

ORDINANCE NO. 1442-20

AN ORDINANCE ANNEXING TERRITORY AT SW NORWOOD ROAD, TAX MAP 2S135D LOT 100, INTO THE CITY OF TUALATIN; WITHDRAWING THE TERRITORY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT; AND ANNEXING TERRITORY INTO THE BOUNDARY OF CLEAN WATER SERVICES (ANN 20-0003)

WHEREAS, P3 Properties, LLC (owner), and represented by AKS Engineering, submitted a petition for annexation of approximately 25.18 acres of property located south of SW Norwood Road, Tax Map 2S135D Lot 100, hereafter called the "Property," into the City of Tualatin;

WHEREAS, the City of Tualatin is authorized to annex territory under ORS Chapter 222 and Metro Code Chapter 3.09;

WHEREAS, the annexation of the Property has been requested by 100 percent of the property owners, 100 percent of the electors, and qualifies for annexation under ORS 222.125;

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

WHEREAS, Metro does not oppose the annexation;

WHEREAS, under ORS 199.510(2)(c), when a city receives services from a district and is part of that district, any territory annexed to the city is to be included in the boundaries of the district and subject to all liabilities of the district in the same manner and to the same extent as other territory included in the district;

WHEREAS, the City receives sewer, storm, and surface water management services from Clean Water Services and is part of the Clean Water Services district, as referenced ORS 199.510(2)(c);

WHEREAS, the Property is in the Washington County Enhanced Sheriff Patrol District;

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

WHEREAS, notice of public hearing on the annexation petition was given as required by Tualatin Development Code 32.260;

WHEREAS, the Council conducted a public hearing relating to the annexation where Council heard and considered the testimony and evidence presented by the City staff, the applicant, and those appearing at the public hearing;

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The Property identified in the legal description attached as Exhibit 1 and as more fully depicted in the map in Exhibit 2, which are both incorporated by reference, is hereby annexed to and made a part of the City of Tualatin.

Section 2. The findings attached as Exhibit 3, 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 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 Property is withdrawn from the Washington County Enhanced Sheriff Patrol District.

Section 7. On the effective date of the annexation, under ORS 199.510(2)(c), the property is also being annexed into the boundaries of Clean Water Services for the provision of sanitary sewer, storm, and surface water management.

Section 8. 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.

Adopted by the City Council this 9th day of November, 2020.

CITY OF TUALATIN, OREGON

BY Frank Bubenik
Mayor


APPROVED AS TO FORM

BY Sean Brady
City Attorney

ATTEST:

BY Sherilyn Lombos
City Recorder

Signature: 
Email: fbubenik@tualatin.gov

Signature: 
Email: sbrady@tualatin.gov

Signature: 
Sherilyn Lombos (Nov 10, 2020 11:27 PST)
Email: slombos@tualatin.gov












Ord 1442-20

Final Audit Report

2020-11-10

Created:	2020-11-10
By:	Nicole Morris (nmorris@tualatin.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA6XKuNFPpbtKMBE9fub1Z3WpB8LJ016lq

"Ord 1442-20" History

-  Document created by Nicole Morris (nmorris@tualatin.gov)
2020-11-10 - 5:40:03 PM GMT- IP address: 208.71.205.225
-  Document emailed to Frank Bubenik (fbubenik@tualatin.gov) for signature
2020-11-10 - 5:41:08 PM GMT
-  Email viewed by Frank Bubenik (fbubenik@tualatin.gov)
2020-11-10 - 5:43:12 PM GMT- IP address: 191.101.215.132
-  Document e-signed by Frank Bubenik (fbubenik@tualatin.gov)
Signature Date: 2020-11-10 - 5:43:57 PM GMT - Time Source: server- IP address: 73.164.251.4
-  Document emailed to Sherilyn Lombos (slombos@tualatin.gov) for signature
2020-11-10 - 5:43:58 PM GMT
-  Email viewed by Sherilyn Lombos (slombos@tualatin.gov)
2020-11-10 - 7:26:23 PM GMT- IP address: 208.71.205.225
-  Document e-signed by Sherilyn Lombos (slombos@tualatin.gov)
Signature Date: 2020-11-10 - 7:27:01 PM GMT - Time Source: server- IP address: 208.71.205.225
-  Document emailed to Sean Brady (sbrady@tualatin.gov) for signature
2020-11-10 - 7:27:03 PM GMT
-  Email viewed by Sean Brady (sbrady@tualatin.gov)
2020-11-10 - 10:40:18 PM GMT- IP address: 205.139.111.13
-  Document e-signed by Sean Brady (sbrady@tualatin.gov)
Signature Date: 2020-11-10 - 10:40:42 PM GMT - Time Source: server- IP address: 208.71.205.225
-  Agreement completed.
2020-11-10 - 10:40:42 PM GMT



