

ORDINANCE NO. 1371-14

AN ORDINANCE ANNEXING TERRITORY LOCATED AT 17645 SW JURGENS AVENUE INTO THE CITY OF TUALATIN AND WITHDRAWING THE TERRITORY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT AND THE COUNTY URBAN ROAD MAINTENANCE DISTRICT (TAX MAP 2S1 14CC, TAX LOT 4801) (ANN-14-02)

WHEREAS, upon the application of Joshua Kelso, Managing Member, Mission Homes Northwest, LLC, a public hearing was held before the City Council of the City of Tualatin on May 12, 2014, relating to the annexation of the property comprised of 2.54 acres located at 17645 SW Jurgens Avenue (Tax Map 2S1 14CC, Tax Lot 4801); hereafter called the "Subject Property"; and

WHEREAS, notice of public hearing was given as required by Tualatin Development Code 31.077; and

WHEREAS, the City of Tualatin is authorized to annex territory by ORS Chapter 222; and

WHEREAS, the Subject Property qualifies for annexation under ORS 222.125; and

WHEREAS, the annexation of the Subject Property has been requested by 100 percent of the property owners; and

WHEREAS the annexation of the Subject Property has been requested by 100 percent of the electors; and

WHEREAS, the applicant has requested an Expedited Annexation process in accordance with Metro Code Chapter 3.09.045; and

WHEREAS, Washington County has not opposed the annexation in accordance with the Urban Growth Management Agreement between the County and the City of Tualatin; and

WHEREAS, Metro does not oppose the annexation; and

WHEREAS, the subject territory is in the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District; and

WHEREAS, ORS 222.520(1) authorizes cities to withdraw territory from districts concurrent with the annexation decision; and

WHEREAS, the Council conducted a public hearing on May 12 2014, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS, after the conclusion of the public hearing the Council determined the annexation is consistent with all applicable legal requirements of state law, Metro code, and City ordinances related to annexing property and voted to approve the application by a unanimous vote; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, that:

Section 1. The Subject Property identified in the legal description attached as Exhibit A and as more fully depicted in the map in Exhibit B, which are both incorporated herein by reference, is hereby annexed to and made a part of the City of Tualatin.

Section 2. The findings attached as Exhibit C, which are incorporated herein by reference, are hereby adopted.

Section 3. The City Recorder is directed to forward copies of this Ordinance to the Oregon Department of Revenue.

Section 4. Within five days of receipt of the required information from the Oregon State Department of Revenue, the City Recorder is directed to send copies of this Ordinance and the approval from the Oregon Department of Revenue to Metro for filing with the Oregon Secretary of State.

Section 5. The annexation of the Subject Property is effective from the date the annexation is filed with the Oregon Secretary of State, as provided in ORS 222.180.

Section 6. On the effective date of the annexation, the Subject Property is withdrawn from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District.

Section 7. The City Recorder is directed to forward copies of this Ordinance and all other required materials to all public utilities and telecommunications utilities operating within the City in accordance with ORS 222.005.

Section 8. The City of Tualatin endorses the annexation of the Subject Property into the Clean Water Services District.

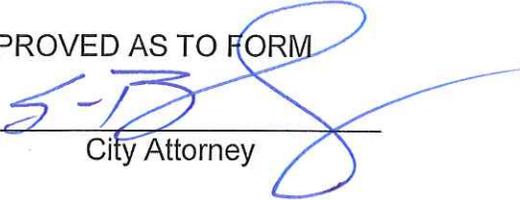
Adopted by the City Council this 27 Day of May, 2014.

