

Final Documents

For

Annexation to the
City of Tigard

WA7604
Order 04-11
DOR 34-1707-2004
Sec. State: AN-2004-0268

Final to Secretary of State:

Signature:



Date of

Mailing: 12/21/04

WA7604

Sent

Received

DOR:

by City

12/21/04

Sec. State:

12/21/04

12/27/04

Assessor:

12/21/04

Elections:

12/21/04

Mapped:

Yes

Properties:

2S109AB00700

13275 SW BULL MOUNTAIN ROAD

2S109AB00800

13279 SW BULL MOUNTAIN ROAD

2S109AB00900

13267 SW BULL MOUNTAIN ROAD

2S109AB01000

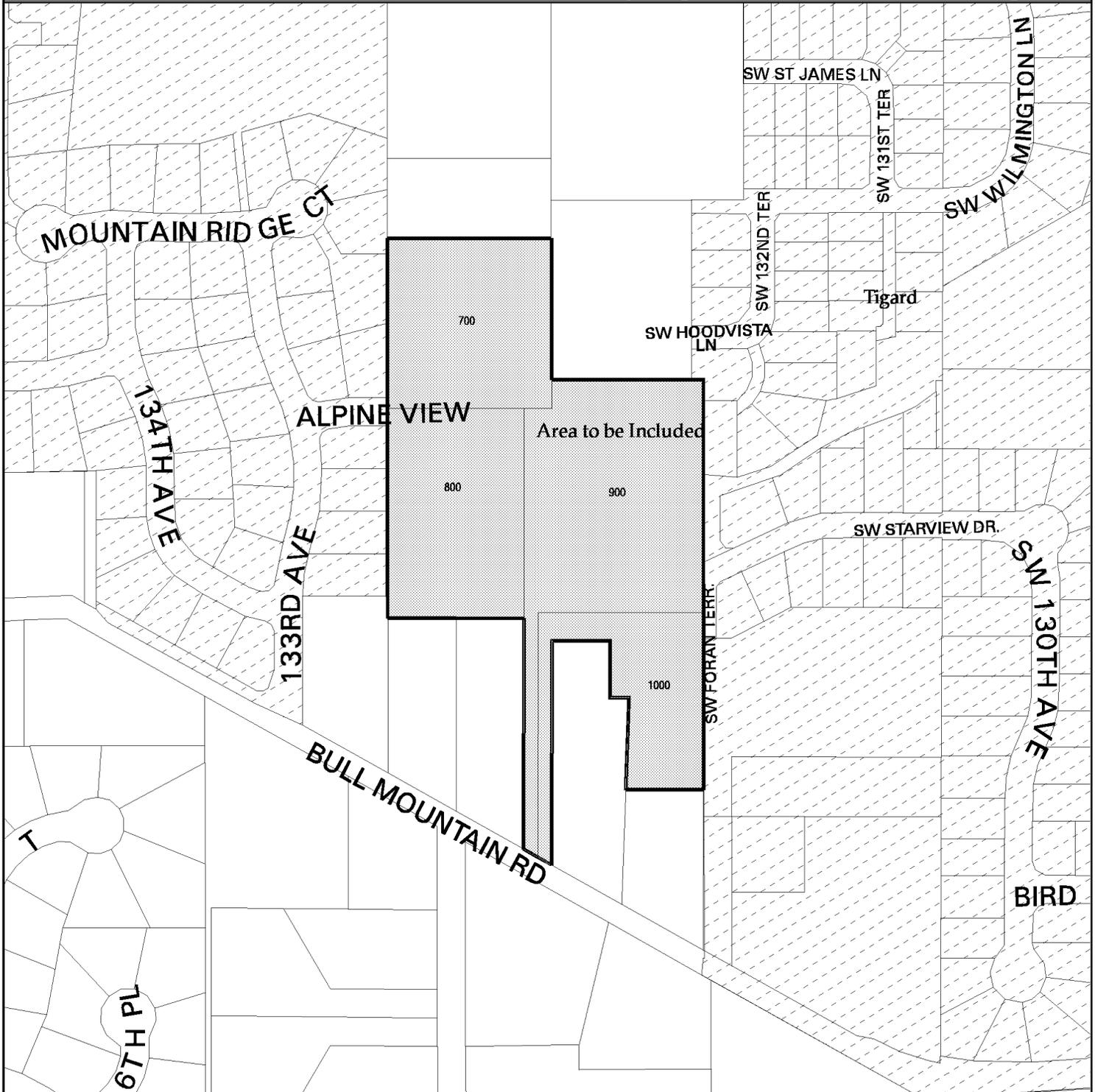
13255 SW BULL MOUNTAIN ROAD

Proposal No. WA7604

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

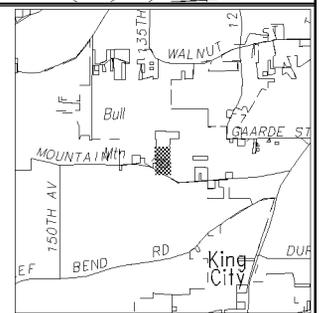
City

Annexation boundary

Urban Growth Boundary

Proposal No. WA7604
CITY OF TIGARD
Figure 1

Scale: 1" = 250'



Office of the Secretary of State
Bill Bradbury
Secretary of State



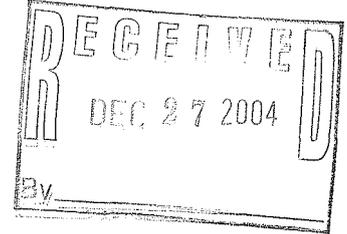
Archives Division
ROY TURNBAUGH
Director

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

Facsimile (503)373-0953

December 22, 2004

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



Dear Mr. Knight:

Please be advised that we have received and filed, as of December 22, 2004, the following records annexing territory to the following:

| Ordinance/Resolution Number(s) | Our File Number |
|--------------------------------|-----------------------------|
| ORD NO 04-11 | AN 2004-0268 (Tigard) |
| ORD NO 292 | AN 2004-0269 (Happy Valley) |
| ORD NO 2402 | AN 2004-0270 (Lake Oswego) |
| ORD NO 178891 | AN 2004-0271 (Portland) |
| ORD NO 5442 | AN 2004-0272 (Hillsboro) |
| ORD NO 5444 | AN 2004-0273 (Hillsboro) |
| ORD NO 5433 | AN 2004-0274 (Hillsboro) |
| ORD NO 1175-04 | AN 2004-0275 (Tualatin) |

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

Notice to Taxing Districts

ORS 308.225



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
November 22, 2004
As Per ORS 308.225**

Description Map received from: CITY
On: 11/15/2004

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

ANNEX TO CITY OF TIGARD; WITHDRAW FROM SEVERAL DISTRICTS
ZCA2004-00002

ORD. #04-11 (ALPINE VIEW)

has been: Approved 11/22/2004
 Disapproved

Notes:

