factual issues raised by the testimony and written submissions. The Council received a request to reopen the record to allow a response to the post-hearing written submissions and allowed until August 30 for persons to raise new issues relating to the new testimony, as provided by ORS 197.763(6)(c) and 197.763(7). This document sets out the City's findings on the legal and factual issues raised by the testimony and written submissions.

1. After the Council allowed additional time to raise new issues in response to new evidence submitted in the post-hearing written submissions, the City received two submissions, both e-mails sent by Julie Russell. Neither of those submissions raises new issues because all issues presented in her e-mails had been raised previously. Furthermore, neither of the submissions addresses new evidence submitted after the close of the oral hearing, but simply contain further argument on the same factual and legal issues she and other opponents had raised in her earlier submissions. Therefore, neither are proper submissions under ORS 197.763(6)(c) and 197.763(7).

### Issues Raised By More Than One Person

#### HB 2484

2. Some people testified that House Bill 2484 (which has been enacted into law) either prevents the City from approving these annexations or demonstrates a legislative intent that a vote is required in any area to be annexed. House Bill 2484 is straightforward. It amends ORS 195.215, to make it clear that "annexation plans" under ORS Chapter 195 must be approved both by a majority of voters in the territory to be annexed and by a majority within the City.
  - A. HB 2484 does not apply to the annexations being considered by the City because HB 2484 applies only to annexation plans under ORS Chapter 195, and the annexations before the City do not involve annexation plans or ORS Chapter 195. They are annexations under ORS Chapter 222, in particular ORS 222.125. HB 2484, even if it were effective, would not apply to or affect these annexations.
  - B. HB 2484 requires a separate vote in the area to be annexed for annexation plan annexations. However, requiring a vote in the area to be annexed would be a meaningless and futile act for areas in which there are no registered voters. There are no registered voters in the area to be annexed in Mountain View Estates annexation (ZCA2004-00003) or in the Alberta Rider/Summit Ridge annexation area (ZCA2005-00003). All of the registered voters in the Arlington Heights 3 (ZCA20005-00001) and Wilson Ridge (ZCA 2005-00002) annexation have consented to annexation.

### HB 2722

3. HB 2722 (which has been enacted into law) withdraws the right of cities to veto formation of new cities within three miles of their borders. Some opponents of annexation have argued that the intent of this bill is that the wishes of citizens in the affected areas are respected.
  - A. HB 2722 does not apply to annexations.
  - B. The affected areas are the areas to be annexed. Two types of persons have interests in the affected areas – those who own property and those who reside there. All owners of all properties to be annexed, and all voters in areas to be annexed have consented to the annexation. No owner or resident in the areas to be annexed has indicated that they do not wish annexation.

### SB 877

4. SB 877 (which has been enacted into law) has three major effects. One is that it limits the ability of the City of Beaverton to annex “islands” of territory surrounded by that City. The second effect is that it requires a majority vote in the territory to be annexed by means of an annexation plan under ORS Chapter 195. The third effect is to prohibit the annexation of certain types of industrial property without the consent of the owner.
  - A. The provisions affecting only the City of Beaverton do not apply to the City of Tigard.
  - B. None of the proposed annexations are “island” annexations, although an “island” is created by the Alberta Rider School/Summit Ridge annexation.
  - C. The annexations are not annexation plan annexations and are not subject to ORS Chapter 195.
  - D. The annexations are not of industrial land and are not the type of land that cannot be annexed without the consent of the owner. The City has the consent of all owners of all land being annexed.

### Voluntary or Coerced Consents

5. Some persons argued that the consents are not valid because they were coerced.
  - A. None of the people who provided consents stated they were coerced. Those who testified that the consents were coerced did not specify which persons were coerced. Several persons representing property owners (Tom Weber, John Marquart, Sean Foushee, and Al Jeck) testified orally and/or in writing that consents were voluntary and not coerced. The City Council finds that there is no evidence that any specific individual was coerced into consenting to annexation.

If any person who provided consents believed that the consents were coerced, it is likely that the person would have appeared at the hearing. The Council finds the testimony of Tom Weber, John Marquart, Sean Foushee and Al Jeck to be more persuasive than the evidence of those claiming coercion because the named individuals were in a position to know whether the consents were voluntary or coerced and those who claimed that the consents were coerced did not have personal knowledge regarding the consents. The Council concludes that none of the consents were coerced.

- B. ORS 222.115 specifically authorizes contracts between a city and a landowner relating to the extraterritorial provision of service in which the landowner consents to annexation. The fact that the City requires a consent to annexation in return for a contract for the extraterritorial provision of service is explicitly authorized by statute and does not constitute coercion. The City provides planning and building inspection services extraterritorially and may require consents to annexation in order to provide those services.
- C. ORS 222.175 recognizes that cities may solicit consents to annexation. The fact that a City seeks consents does not mean that they were coerced and does not invalidate the consents.

#### Consents To Annexation In Connection With A Land Use Proceeding

- 6. Some opponents argued that some of the consents were required in connection with land use proceedings, and the City cannot require consents to annexation in order to process a land use application or as a condition of a land use approval.
  - A. For consents that were provided in connection with a land use approval, the time to challenge the City's authority to impose the consents was during the land use process. In all but one of the cases, the land use process has been completed and the appeal period has passed. The requirement to provide a consent to annexation can no longer be challenged in those cases.
  - B. None of the persons who provided consents in connection with land use proceedings have in any way challenged the consents or the requirement to provide the consents. To the contrary, some of them have expressly testified that they affirmatively desire that their properties be annexed to the City of Tigard. The applicant for the one land use process that has not been completed (Arlington Heights 3) has testified that the consent to annex that territory was voluntarily provided, and the City Council finds that the consent in that case was voluntary.