CITY OF TUALATIN, OREGON

BY 

Mayor

APPROVED AS TO FORM

BY 

City Attorney

ATTEST:

BY 

City Recorder

Property Description for Annexation into the
City of Tualatin, Washington County, Oregon
Portion of Tax Lot 4801, 2S114CC
January 31, 2014
Project No. 2312-010

ANNEXATION CERTIFIED

BY TF

FEB 06 2014

WASHINGTON COUNTY A & T
CARTOGRAPHY

EXHIBIT "A"

A tract of land, located in the southwest one-quarter of Section 14, Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon, being a portion of that tract of land conveyed to Howard L. Rayborn and Kathy L. Rayborn by Deed recorded in Book 1021, Page 56 and corrected in Book 1022, Page 373, recorded May 8, 1975, Washington County Deed Records, and being more particularly described as follows:

Commencing at the southwest corner of Lot 3, "Hazelbrook Farm", said point being on the centerline of an unnamed vacated road and also being South $0^{\circ}09'27''$ East, 51.06 feet from the Initial Point of "Jeffwood Estates No. 2";

Thence along the south line of said Lot 3, North $89^{\circ}34'12''$ East, 30.00 feet to the east line of said vacated road;

Thence along the east line of said vacated road North $0^{\circ}09'27''$ West, 362.70 feet to the Point of Beginning, being the southwest corner of said Rayborn tract and being a point on the north line of Lot 91 of "Jeffwood Estates No. 4";

Thence continuing along said east line of vacated road North $0^{\circ}09'27''$ West, 223.46 feet to the northwest corner of said Rayborn Tract being on the south line of Lot 1 of "Linden Terrace";

Thence along the north line of said Rayborn Tract being common with the south line of said "Linden Terrace" North $89^{\circ}17'18''$ East, 348.56 feet to the northwest corner of that parcel of land described in City of Tualatin Ordinance No. 1204-06:

Thence South $0^{\circ}25'21''$ East along the west line of said Ordinance No. 1204-06 parcel a distance of 176.71 feet;

Thence North $89^{\circ}32'39''$ East along the south line of said Ordinance No. 1204-06 parcel a distance of 201.89 feet to the westerly right of way line of SE Jurgens Road (being 20 feet from the centerline thereof, when measured at right angles);

Thence South $3^{\circ}50'28''$ East along said right of way a distance of 51.46 feet to the easterly extension of the north line of "Jeffwood Estates";

Thence South $89^{\circ}51'41''$ West, along said easterly extension and said north line a distance of 554.55 feet to the Point of Beginning.

Containing 2.04 Acres, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael D. Spelts

OREGON
NOVEMBER 12, 2013
MICHAEL D. SPELTS
87475PLS

RENEWAL: 6-30-2014

Drawing Name: J:\2312-010.13\Survey\CAD\DWG\2312-010Exh2.dwg Feb 06, 2014 - 1:21pm - mds



