



*City of Tualatin*

## **ANNEXATION (ANN) APPLICATION EXPEDITED PROCESS SUMMARY**

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Welcome to the Community Development Department's Citizen Summary of the Expedited Annexation process.

### **GENERAL INFORMATION**

#### *What is an Annexation?*

An Annexation brings property from outside the City Limits into the City Limits. At the same time, the City also removes the property from any county special districts that are no longer needed. For example, property in Washington County is withdrawn from the Washington County Enhanced Sheriff's Patrol District because police services will be provided by the Tualatin Police Department.

#### *What does "expedited" mean?*

The expedited process takes less time than the normal process. The expedited process can be used when the owner of the property is the applicant, i.e., the owner consents to the annexation.

#### *Why would a property owner want a property annexed?*

Properties outside the City Limits cannot hook-up to City water or sewer. Property owners with septic tank or well water problems apply to be annexed so they can hook-up to City services. Residential, commercial and industrial development at urban densities are required to have City services, thus a property must be in the City Limits for development at urban densities.

#### *What is the focus of an annexation application?*

The focus is whether the property should be annexed. The decision to annex a property does not include deciding on any development. Later, if development is proposed, it will be reviewed through the appropriate process, e.g., subdivision, partition and/or architectural review.

#### *Where can I read the requirements for annexations?*

An Annexation can be granted when the annexation provisions of the State (Oregon Revised Statute Chapter 222), Metro (Metro Code, 3.09) and the City (Tualatin Development Code 4.050(20)(21)) have been met. A copy of the Tualatin Development Code (TDC) is available in the Library and online at [www.ci.tualatin.or.us](http://www.ci.tualatin.or.us). At the homepage scroll down to Quick Links on

the left, click City Codes, click Development Code, click on Chapter 4 and then Section 4.030 to see Objectives (20) and (21) which apply to annexations.

*Who makes the decision on an annexation?*

The City Council. Before an Expedited Annexation is approved, the City Council holds a public hearing and applies the criteria in Oregon Revised Statute 222.125, Metro Code 3.09.045 and TDC 4.050(20)(21) and then approves or denies it. The primary criteria are that the property be in Metro's Urban Growth Boundary and that it abut the current City Limits. Development issues such as subdividing the land, setbacks, landscaping and building architecture are not addressed in the annexation decision.

## **THE APPLICATION PROCESS**

*Is the applicant required to have a pre-application meeting with City staff?*

Yes, per TDC, 31.067(2). At the pre-application meeting the applicant shows the City staff the plans of the proposed annexation. They discuss the applicable City requirements and how the proposal meets the requirements. Typically, a lot of contact occurs before the meeting and there are a lot of follow-up discussions after the meeting to resolve issues identified at the meeting.

*Is the applicant required to conduct a pre-application neighborhood meeting with the surrounding property owners?*

Yes per TDC, 31.063(1). The applicant mails invitations to owners of properties and City approved Neighborhood Associations within 1,000 feet of the subject property. If the 1,000-foot area includes lots within a platted residential subdivision the area shall extend to include the entire subdivision of which the lots are part and the applicant shall identify these subdivisions for staff. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name the notice area need not include the additional phases. At the meeting the applicant should explain the proposal and listen to the neighborhood's concerns. Although the concerns are not required to be mentioned, addressed or incorporated into the application, the approval process may be easier if they are.

*How is an Annexation Application submitted?*

After the neighborhood meeting, the applicant submits the application and fee to the Community Development Department. The application must explain how the request meets the criteria in Oregon Revised Statute 222, Metro Code 3.09 and TDC 4.050(20)(21).

*What happens once the application is submitted?*

A planner in the Community Development Department is assigned the application. When all the materials are included, the planner determines the application is complete and circulates copies to other City departments and to the applicable local, regional and State agencies for their review and comment. The planner schedules a City Council public hearing about 6 weeks later. The City Council meets at 7:30 p.m. on the 2nd and 4<sup>th</sup> Mondays of each month at the Council Chambers (18880 SW Martinazzi Avenue).

*How long does it take for a decision to be made once the application is submitted?*

It takes about two to three months.

## **THE PUBLIC HEARING**

*Who gets notice of the City Council public hearing?*

A notice of the public hearing is mailed at least 20 days prior to the public hearing to the owners of properties and to City approved Neighborhood Associations within 1,000 feet of the subject property. If the 1,000-foot area includes lots within a platted residential subdivision the area shall extend to include the entire subdivision of which the lots are part and the applicant shall identify these subdivisions for staff. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name the notice area need not include the additional phases. Parties with questions or written comments should contact the planner as soon as possible so the comments can be addressed in, and attached to, the staff report. Comments must be specific to one or more of the criteria so the planner and Council can know what the concern is and address it.

*Does the City Council get any information before the hearing?*

Yes. The City Councilors receive their meeting packets, including the staff report, at least one week prior to the hearing so they can read the staff report, its recommendation and any written comments. The staff report is available to all parties one week prior to the hearing.

*What happens at the City Council public hearing?*

At the Council meeting, the Mayor opens the public hearing and the planner enters the staff report, the staff recommendation and any written comments into the hearing record and provides an oral summary of the report. Next, the applicant testifies followed by supporters and then opponents testify. The applicant may then rebut. The Mayor and Councilors ask questions of staff and the testifiers. Once all the information is in the record, the hearing is closed and Council deliberates to a decision. Usually, an Ordinance is included with the staff report and Council passes the Ordinance approving the annexation that night. An alternate method used occasionally is, no Ordinance is with the staff report and Council passes an oral motion directing staff to prepare an Ordinance and it is on the Council agenda for final passage at the following meeting. Once passed, the Ordinance annexing the land is effective 30 days later.

*Can the City Council's decision be appealed?*

Yes. An Ordinance, the final written decision, is passed by Council at the next meeting. Once the Ordinance is passed, staff mails copies to the parties that appeared at the hearing or entered information into the record. A party can appeal the decision to the Land Use Board of Appeals (LUBA). The "Notice of Intent to Appeal" must be received by LUBA within 21 days of the decision becoming final (the date the Resolution was passed).

*How do I contact the Mayor or a Councilor prior to the public hearing?*

As the decision maker, Council is a quasi-judicial body and must be impartial. Councilors must make their decision based only on information entered into the hearing record and the approval criteria. To ensure impartiality, they should not have "ex-parte contacts," i.e., discuss

the application outside the hearing with any party, except staff. This is to ensure all parties are aware of all the information each Councilor is relying on to make their decision and giving the parties an opportunity to respond.

## **ADDITIONAL INFORMATION**

### *Does the Ordinance approving the annexation direct other actions be taken?*

The Ordinance also withdraws the property from any special districts that are no longer needed once the property is in the City such as the Washington County Enhanced Sheriff's Patrol District.

### *Are there other concurrent applications that must be submitted?*

In most cases, yes. Most properties outside the City Limits are not in the Clean Water Services District Boundary and are not eligible to connect to the public sewer system. Concurrent with the application to annex the property to the City, the applicant also submits a separate application to Washington County to add the property to the Clean Water Services District. Once in the Clean Water Services District and annexed to the City, the land is eligible to be hooked up to public sewer services.

If you have questions about Annexations, please contact the Community Development Department Office Coordinator at 503.691.3026, and you will be directed to the appropriate planner.