#### General Concern For The Bull Mountain Area

- 7. Some opponents stated concerns related to the Bull Mountain area in general and to their property in unincorporated areas of Bull Mountain. Some of them argued that the proposed annexations should not proceed because of the negative vote when the Bull

Mountain Annexation Plan was presented to the voters in the area to be annexed.

- A. The rights and interests of the owners and registered voters in the areas proposed for annexation are recognized by statute. The statutes do not create a legally protected interest for other persons.
- B. These annexations are different from the annexation plan presented to the voters. These annexations are property-specific annexations under ORS Chapter 222. The City and the annexation applicants are not requesting approval of an annexation plan. The rejection of an annexation plan under ORS Chapter 195 does not prevent later annexation of specific territory under a different annexation statute.

“Double Majority” Vote

- 8. Some opponents of the annexation argued that a “double majority” vote (a separately tabulated vote in the City and in the area to be annexed) is required.
  - A. A “double majority” vote is or will be required for annexation plans under ORS Chapter 195. However, for annexations under ORS Chapter 222, votes in the City are not required unless required by City charter or ordinance, and votes in the area to be annexed are not required if certain criteria are met. A vote in the area to be annexed is not required if all of the owners of all of the land and a majority of the electors in the area to be annexed, if any, consent to the annexation. ORS 222.125. The City Charter and Code do not require a vote within the City.
  - B. As to each of the annexations, the City has received the consents of all of the owners of all of the land. The City has also received the consents of all of the registered voters in each area that has registered voters. These annexations are not annexation plan annexations under ORS 195, so the double majority requirement does not apply. The City is not required to hold a vote in any of the territories to be annexed, either because there are no electors in the areas to be annexed or because the City has the consent of a majority of the electors in those areas.

“Islands” Of Unincorporated Areas Surrounded By The City

- 9. Some opponents argued that these annexations create islands of unincorporated areas surrounded by the City. They also note that the City may later annex those islands without consent of owners or electors.
  - A. There is no legal prohibition on the creation of islands. The City must consider annexation applications that create islands under applicable standards. While the Council must consider whether the borders created by an annexation are so irregular as to potentially cause problems with the provision of police services,

the police department accepts these boundaries as being acceptable and not causing confusion for the provision of police services. The police department has provided written statements that they can provide services. The Council finds that the boundaries are not irregular to the extent they create confusion in the provision of police services.

- B. The City does have the authority to annex islands, but is aware that the statutory authority to annex islands may be withdrawn, as it has been withdrawn from one other city and from certain types of land. The possibility of a future annexation proceeding is not an applicable standard or criterion in deciding whether to approve these annexations.

### Regular Boundaries

10. Several persons commented that the annexations will not result in a regular boundary.

- A. The applicable standard is Comprehensive Plan Policy 10.1.2, which provides:

Approval of proposed annexations of land by the City shall be based on findings with respect to the following:

- a. The annexation eliminate 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 on the annexation;
- d. The land is located within the Tigard Urban Planning Area and is contiguous to the City boundary;
- e. The annexation can be accommodated by the services listed in 10.1.1(a).

- B. Policy 10.1.2 is complied with if either (1) subsection a or (2) subsections b through e are met. These annexations comply with subsections b through e. The annexation boundary will not make it difficult for the police in emergency situations to determine whether the parcel is within or without the City. The police department has commented on the annexation and stated that it is capable of providing service. All areas proposed for annexation are within the Tigard Urban Planning Area and are contiguous to the City. The services listed in 10.1.1(a) (water, sewer, drainage, streets, police and fire protection) can be provided to the areas to be annexed – the City and other responsible service providers have capacity to provide service to the areas to be annexed. The

Council finds that the annexations provide for a reasonable extension of the City's boundaries.

Individual Comments – Testimony at Hearing

Les and Ellen Godowski

11. The Godowskis argued that the annexations will also prevent certain areas from creating their own cities or annexing to King City.
  - A. The City has no obligation to refrain from annexing territory based on the possibility that some other city may be incorporated in the area at some point in the future.
  - B. All applicable plans and intergovernmental agreements that address urbanization or the provision of urban services designate Tigard as the City that will annex and/or provide urban services to the areas being annexed.

Charles Radley

12. Charles Radley argued that the annexations would violate *Dolan v. City of Tigard* and that there is no “essential nexus.” Mr. Radley also provided a written document.
  - A. *Dolan v. City of Tigard* applies only to cases in which the City exacts property from a property owner at the time of a land use approval. *Dolan* does not apply to annexations.
  - B. To the extent the Mr. Radley is arguing that the City could not require the property owners to consent to annexation as a condition of land use approval, that challenge is too late. The land use approvals are final and cannot be collaterally challenged. Furthermore, Mr. Radley was not the applicant or a landowner in any of the land use cases and lacks standing to challenge conditions that have been accepted by the applicants.
  - C. The “essential nexus” requirement is imposed on exactions by the *Nollan v. California Coastal Commission* case. Like *Dolan*, the case applies only to exactions at the time of land use approvals, not to annexations. To the extent that Mr. Radley is challenging conditions of approval in the previous land use cases, that challenge is too late, and Mr. Radley lacks standing to make the challenge.
  - D. The document that Mr. Radley provided is an excerpt discussing the requirement, under Rhode Island law, that a building official must issue a building permit that meets the requirements of the building code. Rhode Island law concerning

building officials is not relevant to any issue regarding these annexations. If Mr. Radley is attempting to argue that the City cannot require a consent to annexation, any requirement regarding consents to annexations by the City are imposed in the context of a land use proceeding. The City has more authority and more discretion in land use proceedings than in issuing building permits.