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #7598

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

EXHIBIT A
City of Tualatin
Annexation Legal Description

A tract of land located in the Southeast 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 the East One-Quarter corner of said Section 35; thence along the north line of the southeast One-Quarter of said Section 35, North 88°38'39" West 266.75 feet to the westerly right-of-way line of Interstate 5 (300.00 feet from the centerline of the southbound lanes) and the True Point of Beginning; thence along said westerly right-of-way line, South 17°24'51" West 1370.12 feet to the southerly line of Document Number 2015-012686 and the City of Tualatin City Limits; thence along said southerly line and said City Limits, North 88°44'14" West 671.69 feet to an angle point; thence continuing along said southerly line and said City Limits, South 01°30'50" West 16.50 feet to an angle point; thence continuing along said southerly line and said City Limits, North 88°41'14" West 16.50 feet to the easterly line of Document Number 2015-081254; thence along said easterly line and said City Limits, North 01°30'50" East 457.76 feet to the southerly line of Deed Book 825 Page 873; thence along said southerly line and said City Limits, South 88°44'14" East 300.00 feet to the southeast corner thereof; thence along the easterly line of said Deed and said City Limits, North 01°30'50" East 200.00 feet to the northeast corner thereof; thence along the northerly line of said Deed and said City Limits, North 88°44'14" West 300.00 feet to the easterly line of Document Number 2015-081254; thence along said easterly line and said City Limits, North 01°30'50" East 676.50 feet to the north line of said southeast One-Quarter of said Section 35, also being the southerly right-of-way line of SW Norwood Road (20.00 feet from centerline); thence along said north line and said southerly right-of-way line and said City Limits, South 88°38'39" East 1063.55 feet to the True Point of Beginning.

The above described tract of land contains 27.11 acres, more or less.