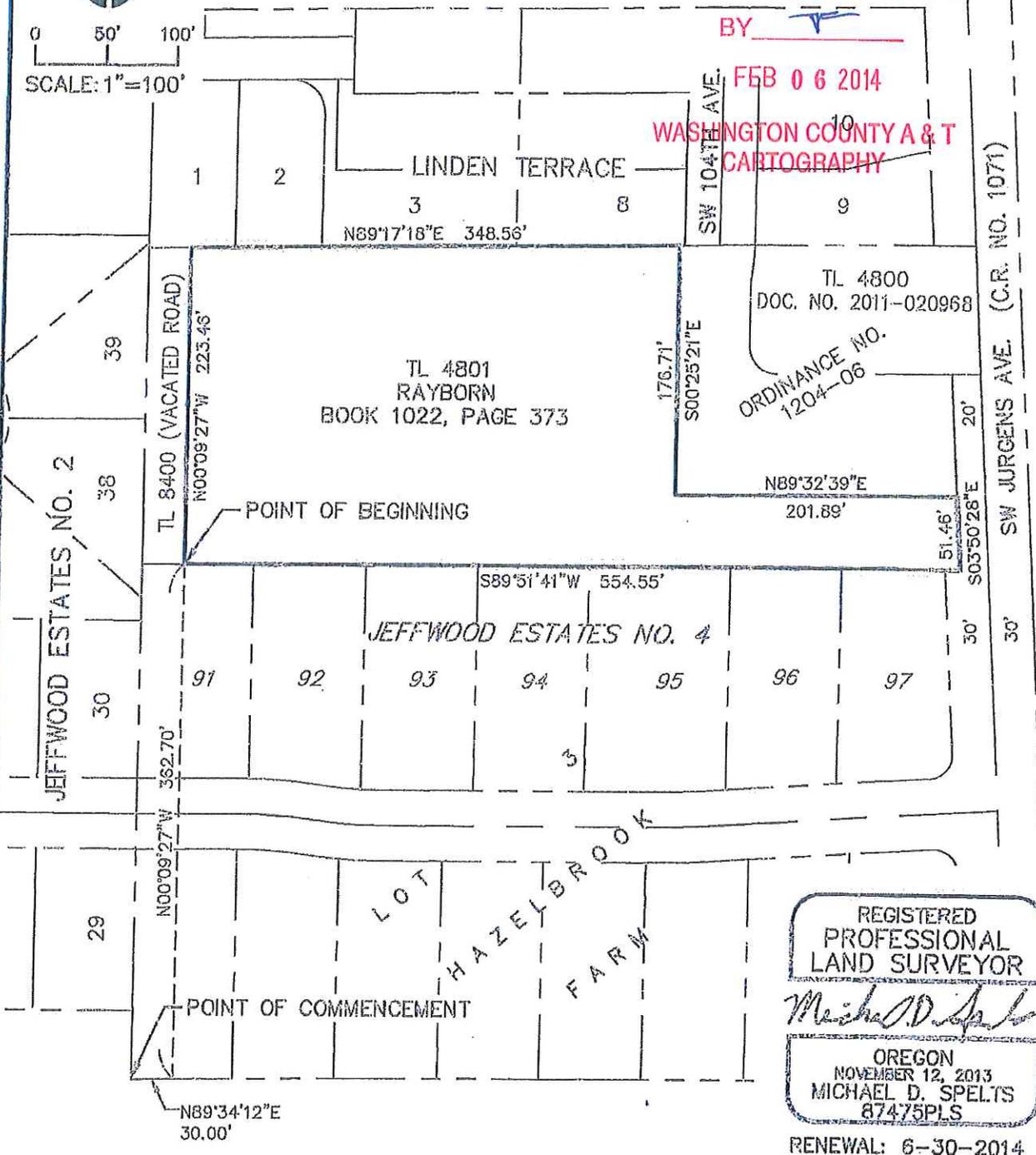
0 50' 100'
SCALE: 1"=100'

ANNEXATION CERTIFIED

BY

FEB 06 2014

WASHINGTON COUNTY A & T
CARTOGRAPHY



JEFFWOOD ESTATES NO. 2

TL 4801
RAYBORN
BOOK 1022, PAGE 373

JEFFWOOD ESTATES NO. 4

LOT
HAZELBROOK
FARM

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael D. Spelts

OREGON
NOVEMBER 12, 2013
MICHAEL D. SPELTS
87475PLS

RENEWAL: 6-30-2014

EXHIBIT B

LOCATED IN THE SW 1/4 OF SECTION 14
TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M.
CITY OF TUALATIN, WASHINGTON COUNTY, OREGON

DATE	2-6-2014
DRAWN BY	MDS
CHECKED BY	TGB
REVISION	0
JOB NO.	2312-010

WESTLAKE
CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

PACIFIC CORPORATE CENTER
15115 S.W. SEQUOIA PARKWAY, SUITE 150 (503) 884-0852
TIGARD, OREGON 97224 FAX (503) 824-0167

ANN-14-02: ANALYSIS AND FINDINGS

The subject is a petition for annexation of a property known as the Rayborn Property and as Tax Lot 4801 on Washington County Assessor's Map 2S1 14CC located at 17645 SW Jurgens Avenue and withdrawing the territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District. The applicant is Mission Homes Northwest, LLC, represented by Joshua Kelso, Managing Member, which represents Howard & Kathy Rayborn, owners of the 2.54-acre Tax Lot 4801.