Julie Russell

13. In addition to issues raised by others, Ms. Russell claimed that the map included with the notice of annexation was inaccurate as to which areas are included within the City limits and which areas are outside the City limits. Ms. Russell argued that the City's process violated Comprehensive Plan Policies 2.1.1. and CDC 18.320.020. Ms. Russell stated dissatisfaction with the proposed zoning.

A. The maps provided with the notice were accurate. They showed the location of the properties being annexed and accurately showed areas within the city limits by a shaded yellow area. There is no requirement to provide a map with the notice of the annexation hearing. Even if there was some inaccuracy, the maps provided sufficient information to advise of the location of the properties to be annexed and their relationship to the City. The City provided notice in compliance with all applicable requirements. In the event that some person may have failed to receive notice, failure of a person to receive notice does not invalidate the notice, which was properly provided.

B. Comprehensive Plan Policy 2.1.1 provides: "The City shall maintain an ongoing citizen involvement program and shall assure that citizens will be provided an opportunity to be involved in all phases of the planning process." This policy is not an approval standard or criterion for an annexation application. The City's land use regulations have been acknowledged, and those regulations provide the process, including citizen involvement, for considering land use applications. That process includes notice and a hearing, and the City provided notice and a hearing, as required by the CDC. Compliance with the acknowledged regulations demonstrates compliance with the Comprehensive Plan policies implemented by the regulations. Citizens, including Ms. Russell, have had the opportunity to be involved in process. The process of necessity works differently in a quasi-judicial land use process than in a legislative process.

C. CDC 18.320.020 provides:

**18.320.020 Approval Process and Standards**

A. Approval Process. Annexations shall be processed by means of a Type IV procedure, as governed by Chapter 18.390 using standards of approval contained in Subsection B2 below.

B. 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; and
  2. The applicable comprehensive plan policies and implementing ordinance provisions have been satisfied.
- 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.
- D. Conversion table. Table 320.1 summarizes the conversion of the County's plan and zoning designations to City designations which are most similar.

The City used a Type IV approval process. The City has capacity to provide all required services to the area to be annexed, and the applicable Comprehensive Plan Policies, including those in Chapter 10, have been satisfied. The properties being annexed already have City comprehensive plan and zoning designations, that have been adopted and imposed by the County. Ms. Russell specifically argued that the City lacks parks capacity in the area. However, the City has sufficient parks capacity throughout the City to provide service to its residents, including residents in the areas being annexed. The services listed in the Comprehensive Plan, water, sewer, storm sewer, streets, police and fire protection, are the essential services that must be available, and those services will be available to the newly annexed areas. Ms. Russell questioned the adequacy of the street system. The City Council finds that the street system is adequate to provide service and will remain adequate. If the properties are not annexed, they could still be developed consistent with the County zoning, which is the same as City zoning, so whether the properties are annexed or not does not affect the impact on the street system.

- D. The areas to be annexed all have existing City zones that were established consistent with Table 320.1. The zoning is consistent with the Comprehensive Plan and applicable Community Development Code provisions.

Scott Miller

- 14. In addition to issues addressed in the "Issues Raised By More Than One Person" section of these findings, Mr. Miller stated a concern with an increase in taxes. Mr. Miller also argued that the consents received by the City are not consents.
  - A. Mr. Miller does not own property being annexed. His property is outside the area proposed for annexation. His taxes will not increase as a result of the annexation. The property owners in the area to be annexed have consented to the annexation. Whether taxes may increase is not an applicable standard or criterion in deciding an annexation.
  - B. For each of the annexations, the City has either the written consent of the property owners or a petition from the property owners to initiate the annexation. All are valid consents.

Lisa Hamilton Treick

- 15. In addition to issues address in the "Issues Raised By More Than One Person" section of these findings, Ms. Hamilton Treick argued that Measure 37 gives property owners rights that are violated by these annexations.
  - A. Ms. Hamilton Treick does not own property that will be annexed by these annexations. All owners of property being annexed have consented to these annexations. The property owners or their representatives who testified expressly stated that they voluntarily consent to the annexations. One of them, Tom Weber, stated that he actively sought annexation to Tigard because of the value it brings to his property. Measure 37 is not an applicable standard or criterion for annexation.
- 16. Ms. Hamilton Treick also argued that the City has no authority to condition land use approvals or acceptance of land use applications on a consent to annexation.
  - A. In addition to Findings 6 and 7, the various agreements with the County and other urban service providers, including the Urban Services Intergovernmental Agreement and Tigard Urban Service Agreement, anticipate that the City will provide planning services and will ultimately annex Tigard's urban service area. Requiring annexation is not inconsistent with those agreements. Urban Service Agreement Section I.D provides that the City shall endeavor to annex certain areas, including all areas currently proposed for annexation. Requiring annexation consents effectuates this provision of the Urban Service Agreement. The Urban Services Intergovernmental Agreement gives Tigard all land use decision-making authority over the area to be annexed. Land use authority

includes the authority to impose conditions. The City has the authority to impose a condition of approval requiring consent to annexation when it receives a land use application for a property outside the City.