04/08/2020



Mik Kal



RENEWS: 6/30/21

ANNEXATION CERTIFIED

BY *JK*

MAY 07 2020

WASHINGTON COUNTY A & T
CARTOGRAPHY

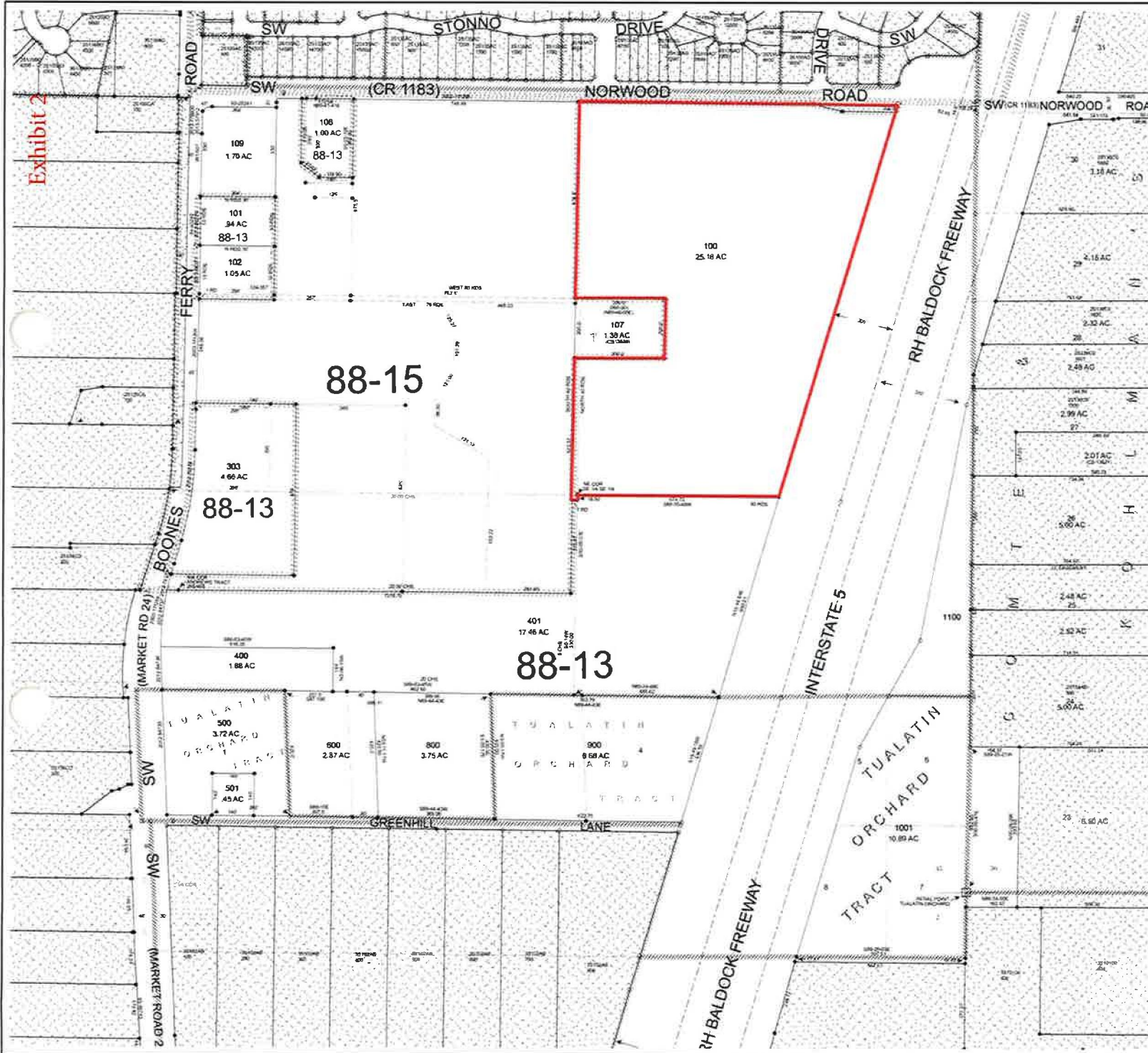
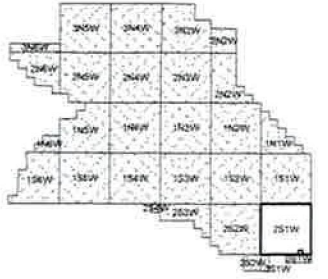


Exhibit 2

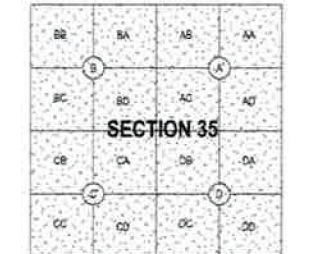
2S135D



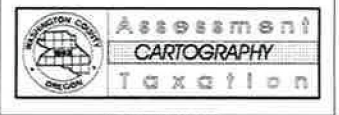
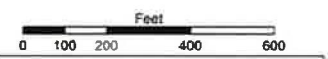
WASHINGTON COUNTY OREGON
SE 1/4 SECTION 35 T2S R1W W.M.
SCALE 1" = 200'

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us



Cancelled Taxlots For: 2S135D
104 105 200 301 700 1000 1103 1000 1002 1003
110 300 302 107 C1 502 402 403



PLOT DATE: 12/2020
REVISION: 01
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE
Map areas delineated by other gray shading or a cross-hatched pattern
are for reference only and may not indicate the most current property boundaries.
Please consult the appropriate map for the most current information.

TUALATIN
2S135D



August 10, 2020

Analysis and Findings

Case #:	ANN 20-0003
Project:	Norwood Road Property Annexation
Location:	Tax Map 2S135D Lot 100 (South of SW Norwood Road; west of I-5)
Owner:	P3 Properties, LLC
Applicant:	AKS Engineering
Other Party:	Venture Properties

Introduction

A. Applicable Criteria

Annexations are reviewed under Tualatin Development Code (TDC) Chapter 33.010, *Annexations*. This code refers to Metro Code 3.09, *Local Government Boundary Changes*, and the applicable provisions of ORS Chapter 222, which also govern annexations.