Department of Revenue File Number: 34-1707-2004

Prepared by: Carolyn Sunderman, 503-945-8882

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

CITY OF TIGARD, OREGON

ORDINANCE NO. 04-11

AN ORDINANCE ANNEXING THE ALPINE VIEW AREA, APPROVING ANNEXATION ZCA 2004-00002, 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.

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 November 9, 2004 to consider the annexation of four (4) parcel of land consisting of 8.70 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, 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 on November 9, 2004; 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 Urban Service Agreement and Community Development Code state, that upon annexation, the zone is automatically changed to the City zoning most closely conforming to the County zoning; and

WHEREAS, the current and proposed zoning district is R-7, therefore, no zone change is necessary; 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 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 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 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor and posting by the City Recorder.

SECTION 3: The City Recorder is hereby directed to file certified copies of the Ordinance with Metro for administrative processing.

SECTION 4: 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 5: Pursuant to ORS 222.465, the effective date of the withdrawal of this property from the Tigard Water District shall be July 1, 2005.

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

SECTION 7: Pursuant to 18.320.020.C of the Community Development Code, the comprehensive plan and zoning designation placed on the properties shall be automatically applied upon approval of the Council.

SECTION 8: City Council shall adopt the findings and conclusions contained in Section IV of the Staff Report to the City Council for ZCA2004-00002.

PASSED: By Unanimous vote of all Council members present after being read by number and title only, this 9th day of November, 2004.

Elizabeth Newlin
Jane McGarvin, Deputy City Recorder

APPROVED: By Tigard City Council this 9th day of November, 2004.