*Individual Comments – Post-Hearing Written Submissions*

Julie Russell

17. Ms. Russell again discussed general opposition to annexation in the Bull Mountain area, HB 2484, SB 887, Comprehensive Plan Policies 2.1.1 and 10.1.2, and CDC 18.320.020. The above findings address those arguments.
18. Ms. Russell also argues that the zoning is wrong and inconsistent with the Bull Mountain Community Plan. The areas have all been rezoned by the County and the zoning being applied is the zoning required by CDC 18.320. Furthermore, as demonstrated in the written testimony of John Marquart, there is little or no practical difference between Washington County R-6 and Tigard R-7 zoning, as applied.
19. Ms. Russell argues that not everyone who was entitled to receive notice actually received notice. The City provided notice as required by applicable regulations. While it is possible that some persons did not receive notice, the City complies with the notice requirements.
20. Ms. Russell complains about possible effects on other service providers. The City has not received any negative comments from other service providers. All service providers in the area have agreed that the area being annexed will be annexed to Tigard. Services will be provided as agreed to in the Urban Services Agreements entered into by the City and other service providers.
21. Ms. Russell argues that the annexation will interfere with the orderly and economic provision of public facilities and services. However, her argument appears to be that services can be provided without annexation. That does not mean that annexation will disrupt or interfere with service provision. The agreements between the service providers will ensure orderly and economic provision of services.
22. Ms. Russell argues that the Alberta Rider School property should not be annexed. None of her arguments relate to any applicable standard or criterion.
23. Ms. Russell opposes the Summit Ridge annexation as non-contiguous. The Summit Ridge area being annexed will be contiguous with the City on annexation.
24. Ms. Russell objects to the Annexation of Arlington Heights 3 on the grounds that the annexation will cause annexation to a homeowners association. That argument does not relate to any applicable standard or criterion. Participation in a homeowner's association is a matter of contract between the parties and unrelated to a City's authority to annex. Ms. Russell also argues that the City cannot annex only part of a subdivision.

No applicable standard or criterion prohibits annexation of part of a subdivision. Furthermore, Arlington Heights 3 is a separate subdivision from Arlington Heights 1 and 2.

LaVelle and Marie Day

25. The Days object to the annexation on the grounds that the annexation may interfere with efforts to annex to King City or to create a new city. This argument does not relate to any applicable criterion or standard. None of the Days' other arguments are based on applicable standards or criteria.

Jackie and Gary Kisling

26. The Kislings raise issues related to HB 2484 and HB 2722. Those bills are addressed in the above findings.

Henry Kane

27. Mr. Kane makes arguments against island annexations. None of the annexations are island annexations.

Lisa Hamilton-Treik and Tom Treik

28. Ms. Hamilton-Treik and Mr. Treik oppose the process in which the hearings on four annexations were combined as causing hardship on those who wish to appeal. Even if the hearings had not been combined, the hearings could have been, and most likely would have been held at the same meeting. Therefore, the appeals would have all been due at the same time. Combining the hearings allowed people to state their objections a single time so as to avoid multiple repeated testimony. All persons were given a full opportunity to address any issues related to any of the four annexations.
29. They also object to the boundaries as being irregular and question the voluntariness of the consents. These issues are addressed above.
30. They also oppose the transfer of Traffic Impact Fees to Tigard's TIF accounts. That is not a relevant issue and does not relate to any applicable standard or criterion.

Philip E. Decker

31. Mr. Decker opposes the annexations as not being contiguous. No property being annexed will be separated from the City by any intervening unincorporated territory. The annexations are of contiguous property.
32. Mr. Decker argues that ORS 222.115 allows annexation contracts only for contiguous parcels. ORS 222.115 does not require that property be contiguous at the time an annexation contract is signed. One purpose of ORS 222.115 is to allow properties that

are not contiguous to consent to annexation so that they can receive urban services immediately and be annexed later when intervening properties annex. The contiguity requirement applies only when the annexation becomes effective.

33. Mr. Decker argues that the areas being annexed are irregularly shaped. The shape of the area being annexed is not an issue.
34. Mr. Decker argues that previous annexations were improper. The previous annexations are final and have not been challenged. They cannot be collaterally attacked at this time.

#### Comments In Support

35. After the hearing, the City received several written comments in support of the proposed annexations, including statements from Sean Foushee, on behalf of the applicants for the Mountain View Estates, from John Marquart on behalf of the applicant for the Wilson Ridge annexation, and from Tom Weber, on behalf of the owners of the Arlington Heights 3 property, all of whom stated that the annexation applications were voluntary. Mr. Marquart and Mr. Weber addressed other issues, strongly supporting the annexations of their respective areas.

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Application for Annexation  
14-Lot Subdivision

**Applicant**

Alpha Community Development  
Jerry Palmer  
9600 SW Oak Street, #230  
Portland, OR 97223  
Tel: 503.452.8003

**Applicant's Representative**

Alpha Community Development  
Jeff Vanderdasson, P.E.  
9600 SW Oak Street, # 230  
Portland, OR 97223  
Tel: 503.452.8003

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ORIGINAL (FULL SIZE) MAP

**Proposed Actions:** Annexation of 14 - Lot Subdivision

**Tax Map:** 2S109AC Tax Lots 100, 200,  
portion of SW Bull Mountain Road

**Site Size:** 2.68 acres  
3.10 acres including portion of SW Bull Mountain Road

**Zoning:** Washington County R-6  
City of Tigard R-7 proposed

**Applicant:**  
Alpha Community Development  
Jerry Palmer  
9600 SW Oak Street  
Portland, OR 97223  
tel: 503.452.8003

**Applicant's Representative**  
Alpha Community Development  
Jeff Vanderdasson, P.E.  
9600 SW Oak Street  
Portland, OR 97223  
tel: 503.452.8003



# ANNEXATION/ZONE CHANGE TYPE IV APPLICATION

13125 SW Hall Blvd., Tigard, OR 97223 (503) 639-4171 FAX: (503) 684-7297

PRE-APP. HELD WITH: \_\_\_\_\_  
DATE OF PRE-APP.: \_\_\_\_\_

### GENERAL INFORMATION

Property Address/Location(s): 13350-13400  
SW BULL MOUNTAIN RD.