B. Project Description

The subject property is a 25.18-acre parcel located south of SW Norwood Road and immediately west of the Interstate 5 right of way, Tax Map 2S135D Lot 100. The subject property is within unincorporated Washington County, adjacent to the existing City of Tualatin boundary on the north, west, and south property lines. The property owner has petitioned for annexation into the City of Tualatin. The scope of this review is limited to the suitability of annexing the parcel into the City of Tualatin and Clean Water Services. No development is being reviewed as part of this application.

In conjunction with approval of the proposed annexation, the subject property would be withdrawn from the Washington County Enhanced Sheriff Patrol District (ESPD).

C. Site Description

The subject property is largely wooded and includes a downward slope from west to east, lowering from an elevation over 360 feet at the southwest corner, to the lowest point near 320 feet in elevation near the northeast. Mapping resources from Clean Water Services show an unnamed stream in this lower part of the site.

The east end of the property entirely borders the Urban Growth Boundary and Interstate 5 right of way, which includes about 250 feet of vegetated area prior to reaching the developed freeway. The west end of the property borders a City-owned property containing two water towers, and the campus of Horizon Community Church. To the south is a recently annexed property that is dominated by land that appears to have been used for agriculture and whose owners are anticipated to pursue future subdivision development. To the north, the property borders SW Norwood Road; on the other side of the road is a

residential neighborhood primarily developed in the 1990's with a mix of attached and detached dwellings.

D. Attachments

- A. Application
- B. Community Plan Map 9-1
- C. Community Plan Figure 11-3
- D. Community Plan Map 12-1
- E. Community Plan Map 13-1

TDC Chapter 33, Applications and Approval Criteria

Section 33.010 Annexations

To grant an annexation application, the Council must find:

(a) The territory to be annexed is within the Metro Urban Growth Boundary;

Finding:

As shown in Attachment B, the subject property is within the Metro Urban Growth Boundary and within Tualatin's Urban Planning Area. This standard is met.

(b) The owners of the territory to be annexed have petitioned to be annexed;

Finding:

As shown in Attachment A, the property owners have petitioned to have the territory annexed. This standard is met.

(c) The application conforms to the applicable criteria in Metro Code 3.09; and

Chapter 3.09 Local Government Boundary Changes

Chapter 3.09.050 Hearing and Decision Requirements for Decisions Other Than Expedited Decisions

[...]

B. Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria identified in subsection (D) and includes the following information:

- 1. The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;**

Finding:

Water and Sewer:

The City of Tualatin Sewer Master Plan (2019) plans for new sewer connections in the vicinity of the subject territory; upon development, the developer would be required to provide these connections. The nearest sanitary sewer mains are an 8" main located near the intersection of SW 89th Ave and SW Norwood Rd, and an 8" main located near the intersection of SW Vermillion Drive and SW Norwood Rd. Both locations are adjacent to the north property line of the subject territory. The Sewer Master Plan shows a new force main in SW Boones Ferry Road and new pump station in the vicinity of the subject territory; the City of Tualatin is working with Clean Water Services on the funding and planning details to realize these improvements. As a result, the property is able to connect to sanitary sewer service consistent with the City's Sewer Master Plan. Upon annexation, the territory would be incorporated into the Clean Water Services district, the sewer district serving the City of Tualatin.

Clean Water Services also evaluates stormwater management needs at the time of development. The Basalt Creek Concept Plan notes the existence of roadside drainage ditches and culverts, which may need to be evaluated with new development. As noted by the Concept Plan, on-site stormwater detention and treatment at local facilities will be prioritized during the development review process and funded by private development. Public stormwater systems for road networks will be developed concurrent with road development. To this extent, the annexation is consistent with the Basalt Creek Concept Plan as it applies to the 1975 Tualatin Drainage Plan and Tualatin Community Plan Chapter 14.

The City of Tualatin Water System Master Plan (TDC Map 12-1) shows future system improvements serving the subject territory. A 12" water main is located in SW Norwood Road, adjacent to the property over the full extent of the northern property line, and adjacent to the western property line south from SW Norwood Road to the adjacent City of Tualatin water towers located west of the subject territory. Upon development, the applicant would be required to provide these new service lines. As a result, the property is able to connect to water service consistent with the City's Water Master Plan.