Craig Dirksen, Mayor
NICK WILSON COUNCIL PRES.
November 9, 2004
Date

Approved as to form:
[Signature]
City Attorney

EXHIBIT "A"
CITY OF TIGARD
ANNEXATION
LEGAL DESCRIPTION

Revised September 22, 2004

THE PURPOSE OF THIS LEGAL DESCRIPTION IS TO COMBINE IN ONE DOCUMENT THE BOUNDARIES OF THOSE LANDS DESCRIBED IN DEED DOCUMENT No. 89-101850, 90-41679 AND 97-119775 CONTAINED HEREIN FOR ANNEXATION TO THE CITY OF TIGARD.

TRACT OF LAND SITUATED IN THE N.E. QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 9, BEING MARKED BY A 3 1/4 INCH DIAMETER ALUMINIUM DISK; THENCE ALONG THE NORTH LINE OF SECTION 9, S 89°53'02" E 326.62 FEET TO THE NORTHWEST CORNER OF THAT LAND AS DESCRIBED IN DEED BOOK 803, PAGE 480; THENCE ALONG THE WEST LINE OF LAST SAID DEED AND THE EAST LINE OF THE DULY RECORDED PLAT OF "THREE MOUNTAIN ESTATES", S 00°00'08" E 450.00 FEET TO THE NORTHWEST CORNER OF THAT LAND AS DESCRIBED IN DEED DOCUMENT No. 89-101850, AND THE "TRUE POINT OF BEGINNING" OF THIS DESCRIPTION; THENCE ALONG THE NORTH LINE OF SAID DOCUMENT No. 89-101850, S 89°53'02" E 291.86 FEET TO THE NORTHEAST CORNER OF LAST SAID DEED; THENCE ALONG THE EAST LINE OF LAST SAID DEED S 00°04'52" E 248.00 FEET TO THE NORTHWEST CORNER OF THAT LAND DESCRIBED IN DEED DOCUMENT No. 90-041679; THENCE ALONG THE NORTH LINE OF LAST SAID DEED N 89°51'54" E 250.00 FEET TO AN ANGLE POINT IN THE NORTH LINE OF SAID DEED; THENCE CONTINUING ALONG SAID NORTH LINE S 89°45'47" E 19.65 FEET TO THE N.E. CORNER OF SAID DOCUMENT No. 90-041679, BEING ON THE WEST LINE OF THE DULY RECORDED PLAT OF "RAVEN RIDGE"; THENCE ALONG THE EAST LINE OF LAST SAID DEED AND ALONG THE WEST LINE OF SAID "RAVEN RIDGE" AND THE DULY RECORDED PLAT OF "FORAN", S 01°01'12" E 409.45 FEET TO THE S.E. CORNER OF DOCUMENT No. 90-041679; THENCE ALONG THE SOUTH LINE OF LAST SAID DEED S 89°52'48" W 294.21 TO AN ANGLE POINT IN SAID SOUTH LINE; THENCE CONTINUING ALONG SAID SOUTH LINE S 00°04'52" E 431.08 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF S.W. BULL MOUNTAIN ROAD, THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE N 60°59'55" W 28.61 FEET TO THE S.E. CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED BOOK 871, PAGE 544; THENCE ALONG THE WEST LINE OF SAID DOCUMENT NO. 90041679 N 00°04'52" W 406.90 FEET TO

THE S.E. CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED IN DEED DOCUMENT No. 97-119775; THENCE ALONG THE SOUTH LINE OF LAST SAID TRACT N 89°53'02" W 242.78 FEET TO THE S.W. CORNER OF SAID DOCUMENT NO. 97-119775; THENCE ALONG THE WEST LINE OF SAID DOCUMENT NUMBERS 97-11975 AND 89-10185 AND ALONG THE EAST LINE OF AFORE SAID "THREE MOUNTAIN ESTATES", N 00°00'08" W 667.97 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING: 7.25 ACRES

EDWIN E. MURPHY
13256 S.W. BULL MTN. RD.
TIGARD, OR 97224

Description:

A portion of that tract of land conveyed to Willard F. Weeks, et ux, by Deed recorded June 9, 1955 in Book 370, Page 127, Washington County Oregon, Deed Records, said portion being more particularly described as follows:

Beginning at an iron pipe at the Northwest corner of that tract of land conveyed to Willard F. Weeks, et ux, by Deed recorded June 9, 1955 in Book 370, Page 127, Washington County, Oregon, Deed Records, which iron pipe is North 89° 36' East a distance of 618.1 feet and South 0° 35' East a distance of 697.7 feet from the North one-quarter section corner of Section 9, Township 2 South, Range 1 West, of the Willamette Meridian, in the County of Washington and State of Oregon; thence running South 0° 30' 50" East a distance of 459.50 feet to the Northwest corner of that tract of land conveyed to William H. Poole, et ux, by Deed recorded April 16, 1963 in Book 484, Page 517, said Deed Records; thence North 89° 31' East along the North line of said Poole tract a distance of 103.37 feet, more or less, to the most Northerly Northeast corner of said Poole tract; thence South 0° 29' West along the East line of said Poole tract a distance of 100 feet; thence North 89° 31' East along the North line of said Poole tract a distance of 33.30 feet; thence South 01° 42' West along the East line of said Poole tract a distance of 162.35 feet, more or less, to the Northwest corner of that tract of land conveyed to Roy B. Wolfe, et ux, by Deed recorded January 8, 1968 in Book 675, Page 570, said Deed Records; thence North 89° 31' 30" East along the North line of said Wolfe tract a distance of 150 feet, more or less, to the East line of said Weeks tract; thence North 0° 29' West along the East line of said Weeks tract a distance of 721.48 feet to the Northeast corner thereof; thence South 89° 31' 30" West along the North line of said Weeks tract a distance of 269.6 feet to the point of beginning.

EXCEPTING THEREFROM the North 409.50 feet, when measured parallel to the North line of the aforementioned Weeks tract.

TOGETHER WITH the Easterly 25 feet of the following described property lying South of the Westerly extension of a line that runs 409.50 feet South of and parallel with the North line of that parcel conveyed to Willard F. Weeks, et ux, by Deed recorded in Book 370, Page 127, Washington County Oregon Records:

Beginning at the stone marking in the North one-quarter corner of Section 9, Township 2 South, Range 1 West of the Willamette Meridian, in the County of Washington and State of Oregon; thence South 0° 35' East a distance of 1233.5 feet along the North and South one-quarter line through said Section 9, to an iron bar in the center of Bull Mountain Road; thence South 61° 27' East, a distance of 375.36 feet along the center of said road to the Southeast corner of a tract