Tax Map & Tax Lot #(s): 25 109 AC 100 & 200

Site Size: 2.68 ACRES

Property Owner/Deed Holder(s)\* (NOTE: If more than one (1) property owner, please complete the attached petition form):

RICK & LINDA GRAHAM

Address: 13400 SW BULL MTN. Phone: \_\_\_\_\_

City: TIGARD OR Zip: 97281

Applicant\*: ALPHA COMMUNITY DEVELOPMENT

Address: 9600 SW OAK ST. #230 Phone: <sup>503</sup> 452-8003

City: PORTLAND OR Zip: 97223

\* When the owner and the applicant are different people, the applicant must be the purchaser of record or a lessee in possession with written authorization from the owner or an agent of the owner with written authorization. The owner(s) must sign this application in the space provided on the back of this form or submit a written authorization with this application.

### PROPOSAL SUMMARY

The owner(s) of record of the subject property(ies) request to Annex 2.68 acres into the City of Tigard and a Zone Change Annexation from Washington County's Zone: R-6 to City of Tigard Zone: R-7 (if applicable). The current use of the area requesting to be Annexed is: DETACHED SINGLE-FAMILY

### FOR STAFF USE ONLY

Case No.(s): ZCA 2005-00002

Other Case No.(s): Sub 2005-00003

Receipt No.: 2005-1929

Application Accepted By: [Signature]

Date: 5/2/05

Date Determined To Be Complete: \_\_\_\_\_

Current Comp Plan/Zone Designation: \_\_\_\_\_

R-7

CIT Area: \_\_\_\_\_

Rev. 1/3/05

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### REQUIRED SUBMITTAL ELEMENTS

- Application Elements Submitted:
- Application Form
- Completed Annexation Petition for "Double Majority" Annexation (attached)
- Legal Description of Area to be Included in the Annexation
- Map Identifying Areas to be Included in the Annexation
- Applicant's Statement/Narrative (# of copies based on pre-app check list)
- 2 Sets of Pre-Addressed/Pre-Stamped Legal Size Envelopes
- Filing Fee \$2,302.00
- Metro Filing Fee (payable to Metro) as follows:
  - (Single tax lot less than 1 acre) ..... \$150.00
  - (1-5 acres) ..... \$250.00 J
  - (5-40 acres) ..... \$300.00
  - (Greater than 40 acres) ..... \$400.00

**APPLICANTS:**

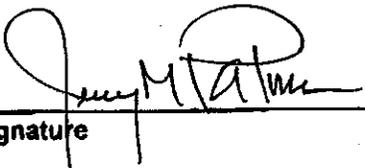
To consider an application complete, you will need to submit ALL of the REQUIRED SUBMITTAL ELEMENTS as described on the front of this application in the "Required Submittal Elements" box.

**THE APPLICANT(S) SHALL CERTIFY THAT:**

- The above request does not violate any deed restrictions that may be attached to or imposed upon the subject property.
- If the application is granted, the applicant will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- All of the above statements and the statements in the plot plan, attachments, and exhibits transmitted herewith, are true; and the applicants so acknowledge that any permit issued, based on this application, may be revoked if it is found that any such statements are false.
- The applicant has read the entire contents of the application, including the policies and criteria, and understands the requirements for approving or denying the application.

**SIGNATURE(S) of Applicant(s) representing property owners listed on the attached petition:**

DATED this 1st day of APRIL, 2005

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

**Receipt #: 2720050000000001929**

Date: 05/02/2005

Line Items:

Case No	Tran Code	Description	Revenue Account No	Amount Paid
ZCA2005-00002		[ULANUS] Zone Change Annex	255-0000-438000	2,006.00
ZCA2005-00002		[ULRPF] LR Planning Surcharge	255-0000-438050	296.00
ZCA2005-00002		[ULANUS] Zone Change Annex	255-0000-438000	250.00
<b>Line Item Total:</b>				<b>\$2,552.00</b>

Payments:

Method	Payer	User ID	Acct./Check No.	Approval No.	How Received	Amount Paid
Check	CASA TERRA LLC	KJP	6225		In Person	2,302.00
Check	CASA TERRA LLC	KJP	6226		In Person	250.00
<b>Payment Total:</b>						<b>\$2,552.00</b>

# DOUBLE MAJORITY WORKSHEET FOR ANNEXATION TO THE CITY OF TIGARD

Please list all properties/registered voters included in the proposal. ( If needed, use separate sheets for additional listings.)

## \*\*PROPERTIES\*\*

PROPERTY DESIGNATION (Tax Lot Numbers)	NAME OF PROPERTY OWNER	TOTAL ACRES	ASSESSED VALUE OF THE PROPERTY	SIGNED PETITION YES	SIGNED PETITION NO
251 09 AC 0100	RICK AND	1.99	\$ 290,150.00		
251 09 AC 0200	LINDA GRAHAM	0.69	\$ 284,910.00		
		2.68			

## \*\*REGISTERED VOTERS\*\*

ADDRESS OF REGISTERED VOTER	NAME OF REGISTERED VOTER	SIGNED PETITION YES	SIGNED PETITION NO
13400 SW BULL MTN. RD. TIGARD, OR	RICK GRAHAM	X	
13400 SW BULL MTN. RD. TIGARD, OR	LINDA GRAHAM	X	