The City Council must find that the annexation conforms to Tualatin Development Code (TDC) Objectives 4.050(20) and (21), and the applicable criteria in Metro Code 3.09 and Oregon Revised Statutes (ORS; TDC 31.067[5]). The applicant submitted application materials that address the annexation requirements (Attachment 103), and staff reviewed the application materials and included pertinent excerpts below.

A. Metro Code, 3.09.050(d) states that an approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

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

The application states: "At this time, there are no agreements, pursuant to ORS 195.065, in place between Tualatin and any service provider" (Attachment 103). Staff concurs. There is not an urban service provider agreement that applies to the subject property. The application and proposed annexation agreement between the City and the property owner are not an annexation plan per Oregon Revised Statutes (ORS) 195.065.

Therefore, there are no applicable provisions of an urban service agreement or annexation plan with which the proposed annexation can be reviewed for consistency.

The criterion is not applicable.

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

The application states: "The subject property is within the portion of Washington County that is inside the acknowledged Tualatin Urban Boundary. Annexations within the established Urban Boundary are consistent with Tualatin's Urban Planning Area Agreement with Washington County." Staff concurs.

As required in the [Urban Planning Area Agreement \(UPAA\)](#) between the City of Tualatin and Washington County, staff notified the County of this proceeding via first class mail. In accordance with TDC 1.030(6) and UPAA Section III(I), the subject property will automatically assume the Low Density Residential (RL) Planning District designation on the effective date of the annexation. Per UPAA Section III(G), the County does not oppose this annexation.

The criterion has been met.

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

The applicable standards or criteria in the TDC for boundary changes are 4.050(20) and (21). TDC 4.060(1) is also relevant to boundary changes.

4.050(20) Initiate annexation of property within the Urban Growth Boundary planned for residential development only when petitioned to do so by owners of the affected property, including cases involving unincorporated “islands” of property surrounded by land annexed previously.

The subject property, which is within the Urban Growth Boundary (UGB) and will be within the Low Density Residential (RL) Planning District, is an unincorporated island for which the property owner initiated the annexation application. The requirement is met.

4.050(21) Territories to be annexed shall be in the Metro Urban Growth Boundary.

The subject property is currently within the existing Metro UGB. The requirement has been met.

4.060(1) A long-range growth boundary is necessary to predict the amount and location of urban land needed in the future. The establishment of this boundary provides a framework for the orderly conversion of rural land to urban uses. The growth boundary establishes the City’s intent to annex and provide urban services to specific properties over a specific period of time. Thus, the growth boundary establishes the basis of a City annexation policy and provides landowners with some assurance as to the City’s intent for the future use of their land.

4.060(1) is not a directly applicable standard or criteria for boundary changes, but is relevant. Because the annexation territory falls within the Urban Planning Area

that accounts for future growth, the boundary is a long-range growth one, and the annexation is in support of the statement contained in TDC 4.060(1).

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

The application states: "The Regional Framework Plan and Functional Plan have no provisions directly related to annexation. Because services and transportation facilities are available in the area and all property within the Urban Growth Boundary and Urban Planning Area Boundary were included in calculations for facility capacity, housing and employment, annexation would be consistent with the Framework and Functional Plans." Staff concurs.

The criterion is met.

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

Potable water, sanitary sewer, and stormwater public lines are available from a combination of SW Jurgens Avenue, SW 104th Avenue, and an easement along Tax Lot 2S1 14CC 08400 (Lot 8400), which is west adjacent to the subject property.

Pedestrian, cyclist, and vehicular access to the subject property is available via both SW 104th Avenue and SW Jurgens Avenue.

