

**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:	<u>ZONE CHANGE ANNEXATION (ZCA) 2004-00002</u>
Case Name:	<u>ALPINE VIEW ANNEXATION</u>
Names of Owners:	<u>Jeffrey Beaudoin/Robert &amp; Carol Deuth/Edward &amp; Sandra Metzler/Edwin E. Murphy</u>
Name of Applicant:	<u>Colton Fettig Company</u>
Address of Applicant:	<u>1310 SW 17<sup>th</sup> Avenue Portland, OR 97201</u>
Address of Properties:	<u>13255/13267/13275/13279 SW Bull Mountain Road</u>
Tax Map/Lot Nos.:	<u>Washington County Tax Assessor's Map No. 2S109AB, Tax Lots 700/800/900/1000</u>

A FINAL ORDER INCORPORATING THE FACTS, FINDINGS AND CONCLUSIONS **APPROVING** A REQUEST FOR ANNEXATION (ORDINANCE NO. 04-11).

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 HELD A PUBLIC HEARING TO RECEIVE TESTIMONY ON **NOVEMBER 9, 2004** 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:** ➤ The applicant is requesting to annex four (4) parcels of land containing 8.70 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 DECEMBER 9, 2004.**

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. 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.O2O.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 9<sup>th</sup> day of November, 2004.

Elizabeth Newlin  
Jane McGarvin, Deputy City Recorder

APPROVED: By Tigard City Council this 9<sup>th</sup> day of November, 2004.

Craig Dirksen, Mayor  
NICK WILSON COUNCIL PRES.

Approved as to form:  
[Signature]  
City Attorney

November 9, 2004  
Date

**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

**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

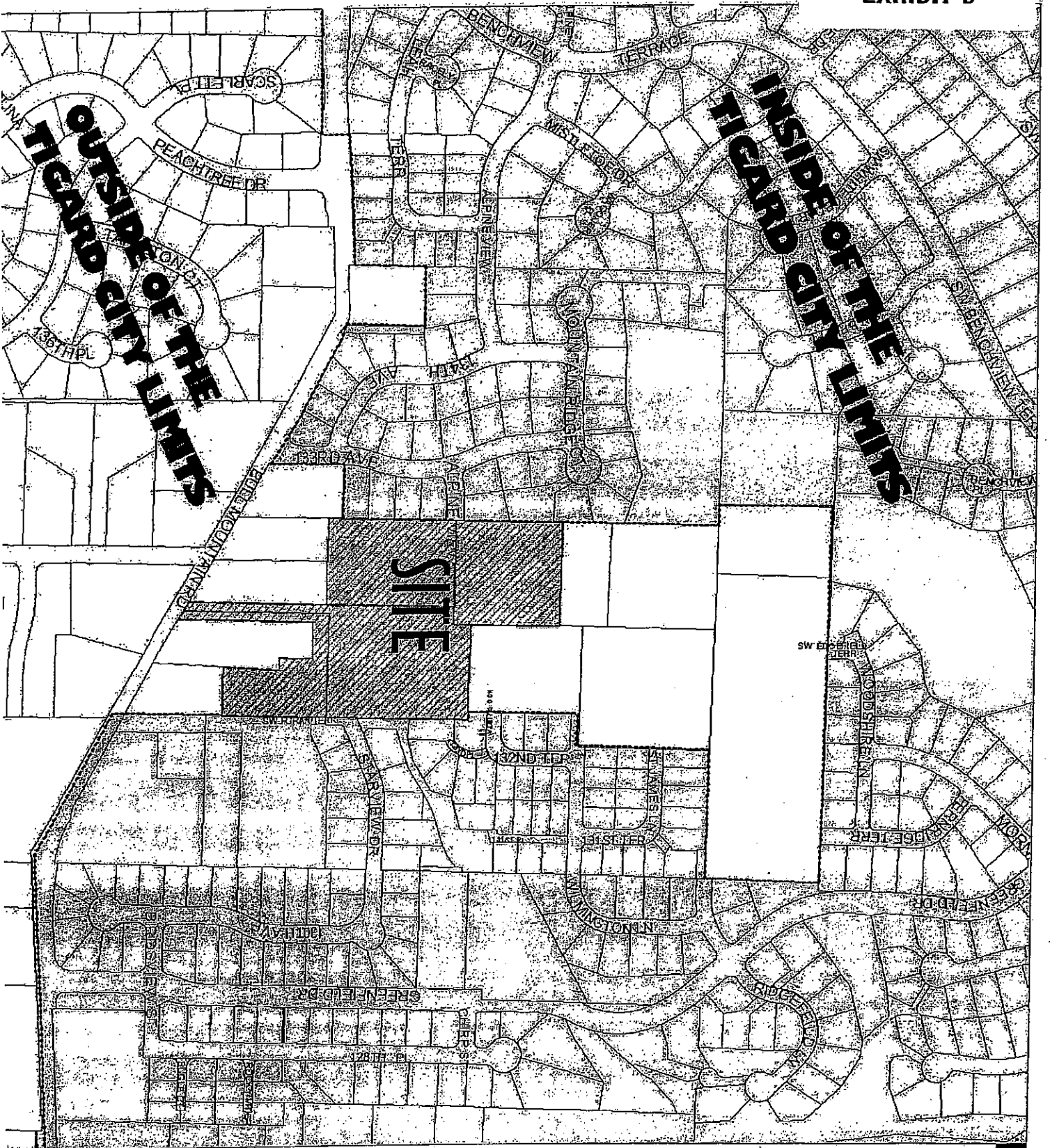
EDWIN E. MURPHY  
13256 S.W. BULL MTN. RD.  
TIGARD, OR 97224

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



**OUTSIDE OF CITY LIMITS**

**INSIDE OF CITY LIMITS**

**SITE**

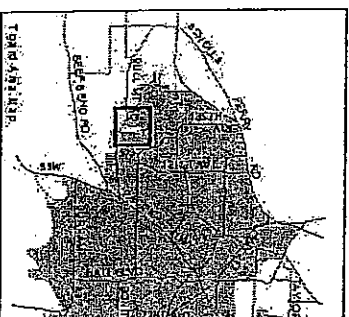
CITY OF TIGARD

**VICINITY MAP**

ZCA2004-00002

**ALPINE VIEW ANNEXATION**

Shaded area indicates inside the city limits



Information on this map is for general guidance and should be verified with the Development Services Department, 1212 S.W. Hill, Tigard, OR 97139. (503) 339-4177