## \*\*SUMMARY\*\*

TOTAL NUMBER OF REGISTERED VOTERS IN THE PROPOSAL: 2  
 NUMBER OF REGISTERED VOTERS WHO SIGNED PETITION: 2  
 PERCENTAGE OF REGISTERED VOTERS WHO SIGNED PETITION: 100%  
 TOTAL ACREAGE IN THE PROPOSAL: 2.68  
 ACREAGE SIGNED FOR: 2.68  
 PERCENTAGE OF ACREAGE SIGNED FOR: 100%  
 TOTAL NUMBER OF SINGLE-FAMILY UNITS: 2  
 TOTAL NUMBER OF MULTI-FAMILY UNITS: 0  
 TOTAL NUMBER OF COMMERCIAL STRUCTURES: 0  
 TOTAL NUMBER OF INDUSTRIAL STRUCTURES: 0

**CITY OF TIGARD  
CERTIFICATION OF LEGAL DESCRIPTION AND MAP**

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 251 09 AC) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME Jon Greninger  
TITLE SENIOR CARTOGRAPHER  
DEPARTMENT ASSESSMENT & TAXATION  
COUNTY OF WASHINGTON  
DATE 4-22-05

**THIS SECTION IS TO BE COMPLETED BY WASHINGTON COUNTY ASSESSOR'S OFFICE**

**CERTIFICATION OF PROPERTY OWNERSHIP**  
(Double Majority Method)

I hereby certify that the attached petition for annexation of the territory described therein to the City of Tigard contains the names of the owners\* of a majority of the land area of the territory to be annexed, as shown on the last available complete assessment role.

NAME: Jon Swearingen

TITLE: SENIOR CARTOGRAPHER

DEPARTMENT: ASSESSMENT & TAXATION

COUNTY OF: WASHINGTON

DATE: 4-22-05

\* indicates that "Owner" means the owner of the title to real property or the contract purchaser of real property.

**THIS SECTION IS TO BE COMPLETED BY WASHINGTON COUNTY ELECTIONS OFFICE**

**CERTIFICATION OF REGISTERED VOTERS**

I hereby certify that the attached petition for annexation of territory described herein to the City of Tigard contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_

COUNTY OF: \_\_\_\_\_

DATE: \_\_\_\_\_

**THIS SECTION IS TO BE COMPLETED BY WASHINGTON COUNTY ASSESSOR'S OFFICE**

### CERTIFICATION OF PROPERTY OWNERSHIP (Double Majority Method)

I hereby certify that the attached petition for annexation of the territory described therein to the City of Tigard contains the names of the owners\* of a majority of the land area of the territory to be annexed, as shown on the last available complete assessment role.

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_

COUNTY OF: \_\_\_\_\_

DATE: \_\_\_\_\_

\* indicates that "Owner" means the owner of the fee to real property or the contract purchaser of real property.

**THIS SECTION IS TO BE COMPLETED BY WASHINGTON COUNTY ELECTIONS OFFICE**

### CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition for annexation of territory described herein to the City of Tigard contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME: Barbara Harness

TITLE: Administrative Specialist II

DEPARTMENT: Elections

COUNTY OF: Washington

DATE: April 4, 2005

WASHINGTON COUNTY ELECTIONS  
3700 SW MURRAY BLVD, STE. 101  
BEAVERTON, OR 97005-2346

2519AC-00200 o/o voters  
2519AC-00100 2/2 voters





LEGAL DESCRIPTION  
GRAHAM ANNEXATION

JOB NO. 328-027

A PARCEL OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 13 OF THE PLAT OF "MOUNTAIN GATE" BEING THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED IN DEED DOCUMENT NO. 2004-06529; THENCE ALONG THE EAST LINE OF SAID PROPERTY AND SAID LINE EXTENDED, NORTH  $01^{\circ}31'37''$  EAST 132.47 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF S.W. BULL MOUNTAIN ROAD (COUNTY ROAD NO. 2515) LYING 20.00 FEET, RIGHT-ANGLE MEASURE, NORTHEASTERLY OF THE CENTERLINE; THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH  $59^{\circ}20'07''$  EAST 472.32 FEET TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF WESTERLY RIGHT-OF-WAY LINE OF SW 133<sup>RD</sup> AVENUE LYING 25.00 FEET, RIGHT-ANGLE MEASURE WEST OF THE CENTERLINE OF SW 133<sup>RD</sup> AVENUE; THENCE ALONG SAID EXTENSION AND WESTERLY RIGHT-OF-WAY LINE SOUTH  $00^{\circ}31'25''$  EAST 192.98 FEET TO THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED IN DEED DOCUMENT NO. 2000-04259; THENCE LEAVING SAID RIGHT-OF-WAY LINE ALONG THE SOUTH LINE OF SAID PROPERTY AND THE PROPERTY DESCRIBED IN DEED DOCUMENT NO. 2000-14685 NORTH  $89^{\circ}43'44''$  WEST 402.59 FEET TO A POINT LYING 10.00 FEET RIGHT ANGLE MEASURE EAST OF THE EAST LINE OF THE PLAT OF "MOUNTAIN GATE" ; THENCE SOUTH  $01^{\circ}31'37''$  WEST 928.57 FEET PARALLEL TO THE EAST LINE OF "MOUNTAIN GATE" AND "MOUNTAIN GATE NO.2" ; THENCE LEAVING SAID LINE NORTH  $88^{\circ}22'19''$  WEST 10.00 FEET TO A THE SOUTHEAST CORNER LOT 64 "MOUNTAINGATE NO.2"; THENCE ALONG THE AFOREMENTIONED PLAT LINES NORTH  $01^{\circ}31'37''$  EAST 1213.81 FEET TO POINT OF BEGINNING.