Transportation:

The subject territory is accessed via SW Norwood Road, which is classified as a Major Collector under Washington County jurisdiction. SW Norwood Road is developed as a two-lane roadway within an approximately 80-foot wide right-of-way; a pedestrian path exists on the north side of the right-of-way in the vicinity of the subject territory's northern property line. The City of Tualatin Transportation System Plan (TSP) has planned for conceptual local streets to serve the subject territory (TDC Figure 11-3, Attachment C), connecting to SW Norwood Road, and creating a through connection to SW Boones Ferry Road through future development. At the time of development on the subject territory, the applicant would be required to construct local streets and connections, and provide additional analysis illustrating their adequacy. As a result, the property is able to connect to the transportation network consistent with the City's TSP. Additional local streets to the south and connecting to SW Lower Boones Ferry would be provided when that territory, also within the City of Tualatin, is developed.

The territory is currently with the TriMet transit district, and would be continue to be so upon annexation.

Services:

The territory is currently served by the Washington County Enhanced Sheriff Patrol District; upon annexation, the property would be directly served by the City of Tualatin Police Department. The territory is currently within the Tualatin Valley Fire and Rescue district, and would continue to be so upon annexation into the City.

The territory is currently with the Sherwood School District and would be continue to be so upon annexation. The territory is currently under the jurisdiction of Washington County for planning, zoning, building, transportation planning; jurisdiction would transfer to the City of Tualatin along with other city services upon annexation. The subject property is not currently within an independent parks district, and would be served by the City of Tualatin.

This standard is met.

2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

Finding:

The proposed boundary change will withdraw the property from the Washington County Enhanced Sheriff Patrol District. City of Tualatin police services will be provided. City of Tualatin would provide future services to future roads created by private development within the subject territory. This standard is met.

3. The proposed effective date of the boundary change.

[...]

Finding:

The annexation of the subject territory is effective from the date the annexation is filed with the Oregon Secretary of State, as provided in ORS 222.180. This standard is met.

D. 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.

Finding:

These standards are addressed below.

3.09.045 Expedited Decisions

D. To approve a boundary change through an expedited process, the city shall:

1. Find that the change is consistent with expressly applicable provisions in:

a. Any applicable urban service agreement adopted pursuant to ORS 195.065;

Finding:

ORS 195.065 considers urban services agreements pertaining to sanitary sewer, water, fire protection, parks, open space, recreation, and streets, roads, and mass transit.

The City of Tualatin has an established Urban Planning Area Agreement (UPAA) with Washington County, which currently has jurisdiction over the subject property. The UPAA acknowledges that the City of Tualatin is responsible for comprehensive planning, including public facility planning, within the Urban Planning Area. It also establishes a process for determining the likely provider for urban services through concept planning; this is generally the City except where the City holds Intergovernmental Agreements (IGAs) with other service providers.

The subject territory is within, and would remain within, the Tualatin Valley Fire and Rescue district. The territory is not within an independent parks, open space or recreation district other than Metro, of which it will remain a part.

The City of Tualatin has an established IGA with CWS delineating responsibilities for public sanitary sewer and stormwater management. Simultaneous annexation into the Clean Water Services District is proposed with assent from CWS staff.

No additional urban services agreements apply. This standard is met.

b. Any applicable annexation plan adopted pursuant to ORS 195.205;

Finding:

No applicable annexation plan exists for this area. This standard is not applicable.

c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;

Finding:

No applicable cooperative planning agreement exists for this area. This standard is not applicable.

d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

Finding:

Transportation System Plan: *The City of Tualatin Transportation System Plan (TSP) includes conceptual local streets to serve the subject territory (TDC Figure 11-3, Attachment C), connecting to SW Norwood Road, and creating a through connection to SW Boones Ferry Road through future development. At the time of development on the*

subject territory, the applicant would be required to construct local streets and connections, and provide additional analysis illustrating their adequacy. Additional connections to SW Boones Ferry would be provided with development on those separate properties. As a result, the property is able to connect to the transportation network consistent with the City's TSP.

