

ORDINANCE NO. 1375-14

AN ORDINANCE ANNEXING TERRITORY LOCATED AT 22475 SW BOONES FERRY ROAD 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 35BA, TAX LOT 600) (ANN-14-03)

WHEREAS, upon the application of Mark Eimon on behalf of the owners, Gary and Judith Kilgore, a public hearing was held before the City Council of the City of Tualatin on October 13, 2014, relating to the annexation of the property comprised of 0.39 acres located at 22475 SW Boones Ferry Road (Tax Map 2S1 35BA, Tax Lot 600); 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 October 13, 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

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

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 analysis and 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.

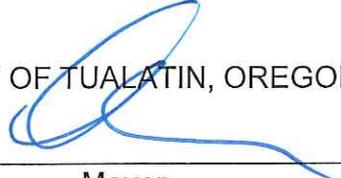
Section 6. On the effective date of the annexation, the Subject Property is withdrawn from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District.

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 October, 2014.

CITY OF TUALATIN, OREGON

BY 

Mayor

APPROVED AS TO FORM

BY 

City Attorney

ATTEST:

BY 

City Recorder



**ORTHWEST
SURVEYING, INC.**

RESIDENTIAL - COMMERCIAL - INDUSTRIAL

Licensed in OR, WA & ID

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Telephone: 503-848-2127
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Property Description

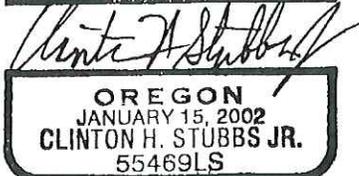
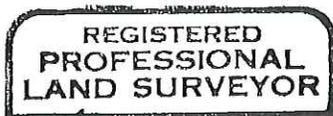
October 1, 2014
NWS Project Number 1165
Annexation Area

A tract of land described in deed to Gary L. Kilgore and Judith A. Kilgore recorded June 3, 1987 as Document Number 87-028180, Washington County Deed Records, located in the northwest one-quarter of Section 35, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at a 5/8 inch iron rod with a yellow plastic cap stamped "Northwest Surveying, Inc." located at the northeast corner of Parcel 1 of Partition Plat No. 2008-032, Washington County Plat Records; Thence along the north line of said Parcel 1 and the westerly extension thereof, South 89°36'14" West 148.94 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "Westlake Consultants" located at the southwest corner of said Kilgore property, also being the most easterly southeast corner of Tract "B" of Chilkat Meadow, Recorded as Document Number 2007-095071, Washington County Plat Records; Thence along the most easterly line of said Tract "B" and the northerly extension thereof, North 00°16'22" West 100.00 feet to an angle point on the southerly right-of-way line of SW Alabama Street (25.00 feet southerly from the centerline thereof, when measured at right angles); Thence along said southerly right-of-way line and the easterly extension thereof, North 89°32'58" East 200.02 feet to a point on the centerline of SW Boones Ferry Road; Thence along said centerline, South 00°13'37" East 100.19 feet to its intersection with the easterly extension of the northerly line of said Parcel 1; Thence along said easterly extension line, South 89°36'14" West 51.00 feet to the Point of Beginning.

The above described tract of land contains 20,017 square feet, more or less.

The basis of bearings for this description is the north line of said Parcel 1.