CONTAINING APPROXIMATELY 3.104 ACRES.

THE BASIS OF BEARING FOR THIS DESCRIPTION IS WASHINGTON COUNTY SURVEY NO. 22,110

**FACT SHEET**

**Project Name:** Wilson Ridge

**Proposed Actions:** Annexation of 14 - Lot Subdivision

**Tax Map:** 2S109AC Tax Lots 100, 200

**Site Size:** 2.68 acres  
3.10 acres including portion of SW Bull Mountain Road

**Location:** Located along the south side of SW Bull Mountain Road, east of Peachtree Drive at the southwest corner of SW 133<sup>rd</sup> Avenue (southerly portion), abutting the Mountain Gate Subdivision. Three Mountains Estates Subdivision is across SW Bull Mountain Road to the north.

**Zoning:** Washington County R-6  
City of Tigard R-7 proposed

**Owner:** Rick and Linda Graham  
13400 SW Bull Mountain Road  
Tigard, OR 97281

**Applicant:** Alpha Community Development  
Jerry Palmer  
9600 SW Oak Street  
Portland, OR 97223  
tel: 503.452.8003

**Applicant's Representative:** Alpha Community Development  
Jeff Vanderdasson, P.E.  
9600 SW Oak Street, Suite 230  
Portland, OR 97223  
tel: 503.452.8003

**GENERAL INFORMATION:**

Applicant is seeking annexation of a 14-lot subdivision, Wilson Ridge, into the City of Tigard. A City of Tigard land use application has been completed for the subdivision, and is currently under review by Tigard Planning Division and Engineering Department. The 2.68 acre subject site may be specifically identified by Tax Lots 100 and 200, Tax Map 2S109AC. The site is currently within the Tigard urban services area, and carries an R-6 Washington County land use designation. City of Tigard R-7 zoning is sought at time of annexation, which would allow for residential use with a 5,000 square foot minimum lot size. This R-7 zoning and its development standards have directed the design of the subdivision as submitted. As will be discussed further in this application, appropriate levels of urban services exist to serve the site, or will be made so during the course of development and construction.

The site is currently largely open with 2 existing single-family detached residences and 2 associated outbuildings as well as scattered trees of varying caliper. The western and southern portions of existing tax lot 100 are especially clear of any use or vegetation. Topographically, the site slopes downhill to the south and east, with the lowest point in the southeast corner. Slopes average 10% or less. No sensitive areas exist on site, or within 200 feet of the site.

## VICINITY & SITE INFORMATION

The immediate area is currently undergoing a transition from semi-rural residential to an urban residential area. The most intense existing, proposed and approved developments are to the west, southeast and north of the site. The fully built-out Mountain Gate subdivision is immediately west of the site. Phases 1 - 4 of Summit Ridge subdivision, Phases 1 - 2 of Arbor Summit subdivision and Alberta Rider school site are southeast of the site. Three Mountains Estates subdivision is north of the site, across SW Bull Mountain Road.

### Site Location

The site is generally located along the south side of SW Bull Mountain Road, east of Peachtree Drive, at the southwest corner of SW 133<sup>rd</sup> Avenue, abutting the Mountain Gate subdivision. The sole access to the site will be via a proposed north-south oriented cul-de-sac, Angus Place, which forms a natural extension of the northern portion of SW 133<sup>rd</sup> Avenue currently dead-ending at a "T" intersection with SW Bull Mountain Road.

### Existing Uses

There are 4 existing structures on the site: 2 detached single-story single-family residences and 2 associated outbuildings. Parcel 100 also features a small gravel accessory parking area measuring approximately 3,300 sq. ft., between the house and outbuilding. All are proposed to be removed.

### Topography

The site slopes downhill quite gradually from a high point of 626' in the northwest corner of parcel 100 to a low point of 598' in the southeast corner of parcel 200. Overall, slopes average approximately 5.53% across the site.

### Vegetation

The site is marked by scattered trees of varying species and caliper as well as several low shrubs occurring near SW Bull Mountain Road. The western and southwestern portions of the site are especially void of vegetation of any kind.

### Transportation

The site is located along SW Bull Mountain Road and SW 133<sup>rd</sup> Avenue (southern portion), designated major and minor collectors, respectively, in the City of Tigard TSP. The subdivision proposes to dedicate additional land along both streets for the purposes of half-street improvements to City specification. Auto and non-auto transportation facilities continue to develop in the local area and the improvements proposed with this subdivision will help facilitate completion of needed transportation infrastructure, particularly sidewalks along the south side of SW Bull Mountain Road, identified as a high priority in the City of Tigard TSP.

The nearest transit access is at the intersection of SW Bull Mountain Road and Highway 99W, where Tri-Met bus route 95 can be accessed at a park-and-ride facility. This location is approximately 1-¼ miles east of the site.

### Surrounding Land Uses

The immediate area is currently undergoing a transition from semi-rural residential to an urban residential area. The subject site is located in a developing area of single-family residential development on relatively large lots punctuated by fully-developed subdivisions. The fully built-out Mountain Gate subdivision is immediately west of the site. Phases 1 - 4 of Summit Ridge subdivision, Phases 1 - 2 of Arbor Summit subdivision and Alberta Rider school site are southeast of the site. The fully built-out Three Mountains Estates subdivision is north of the site, across Bull Mountain Road.