Dated May 21, 1993

2912139

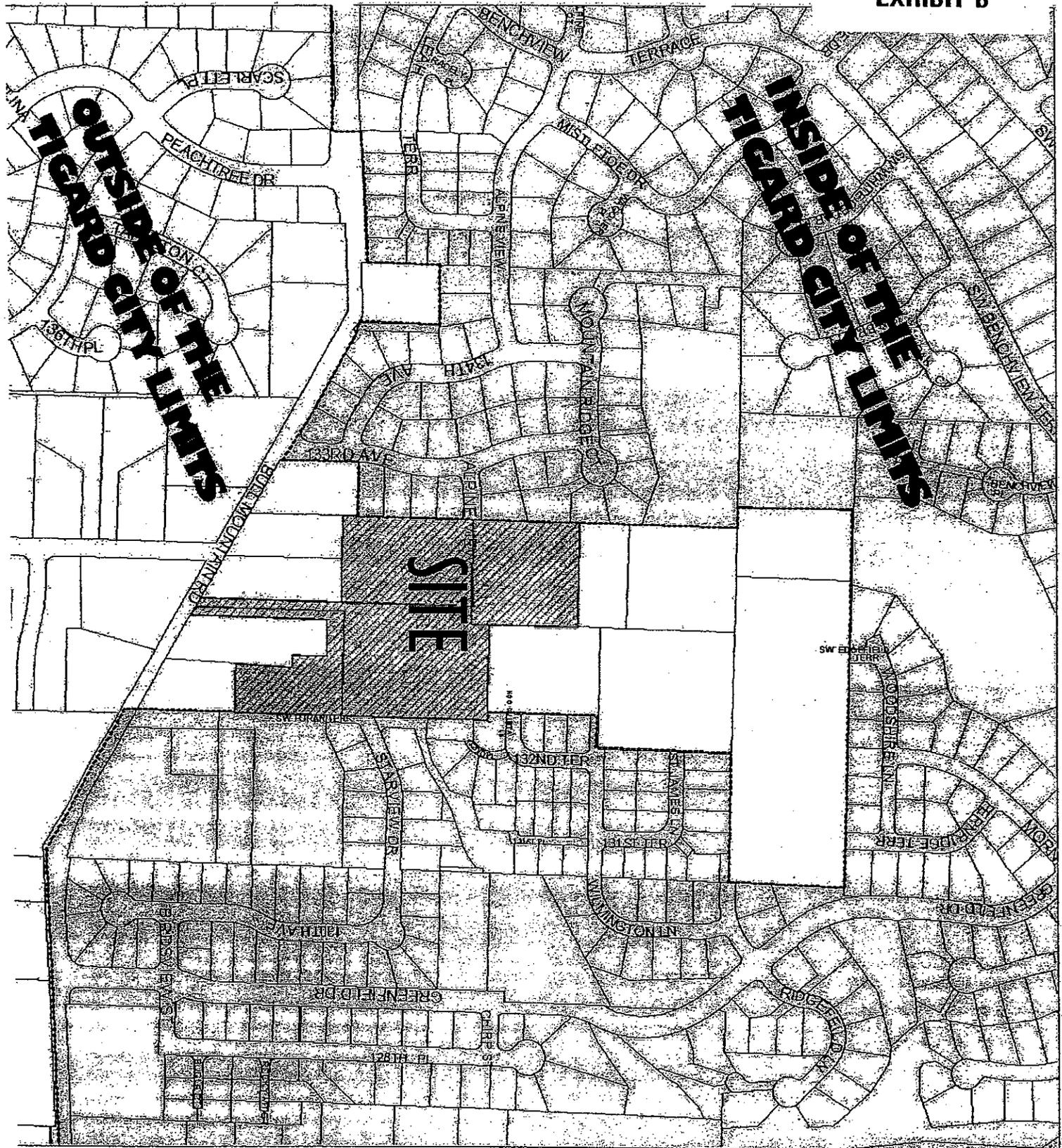
EDWINE E. MURPHY
13255 S.W. BULL MTN. RD.
TIGARD, OR 97224

conveyed to S.E. Lasselle, et al, by Deed recorded June 20, 1944 in Book 231, Page 673, Deed Records, and the true point of beginning of the herein described parcel; thence North 00° 01' East along the East line of said Lasselle tract, 22.84 feet to an iron rod; thence continuing North 00° 01' East along the East line of said Lasselle tract, 619.84 feet to an iron rod; thence North 89° 02' East 290.30 feet to an iron rod; thence South 00° 01' West along the West line of tract conveyed to Jesse R. Moler by Deed recorded in Book 99, Page 335, a distance of 809.13 feet to an iron rod; thence continuing South 00° 01' West along the West line of said Moler tract, 22.84 feet to the center of Bull Mountain Road; thence North 61° 07' West along the center of Bull Mountain Road, to the true place of beginning, except that portion lying in Bull Mountain Road.

CONTAINING 1.45 ACRES

Dated May 21, 1993

2912139



CITY OF TIGARD
 6330 10TH AVENUE SW
VICINITY MAP
 ZCA2004-00002
ALPINE VIEW ANNEXATION

Shaded area indicates inside the city limit

1" = 300' N.A.S.
 0 100 200 300 400 500 Feet
 1" = 300' N.A.S.

Information on this map is for general location of should be verified with the Development Services 12126 SW Mill Blvd Tigard, OR 97223 503-831-4173



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): 13267, 13275,
13279 SW Bull Mtn Rd.

Tax Map & Tax Lot #(s): 25-1-09AB
Tax Lots 700, 800, 900

Site Size: 7.24 AC. (total)

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

(See attached)

Address: _____ Phone: _____

City: _____ Zip: _____

Applicant*: Colton Fetting Company

Address: 1310 SW 17th Ave Phone: 503 222 9638

City: PORTLAND, OR Zip: 97201

* 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 7.24 acres into the City of Tigard and a **Zone Change Annexation** from Washington County's Zone: R6 to City of Tigard Zone: R7 (if applicable). The current use of the area requesting to be Annexed is: Three single family homes on large parcels