RENEWAL DATE: 6/30/16

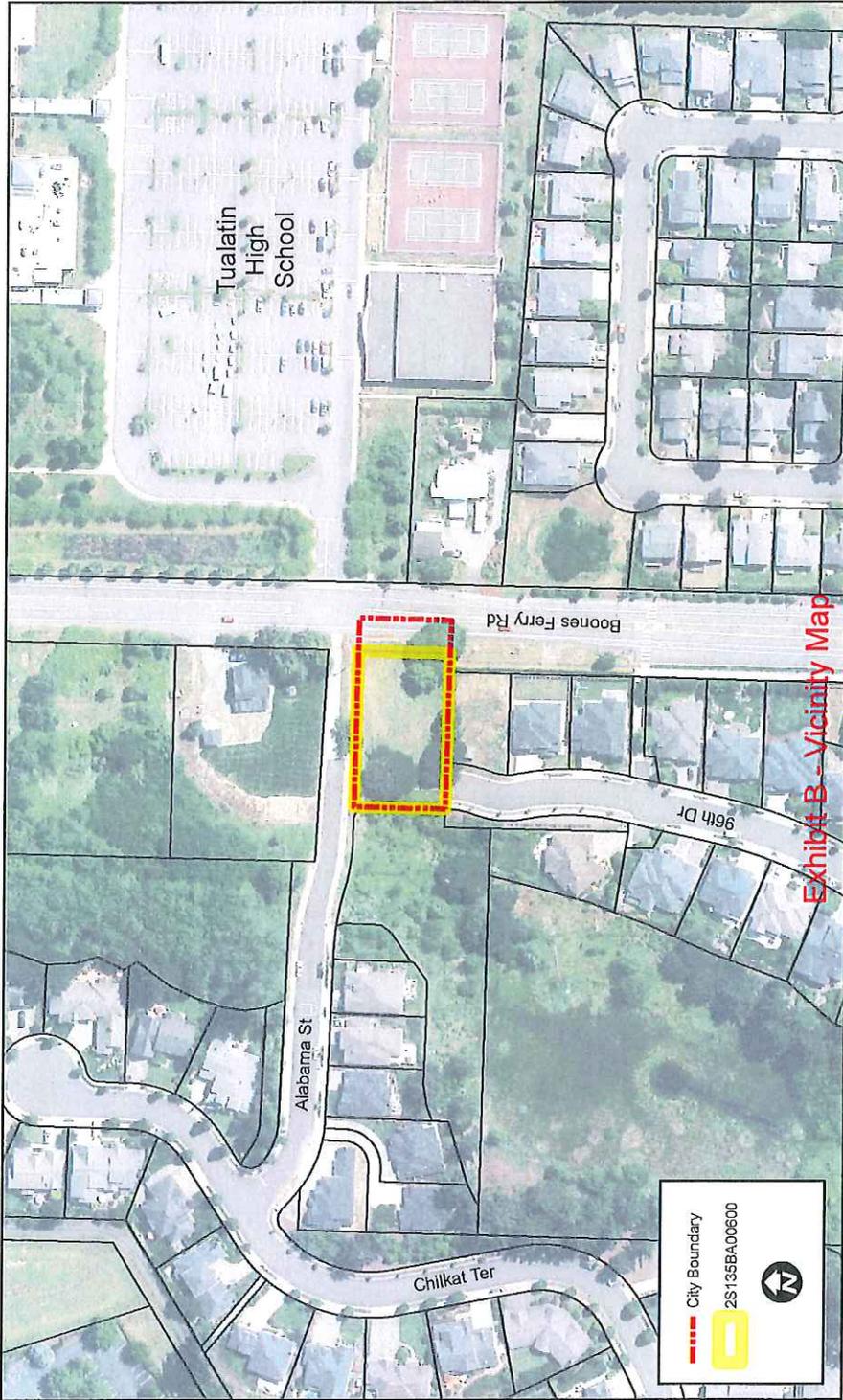


Exhibit B - Vicinity Map

ANN-14-03: ANALYSIS AND FINDINGS

The City Council must find that the proposed annexation conforms to Tualatin Development Code (TDC) Objectives 4.050(20) and (21), the applicable criteria in Metro Code 3.09 and Oregon Revised Statutes (ORS), if the annexation is to be granted [TDC 31.067(5)]. The Applicant has prepared materials and a narrative that address the annexation requirements (Attachment 102) and staff has reviewed the Applicant's material and included pertinent excerpts below.

A. Metro Code, 3.09.050(d) states, "To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (D) and (E) of section 3.09.045." 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.

This site is currently located within the Clean Water Services boundary and will remain in the Clean Water Services boundary after annexation. The property will now conform to 2005 Intergovernmental Agreement between Clean Water Services and the City of Tualatin as per the agreement. Currently the site is undeveloped and the well and septic has been decommissioned. A single family home was demolished in 2010. The property will now be served by City of Tualatin water and sewer. The site is not currently in a Parks District, but will be served by City of Tualatin Community Services upon annexation. The property will be removed from the Washington County Sheriff's Department patrols and will have City of Tualatin Police service following annexation. The site is currently served by Tualatin Valley Fire and Rescue. This fire service will continue upon annexation. The Tigard-Tualatin School District will continue to serve this property after annexation.

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.

Annexations within the established Urban Growth Boundary are consistent with Tualatin's Urban Planning Area Agreement with Washington County. As required in the Urban Planning Area Agreement (UPAA) between the City of Tualatin and Washington County, the County was notified of this proceeding by first class mail. The County has not commented on this annexation. The County has stated in the Urban Planning Area Agreement (UPAA) that the County will not oppose the annexation of and land within Tualatin's Urban Planning Area.

Therefore, these criteria have been met. This is consistent with Tualatin's UPAA with Washington County.

In accordance with the Tualatin Development Code (TDC) 1.030(6) and the UPAA, Section III (I), the Low Density Residential (RL) Planning District will be automatically applied to the tax lot on the effective date of the annexation. Per Section III (G) of the UPAA, 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 Tualatin Development Code for boundary changes are 4.050(20) and 4.050(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 property will be in the Low Density Residential (RL) Planning District upon annexation. 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 property is currently within the existing Metro Urban Growth Boundary. 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. As the annexation territory falls within Tualatin's Planning Area which accounts for future growth so considered a long-range growth boundary, 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 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.

The criterion has been met.

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

Access to the site is currently available from SW Alabama Street. Sanitary sewer service to the site is available on-site through Clean Water Services. Water service to the site is available in SW Alabama Street through the City of Tualatin. Storm drainage will be provided in accordance with Clean Water Services standards.

The criterion has been 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.

This criterion is not applicable. The subject site is already within the Metro Service District Boundary and within the Urban Growth Boundary. The criterion does not apply.

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 Urban Growth Boundary. The criterion has been 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. The property proposed for annexation is contiguous to Tualatin on four sides.

This criterion has been 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. Police services will be provided by the City of Tualatin. 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 (2S1 35BA Tax Lot 600 and adjoining SW Boones Ferry Road ROW) is currently within Metro's Urban Growth Boundary at the time the complete petition for annexation was filed on August 6, 2014.

The criterion has been 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.