Following annexation and upon development, a developer would construct stormwater management improvements for adequate treatment, detention and conveyance to serve the subject property. Staff informed the applicant about the availability of public facilities at the annexation pre-application meeting.

Future street rights-of-way (ROWs), including their functional classifications and prospective alignments, were established as part of the Tualatin Transportation System Plan (TSP), which is incorporated into TDC [Chapter 11](#). State of Oregon planning rules stipulate that the TSP must be based on the current comprehensive plan land use map and provide a transportation system that accommodates the expected 20-year growth in population and employment that will result from implementation of the land use plan. (The Tualatin Community Plan, which is Chapters 1-30 of the TDC, is the Tualatin comprehensive plan, and TDC Map 9-1 Community Plan Map is the comprehensive plan land use map.) Although actual alignment of roadways may be negotiated during development review, the general capacity needs and the associated alignments of the Tualatin transportation system have been established and planned for via

the TDC. (Any existing and future local streets, collector or arterial roads, or highways or expressways that are in the general vicinity of the subject property have been established as part of the TSP.)

The general alignment and potential functional classification of such streets and roads can be found in TDC [Figure 11-1](#) Functional Classification and Traffic Signal Plan and [11-3](#) Local Street Plan. Though the annexation itself affects no public street needs, the City determines that because the street and road network and vehicular capacity planning has already been established as part of the TSP, future development will not interfere with the provision of this type of service in the area. The ability of the transportation facilities – including the southward extension of SW 104th Avenue to a new east-west cul-de-sac that connects to the east at SW Jurgens Avenue as shown in the Northwest Enlargement within Figure 11-3 – to serve development on the subject property and the need for street improvements to serve this property would be determined in a land use process upon proposal of development.

A proposed annexation agreement between the City and the property owner addresses the orderly provision of services and the adequacy and suitability of existing improvements on the subject property for existing and future development on this property. The orderly provision of services is confirmed and ensured. The proposed Rayborn Annexation Agreement will establish the uses and property improvements that upon redevelopment will be in conformance with the Tualatin Development Code (TDC) and Tualatin Municipal Code (TMC).

Staff finds that because the subject property can be served by these public facilities, the annexation will not interfere with the timely, orderly and economic provision of public facilities and services.

The criterion is met.

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

Because the subject site is already within both the Metro Service District Boundary and UGB, the criterion is not applicable.

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

One item in the TDC and two items in ORS Chapter 222 apply to annexations.

TDC 4.050(21) states, "Territories to be annexed shall be in the Metro Urban Growth Boundary."

The territory to be annexed is currently within the existing Metro UGB. The criterion is met.

ORS 222.111(1) states, "When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies."

The subject property is not currently within a city and is contiguous to Tualatin city limits on all sides.

This criterion is met.

ORS 222.520(1) states, "Whenever a part less than the entire area of a district named in ORS 222.510 becomes incorporated as or annexed to a city in accordance with law, the city may cause that part to be withdrawn from the district in the manner set forth in ORS 222.120 or at any time after such incorporation or annexation in the manner set forth in ORS 222.524. Until so withdrawn, the part of such a district incorporated or annexed into a city shall continue to be a part of the district."

The subject territory is in the Washington County Enhanced Sheriff Patrol District and the Washington County Urban Road Maintenance District. As part of this annexation, the subject territory will be withdrawn from the Enhanced Sheriff Patrol District and the Urban Road Maintenance District. The City of Tualatin will provide police services. Because the proposed boundary change is consistent with state and local law, this criterion is met.

B. Metro 3.09.050(g) states that, "Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be annexed to the city or included in territory proposed for incorporation into a new city."

The subject property is currently within the Metro UGB and was so at the time the petition for annexation was filed on January 29, 2014.

The criterion is met.

C. Conclusion

Based on the application and the above analysis and findings, the approval criteria of Metro Code 3.09.050(d), the Tualatin Development Code, and Oregon Revised Statutes have been met.