FOR STAFF USE ONLY

Case No.(s): ZCA 2004 - 00002

Other Case No.(s): _____

Receipt No.: 2004-3276

Application Accepted By: C. Cairns

Date: 7-26-04

Date Determined To Be Complete: _____

Current Comp Plan/Zone Designation: R-7 / Med Den Res

CIT Area: _____

Rev. 15-Aug-02 i:\curpln\masters\revised\annex-zc.doc

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 (Deeds)
- 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 \$1,825.00
- Metro Filing Fee (payable to Metro) as follows:
 - (Single tax lot less than 1 acre) \$100.00
 - (1-5 acres) \$200.00
 - (5-40 acres) \$250.00
 - (Greater than 40 acres) \$350.00

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 _____ day of _____, 20____

Alb Deuth 7/2/04
Signature Date

Carol Deuth 7/2/04
Signature Date

Jeff Beaudon 7/2/04
Signature Date

[Signature] 7-5-04
Signature Date

Sandra C. Mehler 7-5-04
Signature Date

LE
AP

MEMORANDUM

To: City of Tigard, Community Development Department
From: Lamoine Eiler

Date: 7 July, 2004

Subject: Annexation of Property at 13279, 13275, and 13267 SW Bull Mountain Road

This application is for the annexation of the three properties located at 13279, 13275, and 13267 SW Bull Mountain Road (Tax Map 2S109AB, Lots 800, 700 and 900 respectively). The subject properties comprise a site that is approximately 7.25 acres in size. The site is currently located in Washington County and is zoned R-6. Following annexation into the City of Tigard, the appropriate zoning for the property would be R-7. There are currently three single-family detached homes located on the properties.

Colton Fettig Company, the Applicant, is proposing to develop a 28-lot subdivision for single-family detached homes on the three properties. The Applicant will provide a street connection to SW Alpine View on the western boundary of the site and SW Starview Drive on the eastern boundary of the site. Internal streets will also stub out to the northern and southern boundaries of the site.

Comprehensive Pan Approval Criteria:

- *The annexation eliminates and existing "pocket" or "island" of unincorporated territory;*
or

Finding:

The eastern and western boundaries of the proposed annexation site abut the City of Tigard boundary. This annexation will eliminate a portion of an existing "pocket" of unincorporated territory. The remained of the "pocket" is within the Bull Mountain Annexation area and is slated for annexation in 2004.

- *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;*

Finding:

The proposed annexation will reduce the irregularity of the City of Tigard boundary. At the same time, the proposed street system will tie into two existing streets that are within the City of Tigard. These connections will increase connectivity, making it easier for police to

7 July, 2004

determine if they are within the City and to access locations within the entire neighborhood. The proposed streets will be designed to meet the City and Fire Marshall standards insuring that the police department and the fire department will have adequate access to the site.

- *The police department has commented upon the annexation;*

Finding:

The City of Tigard Police Department will be give an opportunity, through the annexation review process, to review and comment on this annexation. This requirement will be met through the review process.

- *The land is located within the Tigard Urban Planning Area and is contiguous to the city Boundary; and*

Finding:

The proposed annexation site is bounded by the City of Tigard on the eastern and western boundaries of the property. The site is also within the Tigard Urban Planning Area. The site is within the Bull Mountain Annexation area and is slated to be annexed into the City in 2004. This proposed annexation will simply expedited that process for this site.

- *The annexation can be accommodated by the services listed in 10.1.1.(a).*

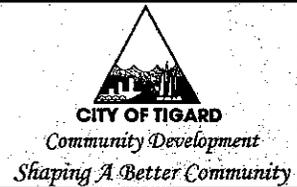
Services Listed in 10.1.1.(a):

- *Water*
- *Sewer*
- *Drainage*
- *Streets*
- *Police and Fire Protection*

Finding:

Hearing Date: November 9, 2004 7:30 PM

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

**SECTION I. APPLICATION SUMMARY**

FILE NAME: ALPINE VIEW ANNEXATION

CASE NO.: Zone Change Annexation (ZCA) ZCA2004-00002

APPLICANT: Colton/Fettig Company **OWNER:** Robert & Carol Deuth
1310 SW 17th Avenue 13275 SW Bull Mountain Road
Portland, OR 97201 Tigard, OR 97224

OWNER: Jeffrey Beaudoin **OWNER:** Edward & Sandra Metzler
13279 SW Bull Mountain Road 13267 SW Bull Mountain Road
Tigard, OR 97224 Tigard, OR 97224

OWNER: Edwin E. Murphy
13255 SW Bull Mountain Road
Tigard, OR 97224

REQUEST: The applicants are requesting to annex four (4) parcels consisting of approximately 8.70 acres of land in total into the City of Tigard.