## APPLICABLE ANNEXATION CRITERIA

### COMPREHENSIVE PLAN 10.1.1[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. The Services are:

1.) Water – City of Tigard, Water Department

RESPONSE: Adequate service with respect to both domestic water and fire suppression can be provided to all lots within the Wilson Ridge Subdivision via connection to existing 12” high-pressure main in SW Bull Mountain Road as proposed in the land use application.

2.) Sewer – City of Tigard Engineering Department

RESPONSE: Adequate sanitary sewerage service can be provided to all lots within the Wilson Ridge Subdivision via connection to existing line in SW 133<sup>rd</sup> Avenue (southerly portion) as proposed in the land use application.

3.) Drainage – City of Tigard Engineering Department

RESPONSE: Adequate storm sewerage service can be provided to the Wilson Ridge Subdivision via connection to existing line in SW 133<sup>rd</sup> Avenue (southerly portion) as proposed in the land use application. Stormfilter cartridge(s) are to be utilized for treatment prior to release into existing line in accordance with City of Tigard standards.

4.) Streets – City of Tigard Engineering Department

RESPONSE: As proposed in the land use application, adequate service can be provided to the Wilson Ridge Subdivision with respect to public streets; specifically the entire Angus Place and those portions of SW Bull Mountain Road and SW 133<sup>rd</sup> Avenue designated for half-street improvements.

5.) Police – City of Tigard Police Department

RESPONSE: Jim Wolf of the City of Tigard Police Department has reviewed a complete set of the application materials regarding service availability, and has indicated to Planning staff and the applicant’s representative that the Police Department does not object to the proposed annexation. A copy of Mr. Wolf’s memorandum to Planning is attached.

6.) Fire Protection – Tualatin Valley Fire & Rescue

RESPONSE: Tualatin Valley Fire & Rescue already provides services to the Wilson Ridge Subdivision regardless of the outcome of this annexation application, therefore this criterion is not applicable.

### COMPREHENSIVE PLAN 10.1.2

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;

RESPONSE: Annexation of the Wilson Ridge Subdivision will not create an irregular boundary that will make it difficult for the police to determine whether the parcel is within or outside the City in an emergency situation. The Wilson Ridge Subdivision, in fact provides for a logical and natural extension of SW 133<sup>rd</sup> Avenue (northerly portion) from the Three Mountains Estates Subdivision, which is already within City limits, across SW Bull Mountain Road via a new public street, Angus Place.

- c.) The Police Department has commented upon the annexation;

RESPONSE: Jim Wolfe, City of Tigard Police Department, has reviewed a complete set of the application materials with respect to service availability, and has indicated to Planning staff and the applicant's representative that the Police Department has no objection to the proposed annexation. A copy of Mr. Wolf's memorandum to Planning is attached.

- d.) The land is located within the Tigard Urban Planning Area and is contiguous to the City boundary;

RESPONSE: The Wilson Ridge Subdivision is located within the Tigard Urban Planning Area and is contiguous to the existing City limits boundary along its northerly boundary at the intersection of SW Bull Mountain Road and Angus Place.

- e.) The annexation can be accommodated by the services listed in 10.1.1[a].

RESPONSE: The Wilson Ridge Subdivision can be accommodated by all the necessary services without negative impact (please see 10.1.1[a] above).

### COMPREHENSIVE PLAN 10.1.3

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.

RESPONSE: The Wilson Ridge Subdivision currently carries a Washington County zoning designation of R-6. Upon annexation, the applicant seeks a City of Tigard zoning district designation of R-7, the standards for which have directed the design of the subdivision.

### COMPREHENSIVE PLAN 10.2.3

As a precondition to the approval of the extension of services outside the City limits, the City shall have the right of review for all development proposals outside the Tigard City limits but within the Tigard Urban Planning Area (reference Tigard's Urban Planning Area Agreements with Washington County). The City shall require that development will not:

- a.) preclude the further development of the properties to urban densities and standards; or
- b.) preclude the subsequent development of surrounding properties.

**RESPONSE:** The Wilson Ridge Subdivision neither precludes the development of the properties to urban densities and standards; nor precludes the subsequent development of surrounding properties, which have already been developed to urban standard under existing zoning.

This review shall include the following factors as set forth in the Tigard Comprehensive Plan and appropriate implementating ordinances:

- a.) land use

**RESPONSE:** The Wilson Ridge Subdivision is currently under review by the City of Tigard Planning Division with respect to land use.

- b.) density

**RESPONSE:** The Wilson Ridge Subdivision meets the density standards set forth by R-7 zoning, and is currently under review by the City of Tigard Planning Division with respect to density.

- c.) placement of structures on the site

**RESPONSE:** Proposed placement of residential structures within the Wilson Ridge Subdivision meet the siting standards of the R-7 zoning, and is currently under review by the City of Tigard Planning Division with respect to placement of structures.

- d.) street alignment

**RESPONSE:** The Wilson Ridge Subdivision proposes a natural and logical extension of SW 133<sup>rd</sup> Avenue (northern portion) southward across SW Bull Mountain Road via construction of a new public street, Angus Place, and is currently under review by the City of Tigard Engineering Department and Planning Division with respect to street alignment.

- e.) drainage

**RESPONSE:** The Wilson Ridge Subdivision meets all applicable City standards regarding surface water management, and is currently under review by the City of Tigard Engineering Department with respect to drainage.

MEMORANDUM  
TIGARD POLICE DEPARTMENT



DATE: March 31, 2005

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TO: Morgan Tracy-Current Planning

FROM:  Jim Wolf-Police

VIA: interoffice

SUBJECT: Bull Ridge

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Morgan,

Tigard Police has no objections or comments pertaining to the Bull Ridge development and annexation into the City of Tigard.