Sewer Master Plan: *The City of Tualatin Sewer Master Plan (2019) plans for new sewer connections in the vicinity of the subject territory; upon development, the developer would be required to provide these connections. The nearest sanitary sewer mains are an 8" main located near the intersection of SW 89th Ave and SW Norwood Rd, and an 8" main located near the intersection of SW Vermillion Drive and SW Norwood Rd. Both locations are adjacent to the north property line of the subject territory. The Sewer Master Plan shows a new force main in SW Boones Ferry Road and new pump station in the vicinity of the subject territory; the City of Tualatin is working with Clean Water Services on the funding and planning details to realize these improvements. As a result, the property is able to connect to sanitary sewer service consistent with the City's Sewer Master Plan. Upon annexation, the territory would be incorporated into the Clean Water Services district, the sewer district serving the City of Tualatin.*

Water Master Plan: *The City of Tualatin Water System Master Plan (TDC Map 12-1, Attachment D) shows future system improvements serving the subject territory. A 12" water main is located in SW Norwood Road, adjacent to the property over the full extent of the northern property line, and adjacent to the western property line south from SW Norwood Road to the adjacent City of Tualatin water towers located west of the subject territory. Upon development, the applicant would be required to provide these new service lines. As a result, the property is able to connect to water service consistent with the City's Water Master Plan.*

The proposed annexation is consistent with these plans. This standard is met.

e. Any applicable comprehensive plan;

Finding:

The City of Tualatin's Comprehensive Plan contains the Community Plan Map 9-1, (Attachment B) showing this territory as part of the Urban Planning Area.

The provisions of the Comprehensive Plan that relate to annexations, found in TDC Chapter 4, Community Growth, are fully reflected in the criteria presented in the implementing sections of the TDC Chapter 33.010, Annexations, and Chapter 32.260, Annexation Procedures.

Chapter 11—Transportation, Chapter 12—Water Services, Chapter 13—Sewer Service, and Chapter 14—Drainage Plan and Surface Water Management respectively provide additional details about service provision in this vicinity. As described above, TDC Figure

11-3 plans for conceptual streets to serve this property from SW Norwood Road, and in the future, SW Boones Ferry Road. Map 12-1 (Attachment D) outlines the future provision of water service over the subject territory with connections to SW Norwood Road. Map 13-1 (Attachment E) shows connections and future provision for sewer service to the subject territory. Chapter 14 establishes a method for cooperation with DEQ and Clean Water Services with the Storm Water Management Ordinance applied at the time of future development.

This standard is met.

f. Any applicable concept plan; and

Finding:

The City of Tualatin has adopted the Basalt Creek Concept Plan through Resolution 5392-18 and Ordinance No. 1418-19. The subject property is with the Basalt Creek Concept Plan area. The land use designation of Medium Low Density Residential, identified in the plan, would be applied upon annexation. The proposed annexation is consistent with this plan. This standard is met.

2. Consider whether the boundary change would:

- a. Promote the timely, orderly and economic provision of public facilities and services;**
- b. Affect the quality and quantity of urban services; and**
- c. Eliminate or avoid unnecessary duplication of facilities or services.**

Finding:

The boundary change would promote the timely, orderly, and economic provision of public facilities and services. As detailed under discussion of 3.09.050 (B)(1), there is adequate provision of connecting services, and additional infrastructure can be provided primarily through future development. The proposed annexation follows an approved annexation of property to the south connecting to SW Boones Ferry Road; approval of this annexation is therefore especially timely since it would be supportive of the planned transportation connection between SW Norwood Road and SW Boones Ferry Road as depicted in Figure 11-3 (Attachment C), said connection requiring development on both properties to transpire. Enabling development of those properties at a similar time is likely to improve the efficiency of new services and facilities.

Standards A through C are met.

E. A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.

Finding:

The subject territory is wholly within the Urban Growth Boundary. This standard is met.

(d) The application is consistent with applicable provisions of ORS Chapter 222.

ORS 222.111(1) 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.”

Finding:

As shown on the Community Plan Map 9-1 (Attachment B), the subject property is not within a city and is contiguous to the City of Tualatin. This standard is met.

ORS 222.520(1) 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.

Finding:

The subject property is in the Washington County Enhanced Sheriff Patrol District. As part of this annexation, the subject properties will be withdrawn from the Enhanced Sheriff Patrol District. Police services will be provided by the City of Tualatin. Because the proposed boundary change is consistent with state and local law, this standard is met.

Conclusion and Recommendation:

Based on the application and the above analysis and findings, the proposed annexation complies with applicable Oregon Revised Statutes, Metro Code, and TDC. Accordingly, staff recommends City Council approval of File No. ANN 20-0003 and adoption of corresponding Ord. No. 1442-20.