LOCATION: 13255, 13267, 13279, 13275 SW Bull Mountain Road; WCTM 2S109AB, Tax Lots 700, 800, 900, and 1000. The project is located on the north side of SW Bull Mountain Road at SW 133rd Avenue.

CURRENT 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.

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 applicants have requested annexation of four properties located north of SW Bull Mountain Road which include access to Bull Mountain Road in the vicinity of the SW 133rd Avenue intersection. The area to be annexed totals 8.69 acres. Each of the four properties is currently developed with a single-family residence.

Vicinity Information:

The subject parcels, together with eleven other adjacent parcels, form an unincorporated "pocket" bounded on three sides by the City of Tigard. Adjacent subdivisions located within The City of Tigard include Raven Ridge and Foran to the south and Three Mountain Estates to the north. If the subject parcels are annexed, six of the eleven remaining parcels in the "pocket" would form an island of unincorporated land surrounded by the City of Tigard.

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:

Policy 2.1.1:

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 September 22, 2004. These measures assure that citizens have been provided opportunity to be involved in the annexation process, consistent with Policy 2.1.1.

Policy 10.1.1:

This Policy requires adequate service capacity delivery to annexed parcels. The City of Tigard Police, Engineering and Water Departments, Metro Area Communications, NW Natural Gas, Tualatin Valley Fire and Rescue, Tualatin Hills Park and Recreation District, and Clean Water Services have all been notified of the annexation request and have offered no objections to it. Without objection by the above mentioned service providers, the parcels proposed to be annexed would receive adequate service capacity delivery, consistent with Policy 10.1.1.

Policy 10.1.2:

This Policy pertains to boundary criteria for annexations. The area proposed for annexation partially eliminates an existing pocket of unincorporated territory. The City of Tigard Police commented on the annexation proposal stating that they reviewed the proposal and has no objections to it. The land is located within the Tigard urban planning area and each parcel is contiguous to the city boundary. The annexation can be accommodated by the services listed in Policy 10.1.1. The annexation request is consistent with Policy 10.1.2.

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

Section 18.320.020: This Section addresses approval standards for annexation proposals and is satisfied because:

The applicable Comprehensive Plan Policies and Community Development Code provisions have been reviewed and satisfied as previously indicated in this report.

The property is currently zoned R-7. Because this property is in the Urban Services Area, the equivalent zoning has already been attached to the property, therefore, the property does not need to be rezoned upon annexation.

Section 18.390.060: This Section addresses the decision-making procedure for annexation proposals (Type IV) and is satisfied because:

Type IV procedures apply to legislative matters, which require hearings at both the Planning Commission and the City Council, except for annexations which require a hearing at City Council only. Documentation of compliance with the provisions of this section including the pre-application conference, timing of requests, application requirements, notice of hearing, and hearing process and procedures are contained in the land use file for the subject annexation request.

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;

According to the Urban Planning Area Agreement between the City of Tigard and Washington County (November 26, 2002), "The CITY and COUNTY will be supportive of annexations to the City over time. The City shall endeavor to annex the unincorporated areas shown on Map A (Tigard Urban Services Boundary) . . ." The properties petitioned for annexation are unincorporated and located within the Tigard Urban Services Boundary. Therefore, pursuant to the Urban Planning Area Agreement, and as evidenced in the attached Ordinance, the City endeavors to annex the subject properties, 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 annexation 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. Many services have been extended to that area as a result of earlier development.

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. OTHER STAFF COMMENTS

The City of Tigard Engineering, Building, Police Department, Tualatin Valley Fire and Rescue, Public Works, and Water Department have all reviewed this proposal and have offered no objections to annexation.

SECTION VI. AGENCY COMMENTS

Clean Water Services, Metro Area Communications, NW Natural Gas, Tigard School District, Beaverton School District, and Washington County 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) 2004-00002 – ALPINE VIEW ANNEXATION.

PREPARED BY: Gary Pagenstecher
Associate Planner

October 18, 2004
DATE

APPROVED BY: Richard Bewersdorff
Planning Manager

October 18, 2004
DATE